

An act to amend Section 1505 of the Health and Safety Code, and to amend Sections 706.6, 727.32, 4094.2, 11364, 11387, 11402, 11405, 11460, 11461, 11461.3, 11461.36, 11461.4, 11462, 11462.01, 11463, 11464, 11466, 11466.01, 11466.1, 11466.36, 11467, 11469, 16121, 16501, and 16501.1 of, to amend and repeal Sections 11461.2, 11462.03, 11467.2, and 11468.6 of, to add Chapter 6.5 (commencing with Section 16560) to Part 4 of Division 9 of, and to add and repeal Sections 18358.38 and 18360.36 of, the Welfare and Institutions Code, relating to foster care.

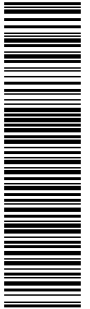
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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1505 of the Health and Safety Code is amended to read: 1505. This chapter does not apply to any of the following:

- (a) A health facility, as defined by Section 1250.
- (b) A clinic, as defined by Section 1200.
- (c) A juvenile placement facility approved by the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or any juvenile hall operated by a county.
- (d) A place in which a juvenile is judicially placed pursuant to subdivision (a) of Section 727 of the Welfare and Institutions Code.
- (e) A child day care facility, as defined in Section 1596.750.
- (f) (1) A facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend solely upon prayer or spiritual means for healing in the practice of the religion of the church or denomination.
(2) A private alternative boarding school or private alternative outdoor program, as defined in subdivision (a) of Section 1502, that uses prayer or spiritual means as a component of its programming or services in addition to behavioral-based services is subject to licensure under this chapter.
- (g) A school dormitory or similar facility determined by the department, except a private alternative boarding school or private alternative outdoor program, as defined in subdivision (a) of Section 1502.
- (h) A house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, provided that no resident thereof requires any element of care, as determined by the department.
- (i) A recovery house or other similar facility that provides group living arrangements for adults recovering from alcoholism or drug addiction and that does not provide care or supervision.
- (j) An alcoholism or drug abuse recovery or treatment facility as defined in Section 11834.02.
- (k) An arrangement for the receiving and care of persons by a relative or an arrangement for the receiving and care of persons from only one family by a close friend of the parent, guardian, or conservator, if the arrangement is not for financial profit and occurs only occasionally and irregularly, as defined by regulations of the department. For purposes of this chapter, arrangements for the receiving and care of persons by a relative include relatives of the child for the purpose of keeping sibling groups together.
- (l) (1) A home of a relative caregiver of children who are placed by a juvenile court, supervised by the county welfare or probation department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.
(2) A home of a nonrelative extended family member, as described in Section 362.7 of the Welfare and Institutions Code, providing care to children who are placed by a juvenile court, supervised by the county welfare or probation department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.



(3) On and after January 1, 2012, any supervised independent living placement for nonminor dependents, as defined in subdivision (w) of Section 11400 of the Welfare and Institutions Code, who are placed by the juvenile court, supervised by the county welfare department, probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code, and whose placement is approved pursuant to subdivision (k) of Section 11400 of the Welfare and Institutions Code.

(4) A transitional living setting, as described in paragraph ~~(3)~~ (4) of subdivision (x) of Section 11400 of the Welfare and Institutions Code.

(5) A Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, that serves only eligible former foster youth over 18 years of age who have exited from the foster care system on or after their 18th birthday, and that has obtained certification from the applicable county in accordance with subdivision (c) of Section 16522 of the Welfare and Institutions Code.

(m) A supported living arrangement for individuals with developmental disabilities, as defined in Section 4689 of the Welfare and Institutions Code.

(n) (1) A family home agency, family home, or family teaching home, as defined in Section 4689.1 of the Welfare and Institutions Code, that is vendored by the State Department of Developmental Services and that does any of the following:

(A) As a family home approved by a family home agency, provides 24-hour care for one or two adults with developmental disabilities in the residence of the family home provider or providers and the family home provider or providers' family, and the provider is not licensed by the State Department of Social Services or the State Department of Public Health or certified by a licensee of the State Department of Social Services or the State Department of Public Health.

(B) As a family teaching home approved by a family home agency, provides 24-hour care for a maximum of three adults with developmental disabilities in independent residences, whether contiguous or attached, and the provider is not licensed by the State Department of Social Services or the State Department of Public Health or certified by a licensee of the State Department of Social Services or the State Department of Public Health.

(C) As a family home agency, engages in recruiting, approving, and providing support to family homes.

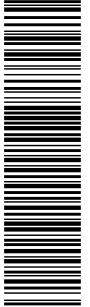
(2) This subdivision does not establish by implication either a family home agency or family home licensing category.

(o) A facility in which only Indian children who are eligible under the federal Indian Child Welfare Act (Chapter 21 (commencing with Section 1901) of Title 25 of the United States Code) are placed and that is one of the following:

(1) An extended family member of the Indian child, as defined in Section 1903 of Title 25 of the United States Code.

(2) A foster home that is licensed, approved, or specified by the Indian child's tribe pursuant to Section 1915 of Title 25 of the United States Code.

(p) (1) (A) Housing occupied by elderly or disabled persons, or both, that is initially approved and operated under a regulatory agreement pursuant to Section 202 of Public Law 86-372 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625 (42 U.S.C. Sec. 8013), or that receives mortgage assistance pursuant to Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or whose mortgage is insured pursuant



to Section 221d(3) of Public Law 87-70 (12 U.S.C. Sec. 1715*l*), where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

(B) Housing that qualifies for a low-income housing credit pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42) or that is subject to the requirements for rental dwellings for low-income families pursuant to Section 8 of Public Law 93-383 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled persons, or both, where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

(2) The project owner or operator to which paragraph (1) applies may coordinate, or help residents gain access to, the supportive services, either directly, or through a service coordinator.

(q) A resource family, as defined in Section 16519.5 of the Welfare and Institutions Code, that has been approved by a county child welfare department or probation department.

(r) A home approved by a licensed private adoption agency pursuant to Section 8704.5 of the Family Code, for the placement of a nondependent child who is relinquished for adoption to the adoption agency.

(s) An occasional short-term babysitter, as described in Section 362.04 of the Welfare and Institutions Code.

(t) An alternative caregiver, except as specified in Section 16501.02 of the Welfare and Institutions Code.

(u) Except as specified in subdivision (b) of Section 16501.01 of the Welfare and Institutions Code, a respite care provider certified by a county.

(v) An adoption service provider, as defined in Section 8502 of the Family Code, except a licensed private adoption agency as specified in paragraph (1) of subdivision (a) of that section.

(w) A county adoption agency as defined in Section 8513 of the Family Code.

(x) Any similar facility determined by the department.

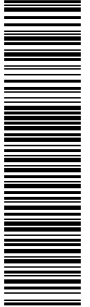
SEC. 2. Section 706.6 of the Welfare and Institutions Code is amended to read:

706.6. (a) Services to minors are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

(b) (1) For the purposes of this section, "child and family team" has the same meaning as in paragraph (4) of subdivision (a) of Section 16501.

(2) In its development of the case plan, the probation agency shall consider and document any recommendations of the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

(c) A case plan prepared as required by Section 706.5 shall be submitted to the court. It shall either be attached to the social study or incorporated as a separate section



within the social study. The case plan shall include, but not be limited to, the following information:

(1) A description of the circumstances that resulted in the minor being placed under the supervision of the probation department and in foster care.

(2) Documentation of the preplacement assessment of the minor's and family's strengths and service needs showing that preventive services have been provided, and that reasonable efforts to prevent out-of-home placement have been made. The assessment shall include the type of placement best equipped to meet those needs.

(3) (A) A description of the type of home or institution in which the minor is to be placed, and the reasons for that placement decision, including a discussion of the safety and appropriateness of the placement, including the recommendations of the child and family team, if available.

(B) An appropriate placement is a placement in the least restrictive, most family-like environment that promotes normal childhood experiences, in closest proximity to the minor's home, that meets the minor's best interests and special needs.

(4) Effective January 1, 2010, to ensure the educational stability of the child while in foster care, both of the following:

(A) Information providing assurances that the placement agency has taken into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) Information providing assurances that the placement agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement, or, if remaining in that school is not in the best interests of the child, that the placement agency and the local educational agency are to provide immediate and appropriate enrollment in a new school and provide all of the child's educational records to the new school.

(5) Specific time-limited goals and related activities designed to enable the safe return of the minor to the minor's home, or in the event that return to the minor's home is not possible, activities designed to result in permanent placement or emancipation. Specific responsibility for carrying out the planned activities shall be assigned to one or more of the following:

(A) The probation department.

(B) The minor's parent or parents or legal guardian or guardians, as applicable.

(C) The minor.

(D) The foster parents or licensed agency providing foster care.

(6) The projected date of completion of the case plan objectives and the date services will be terminated.

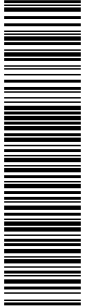
(7) (A) Scheduled visits between the minor and the minor's family and an explanation if no visits are made.

(B) Whether the child has other siblings, and, if any siblings exist, all of the following:

(i) The nature of the relationship between the child and the child's siblings.

(ii) The appropriateness of developing or maintaining the sibling relationships under Section 16002.

(iii) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.



(iv) If the siblings are not placed together, all of the following:

(I) The frequency and nature of the visits between the siblings.

(II) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(III) If there are visits between the siblings, a description of the location and length of the visits.

(IV) Any plan to increase visitation between the siblings.

(v) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(vi) The continuing need to suspend sibling interaction, if applicable, under subdivision (c) of Section 16002.

(C) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with the child's sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(8) (A) When placement is made in a resource family home, short-term residential therapeutic program, or other children's residential facility that is either a substantial distance from the home of the minor's parent or legal guardian or out of state, the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the minor.

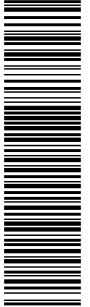
(B) When an out-of-state residential facility placement is recommended or made, the case plan shall comply with Section 727.1 of this code and Section 7911.1 of the Family Code. In addition, the case plan shall include documentation that the county placing agency has satisfied Section 16010.9. The case plan also shall address what in-state services or facilities were used or considered and why they were not recommended.

(9) If applicable, efforts to make it possible to place siblings together, unless it has been determined that placement together is not in the best interest of one or more siblings.

(10) A schedule of visits between the minor and the probation officer, including a monthly visitation schedule for those children placed in short-term residential therapeutic programs or out-of-state residential facilities, as defined in subdivision (b) of Section 7910 of the Family Code.

(11) Health and education information about the minor, school records, immunizations, known medical problems, and any known medications the minor may be taking, names and addresses of the minor's health and educational providers; the minor's grade level performance; assurances that the minor's placement in foster care takes into account proximity to the school in which the minor was enrolled at the time of placement; and other relevant health and educational information.

(12) When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, those services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.



(13) (A) For a permanency planning hearing, an updated recommendation for a permanent plan for the minor. The identified permanent plan for a minor under 16 years of age shall be return home, adoption, legal guardianship, or placement with a fit and willing relative. The case plan shall identify any barriers to achieving legal permanence and the steps the agency will take to address those barriers.

(B) If, after considering reunification, adoptive placement, legal guardianship, or permanent placement with a fit and willing relative the probation officer recommends placement in a planned permanent living arrangement for a minor 16 years of age or older, the case plan shall include documentation of a compelling reason or reasons why termination of parental rights is not in the minor's best interest. For purposes of this subdivision, a "compelling reason" shall have the same meaning as in subdivision (c) of Section 727.3. The case plan shall also identify the intensive and ongoing efforts to return the minor to the home of the parent, place the minor for adoption, establish a legal guardianship, or place the minor with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the minor.

(14) For each review hearing, an updated description of the services that have been provided to the minor under the plan and an evaluation of the appropriateness and effectiveness of those services.

(15) A statement that the parent or legal guardian and the minor have had an opportunity to participate in the development of the case plan, to review the case plan, to sign the case plan, and to receive a copy of the plan, or an explanation of why the parent, legal guardian, or minor was not able to participate or sign the case plan.

(16) For a minor in out-of-home care who is 14 years of age or older, a written description of the programs and services, which will help the minor prepare for the transition from foster care to successful adulthood.

(17) On and after the date required by paragraph (9) of subdivision (h) of Section 11461:

(A) A summary of the minor's most recent Integrated Practice-Child and Adolescent Needs and Strengths (IP-CANS) assessment, as defined in paragraph (2) of subdivision (b) of Section 16560, and the minor's tier, if applicable, as determined by the IP-CANS assessment for purposes of the Tiered Rate Structure under subdivision (h) of Section 11461.

(B) If applicable, the plan to meet the minor's Immediate Needs, as defined in paragraph (2) of subdivision (c) of Section 16562, using funding made available for that purpose.

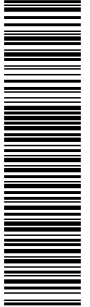
(C) The Strengths Building Spending Plan and the Spending Plan Report, as defined in subdivision (c) of Section 16565, for a minor eligible for the Strengths Building Child and Family Determination Program established in Section 16565.

(d) The following shall apply:

(1) The agency selecting a placement shall consider, in order of priority:

(A) Placement with relatives, nonrelated extended family members, and tribal members.

(B) Foster family homes and certified homes or resource families of foster family agencies.



(C) Treatment and intensive treatment certified homes or resource families of foster family agencies, or multidimensional treatment foster homes or therapeutic foster care homes.

(D) Group care placements in the following order:

(i) Short-term residential therapeutic programs.

(ii) Group homes vendored by a regional center.

(iii) Community treatment facilities.

(iv) Out-of-state residential facilities as authorized by subdivision (b) of Section 727.1.

(2) Although the placement options shall be considered in the preferential order specified in paragraph (1), the placement of a child may be with any of these placement settings in order to ensure the selection of a safe placement setting that is in the child's best interests and meets the child's special needs.

(3) (A) A minor may be placed into a community care facility licensed as a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400, provided the case plan indicates that the placement is for the purposes of providing short-term, specialized, intensive, and trauma-informed treatment for the minor, the case plan specifies the need for, nature of, and anticipated duration of this treatment, and the case plan includes transitioning the minor to a less restrictive environment and the projected timeline by which the minor will be transitioned to a less restrictive environment.

(B) On and after October 1, 2021, within 30 days of the minor's placement in a short-term residential therapeutic program, and, on and after July 1, 2022, within 30 days of the minor's placement in a community treatment facility, the case plan shall document all of the following:

(i) The reasonable and good faith effort by the probation officer to identify and include all required individuals in the child and family team.

(ii) All contact information for members of the child and family team, as well as contact information for other relatives and nonrelative extended family members who are not part of the child and family team.

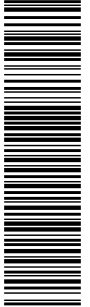
(iii) Evidence that meetings of the child and family team, including the meetings related to the determination required under Section 4096, are held at a time and place convenient for the family.

(iv) If reunification is the goal, evidence that the parent from whom the minor or nonminor dependent was removed provided input on the members of the child and family team.

(v) Evidence that the determination required under Section 4096 was conducted in conjunction with the child and family team.

(vi) The placement preferences of the minor or nonminor dependent and the child and family team relative to the determination and, if the placement preferences of the minor or nonminor dependent or the child and family team are not the placement setting recommended by the qualified individual conducting the determination, the reasons why the preferences of the team or minor or nonminor dependent were not recommended.

(C) Following the court review required pursuant to Section 727.12, the case plan shall document the court's approval or disapproval of the placement.



(D) When the minor or nonminor dependent has been placed in a short-term residential therapeutic program or a community treatment facility for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a minor who has not attained 13 years of age, for more than six consecutive or nonconsecutive months, the case plan shall include both of the following:

(i) Documentation of the information submitted to the court pursuant to subparagraph (B) of paragraph (1) of subdivision (c) of Section 706.5.

(ii) Documentation that the chief probation officer of the county probation department, or their designee, has approved the continued placement of the minor or nonminor dependent in the setting.

(E) (i) On and after October 1, 2021, prior to discharge from a short-term residential therapeutic program, and, on and after July 1, 2022, prior to discharge from a community treatment facility, the case plan shall include a description of the type of in-home or institution-based services to encourage the safety, stability, and appropriateness of the next placement, including the recommendations of the child and family team, if available.

(ii) A plan, developed in collaboration with the short-term residential therapeutic program or community treatment facility, as applicable, for the provision of discharge planning and family-based aftercare support pursuant to Section 4096.6.

~~(e) Effective January 1, 2010, a case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:~~

~~(1) Assurances that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.~~

~~(2) An assurance that the placement agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement, or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.~~

~~(f) Specific time-limited goals and related activities designed to enable the safe return of the minor to the minor's home, or in the event that return to the minor's home is not possible, activities designed to result in permanent placement or emancipation. Specific responsibility for carrying out the planned activities shall be assigned to one or more of the following:~~

~~(1) The probation department.~~

~~(2) The minor's parent or parents or legal guardian or guardians, as applicable.~~

~~(3) The minor.~~

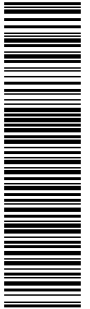
~~(4) The foster parents or licensed agency providing foster care.~~

~~(g) The projected date of completion of the case plan objectives and the date services will be terminated.~~

~~(h) (1) Scheduled visits between the minor and the minor's family and an explanation if no visits are made.~~

~~(2) Whether the child has other siblings, and, if any siblings exist, all of the following:~~

~~(A) The nature of the relationship between the child and the child's siblings.~~



~~(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.~~

~~(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.~~

~~(D) If the siblings are not placed together, all of the following:~~

~~(i) The frequency and nature of the visits between the siblings.~~

~~(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.~~

~~(iii) If there are visits between the siblings, a description of the location and length of the visits.~~

~~(iv) Any plan to increase visitation between the siblings.~~

~~(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.~~

~~(F) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.~~

~~(3) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with the child's sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.~~

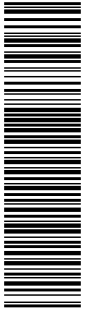
~~(i) (1) When placement is made in a resource family home, short-term residential therapeutic program, or other children's residential facility that is either a substantial distance from the home of the minor's parent or legal guardian or out of state, the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the minor.~~

~~(2) When an out-of-state residential facility placement is recommended or made, the case plan shall comply with Section 727.1 of this code and Section 7911.1 of the Family Code. In addition, the case plan shall include documentation that the county placing agency has satisfied Section 16010.9. The case plan shall also address what in-state services or facilities were used or considered and why they were not recommended.~~

~~(j) If applicable, efforts to make it possible to place siblings together, unless it has been determined that placement together is not in the best interest of one or more siblings.~~

~~(k) A schedule of visits between the minor and the probation officer, including a monthly visitation schedule for those children placed in group short-term residential therapeutic programs or out-of-state residential facilities, as defined in subdivision (b) of Section 7910 of the Family Code.~~

~~(l) Health and education information about the minor, school records, immunizations, known medical problems, and any known medications the minor may be taking, names and addresses of the minor's health and educational providers; the minor's grade level performance; assurances that the minor's placement in foster care~~



takes into account proximity to the school in which the minor was enrolled at the time of placement; and other relevant health and educational information.

(m) ~~When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, those services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.~~

(n) (1) ~~The updated case plan prepared for a permanency planning hearing shall include a recommendation for a permanent plan for the minor. The identified permanent plan for a minor under 16 years of age shall be return home, adoption, legal guardianship, or placement with a fit and willing relative. The case plan shall identify any barriers to achieving legal permanence and the steps the agency will take to address those barriers.~~

(2) ~~If, after considering reunification, adoptive placement, legal guardianship, or permanent placement with a fit and willing relative the probation officer recommends placement in a planned permanent living arrangement for a minor 16 years of age or older, the case plan shall include documentation of a compelling reason or reasons why termination of parental rights is not in the minor's best interest. For purposes of this subdivision, a "compelling reason" shall have the same meaning as in subdivision (e) of Section 727.3. The case plan shall also identify the intensive and ongoing efforts to return the minor to the home of the parent, place the minor for adoption, establish a legal guardianship, or place the minor with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the minor.~~

(o) ~~Each updated case plan shall include a description of the services that have been provided to the minor under the plan and an evaluation of the appropriateness and effectiveness of those services.~~

(p) ~~A statement that the parent or legal guardian, and the minor have had an opportunity to participate in the development of the case plan, to review the case plan, to sign the case plan, and to receive a copy of the plan, or an explanation about why the parent, legal guardian, or minor was not able to participate or sign the case plan.~~

(q) ~~For a minor in out-of-home care who is 16 years of age or older, a written description of the programs and services, which will help the minor prepare for the transition from foster care to successful adulthood.~~

SEC. 3. Section 727.32 of the Welfare and Institutions Code is amended to read:

727.32. (a) In any case where a minor has been declared a ward of the juvenile court and has been in foster care for 15 of the most recent 22 months, the probation department shall follow the procedures described in Section 727.31 to terminate the parental rights of the minor's parents, unless the probation department has documented in the probation department file a compelling reason for determining that termination of the parental rights would not be in the minor's best interests, or the probation department has not provided the family with reasonable efforts necessary to achieve reunification. For purposes of this section, compelling reasons for not terminating parental rights are those described in subdivision (c) of Section 727.3.

(b) For the purposes of this section, 15 out of the 22 months shall be calculated from the "date entered foster care," as defined in paragraph (4) of subdivision (d) of Section 727.4. When a minor experiences multiple exits from and entries into foster



care during the 22-month period, the 15 months shall be calculated by adding together the total number of months the minor spent in foster care in the past 22 months. However, trial home visits and runaway episodes should not be included in calculating 15 months in foster care.

(c) If the probation department documented a compelling reason at the time of the permanency planning hearing, pursuant to ~~subdivision (n) subparagraph (B) of paragraph (13) of subdivision (c) of Section 706.6~~, the probation department need not provide any additional documentation to comply with the requirements of this section.

(d) When the probation department sets a hearing pursuant to Section 727.31, it shall concurrently make efforts to identify an approved family for adoption, and follow the procedures described in subdivision (b) of Section 727.31.

SEC. 4. Section 4094.2 of the Welfare and Institutions Code is amended to read:

4094.2. (a) For the purpose of establishing payment rates for community treatment facility programs, the private nonprofit agencies selected to operate these programs shall prepare a budget that covers the total costs of providing residential care and supervision and mental health services for their proposed programs. These costs shall include categories that are allowable under California's Foster Care program and existing programs for mental health services. They shall not include educational, nonmental health medical, and dental costs.

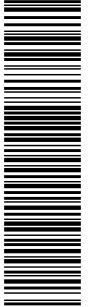
(b) Each agency operating a community treatment facility program shall negotiate a final budget with the local mental health department in the county in which its facility is located (the host county) and other local agencies, as appropriate. This budget agreement shall specify the types and level of care and services to be provided by the community treatment facility program and a payment rate that fully covers the costs included in the negotiated budget. All counties that place children in a community treatment facility program shall make payments using the budget agreement negotiated by the community treatment facility provider and the host county.

(c) A foster care rate shall be established for each community treatment facility program by the State Department of Social Services.

(1) ~~(A) These rates shall be established using the existing foster care ratesetting system for group homes, or the rate for a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400, with modifications designed as necessary. It is anticipated that all community treatment facility programs will offer the level of care and services required to receive the highest foster care rate provided for under the current ratesetting system.~~

(B) Beginning July 1, 2026, or the date specified in paragraph (9) of subdivision (h) of Section 11461, in accordance with the schedules provided in paragraph (4) of subdivision (h) of Section 11461 and Sections 16562 and 16565, whichever is later, the rate paid on behalf of a child or nonminor dependent placed in a community treatment facility shall be equivalent to the Tiered Rate Structure described in paragraphs (1) to (3), inclusive, of subdivision (e) of Section 11462.

(2) Except as otherwise provided in paragraph (3), commencing January 1, 2017, the program shall have accreditation from a nationally recognized accrediting entity identified by the State Department of Social Services pursuant to the process described in paragraph (4) of subdivision (b) of Section 11462.



~~(3) With respect to a program that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04, the requirement described in paragraph (2) shall apply to that program commencing January 1, 2020.~~

~~(4) With respect to a program that has been granted an extension pursuant to the exception process described in subdivision (e) of Section 11462.04, the requirement described in paragraph (2) shall apply to that program commencing January 1, 2021.~~

~~(5)~~

(3) Any community treatment facility shall be reclassified and paid at the appropriate program rate for which it is qualified if it fails to timely obtain or maintain accreditation as required by state law or fails to provide proof of that accreditation to the State Department of Social Services upon request.

(d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the 2003–04 fiscal year, and the 2004–05 fiscal year, community treatment facility programs shall also be paid a community treatment facility supplemental rate of up to two thousand five hundred dollars (\$2,500) per child per month on behalf of children eligible under the foster care program and children placed out of home pursuant to an individualized education program developed under former Section 7572.5 of the Government Code. Subject to the availability of funds, the supplemental rate shall be shared by the state and the counties. Counties shall be responsible for paying a county share of cost equal to 60 percent of the community treatment rate for children placed by counties in community treatment facilities and the state shall be responsible for 40 percent of the community treatment facility supplemental rate. The community treatment facility supplemental rate is intended to supplement, and not to supplant, the payments for which children placed in community treatment facilities are eligible to receive under the foster care program and the existing programs for mental health services.

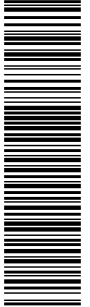
(e) For initial ratesetting purposes for community treatment facility funding, the cost of mental health services shall be determined by deducting the foster care rate and the community treatment facility supplemental rate from the total allowable cost of the community treatment facility program. Payments to certified providers for mental health services shall be based on eligible services provided to children who are Medi-Cal beneficiaries, up to the approved federal rate for these services.

(f) The State Department of Health Care Services shall provide the community treatment facility supplemental rates to the counties for advanced payment to the community treatment facility providers in the same manner as the regular foster care payment and within the same required payment time limits.

(g) In order to facilitate the study of the costs of community treatment facilities, licensed community treatment facilities shall provide all documents regarding facility operations, treatment, and placements requested by the department.

(h) It is the intent of the Legislature that the State Department of Health Care Services and the State Department of Social Services work to maximize federal financial participation in funding for children placed in community treatment facilities through funds available pursuant to Titles IV-E and XIX of the federal Social Security Act (42 U.S.C. Sec. 670 et seq. and Sec. 1396 et seq.) and other appropriate federal programs.

(i) The State Department of Health Care Services and the State Department of Social Services may adopt emergency regulations necessary to implement joint protocols for the oversight of community treatment facilities, to modify existing licensing regulations governing reporting requirements and other procedural and administrative



mandates to take into account the seriousness and frequency of behaviors that are likely to be exhibited by seriously emotionally disturbed children placed in community treatment facility programs, to modify the existing foster care ratesetting regulations, and to pay the community treatment facility supplemental rate. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, and general welfare. The regulations shall become effective immediately upon filing with the Secretary of State. The regulations shall not remain in effect more than 180 days unless the adopting agency complies with all the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, as required by subdivision (e) of Section 11346.1 of the Government Code.

(j) 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 State Department of Health Care Services and the State Department of Social Services may implement, interpret, or make specific changes made to this section by the act that added this subdivision through and by means of all-county letters or similar written directives, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar written directives shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2035.

SEC. 5. Section 11364 of the Welfare and Institutions Code is amended to read:

11364. (a) In order to receive payments under this article, the county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to Section 10553.1, shall negotiate and enter into a written, binding, kinship guardianship assistance agreement with the relative guardian of an eligible child, and provide the relative guardian with a copy of the agreement.

(b) The agreement shall specify, at a minimum, all of the following:

(1) The amount of and manner in which the kinship guardianship assistance payment will be provided under the agreement, and that the amount is subject to any applicable increases pursuant to cost-of-living adjustments established by statute, and the manner in which the agreement may be adjusted periodically, but no less frequently than every two years, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child.

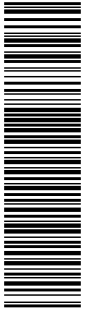
(2) Additional services and assistance for which the child and relative guardian will be eligible under the agreement.

(3) A procedure by which the relative guardian may apply for additional services, as needed, including the filing of a petition under Section 388 to have dependency jurisdiction resumed pursuant to subdivision (b) of Section 366.3.

(4) That the agreement shall remain in effect regardless of the state of residency of the relative guardian.

(5) The responsibility of the relative guardian for reporting changes in the needs of the child or the circumstances of the relative guardian that affect payment.

(6) For guardianships established on and after January 1, 2012, payment shall be made for reasonable and verified nonrecurring expenses associated with obtaining legal guardianship not to exceed the amount specified in federal law. Reimbursement shall not be made for costs otherwise reimbursed from other sources, including the



foster care maintenance payment. The agreement shall indicate the maximum amount, the purpose of the expense, and the process for obtaining reimbursement of the nonrecurring expenses to be paid.

(c) In accordance with the Kin-GAP agreement, the relative guardian shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC or Approved Relative Caregiver payments and the circumstances of the relative guardian, but that shall not exceed the foster care maintenance payment that would have been paid based on the state-approved foster family home care rate and any applicable specialized care increment for a child placed in a licensed or approved family home pursuant to subdivisions (a) to (d), inclusive, of Section 11461. In addition, the rate paid for a child eligible for a Kin-GAP payment shall include an amount equal to the clothing allowance, as set forth in subdivision (f) of Section 11461, including any applicable rate adjustments. For a child eligible for a Kin-GAP payment who is a teen parent, the rate shall include the two-hundred-dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home pursuant to paragraph (3) of subdivision (d) of Section 11465.

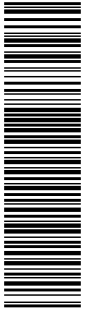
(d) Commencing on the effective date of the act that added this subdivision, and notwithstanding subdivision (c), in accordance with the Kin-GAP agreement, the relative guardian shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the relative guardian, as follows:

(1) For cases in which the dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to subdivision (d) of Section 728, concurrently or subsequently to establishment of the guardianship, on or before June 30, 2011, or the date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, the rate paid shall not exceed the basic foster care maintenance payment rate structure in effect prior to the effective date specified in the order described in this paragraph.

(2) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to subdivision (d) of Section 728, concurrently or subsequently to establishment of the guardianship, on or after July 1, 2011, or the date specified in the order described in paragraph (1), whichever is earlier, and through December 31, 2016, the rate paid shall not exceed the basic foster care maintenance payment rate structure effective and available as of December 31, 2016.

(3) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on or after January 1, 2017, and before July 1, 2026, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, as applicable, the rate paid shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463.

(4) (A) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on and after July 1, 2026, or the date specified in paragraph (9) of subdivision (h) of Section 11461, the rate paid shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure,



as described in subdivision (h) of Section 11461, unless the conditions of subparagraph (B) apply.

(B) Notwithstanding subparagraph (A), the rate paid may exceed Tier 1, but shall not exceed Tier 2, of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, under specific conditions established by the department and based on assessed needs of the child.

(4)

(5) Beginning with the 2011–12 fiscal year, the Kin-GAP benefit payments rate structure shall be adjusted annually by the percentage change in the California Necessities Index, as set forth in paragraph (2) of subdivision (g) of Section 11461, without requiring a new agreement.

(5)

(6) In addition to the rate paid for a child eligible for a Kin-GAP payment, a specialized care increment, if applicable, as set forth in subdivision (e) of Section 11461, also shall be paid.

(6)

(7) In addition to the rate paid for a child eligible for a Kin-GAP payment, a clothing allowance, as set forth in subdivision (f) of Section 11461, also shall be paid.

(7)

(8) For a child eligible for a Kin-GAP payment who is a teen parent, the rate shall include the two-hundred-dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home pursuant to paragraph (3) of subdivision (d) of Section 11465.

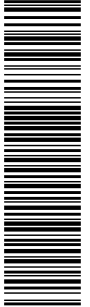
(e) The county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 shall provide the relative guardian with information, in writing, on the availability of the Kin-GAP program with an explanation of the difference between these benefits and Adoption Assistance Program benefits and AFDC-FC benefits. The agency shall also provide the relative guardian with information on the availability of mental health services through the Medi-Cal program or other programs.

(f) The county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization, as appropriate, shall assess the needs of the child and the circumstances of the related guardian and is responsible for determining that the child meets the eligibility criteria for payment.

(g) Payments on behalf of a child who is a recipient of Kin-GAP benefits and who is also a consumer of regional center services shall be based on the rates established by the State Department of Social Services pursuant to Section 11464.

SEC. 6. Section 11387 of the Welfare and Institutions Code is amended to read:
11387. (a) In order to receive federal financial participation for payments under this article, the county child welfare agency or probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 shall negotiate and enter into a written, binding, kinship guardianship assistance agreement with the relative guardian of an eligible child, and provide the relative guardian with a copy of the agreement. The negotiated agreement shall be executed prior to establishment of the guardianship.

(b) The agreement shall specify, at a minimum, all of the following:



(1) The amount of and manner in which the kinship guardianship assistance payment will be provided under the agreement, that the amount is subject to any applicable increases pursuant to cost-of-living adjustments established by statute and the manner in which the agreement may be adjusted periodically, but no less frequently than every two years, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child.

(2) Additional services and assistance for which the child and relative guardian will be eligible under the agreement.

(3) A procedure by which the relative guardian may apply for additional services, as needed, including, but not limited to, the filing of a petition under Section 388 to have dependency jurisdiction resumed pursuant to subdivision (b) of Section 366.3.

(4) The agreement shall provide that it shall remain in effect regardless of the state of residency of the relative guardian.

(5) The responsibility of the relative guardian for reporting changes in the needs of the child or the circumstances of the relative guardian that affect payment.

(6) For a guardianship established on and after January 1, 2012, payment shall be made for reasonable and verified nonrecurring expenses associated with obtaining legal guardianship not to exceed the amount specified in federal law. Reimbursement shall not be made for costs otherwise reimbursed from other sources, including the foster care maintenance payment. The agreement shall indicate the maximum amount, the purpose of the expense, and the process for obtaining reimbursement of the nonrecurring expenses to be paid.

(c) In accordance with the Kin-GAP agreement, the relative guardian shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the relative guardian but that shall not exceed the foster care maintenance payment that would have been paid based on the age-related state-approved foster family home care rate and any applicable specialized care increment for a child placed in a licensed or approved family home pursuant to subdivisions (a) to (d), inclusive, of Section 11461. In addition, the rate paid for a child eligible for a Kin-GAP payment shall include an amount equal to the clothing allowance, as set forth in subdivision (f) of Section 11461, including any applicable rate adjustments. For a child eligible for a Kin-GAP payment who is a teen parent, the rate shall include the two-hundred-dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home pursuant to paragraph (3) of subdivision (d) of Section 11465.

(d) Commencing on the effective date of the act that added this subdivision, and notwithstanding subdivision (c), in accordance with the Kin-GAP agreement the relative guardian shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the relative guardian, as follows:

(1) For cases in which the dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to subdivision (e) of Section 728, concurrently or subsequently to establishment of the guardianship, on or before June 30, 2011, or the date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, the rate paid shall not exceed the basic foster care maintenance payment rate



structure in effect prior to the effective date specified in the order described in this paragraph.

(2) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to subdivision (d) of Section 728, concurrently or subsequently to establishment of the guardianship, on or after July 1, 2011, or the date specified in the order described in paragraph (1), whichever is earlier, and through December 31, 2016, the rate paid shall not exceed the basic foster care maintenance payment rate structure effective and available as of December 31, 2016.

(3) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on or after January 1, 2017, and before July 1, 2026, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, as applicable, the rate paid shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463.

(4) (A) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on and after July 1, 2026, or the date specified in paragraph (9) of subdivision (h) of Section 11461, the rate paid shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, unless the conditions of subparagraph (B) apply.

(B) Notwithstanding subparagraph (A), the rate paid may exceed Tier 1, but shall not exceed Tier 2, of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, under specific conditions established by the department and based on assessed needs of the child.

(4)

(5) Beginning with the 2011–12 fiscal year, the Kin-GAP benefit payment rate structure shall be adjusted annually by the percentage change in the California Necessities Index, as set forth in paragraph (2) of subdivision (g) of Section 11461, without requiring a new agreement.

(5)

(6) In addition to the rate paid for a child eligible for a Kin-GAP payment, a specialized care increment, if applicable, as set forth in subdivision (e) of Section 11461, shall be paid.

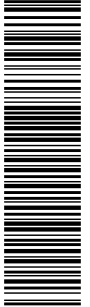
(6)

(7) In addition to the rate paid for a child eligible for a Kin-GAP payment, a clothing allowance, as set forth in subdivision (f) of Section 11461, shall be paid.

(7)

(8) For a child eligible for a Kin-GAP payment who is a teen parent, the rate shall include the two-hundred-dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home pursuant to paragraph (3) of subdivision (d) of Section 11465.

(e) The county child welfare agency or probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 shall provide the relative guardian with information, in writing, on the availability of the federal Kin-GAP program with an explanation of the difference between these benefits and Adoption Assistance Program benefits and AFDC-FC



benefits. The agency shall also provide the relative guardian with information on the availability of mental health services through the Medi-Cal program or other programs.

(f) The county child welfare agency, probation department, or Indian tribe, as appropriate, shall assess the needs of the child and the circumstances of the related guardian and is responsible for determining that the child meets the eligibility criteria for payment.

(g) Payments on behalf of a child who is a recipient of Kin-GAP benefits and who is also a consumer of regional center services shall be based on the rates established by the State Department of Social Services pursuant to Section 11464.

SEC. 7. Section 11402 of the Welfare and Institutions Code 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) Before January 1, 2021:

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

(2) The approved home of a nonrelative extended family member, as described in Section 362.7.

(3) The licensed family home of a nonrelative.

(b) The approved home of a resource family, as defined in Section 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.

(c) A small family home, as defined in paragraph (6) of subdivision (a) of Section 1502 of the Health and Safety Code.

(d) A housing unit, as described in Section 1559.110 of the Health and Safety Code, certified by a licensed transitional housing placement provider, as defined in paragraph (12) of subdivision (a) of Section 1502 of the Health and Safety Code and subdivision (r) of Section 11400.

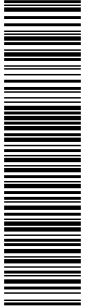
(e) An approved supervised independent living setting for nonminor dependents, as described in subdivision ~~(w)~~ (x) of Section 11400.

(f) 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 used exclusively by the foster family agency.

(g) A short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code.

(h) An out-of-state residential facility that meets the ~~requirements of paragraph (2) of subdivision (e) 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 residential facility, provided that the placement worker documents that the requirements of Section 7911.1 of the Family Code have been met, met, including, but not limited to, the child-specific certification of the facility by the department.

(i) A community treatment facility, as defined in paragraph (8) of subdivision (a) of Section 1502 of the Health and Safety Code, and as set forth in Article 5 (commencing with Section 4094) of Chapter 3 of Part 1 of Division 4.



(j) A community care facility licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and vendored by a regional center pursuant to Section 56004 of Title 17 of the California Code of Regulations, unless the facility is a group home for children with special health care needs, as defined in paragraph (2) of subdivision (a) of Section 4684.50 of this code.

(k) The home of a nonrelated legal guardian or the home of a former nonrelated legal guardian if 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.

(l) A dormitory or other designated housing of a postsecondary educational institution in which a minor dependent who is enrolled at the postsecondary educational institution is living independently, as described in Section 11402.7.

(m) On or after April 1, 2021, a residential family-based treatment facility for substance abuse, in which an eligible child is placed with a parent in treatment, licensed pursuant to Chapter 7.5 (commencing with Section 11834.01) of Part 2 of Division 10.5 of the Health and Safety Code, and the placement and facility meets all of the requirements of subdivision (j) of Section 672 of Title 42 of the United States Code.

(n) A tribally approved home, as defined in Section 224.1.

SEC. 8. Section 11405 of the Welfare and Institutions Code is amended to read: 11405. (a) Except for nonminors described in paragraph (2) of subdivision (e), AFDC-FC benefits shall be paid to an otherwise eligible child living with a nonrelated legal guardian, provided that the legal guardian cooperates with the county welfare department in all of the following:

- (1) Developing a written assessment of the child's needs.
- (2) Updating the assessment no less frequently than once every six months.
- (3) Carrying out the case plan developed by the county.

(b) Except for nonminors described in paragraph (2) of subdivision (e), when AFDC-FC is applied for on behalf of a child living with a nonrelated legal guardian the county welfare department shall do all of the following:

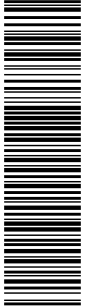
- (1) Develop a written assessment of the child's needs.
- (2) Update those assessments no less frequently than once every six months.
- (3) Develop a case plan that specifies how the problems identified in the assessment are to be addressed.

(4) Make visits to the child as often as appropriate, but in no event less often than once every six months.

(c) Where the child is a parent and has a child living with them in the same eligible facility, the assessment required by paragraph (1) of subdivision (a) shall include the needs of their child.

(d) Nonrelated legal guardians of eligible children who are in receipt of AFDC-FC payments described in this section shall be exempt from the requirement to register with the Statewide Registry of Private Professional Guardians pursuant to former Sections 2850 and 2851 of the Probate Code.

(e) (1) On and after January 1, 2012, a nonminor youth whose nonrelated guardianship was ordered in juvenile court pursuant to Section 360 or 366.26, and whose dependency was dismissed, shall remain eligible for AFDC-FC benefits until the youth attains 19 years of age, effective January 1, 2013, until the youth attains 20 years of age, and effective January 1, 2014, until the youth attains 21 years of age, provided that the youth enters into a mutual agreement with the agency responsible



for their guardianship, and the youth is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(2) A nonminor former dependent or ward, as defined in paragraph (2) of subdivision (aa) of Section 11400, shall be eligible for benefits under this section until the youth attains 21 years of age if all of the following conditions are met:

(A) The nonminor former dependent or ward attained 18 years of age while in receipt of Kin-GAP benefits pursuant to Article 4.7 (commencing with Section 11385).

(B) The nonminor's relationship to the kinship guardian is defined in paragraph (2), (3), or (4) of subdivision (c) of Section 11391.

(C) The nonminor was under 16 years of age at the time the Kin-GAP negotiated agreement payments commenced.

(D) The guardian continues to be responsible for the support of the nonminor.

(E) The nonminor otherwise is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(f) On or after January 1, 2012, a child whose nonrelated guardianship was ordered in probate court pursuant Article 2 (commencing with Section 1510) of Chapter 1 of Part 2 of Division 4 of the Probate Code, who is attending high school or the equivalent level of vocational or technical training on a full-time basis, or who is in the process of pursuing a high school equivalency certificate before their 18th birthday may continue to receive aid following their 18th birthday as long as the child continues to reside in the guardian's home, remains otherwise eligible for AFDC-FC benefits and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis, or continues to pursue a high school equivalency certificate, and the child may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate, before their 19th birthday. Aid shall be provided to an individual pursuant to this section provided that both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, documenting the continued need for out-of-home placement.

(g) (1) For cases in which a guardianship was established on or before June 30, 2011, or the date specified in a final order, for which the time for appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, the AFDC-FC payment described in this section shall be the foster family home rate structure in effect before the effective date specified in the order described in this paragraph.

(2) For cases in which guardianship has been established on or after July 1, 2011, or the date specified in the order described in paragraph (1), whichever is earlier, and through December 31, 2016, the AFDC-FC payments described in this section shall be the basic foster family home rate structure effective and available as of December 31, 2016.

(3) For cases in which guardianship has been established by the juvenile court on or after January 1, 2017, and before July 1, 2026, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, the AFDC-FC payments described in this section shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463.



(4) (A) For cases in which guardianship has been established by the juvenile court on and after the date specified in paragraph (9) of subdivision (h) of Section 11461, the rate paid shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, unless the conditions of subparagraph (B) apply.

(B) Notwithstanding subparagraph (A), the rate paid may exceed Tier 1, but shall not exceed Tier 2, of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, under specific conditions established by the department and based on the assessed needs of the child.

~~(4)~~

(5) For cases in which guardianship has been established in the probate court on or after January 1, 2017, the AFDC-FC payments described in this section shall not exceed the basic level rate of the home-based family care rate structure. structure in effect on June 30, 2026.

~~(5)~~

(6) Beginning with the 2011–12 fiscal year, the AFDC-FC payments identified in this subdivision shall be adjusted annually by the percentage change in the California Necessities Index rate as set forth in paragraph (2) of subdivision (g) of Section 11461.

(h) In addition to the AFDC-FC rate paid, all of the following also shall be paid:

(1) A specialized care increment, if applicable, as set forth in subdivision (e) of Section 11461.

(2) A clothing allowance, as set forth in subdivision (f) of Section 11461.

(3) For a child eligible for an AFDC-FC payment who is a teen parent, the rate shall include the two-hundred-dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home pursuant to paragraph (3) of subdivision (d) of Section 11465.

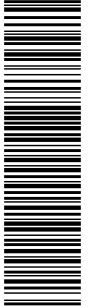
SEC. 9. Section 11460 of the Welfare and Institutions Code is amended to read:

11460. (a) (1) Foster care providers shall be paid a per child per month rate in return for the care and supervision of the AFDC-FC child placed with them. The department is designated the single organizational unit whose duty it shall be to administer a state system for establishing rates in the AFDC-FC program. State functions shall be performed by the department or by delegation of the department to county welfare departments or Indian tribes, consortia of tribes, or tribal organizations that have entered into an agreement pursuant to Section 10553.1.

(2) ~~(A)~~ Foster care providers that care for a child in a home-based setting described in paragraph (1) of subdivision (g) of Section 11461, or in a certified home or an approved resource family of a foster family agency, shall be paid the per child per month rate as set forth in subdivision (g) of Section ~~11461. 11461, or, on and after the date required by paragraph (9) of subdivision (h) of Section 11461, the rate developed pursuant to the Tiered Rate Structure, as described in subdivision (h) of Section 11461, as applicable.~~

~~(B) The basic rate paid to either a certified family home or an approved resource family of a foster family agency shall be paid by the agency to the certified family home or approved resource family from the rate that is paid to the agency pursuant to Section 11463.~~

(3) (A) In addition to administering the state system of rates described in paragraph (1) of subdivision (a), at the request of and in consultation with a county, the



department shall have the authority to develop, implement, and approve alternative funding models and set individualized rates for innovative AFDC-FC programs or models of care and services that are consistent with statewide licensing and program requirements and that provide children with service alternatives to residential care, enhance the ability of children to remain in the least restrictive, most family-like setting possible, and promote services that address the needs and strengths of individual children and their families.

(B) A county that chooses to request an alternative funding model or individualized rate under this paragraph shall pay the entire nonfederal share of any additional cost for providing these innovative programs or models of care and services that exceeds the nonfederal portions of the state system of rates established pursuant to subdivision (a).

(C) (i) The provider shall indicate in the program statement the innovative approach or model of care and services for which there is a recognized need that the county seeks to meet.

(ii) The requesting county, in consultation with the department, shall monitor the performance and outcomes of the provider consistent with the program statement to ensure that the purposes of the innovative program or model of care and services will be achieved commensurate with the alternative funding model or individualized rate.

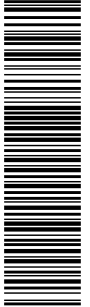
(D) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this paragraph by means of all-county letters or similar written directives, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar written directives shall have the same force and effect as regulations until the adoption of regulations, no later than January 1, 2035.

(b) "Care and supervision" includes food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. Reimbursement for the costs of educational travel, as provided for in this subdivision, shall be made pursuant to procedures determined by the department, in consultation with representatives of county welfare and probation directors, and additional stakeholders, as appropriate.

(1) For a child or youth placed in a short-term residential therapeutic program or a ~~group home~~, licensed foster family agency, care and supervision shall also include reasonable administration and operational activities necessary to provide the items listed in this subdivision.

(2) For a child or youth placed in a short-term residential therapeutic program or a ~~group home~~, licensed foster family agency, care and supervision may also include reasonable activities performed by social workers employed by the program provider that are not otherwise considered daily supervision or administration activities.

~~(3) The department, in consultation with the California State Foster Parent Association, and other interested stakeholders, shall provide information to the Legislature, no later than January 1, 2017, regarding the availability and cost for liability and property insurance covering acts committed by children in care, and shall make recommendations for any needed program development in this area.~~



(e) It is the intent of the Legislature to establish the maximum level of financial participation in out-of-state foster care group home program rates for placements in facilities described in subdivision (h) of Section 11402.

(1) The department shall develop regulations that establish the method for determining the level of financial participation in the rate paid for out-of-state placements in facilities described in subdivision (h) of Section 11402. The department shall consider all of the following methods:

(A) Until December 31, 2016, a standardized system based on the rate classification level of care and services per child per month.

(B) The rate developed for a short-term residential therapeutic program pursuant to Section 11462.

(C) A system that considers the actual allowable and reasonable costs of care and supervision incurred by the out-of-state program.

(D) A system that considers the rate established by the host state.

(E) Any other appropriate methods as determined by the department.

(2) Reimbursement for the Aid to Families with Dependent Children-Foster Care rate to be paid to an out-of-state program described in subdivision (h) of Section 11402 shall only be paid to programs that have done all of the following:

(A) Submitted a rate application to the department, which shall include, but not be limited to, both of the following:

(i) Commencing January 1, 2017, unless granted an extension from the department pursuant to subdivision (d) or (e) of Section 11462.04, the equivalent of the mental health program approval required in Section 4096.5.

(ii) Commencing January 1, 2017, unless granted an extension from the department pursuant to subdivision (d) or (e) of Section 11462.04, the national accreditation required in paragraph (6) of subdivision (b) of Section 11462.

(B) Maintained a level of financial participation that shall not exceed any of the following:

(i) The current fiscal year's standard rate for rate classification level 14 for a group home.

(ii) Commencing January 1, 2017, the current fiscal year's rate for a short-term residential therapeutic program.

(iii) The rate determined by the ratesetting authority of the state in which the facility is located.

(C) Agreed to comply with information requests, and program and fiscal audits as determined necessary by the department.

(3) Except as specifically provided for in statute, reimbursement for an AFDC-FC rate shall only be paid to a group home or short-term residential therapeutic program organized and operated on a nonprofit basis.

(d)

(c) A foster care provider that accepts payments, following the effective date of this section, based on a rate established under this section, shall not receive rate increases or retroactive payments as the result of litigation challenging rates established prior to the effective date of this section. This shall apply regardless of whether a provider is a party to the litigation or a member of a class covered by the litigation.

(e) Nothing shall preclude a county



(d) A county is not precluded from using a portion of its county funds to increase rates paid to family homes, foster family agencies, ~~group homes~~, and short-term residential therapeutic programs within that county, and to make payments for specialized care increments, clothing allowances, or infant supplements to homes within that county, solely at that county's expense.

~~(f) Nothing shall preclude a county~~

(e) A county is not precluded from providing a supplemental rate to serve commercially sexually exploited foster children to provide for the additional care and supervision needs of these children. To the extent that federal financial participation is available, it is the intent of the Legislature that the federal funding shall be utilized.

SEC. 10. Section 11461 of the Welfare and Institutions Code is amended to read:

11461. (a) For children or, on and after January 1, 2012, nonminor dependents placed in a licensed or approved family home with a capacity of six or less, or in an approved home of a relative or nonrelated legal guardian, or the approved home of a nonrelative extended family member, as described in Section 362.7, or, on and after January 1, 2012, a supervised independent living placement, as defined in subdivision (w) of Section 11400, the per child per month basic rates in the following schedule shall be in 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

(b) (1) Any county that, as of October 1, 1989, has in effect a basic rate that is at the levels set forth in the schedule in subdivision (a), shall continue to receive state participation, as specified in subdivision (c) of Section 15200, at these levels.

(2) Any county that, as of October 1, 1989, has in effect a basic rate that exceeds a level set forth in the schedule in subdivision (a), shall continue to receive the same level of state participation as it received on October 1, 1989.

(c) The amounts in the schedule of basic rates in subdivision (a) shall be adjusted as follows:

(1) Effective January 1, 1990, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 12 percent.

(2) Effective May 1, 1990, any county that did not increase the basic rate by 12 percent on January 1, 1990, shall do both of the following:

(A) Increase the basic rate in effect December 31, 1989, for which state participation is received by 12 percent.

(B) Increase the basic rate, as adjusted pursuant to subparagraph (A), by an additional 5 percent.

(3) (A) Except as provided in subparagraph (B), effective July 1, 1990, for the 1990-91 fiscal year, the amounts in the schedule of basic rates in subdivision (a) shall be increased by an additional 5 percent.



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(B) The rate increase required by subparagraph (A) shall not be applied to rates increased May 1, 1990, pursuant to paragraph (2).

(4) Effective July 1, 1998, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 6 percent. Notwithstanding any other law, the 6-percent increase provided for in this paragraph shall, retroactive to July 1, 1998, apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.

(5) Notwithstanding any other law, any increase that takes effect after July 1, 1998, shall apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.

(6) The increase in the basic foster family home rate shall apply only to children placed in a licensed foster family home receiving the basic rate or in an approved home of a relative or nonrelative extended family member, as described in Section 362.7, a supervised independent living placement, as defined in subdivision (w) of Section 11400, or a nonrelated legal guardian receiving the basic rate. The increased rate shall not be used to compute the monthly amount that may be paid to licensed foster family agencies for the placement of children in certified foster homes.

(d) (1) (A) Beginning with the 1991–92 fiscal year, the schedule of basic rates in subdivision (a) shall be adjusted by the percentage changes in the California Necessities Index, computed pursuant to the methodology described in Section 11453, subject to the availability of funds.

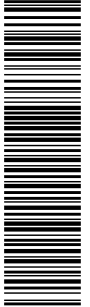
(B) In addition to the adjustment in subparagraph (A) effective January 1, 2000, the schedule of basic rates in subdivision (a) shall be increased by 2.36 percent rounded to the nearest dollar.

(C) Effective January 1, 2008, the schedule of basic rates in subdivision (a), as adjusted pursuant to subparagraph (B), shall be increased by 5 percent, rounded to the nearest dollar. The increased rate shall not be used to compute the monthly amount that may be paid to licensed foster family agencies for the placement of children in certified foster family homes, and shall not be used to recompute the foster care maintenance payment that would have been paid based on the age-related, state-approved foster family home care rate and any applicable specialized care increment, for any adoption assistance agreement entered into prior to October 1, 1992, or in any subsequent reassessment for adoption assistance agreements executed before January 1, 2008.

(2) (A) Any county that, as of the 1991–92 fiscal year, receives state participation for a basic rate that exceeds the amount set forth in the schedule of basic rates in subdivision (a) shall receive an increase each year in state participation for that basic rate of one-half of the percentage adjustments specified in paragraph (1) until the difference between the county's adjusted state participation level for its basic rate and the adjusted schedule of basic rates is eliminated.

(B) Notwithstanding subparagraph (A), all counties for the 1999–2000 fiscal year and the 2007–08 fiscal year shall receive an increase in state participation for the basic rate of the entire percentage adjustment described in paragraph (1).

(3) If a county has, after receiving the adjustments specified in paragraph (2), a state participation level for a basic rate that is below the amount set forth in the adjusted schedule of basic rates for that fiscal year, the state participation level for that rate shall be further increased to the amount specified in the adjusted schedule of basic rates.



(e) (1) As used in this section, “specialized care increment” means an amount paid on behalf of a child requiring specialized care to a home listed in subdivision (g) in addition to the ~~basic rate~~ rates set forth in subdivisions (g) and (h). Notwithstanding subdivision (g), the specialized care increment shall not be paid to a nonminor dependent placed in a supervised independent living ~~setting~~ placement, as defined in subdivision (w) of Section ~~11403~~ 11400. A county may have a ratesetting system for specialized care to pay for the additional care and supervision needed to address the behavioral, emotional, and physical requirements of foster children. A county may modify its specialized care rate system as needed, to accommodate changing specialized placement needs of children.

(2) (A) The department shall have the authority to review the county’s specialized care information, including the criteria and methodology used for compliance with state and federal law, and to require counties to make changes if necessary to conform to state and federal law.

(B) The department shall make available to the public each county’s specialized care information, including the criteria and methodology used to determine the specialized care increments.

(3) Upon a request by a county for technical assistance, specialized care information shall be provided by the department within 90 days of the request to the department.

(4) (A) Except for subparagraph (B), beginning January 1, 1990, specialized care increments shall be adjusted in accordance with the methodology for the schedule of basic rates described in subdivisions (c) and (d).

(B) Notwithstanding subdivision (e) of Section 11460, for the 1993–94 fiscal year, an amount equal to 5 percent of the State Treasury appropriation for family homes shall be added to the total augmentation for the AFDC-FC program in order to provide incentives and assistance to counties in the area of specialized care. This appropriation shall be used, but not limited to, encouraging counties to implement or expand specialized care payment systems, to recruit and train foster parents for the placement of children with specialized care needs, and to develop county systems to encourage the placement of children in family homes. It is the intent of the Legislature that in the use of these funds, federal financial participation shall be claimed whenever possible.

(C) (i) Notwithstanding subparagraph (A), the specialized care increment shall not receive a cost-of-living adjustment in the 2011–12 or 2012–13 fiscal years.

(ii) Notwithstanding clause (i), a county may choose to apply a cost-of-living adjustment to its specialized care increment during the 2011–12 or 2012–13 fiscal years. To the extent that a county chooses to apply a cost-of-living adjustment during that time, the state shall not participate in the costs of that adjustment.

(iii) To the extent that federal financial participation is available for a cost-of-living adjustment made by a county pursuant to clause (ii), it is the intent of the Legislature that the federal funding shall be utilized.

(5) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this subdivision shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

(f) (1) As used in this section, “clothing allowance” means the amount paid by a county, at the county’s option, in addition to the ~~basic rate~~ rates set forth in



subdivisions (g) and (h) for the provision of additional clothing for a child, including, but not limited to, an initial supply of clothing and school or other uniforms. The frequency and level of funding shall be based on the needs of the child, as determined by the county.

(2) The state shall no longer participate in any clothing allowance in addition to the basic rate, commencing with the 2011–12 fiscal year.

(g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for a child, or on and after January 1, 2012, a nonminor dependent, placed in a licensed foster family home or with a resource family, or placed in an approved home of a relative or the approved home of a nonrelative extended family member as described in Section 362.7, or placed on and after January 1, 2012, in a supervised independent living placement, as defined in subdivision (w) of Section 11400, the per child per month basic rate in the following schedule shall be in effect for the period commencing July 1, 2011, or the date specified in the final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association v. William Lightbourne, et al. (U.S. Dist. Ct. C 07-08056 WHA), whichever is earlier, through June 30, 2012:

Age	Basic rate
0–4.....	\$ 609
5–8.....	\$ 660
9–11.....	\$ 695
12–14.....	\$ 727
15–20.....	\$ 761

(2) Commencing July 1, 2011, the basic rate set forth in this subdivision shall be annually adjusted on July 1 by the annual percentage change in the California Necessities Index applicable to the calendar year within which each July 1 occurs.

(3) Subdivisions (e) and (f) shall apply to payments made pursuant to this subdivision.

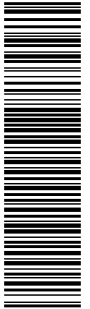
(4) (A) (i) For the 2016–17 fiscal year, the department shall develop a basic rate in coordination with the development of the foster family agency rate authorized in Section 11463 that ensures a child placed in a home-based setting described in paragraph (1), and a child placed in a certified family home or with a resource family approved by a foster family agency, is eligible for the same basic rate set forth in this paragraph.

(ii) The rates developed pursuant to this paragraph shall not be lower than the rates proposed as part of the Governor’s 2016 May Revision.

(iii) ~~Unless the Tiered Rate Structure established in subdivision (h) applies to a child or nonminor dependent, a certified family home of a foster family agency shall be paid the basic rate set forth in this paragraph only through December 31, 2024.~~
2027.

(B) The basic rate paid to either a certified family home or a resource family approved by a foster family agency shall be paid by the agency to the certified family home or resource family from the rate that is paid to the agency pursuant to Section 11463.

(C) 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



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of the Government Code), the basic rates and the manner in which they are determined shall be set forth in written directives until regulations are adopted.

(D) The basic rates set forth in written directives or regulations pursuant to subparagraph (C) shall become inoperative on January 1, ~~2025~~, 2028.

(5) (A) (i) Subject to an appropriation in the annual Budget Act, the rate paid for a nonminor dependent placed in a supervised independent living placement in California, as defined in subdivision (w) of Section 11400, shall be supplemented with a housing supplement, which shall be calculated by the department as the difference between one-half of the federal fiscal year 2023 fair market rent for a two-bedroom apartment in the county in which the nonminor resides and 30 percent of the rate established pursuant to paragraphs (1) to (4), inclusive, of this subdivision.

(ii) A nonminor dependent shall not receive a monthly rate less than the rate established pursuant to paragraphs (1) to (4), inclusive, of this subdivision.

(B) The supplement pursuant to subparagraph (A) shall commence on July 1, 2025, or when the department notifies the Legislature that the Statewide Automated Welfare System (CalSAWS) can perform the necessary automation to implement it, whichever is later.

(C) The monthly housing supplement payment made pursuant to this section shall be added to the rate paid to a nonminor dependent placed in a supervised independent living placement and shall be prorated based on the number of days in a month the nonminor dependent was in the placement eligible for the supplement. Notwithstanding Section 11466.24, overpayments shall not be collected on the housing supplement pursuant to this paragraph.

(D) The department shall work with the County Welfare Directors Association of California and the CalSAWS to develop and implement the necessary system changes to implement the housing supplement provided pursuant to subparagraph (A).

(E) Consistent with the implementation timeline in subparagraph (B), the department shall annually calculate the housing supplement described in this paragraph by November 1 of each year and shall inform the CalSAWS of the amount of the supplement by means of all-county letters or similar written instructions. The department shall annually inform county welfare agencies in the month of July of the following year of the amount of the supplement by means of all-county letters or similar written instructions.

(F) For purposes of this paragraph, "fair market rent" means the federal fiscal year 2023 rent calculated for the fair market rent system developed by the United States Department of Housing and Urban Development for use in determining the allowable rent level for an individual who participates in the Housing Choice Voucher program, including the cost of housing and utilities, except for telephone, cable, and internet, and is calculated for each county by the United States Department of Housing and Urban Development.

(h) Unless otherwise specified by law, and except as provided in paragraphs (6) to (8), inclusive, in accordance with the schedules provided in paragraph (4) and Sections 16562 and 16565, the per child per month rate for every child in foster care shall be based on the Tiered Rate Structure as set forth in this subdivision.

(1) The following definitions shall apply for purposes of the Tiered Rate Structure established in this section:



(A) “Integrated Practice-Child and Adolescent Needs and Strengths” or “IP-CANS” means a validated functional assessment tool that supports decisionmaking and allows for the monitoring of outcomes and services, assesses the well-being of children through the identification of their strengths and needs, and determines their tier as part of the Tiered Rate Structure established in this subdivision.

(B) “Tiered Rate Structure” means the framework that establishes a rate structure consisting of three tiers developed by the department based on a statistical analysis of the IP-CANS assessment of California foster children. The tier levels are designed to address the levels of care and needs of the children in each tier regardless of their placement setting.

(2) The Tiered Rate Structure shall consist of the following three components:

(A) An amount paid to the foster care provider in return for care and supervision, as defined in subdivision (b) of Section 11460.

(B) Strengths Building Funding to provide for a child’s strengths building objectives, as identified by the IP-CANS, paid pursuant to the Strengths Building Child and Family Determination Program established in Section 16565.

(C) Immediate Needs Funding to provide for a child’s immediate needs as identified by the IP-CANS, paid pursuant to the Immediate Needs Program established in Section 16562.

(3) As the Care and Supervision component of the Tiered Rate Structure, foster care providers shall be paid a per child per month rate in return for care and supervision, as defined in subdivision (b) of Section 11460, excluding paragraphs (1) and (2) of that subdivision, based on the child’s tier established by the results of the child’s IP-CANS assessment, as follows:

Tier 1: \$1788

Tier 2: \$3490

Tier 3: \$6296 [Ages 0-5]

Tier 3+: \$6296 [Ages 6+]

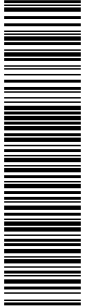
(4) The Care and Supervision component of the Tiered Rate Structure described in paragraph (3) shall be phased in as follows:

(A) For new entries into foster care, beginning on the date required by paragraph (9), a rate equivalent to Tier 2 of the Care and Supervision component, as set forth in paragraph (3), shall be paid pending completion of the IP-CANS assessment to determine the child’s tier or for the first 60 days after the child enters foster care, as defined in written guidance to be provided by the department. Upon the completion of the IP-CANS assessment, the rate shall be paid as set forth in paragraph (3).

(B) For all other children in foster care placement on July 1, 2026, the rate for the Care and Supervision component as set forth in paragraph (3) shall be paid consistent with the child’s tier as determined by the child’s IP-CANS assessment, pursuant to a schedule to be determined by the department, but in no case later than January 1, 2028.

(5) The rate set forth in paragraph (3) shall be annually adjusted on July 1 by the annual percentage change in the California Necessities Index applicable to the calendar year within which each July 1 occurs.

(6) Notwithstanding paragraph (3), the following care and supervision rates shall apply in the following settings:



(A) The care and supervision rate paid on behalf of a child or nonminor dependent placed in a setting described in subdivision (d) of Section 11402 shall be the rate set forth in Section 11403.3.

(B) The rate paid for a nonminor dependent placed in a setting described in subdivision (w) of Section 11400 shall be the rate set forth in paragraphs (4) and (5) of subdivision (g). Beginning July 1, 2026, the rate paid shall consist of the sum of the following:

(i) A rate equivalent to Tier 1 of the care and supervision rate in paragraph (3) inclusive of any annual adjustments described in paragraph (5).

(ii) A rate equivalent to Tier 1 of the Strengths Building Funding set forth in paragraph (1) of subdivision (d) of Section 16565.

(iii) Subject to an appropriation in the annual Budget Act, the housing supplement described in paragraph (5) of subdivision (g), if applicable.

(C) The rate paid on behalf of a child or nonminor dependent placed in a setting described in subdivision (h) of Section 11402 shall be the rate established by the State Department of Developmental Services.

(7) Notwithstanding paragraph (3), the Care and Supervision component shall not apply to a child or nonminor dependent placed in a temporary shelter care facility or transitional shelter care facility.

(8) Notwithstanding paragraphs (1) to (4), inclusive, the Tiered Rate Structure shall not apply to a child whose nonrelated legal guardianship was ordered in probate court pursuant to Article 2 (commencing with Section 1510) of Chapter 1 of Part 2 of Division 4 of the Probate Code.

(9) The three components of the Tiered Rate Structure described in paragraph (2) shall become operative on July 1, 2026, or the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement the Tiered Rate Structure, whichever is later.

(10) 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 subdivision by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2035.

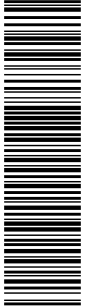
(h)

(i) Beginning in the 2011–12 fiscal year, and each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

SEC. 11. Section 11461.2 of the Welfare and Institutions Code is amended to read:

11461.2. (a) It is the intent of the Legislature to ensure quality care for children who are placed in the continuum of AFDC-FC eligible placement settings.

(b) The State Department of Social Services shall establish, in consultation with county welfare departments and other stakeholders, as appropriate, a working group to develop recommended revisions to the current ratesetting system, services, and programs serving children and families in the continuum of AFDC-FC eligible



placement settings including, at a minimum, all programs provided by foster family agencies and group homes including those providing residentially based services, as defined in paragraph (1) of subdivision (a) of Section 18987.71.

(c) In developing the recommended revisions identified in subdivision (b), the working group shall consider all of the following:

(1) How ratesetting systems for foster care providers, including, at least, foster family agencies and group homes, can better support a continuum of programs and services that promote positive outcomes for children and families. This may include a process for matching the child's strengths and needs to the appropriate placement setting.

(2) How the provision of an integrated, comprehensive set of services including mental health and other critical services for children and youth support the achievement of well-being, permanency, and safety outcomes.

(3) How to ensure the provision of services in a family setting that promotes normal childhood experiences and that serves the needs of the child, including aftercare services, when appropriate.

(4) How to provide outcome-based evaluations of foster care providers or other methods of measuring quality improvement including measures of youth and families' satisfaction with services provided and program effectiveness.

(5) How changes in the licensing, ratesetting, and auditing processes can improve the quality of foster care providers, the quality of services and programs provided, and enhance the oversight of care provided to children, including, but not limited to, accreditation, administrator qualifications, and the reassignment of these responsibilities within the department.

(d) In addition to the considerations in subdivision (c), the workgroup recommendations shall be based on the review and evaluation of the current ratesetting systems, actual cost data, and information from the provider community as well as research on other applicable ratesetting methodologies, evidence-based practices, information developed as a result of pilots approved by the director, and any other relevant information.

(e) (1) The workgroup shall develop the content, format, and data sources for reports to be posted by the department on a public ~~Internet Web site~~ internet website describing the outcomes achieved by providers with foster care rates set by the department.

(2) Commencing January 1, 2017, and at least semiannually after that date, the department shall publish and make available on a public ~~Internet Web site~~, internet website short-term residential therapeutic program and foster family agency provider performance indicators.

(f) (1) Recommendations developed pursuant to this section shall include the plan required under subdivision (d) of Section 18987.7. Updates regarding the workgroup's establishment and its progress toward meeting the requirements of this section shall be provided to the Legislature during 2012–13 and 2013–14 budget hearings. The revisions recommended pursuant to the requirements of subdivision (b) shall be submitted in a report to the appropriate policy and fiscal committees of the Legislature by October 1, 2014.

(2) The requirement for submitting a report pursuant to this subdivision is inoperative on October 1, 2018, pursuant to Section 10231.5 of the Government Code.



(g) (1) The department shall retain the authority to extend the workgroup after October 1, 2014, to ensure that the objectives of this section are met and to reconvene this workgroup as necessary to address any future recommended changes to the continuum of AFDC-FC eligible placement settings pursuant to this section.

(2) Extension of the workgroup and objective shall include all providers, as defined in Section 11466.

(h) This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

SEC. 12. Section 11461.3 of the Welfare and Institutions Code is amended to read:

11461.3. (a) The Approved Relative Caregiver Funding Program is hereby established for the purpose of making the amount paid to an approved relative caregiver for the in-home care of children and nonminor dependents placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children and nonminor dependents who are eligible for AFDC-FC payments.

(b) Unless the child or nonminor dependent is eligible for the dual agency rate pursuant to Section 11464, the county with payment responsibility shall pay an approved relative caregiver a per child per month rate at the child's or nonminor dependent's assessed level of care, as set forth in subdivision (g) of Section 11461 and Section 11463, or on and after the date required by paragraph (9) of subdivision (h) of Section 11461, the rate developed pursuant to the Tiered Rate Structure established in subdivision (h) of Section 11461, as applicable, in return for the care and supervision, as defined in subdivision (b) of Section 11460, of the child or nonminor dependent if all of the following conditions are met:

(1) The child or nonminor dependent resides in California.

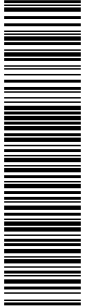
(2) The child or nonminor dependent is described by subdivision (b), (c), or (e) of Section 11401 and the county welfare department or the county probation department is responsible for the placement and care of the child or nonminor dependent.

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

(c) Subdivision (b) shall not be interpreted to prevent a county from supplementing the payment made to the approved relative caregiver with any county optional program, including, but not limited to, a specialized care increment, as described in subdivision (e) of Section 11461, or a clothing allowance, as described in subdivision (f) of Section 11461.

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

(e) Counties shall recoup an overpayment in the Approved Relative Caregiver Funding Program received by an approved relative caregiver using the standards and processes for overpayment recoupment that are applicable to overpayments to an approved resource family, 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 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 Program payment, if any.

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

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

(g) 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.

(h) 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.

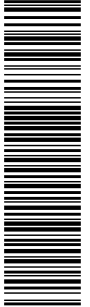
(i) For purposes of this section, an "approved relative caregiver" includes a relative, as defined by paragraph (2) of subdivision (h) of Section 319, who has been approved as a resource family pursuant to Section 16519.5.

(j) (1) Notwithstanding subdivision (b) and effective the first of the month following the date the department issues comprehensive policy, fiscal, and claiming instructions that will enable counties to implement this subdivision pending the establishment of a new aid code, if needed, a child or nonminor dependent placed out of state in the home of a relative shall be eligible for payment pursuant to this section under the following conditions:

(A) The home of the relative is licensed or approved consistent with the requirements of the state in which the home is located.

(B) The child is described by paragraphs (2) and (3) of subdivision (b).

(C) All other eligibility conditions are met.



(2) Payments made pursuant to this section shall be equal to, but not exceed, the foster care rate set by the rate-setting authority of the state in which the home is located, subject to any offset required pursuant to subdivision (d).

(k) The department shall adopt emergency regulations implementing this section no later than January 1, 2023. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(l) Notwithstanding any other law, when the placement of a child with a relative, as defined by paragraph (2) of subdivision (h) of Section 319, has been authorized by the juvenile court and the placement is ineligible for both emergency caregiver funding pursuant to Section 11461.36 and AFDC-FC due to the denial of resource family approval, the placement shall be funded pursuant to the provisions of this section.

SEC. 13. Section 11461.36 of the Welfare and Institutions Code is amended to read:

11461.36. (a) It is the intent of the Legislature to provide support to emergency caregivers, as defined in subdivision (c), who care for children and nonminor dependents before approval of an application under the Resource Family Approval Program.

(b) For placements made on and after July 1, 2018, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure, pursuant to Section 11463, to an emergency caregiver on behalf of a child or nonminor dependent placed in the home of the caregiver pursuant to subdivision (d) of Section 309, Section 361.45, Section 727.05, or clause (i) of subparagraph (A) of paragraph (1) of subdivision (h) of Section 319, or based on a compelling reason pursuant to subdivision (e) of Section 16519.5, subject to the availability of state and federal funds pursuant to subdivision (e), if all of the following criteria are met:

(1) The child or nonminor dependent is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the emergency caregiver.

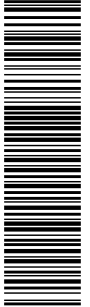
(2) The child or nonminor dependent resides in California.

(3) The emergency caregiver has signed and submitted to the county an application for resource family approval.

(4) An application for the Emergency Assistance Program has been completed.

(c) For purposes of this section, an "emergency caregiver" means an individual who has a pending resource family application filed with an appropriate agency on or after July 1, 2018, and who meets one of the following requirements:

(1) The individual has been assessed pursuant to Section 361.4.



(2) The individual has successfully completed the home environment assessment portion of the resource family approval pursuant to paragraph (2) of subdivision (d) of Section 16519.5.

(d) The beginning date of aid for payments made pursuant to subdivision (b) shall be the date of placement.

(e) Funding for payments made pursuant to subdivision (b) shall be as follows:

(1) For emergency or compelling reason placements made during the 2018–19 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), beyond 180 days, or, if the conditions of subparagraph (E) are met, beyond 365 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 180 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

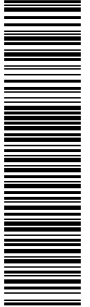
(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 90 days and the reason for the delays.

(2) For emergency or compelling reason placements made during the 2019–20 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.



(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reason for the delays.

(3) For emergency or compelling reason placements made during the 2020–21 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

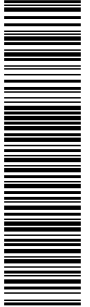
(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designees, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reasons for the delays.



(F) The 365-day payment limitation pursuant to subparagraph (E) and accompanying rules and regulations is suspended through June 30, 2021, subject to guidance from the State Department of Social Services.

(4) For emergency or compelling reason placements made during the 2021–22 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) Notwithstanding subparagraph (D), the federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designees, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reasons for the delays.

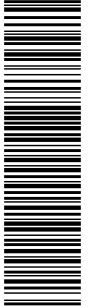
(5) For emergency or compelling reason placements made during the 2022–23 fiscal year, and each fiscal year thereafter:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant, 70 percent of the cost of the emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.



(E) Notwithstanding subparagraph (D), the federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for delay in approving the resource family application that is outside the direct control of the county due to processing background check clearances or exemptions or medical examinations, delays in home or grounds improvements that are outside the control of the family or county, completion of specialized or individualized training required of the family that are beyond the basic resource family approval requirements, delays related to changes in the home environment resulting in the need for a new assessment, delays related to the time commitments required of the caregiver as a result of the child's placement into foster care, delays as a result of the applicant exercising due process rights, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designees, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 90 days, the reasons for the delays, and documentation supporting the good cause determination.

(f) (1) An emergency caregiver eligible for payments pursuant to subdivision (b) of Section 11461.35, as that section read on June 30, 2018, shall continue to be eligible for those payments on and after July 1, 2018, until the emergency caregiver's resource family application is approved or denied.

(2) Funding for a payment described in paragraph (1) shall be as follows:

(A) If the emergency caregiver was eligible to receive payments funded through the Approved Relative Caregiver Funding Program, payments shall be made through that program until the application for resource family approval is approved or denied.

(B) If the emergency caregiver was eligible to receive payments funded through the Emergency Assistance Program, payments shall be made through that program, subject to the following conditions:

(i) Up to 180 total days or, if the conditions of subparagraph (D) are met, up to 365 total days of payments shall be made to the emergency caregiver through the Emergency Assistance Program. For the purpose of this subdivision, "total days of payments" includes all payments made to the emergency caregiver through the Emergency Assistance Program pursuant to this section and Section 11461.35, as that section read on June 30, 2018.

(ii) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), beyond 180 days, or, if the conditions of subparagraph (D) are met, beyond 365 days, whichever occurs first.

(D) The federal and state share of payment made pursuant to this subdivision shall be available beyond 180 total days of payments, and up to 365 total days of payments, when the following conditions are met:



(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 90 days, the number of cases that have received more than 90 total days of payments pursuant to this section and Section 11461.35, and the reason for the delays in approval or denial of the resource family applications.

(f) On and after the date required by paragraph (9) of subdivision (h) of Section 11461, and notwithstanding the rate described in subdivisions (b) and (l), the rate paid to an emergency caregiver on behalf of a child placed with the emergency caregiver shall be equivalent to, and paid in the same manner as, the rate developed pursuant to the Tiered Rate Structure, as established in paragraph (3) of subdivision (h) of Section 11461.

(g) (1) If the application for resource family approval is approved, the funding source for the placement shall be changed to AFDC-FC or the Approved Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility requirements.

(2) If the application for resource family approval is denied, eligibility for funding pursuant to this section shall be terminated.

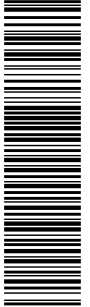
(h) A county shall not be liable for any federal disallowance or penalty imposed on the state as a result of a county's action in reliance on the state's instruction related to implementation of this section.

(i) (1) For the 2018–19 and 2019–20 fiscal years, the department shall determine, on a county-by-county basis, whether the timeframe for the resource family approval process resulted in net assistance costs or net assistance savings for assistance payments, pursuant to this section.

(2) For the 2018–19 and 2019–20 fiscal years, the department shall also consider, on a county-by-county basis, the impact to the receipt of federal Title IV-E funding that may result from implementation of this section.

(3) The department shall work with the California State Association of Counties to jointly determine the timeframe for subsequent reviews of county costs and savings beyond the 2019–20 fiscal year.

(j) (1) The department shall monitor the implementation of this section, including, but not limited to, tracking the usage and duration of Emergency Assistance Program payments made pursuant to this section and evaluating the duration of time a child or nonminor dependent is in a home pending resource family approval. ~~The department may conduct county reviews or case reviews, or both, to monitor the implementation of this section and to ensure successful implementation of the county plan, submitted pursuant to subparagraph (B) of paragraph (2) of subdivision (e) of Section 11461.35, to eliminate any resource family approval backlog by September 1, 2018.~~



(2) The department may request information or data necessary to oversee the implementation of this section until data collection is available through automation. Pending the completion of automation, information or data collected manually shall be determined in consultation with the County Welfare Directors Association of California.

(k) An appropriation shall not be made pursuant to Section 15200 for purposes of implementing this section.

(l) (1) On and after July 1, 2019, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure, pursuant to Section 11463, on behalf of an Indian child, as defined in subdivision (a) of Section 224.1, placed in the home of the caregiver who is pending approval as a tribally approved home, as defined in subdivision (r) of Section 224.1, if all of the following criteria are met:

(A) The placement is made pursuant to subdivision (d) of Section 309, Section 361.45, Section 727.05, or clause (i) of subparagraph (A) of paragraph (1) of subdivision (h) of Section 319.

(B) The caregiver has been assessed pursuant to Section 361.4.

(C) The child is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the caregiver.

(D) The child resides in California.

(E) The tribe or tribal agency has initiated the process for the home to become tribally approved.

(F) An application for the Emergency Assistance Program has been completed by the placing agency.

(2) The beginning date of aid for payments made pursuant to this subdivision shall be the date of placement.

(3) The funding source for the placement shall be changed to AFDC-FC or the Approved Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility requirements, when the caregiver is approved as a tribally approved home. If the approval is denied, payments made pursuant to this subdivision shall cease.

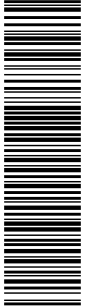
(4) Subdivision (e) and subdivisions (h) to (k), inclusive, shall apply to payments made pursuant to this subdivision.

(m) 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 and administer this section through an all-county letter or similar instructions, which shall include instructions regarding the eligibility standards for emergency assistance until regulations are adopted.

SEC. 14. Section 11461.4 of the Welfare and Institutions Code is amended to read:

11461.4. (a) Notwithstanding any other law, a tribe that has entered into an agreement pursuant to Section 10553.1 may elect to participate in the Tribal Approved Relative Caregiver Funding Program.

(b) (1) In return for the care and supervision of a child placed with an approved relative caregiver, a participating tribe shall pay the approved relative caregiver a per child per month rate that, when added to the tribal Temporary Aid to Needy Families



(tribal TANF) benefit received by the approved relative caregiver on behalf of the child, shall equal the rate established for the child's assessed level of care, as set forth in subdivision (g) of Section 11461 and in Section ~~11463~~. 11463, or, on and after the date required by paragraph (9) of subdivision (h) of Section 11461, the rate developed pursuant to the Tiered Rate Structure, as established in subdivision (h) of Section 11461, as applicable.

(2) Payments made pursuant to paragraph (1) shall be made only if all of the following conditions exist:

(A) The tribe has notified the department in writing of its decision to participate in the program, consistent with subdivision (c).

(B) The child has been removed from the parent or guardian and has been placed into the placement and care responsibility of the tribal child welfare agency pursuant to a voluntary placement agreement or by the tribal court, consistent with the tribe's Title IV-E agreement.

(C) The child resides within California.

(D) The caregiver is receiving tribal TANF payments, or an application for tribal TANF has been made, on behalf of the child.

(E) 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.

(3) Any income or benefits received by an eligible child, or by the approved relative caregiver on behalf of an eligible child, which would be offset against a payment made to a foster care provider, shall be offset from the amount paid by the tribe under the program. This paragraph shall not apply to any tribal TANF payments received on behalf of an eligible child.

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

(5) To the extent permitted by federal law, payments received by the approved relative caregiver from the program shall not be considered income for the purpose of determining other public benefits.

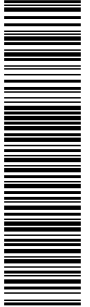
(6) Paragraph (1) shall not be interpreted to prevent any participating tribe from supplementing the payment made to the approved relative caregiver with any tribal optional program, including, but not limited to, a specialized care increment or a clothing allowance.

(c) A tribe electing to participate in the program shall notify the department of that fact in writing at least 60 days prior to the date the tribe will begin participation. As a condition of participation, the tribe shall do all of the following:

(1) Provide to the department the tribal TANF maximum aid payment (MAP) rate in effect at the time that the tribe elects to participate in the program, consistent with the tribe's approved tribal TANF plan.

(2) Agree to recoup overpayments to an approved relative caregiver utilizing the standards for determining whether an overpayment is recoupable, and the processes for overpayment recoupment, that are applicable to overpayments as described in the tribe's Title IV-E agreement entered into pursuant to Section 10553.1.

(3) Agree to make child support referrals for program cases, consistent with processes applied by the tribe to Title IV-E program cases.



(d) The following funding shall be used for the program:

- (1) The tribe's applicable per-child tribal TANF grant.
- (2) General Fund resources specified in the annual Budget Act.

(e) For the purposes of this section, the following definitions apply:

(1) "Program" means the Tribal Approved Relative Caregiver Funding Program established in this section.

(2) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution, or as otherwise established consistent with the tribe's Title IV-E agreement.

(3) "Tribe" means a federally-recognized Indian tribe, consortium of tribes, or tribal organization with an agreement pursuant to Section 10553.1.

SEC. 15. Section 11462 of the Welfare and Institutions Code is amended to read:

11462. (a) The department shall commence development of a new payment structure for short-term residential therapeutic program placements claiming Title IV-E funding, in consultation with county placing agencies and providers.

(b) The department shall develop a rate system that includes consideration of all of the following factors:

(1) Core services, made available to children and nonminor dependents either directly or secured through formal agreements with other agencies, which are trauma informed and culturally relevant and include:

(A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services under the Medi-Cal Early and Periodic Screening, Diagnostic, and Treatment program.

(B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.

(C) Educational and physical, behavioral, and mental health supports, including extracurricular activities and social supports.

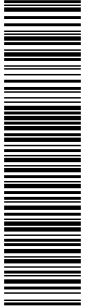
(D) Activities designed to support transition-age youth and nonminor dependents in achieving a successful adulthood.

(E) Services to achieve permanency, including supporting efforts to reunify or achieve adoption or guardianship and efforts to maintain or establish relationships with parents, siblings, extended family members, tribes, or others important to the child or youth, as appropriate.

(F) When serving Indian children, as defined in subdivisions (a) and (b) of Section 224.1, the core services described in subparagraphs (A) to (E), inclusive, which shall be provided to eligible children consistent with active efforts pursuant to Section 361.7.

(G) (i) Facilitating the identification and, as needed, the approval of resource families pursuant to Section 16519.5, for the purpose of transitioning children and youth to family-based care.

(ii) If a short-term residential therapeutic program elects to approve and monitor resource families directly, the program shall comply with all laws applicable to foster family agencies, including, but not limited to, those set forth in the Community Care



Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code).

(iii) For short-term residential therapeutic programs that elect to approve and monitor resource families directly, the department shall have all the same duties and responsibilities as those programs have for licensed foster family agencies, as set forth in applicable law, including, but not limited to, those set forth in the Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code).

(2) The core services specified in subparagraphs (A) to (G), inclusive, of paragraph (1) are not intended to duplicate services already available to foster children in the community, but to support access to those services and supports to the extent they are already available. Those services and supports may include, but are not limited to, foster youth services available through county offices of education, Indian Health Services, or school-based extracurricular activities.

(3) Specialized and intensive treatment supports that encompass the elements of nonmedical care and supervision necessary to meet a child's or youth's safety and other needs that cannot be met in a family-based setting.

(4) Staff training.

(5) Health and Safety Code requirements.

(6) Accreditation that includes:

(A) Provision for all licensed short-term residential therapeutic programs to obtain and maintain in good standing accreditation from a nationally recognized accreditation agency, as identified by the department, with expertise in programs for children or youth group care facilities, as determined by the department.

(B) Promulgation by the department of information identifying that agency or agencies from which accreditation shall be required.

(C) Provision for timely reporting to the department of any change in accreditation status.

(D) Provision for reduction or revocation of the rate in the event of the suspension, lapse, revocation, or other loss of accreditation, or failure to provide proof of that accreditation to the department upon request.

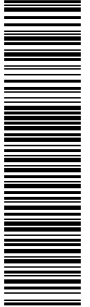
(7) Mental health certification, including a requirement to timely report to the department any change in mental health certificate status.

(8) Maximization of federal financial participation under Title IV-E and Title XIX of the Social Security Act.

(c) The department shall establish rates pursuant to subdivisions (a) and (b) commencing January 1, 2017. The rate structure shall include an interim rate, a provisional rate for new short-term residential therapeutic programs, and a probationary rate. The department may issue a one-time reimbursement for accreditation fees incurred after August 1, 2016, in an amount and manner determined by the department in written directives.

(1) (A) ~~Initial~~ Unless the Tiered Rate Structure established in subdivision (h) of Section 11461 applies to a child or nonminor dependent, initial interim rates developed pursuant to this section shall be effective January 1, 2017, through to December 31, 2024. 2027, inclusive.

(B) The initial interim rates developed pursuant to this paragraph shall not be lower than the rates proposed as part of the Governor's 2016 May Revision.



(C) The initial interim rates set forth in written directives or regulations pursuant to paragraph (3) shall become inoperative on January 1, ~~2025~~, 2028.

~~(D) It is the intent of the Legislature to establish an ongoing payment structure no later than January 1, 2025.~~

(2) Consistent with Section 11466.01, for provisional and probationary rates, the following shall be established:

(A) Terms and conditions, including the duration of the rate.

(B) An administrative review process for rate determinations, including denials, reductions, and terminations.

(C) An administrative review process that includes a departmental review, corrective action, and a protest with the department. 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), this process shall be disseminated by written directive pending the promulgation of regulations.

(3) 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 initial interim rates, provisional rates, and probationary rates and the manner in which they are determined shall be set forth in written directives until regulations are adopted.

(d) The department shall develop a system of governmental monitoring and oversight that shall be carried out in coordination with the State Department of Health Care Services. Oversight responsibilities shall include, but not be limited to, ensuring conformity with federal and state law, including program, fiscal, and health and safety audits and reviews. The state agencies shall attempt to minimize duplicative audits and reviews to reduce the administrative burden on providers.

(e) (1) Notwithstanding the rates established pursuant to subdivisions (a) to (c), inclusive, the care and supervision rate paid on behalf of a child or nonminor dependent placed in a short-term residential therapeutic program on or after the date required by paragraph (9) of subdivision (h) of Section 11461 shall be based on the Tiered Rate Structure established in subdivision (h) of Section 11461.

(2) Provided all federal and state rate and licensing requirements are met, the per child per month care and supervision rate, as set forth in paragraph (3) of subdivision (h) of Section 11461, for a child or nonminor dependent placed in a short-term residential therapeutic program shall include a rate, according to the child's or nonminor dependent's tier, as determined by the child's or nonminor dependent's periodic IP-CANS assessment, for administrative and other activities described in paragraphs (1) and (2) of subdivision (b) of Section 11460, according to the following tiered schedule:

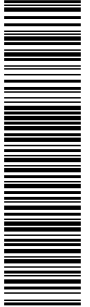
Tier 1: \$1610

Tier 2: \$2634

Tier 3: \$2634 [Ages 0-5]

Tier 3+: \$7213 [Ages 6+]

(3) In addition to the care and supervision rate, provided a short-term residential therapeutic program is certified by the department as an immediate needs provider, a presumption exists that the placing agency will contract with the short-term therapeutic residential program to provide services and supports using the Immediate Needs Funding for a child who is eligible for the Immediate Needs Program established in Section



16562, and who is placed in the short-term residential therapeutic residential program, unless the placing agency determines it is in the best interest of the child to receive services and supports from another certified Immediate Needs Provider.

(4) 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 subdivision by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2035.

SEC. 16. Section 11462.01 of the Welfare and Institutions Code is amended to read:

11462.01. (a) (1) If a program will admit Medi-Cal beneficiaries, no later than 12 months following the date of initial licensure, a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 of this code and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code, shall obtain a contract, subject to an agreement on rates and terms and conditions, with a county mental health plan to provide specialty mental health services and demonstrate the ability to meet the therapeutic needs of each child, as identified in any of the following:

- (A) A mental health assessment.
- (B) The child's case plan.
- (C) The child's needs and services plan.

(D) The assessment of a qualified individual, as defined in subdivision (l) of Section 16501.

(E) Other documentation demonstrating the child has a mental health need.

(2) A short-term residential therapeutic program shall comply with any other mental health program approvals required by the State Department of Health Care Services or by a county mental health plan to which mental health program approval authority has been delegated.

(b) A short-term residential therapeutic program, except as specified in subdivision (c), may accept for placement a child who meets both of the criteria in paragraphs (1) and (2) and at least one of the conditions in paragraph (3).

(1) The child does not require inpatient care in a licensed health facility.

(2) The child has been assessed as requiring the level of services provided in a short-term residential therapeutic program in order to maintain the safety and well-being of the child or others due to behaviors, including those resulting from traumas, that render the child or those around the child unsafe or at risk of harm, or that prevent the effective delivery of needed services and supports provided in the child's own home or in other family settings, such as with a relative, guardian, foster family, resource family, or adoptive family. The assessment shall ensure the child has needs in common with other children or youth in the care of the facility, consistent with subdivision (c) of Section 16514.

(3) The child meets at least one of the following conditions:

(A) The child has been assessed, pursuant to Section 4096, as meeting the medical necessity criteria for Medi-Cal specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.



(B) The child has been assessed, pursuant to Section 4096, as seriously emotionally disturbed, as defined in subdivision (a) of Section 5600.3.

(C) The child requires emergency placement pursuant to paragraph (3) of subdivision (h).

(D) The child has been assessed, pursuant to Section 4096, as requiring the level of services provided by the short-term residential therapeutic program in order to meet the child's behavioral or therapeutic needs.

(4) Subject to the requirements of this subdivision, a short-term residential therapeutic program may have a specialized program to serve a child, including, but not limited to, the following:

(A) A commercially sexually exploited child.

(B) A private voluntary placement, if the youth exhibits status offender behavior, the parents or other relatives feel they cannot control the child's behavior, and short-term intervention is needed to transition the child back into the home.

(C) A juvenile sex offender.

(D) A child who is affiliated with, or impacted by, a gang.

(c) (1) A short-term residential therapeutic program that is operating as a children's crisis residential program, as defined in Section 1502 of the Health and Safety Code, may accept for admission any child who meets all of the requirements set forth in paragraph (3) of subdivision (c) of Section 11462.011 and subdivisions (a) to (e), inclusive, of Section 4096.

(2) The primary function of a children's crisis residential program is to provide short-term crisis stabilization, therapeutic intervention, and specialized programming in an unlocked, staff-secured setting with a high degree of supervision and structure and the goal of supporting the rapid and successful transition of the child back to the community.

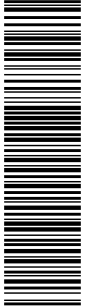
(d) A foster family agency that is certified as a Medi-Cal specialty mental health provider pursuant to Section 1810.435 of Title 9 of the California Code of Regulations by the State Department of Health Care Services, or by a county mental health plan to which the department has delegated certification authority, and which has entered into a contract with a county mental health plan pursuant to Section 1810.436 of Title 9 of the California Code of Regulations, shall provide, or provide access to, specialty mental health services to children under its care who do not require inpatient care in a licensed health facility and who meet the medical necessity criteria for Medi-Cal specialty mental health services provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(e) A foster family agency that is not certified as a Medi-Cal specialty mental health provider shall provide access to specialty and mental health services and other services in that program for children who do not require inpatient care in a licensed health facility and who meet any of the conditions in paragraph (3) of subdivision (b). In this situation, the foster family agency shall do the following:

(1) In the case of a child who is a Medi-Cal beneficiary, arrange for specialty mental health services from the county mental health plan.

(2) In all other cases, arrange for the child to receive mental health services.

(f) All short-term residential therapeutic programs shall maintain the level of care and services necessary to meet the needs, including the assessed needs and child-specific goals identified by a qualified individual pursuant to subdivision (g) of



Section 4096, as applicable, of the children and youth in their care and shall maintain and have in good standing the appropriate mental health program approval. If a program will admit Medi-Cal beneficiaries, the short-term residential therapeutic program shall obtain a certification to provide Medi-Cal specialty mental health services issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated mental health program approval authority, pursuant to Section 4096.5 of this code or Section 1810.435 or 1810.436 of Title 9 of the California Code of Regulations. All foster family agencies that are certified as a Medi-Cal specialty mental health provider pursuant to Section 1810.435 of Title 9 of the California Code of Regulations shall maintain the level of care and services necessary to meet the needs of children and youth in their care and shall maintain and have in good standing the Medi-Cal specialty mental health provider certification issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated certification authority.

(g) The assessments described in subparagraphs (A), (B), (C), and (D) of paragraph (3) of subdivision (b) shall ensure the child's individual behavioral or treatment needs are consistent with, and can be met by, the facility and shall be made by one of the following, as applicable:

(1) An interagency placement committee, as described in Section 4096, considering the recommendations from the child and family team. If the short-term residential therapeutic program serves children who are placed by county child welfare agencies and children who are placed by probation departments, the interagency placement committee shall also ensure the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(2) A licensed mental health professional as defined in subdivision (j) of Section 4096.

(3) An individualized education program team. For the purposes of this section, an AFDC-FC funded child with an individualized education program developed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code that assesses the child as seriously emotionally disturbed, as defined in, and subject to, this section and recommends out-of-home placement at the level of care provided by the provider, shall be deemed to have met the assessment requirement.

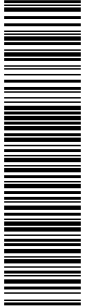
(4) A qualified individual, as defined in subdivision (l) of Section 16501.

(h) (1) The short-term residential therapeutic program shall maintain documentation of the assessments required pursuant to Section 4096 for AFDC-FC funded children, except as provided for in paragraph (3) of subdivision (g). The short-term residential therapeutic program shall inform the department if the county placing agency does not provide the documentation.

(2) The approval shall be in writing and shall indicate that the interagency placement committee has determined one of the following:

(A) The child meets the medical necessity criteria for Medi-Cal specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) The child is seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3.



(3) (A) Nothing in subdivisions (a) to (g), inclusive, or this subdivision shall prevent an emergency placement of a child or youth into a certified short-term residential therapeutic program prior to the determination by the interagency placement committee, but only if a licensed mental health professional, as defined in subdivision (j) of Section 4096, has made a written determination within 72 hours of the child's or youth's placement, that the child or youth requires the level of services and supervision provided by the short-term residential therapeutic program in order to meet their behavioral or therapeutic needs. If the short-term residential therapeutic program serves children placed by county child welfare agencies and children placed by probation departments, the interagency placement committee shall also ensure the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(i) The interagency placement committee, as appropriate, shall, within 30 days of placement, make the determinations, with recommendations from the child and family team, required by this subdivision.

(ii) If it determines the placement is appropriate, the interagency placement committee, with recommendations from the child and family team, shall transmit the approval, in writing, to the county placing agency and the short-term residential therapeutic program.

(iii) If it determines the placement is not appropriate, the interagency placement committee shall respond pursuant to subparagraph (B).

(B) (i) If the interagency placement committee determines at any time that the placement is not appropriate, it shall, with recommendations from the child and family team, transmit the disapproval, in writing, to the county placing agency and the short-term residential therapeutic program and shall include a recommendation as to the child's appropriate level of care and placement to meet the child's service needs. The necessary interagency placement committee representative or representatives shall participate in any child and family team meetings to refer the child or youth to an appropriate placement, as specified in this section.

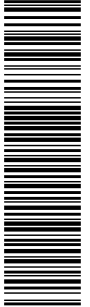
(ii) The child may remain in the placement for the amount of time necessary to identify and transition the child to an alternative, suitable placement. On and after October 1, 2021, federal AFDC-FC shall not be used to fund the placement for more than 30 days from the date that the qualified individual or interagency placement committee determined that the placement is no longer recommended or the court disapproved the placement.

(iii) Notwithstanding clause (ii), if the interagency placement committee determined the placement was not appropriate due to a health and safety concern, immediate arrangements for the child to transition to an appropriate placement shall occur.

(i) Commencing January 1, 2017, for AFDC-FC funded children or youth, only those children or youth who are approved for placement, as set forth in this section, may be accepted by a short-term residential therapeutic program.

(j) The department shall, through regulation, establish consequences for the failure of a short-term residential therapeutic program to obtain written approval for placement of an AFDC-FC funded child or youth pursuant to this section.

(k) The department shall not establish a rate for a short-term residential therapeutic program unless the provider submits a recommendation from the host county or the primary placing county that the program is needed and that the provider



is willing and capable of operating the program at the level sought. For purposes of this subdivision, “host county,” and “primary placing county,” mean the same as defined in the department’s AFDC-FC ratesetting regulations.

(l) Any short-term residential therapeutic program shall be reclassified and paid at the appropriate program rate for which it is qualified if any of the following occur:

(1) (A) It fails to maintain the level of care and services necessary to meet the needs of the children and youth in care, as required by subdivision (a). The determination shall be made consistent with the department’s AFDC-FC ratesetting regulations developed pursuant to Section 11462 and shall take into consideration the highest level of care and associated rates for which the program may be eligible if granted an extension pursuant to Section 11462.04 or any reduction in rate associated with a provisional or probationary rate granted or imposed under Section 11466.01. 11462.

(B) In the event of a determination under this paragraph, the short-term residential therapeutic program may appeal the finding or submit a corrective action plan. The appeal process specified in Section 11466.6 shall be available to a short-term residential therapeutic program. During any appeal, the short-term residential therapeutic program shall maintain the appropriate level of care.

(2) It fails to maintain a mental health treatment program as required by subdivision (f).

(3) It fails to timely obtain or maintain accreditation as required by state law or fails to provide proof of that accreditation to the department upon request.

(m) In addition to any other review required by law, the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501 may periodically review the placement of the child or youth. If the child and family team make a recommendation that the child or youth no longer needs, or is not benefiting from, placement in a short-term residential therapeutic program, the team shall transmit the disapproval, in writing, to the county placing agency to consider a more appropriate placement.

(n) The department shall develop a process to address placements when, subsequent to the child’s or youth’s placement, a determination is made by the interagency placement team and shall consider the recommendations of the child and family team, either that the child or youth is not in need of the care and services provided by the certified program. The process shall include, but not be limited to:

(1) Notice of the determination in writing to both the county placing agency and the short-term residential therapeutic program or foster family agency that provides intensive and therapeutic treatment.

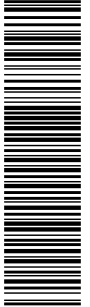
(2) Notice of the county’s plan, and a timeframe, for removal of the child or youth in writing to the short-term residential therapeutic program that provides intensive and therapeutic treatment.

(3) Referral to an appropriate placement.

(4) Actions to be taken if a child or youth is not timely removed from the short-term residential therapeutic program that provides intensive and therapeutic treatment or placed in an appropriate placement.

(o) (1) Nothing in this section shall prohibit a short-term residential therapeutic program from accepting private admissions of children or youth.

(2) When a referral is not from a public agency and public funding is not involved, there is no requirement for public agency review or determination of need.



(3) Children and youth subject to paragraphs (1) and (2) shall have been determined to be seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.4 of the Health and Safety Code, by a licensed mental health professional, as defined in subdivision (j) of Section 4096.

SEC. 17. Section 11462.03 of the Welfare and Institutions Code is amended to read:

11462.03. (a) Notwithstanding subdivision (c) of Section 11462, the data obtained by the department pursuant to that subdivision using 1985 calendar year costs shall be updated and revised by January 1, 1994. The department may use unaudited cost data submitted by group home providers and shall submit its best estimate of what the costs would have been had fiscal audits been completed.

(b) When the department updates the 1985 calendar year costs using unaudited cost information submitted by group home providers, the department shall adjust costs by applying offsets and reasonableness adjustments to the unaudited cost data. The department shall report both adjusted and unadjusted cost data pursuant to this section and subdivision (c) of Section 11462.

(c) This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

SEC. 18. Section 11463 of the Welfare and Institutions Code is amended to read:

11463. (a) The department shall commence development of a new payment structure for the Title IV-E funded foster family agency placement option that maximizes federal funding, in consultation with county placing agencies.

(b) The department shall develop a payment system for foster family agencies that provide treatment, intensive treatment, and therapeutic foster care programs, and shall consider all of the following factors:

(1) Administrative activities that are eligible for federal financial participation provided, at the request of the county, for and to county-licensed or approved family homes and resource families, intensive case management and supervision, and services to achieve legal permanency or successful transition to adulthood.

(2) Social work activities that are eligible for federal financial participation under Title IV-E (42 U.S.C. Sec. 670 et seq.) of the federal Social Security Act.

(3) Social work and mental health services eligible for federal financial participation under Title XIX (42 U.S.C. Sec. 1396 et seq.) of the federal Social Security Act.

(4) Intensive treatment or therapeutic services in the foster family agency.

(5) Core services that are made available to children and nonminor dependents either directly or secured through agreements with other agencies, and which are trauma informed, culturally relevant, and include any of the following:

(A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.

(C) Educational, physical, behavioral, and mental health supports, including extracurricular activities and social supports.



(D) Activities designed to support transition-age youth and nonminor dependents in achieving a successful adulthood.

(E) Services to achieve permanency, including supporting efforts to reunify or achieve adoption or guardianship and efforts to maintain or establish relationships with parents, siblings, extended family members, tribes, or others important to the child or youth, as appropriate.

(F) When serving Indian children, as defined in subdivisions (a) and (b) of Section 224.1, the core services specified in subparagraphs (A) to (E), inclusive, shall be provided to eligible Indian children consistent with active efforts pursuant to Section 361.7.

(G) The core services specified in subparagraphs (A) to (F), inclusive, are not intended to duplicate services already available to foster children in the community, but to support access to those services and supports to the extent already available. Those services and supports may include, but are not limited to, foster youth services available through county offices of education, Indian Health Services, and school-based extracurricular activities.

(6) Staff training.

(7) Health and Safety Code requirements.

(8) A process for accreditation that includes all of the following:

(A) Provision for all licensed foster family agencies to maintain in good standing accreditation from a nationally recognized accreditation agency with expertise in programs for youth group care facilities, as determined by the department.

(B) Promulgation by the department of information identifying the agency or agencies from which accreditation shall be required.

(C) Provision for timely reporting to the department of any change in accreditation status.

(9) Mental health certification, including a requirement to timely report to the department any change in mental health certificate status.

(10) Populations served, including, but not limited to, any of the following:

(A) (i) Children and youth assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, including those children and youth placed out-of-home pursuant to an individualized education program developed under Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code.

(ii) Children assessed as meeting the medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) AFDC-FC children and youth receiving intensive and therapeutic treatment services in a foster family agency.

(C) AFDC-FC children and youth receiving mental health treatment services from a foster family agency.

(11) Maximization of federal financial participation for Title IV-E (42 U.S.C. Sec. 670 et seq.) and Title XIX (42 U.S.C. Sec. 1396 et. seq.) of the federal Social Security Act.

(c) Commencing January 1, 2017, the department shall establish rates pursuant to subdivisions (a) and (b). The rate structure shall include an interim rate, a provisional rate for new foster family agency programs, and a probationary rate. The department



may issue a one-time reimbursement for accreditation fees incurred after August 1, 2016, in an amount and manner determined by the department in written directives.

(1) (A) ~~Initial~~ Unless the Tiered Rate Structure established in subdivision (h) of Section 11461 applies to a child or nonminor dependent, initial interim rates developed pursuant to this section shall be effective January 1, 2017, through to December 31, 2024. 2027, inclusive.

(B) The initial interim rates developed pursuant to this paragraph shall not be lower than the rates proposed as part of the Governor's 2016 May Revision.

(C) The initial interim rates set forth in written directives or regulations pursuant to paragraph (4) shall become inoperative on January 1, ~~2025. 2028.~~

~~(D) It is the intent of the Legislature to develop an ongoing payment structure no later than January 1, 2025. The payment structure shall be implemented when the department notifies the Legislature that the statewide automation systems can complete the necessary automation functions to implement this subparagraph.~~

(2) Consistent with Section 11466.01, for provisional and probationary rates, all of the following shall be established:

(A) Terms and conditions, including the duration of the rate.

(B) An administrative review process for the rate determinations, including denials, reductions, and terminations.

(C) An administrative review process that includes a departmental review, corrective action, and an appeal with the department. 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), this process shall be disseminated by written directive pending the promulgation of regulations.

(3) (A) ~~(i)~~ The foster family agency rate shall include a basic rate pursuant to paragraph (4) of subdivision (g) of Section 11461. A child or youth placed in a certified family home or with a resource family of a foster family agency is eligible for the basic rate, which shall be passed on to the certified parent or resource family along with annual increases in accordance with paragraph (2) of subdivision (g) of Section 11461.

~~(ii) A certified family home of a foster family agency shall be paid the basic rate as set forth in this paragraph only through December 31, 2024.~~

(B) The basic rate paid to either a certified family home or a resource family of a foster family agency shall be paid by the agency to the home from the rate that is paid to the agency pursuant to this section.

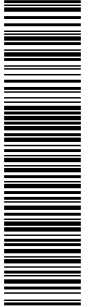
(C) In addition to the basic rate described in this paragraph, the department shall develop foster family agency rates that consider specialized programs to serve children with specific needs, including, but not limited to, all of the following:

(i) Intensive treatment and behavioral needs, including those currently being served under intensive treatment foster care.

(ii) Specialized health care needs.

(4) 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 foster family agency rates, and the manner in which they are determined, shall be set forth in written directives until regulations are adopted.

(d) The department shall develop a system of governmental monitoring and oversight that shall be carried out in coordination with the State Department of Health Care Services. Oversight responsibilities shall include, but not be limited to, ensuring



conformity with federal and state law, including program, fiscal, and health and safety reviews. The state agencies shall attempt to minimize duplicative audits and reviews to reduce the administrative burden on providers.

(e) The department shall consider the impact on children and youth being transitioned to alternate programs as a result of the new ratesetting system.

(f) Commencing July 1, 2019, the rates paid to foster family agencies shall, except for the rate paid to a certified family home or resource family agency pursuant to ~~clause (i) of~~ subparagraph (A) of paragraph (3) of subdivision (c), be 4.15 percent higher than the rates paid to foster family agencies in the 2018–19 fiscal year.

(g) The amount included for the component for social workers in the interim rates for foster family agencies developed and implemented by the department pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be increased over the rates paid to foster family agencies in the 2019–20 fiscal year by fifty dollars (\$50) per child, per month, effective July 1, 2021.

(h) (1) Notwithstanding the rate established pursuant to subdivisions (a) to (g), inclusive, the care and supervision rate paid on behalf of a child or nonminor dependent in a foster family agency placement on or after the date required by paragraph (9) of subdivision (h) of Section 11461 shall be based on the Tiered Rate Structure established in subdivision (h) of Section 11461.

(2) Provided all federal and state rate and licensing requirements are met, the per child per month care and supervision rate, as set forth in paragraph (3) of subdivision (h) of Section 11461, for a child or nonminor dependent placed with a foster family agency shall include a rate, according to the child or nonminor dependent's tier as determined by the child or nonminor dependent's periodic IP-CANS assessment, for administrative and other activities described in paragraphs (1) and (2) of subdivision (b) of Section 11460, according to the following tiered schedule:

Tier 1: \$1610

Tier 2: \$2634

Tier 3: \$2634 [Ages 0-5]

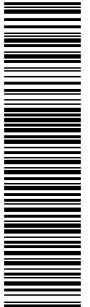
Tier 3+: \$7213 [Ages 6+]

(3) 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 subdivision by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2035.

SEC. 19. Section 11464 of the Welfare and Institutions Code is amended to read:

11464. (a) The Legislature finds and declares all of the following:

(1) Children who are consumers of regional center services and also receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC), Approved Relative Caregiver Funding Program (ARC) payments, Kinship Guardianship Assistance Payment (Kin-GAP) benefits, or Adoption Assistance Program (AAP) benefits have special needs that can require care and supervision beyond that typically provided to children in foster care. Clarifying the roles of the child welfare and developmental disabilities services systems will ensure that these children receive the services and



supports they need in a timely manner and encourage the successful adoption of these children, where appropriate.

(2) To address the extraordinary care and supervision needs of children who are consumers of regional center services and also receiving AFDC-FC, ARC, Kin-GAP, or AAP benefits, it is necessary to provide a rate for care and supervision of these children that is higher than the average rate they would otherwise receive through the foster care system and higher than the rate other children with medical and other significant special needs receive.

(3) Despite the enhanced rate provided in this section, some children who are consumers of regional center services and also receiving AFDC-FC, ARC, Kin-GAP, or AAP benefits may have care and supervision needs that are so extraordinary that they cannot be addressed within that rate. In these limited circumstances, a process should be established whereby a supplement may be provided in addition to the enhanced rate.

(4) Children who receive rates pursuant to this section shall be afforded the same due process rights as all children who apply for AFDC-FC, ARC, Kin-GAP, and AAP benefits pursuant to Section 10950.

(b) Rates for children who are both regional center consumers and recipients of AFDC-FC, ARC, or Kin-GAP benefits under this chapter shall be determined as provided in Section 4684 and this section.

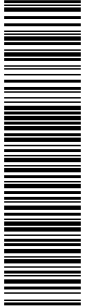
(c) (1) The rate to be paid for 24-hour out-of-home care and supervision provided to children who are both consumers of regional center services pursuant to subdivision (d) of Section 4512 and recipients of AFDC-FC, ARC, or Kin-GAP benefits under this chapter shall be two thousand six dollars (\$2,006) per child per month.

(2) (A) The county, at its sole discretion, may authorize a supplement of up to one thousand dollars (\$1,000) to the rate for children three years of age and older, if it determines the child has the need for extraordinary care and supervision that cannot be met within the rate established pursuant to paragraph (1). The State Department of Social Services and the State Department of Developmental Services, in consultation with stakeholders representing county child welfare agencies, regional centers, and children who are both consumers of regional center services and recipients of AFDC-FC, ARC, Kin-GAP, or AAP benefits, shall develop objective criteria to be used by counties in determining eligibility for and the level of the supplements provided pursuant to this paragraph. The State Department of Social Services shall issue an all-county letter to implement these criteria within 120 days of the effective date of this act. The criteria shall take into account the extent to which the child has any of the following:

- (i) Severe impairment in physical coordination and mobility.
- (ii) Severe deficits in self-help skills.
- (iii) Severely disruptive or self-injurious behavior.
- (iv) A severe medical condition.

(B) The caregiver may request the supplement described in subparagraph (A) directly or upon referral by a regional center. Referral by a regional center shall not create the presumption of eligibility for the supplement.

(C) When assessing a request for the supplement, the county shall seek information from the consumer's regional center to assist in the assessment. The county shall issue a determination of eligibility for the supplement within 90 days of receipt



of the request. The county shall report to the State Department of Social Services the number and level of rate supplements issued pursuant to this paragraph.

(d) (1) The rate to be paid for 24-hour out-of-home care and supervision provided for children who are receiving services under the California Early Start Intervention Services Act, are not yet determined by their regional center to have a developmental disability, as defined in subdivisions (a) and (l) of Section 4512, and are receiving AFDC-FC, ARC, or Kin-GAP benefits under this chapter, shall be eight hundred ninety-eight dollars (\$898) per child per month. If a regional center subsequently determines that the child is an individual with a developmental disability as that term is defined by subdivisions (a) and (l) of Section 4512, the rate to be paid from the date of that determination shall be consistent with subdivision (c).

(2) The rates to be paid for 24-hour out-of-home nonmedical care and supervision for children who are recipients of AFDC-FC, ARC, or Kin-GAP and consumers of regional center services from a community care facility licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and vendored by a regional center pursuant to Section 56004 of Title 17 of the California Code of Regulations, shall be the facility rate established by the State Department of Developmental Services.

(e) Rates paid pursuant to this section are subject to all of the following requirements:

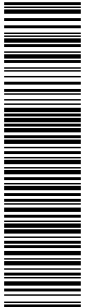
(1) The rates paid to the foster care provider under subdivision (c) and paragraph (1) of subdivision (d) are only for the care and supervision of the child, as defined in subdivision (b) of Section 11460 and shall not be applicable to facilities described in paragraph (2) of subdivision (d).

(2) Regional centers shall separately purchase or secure the services that are contained in the child's Individualized Family Service Plan (IFSP) or Individual Program Plan (IPP), pursuant to Section 4684.

(3) Beginning with the 2011–12 fiscal year, the rates in paragraph (1) of subdivision (c) and paragraph (1) of subdivision (d) shall be adjusted annually on July 1 by the percentage change in the California Necessities Index, as set forth in paragraph (2) of subdivision (g) of Section 11461. ~~No county shall~~ Index applicable to the calendar year within which each July 1 occurs. A county shall not be reimbursed for any increase in this rate that exceeds the adjustments made in accordance with this methodology.

(f) (1) The AFDC-FC rates paid on behalf of a regional center consumer who is a recipient of AFDC-FC prior to July 1, 2007, shall remain in effect unless a change in the placement warrants redetermination of the rate or if the child is no longer AFDC-FC eligible. However, AFDC-FC rates paid on behalf of these children that are lower than the rates specified in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d), respectively, shall be increased as appropriate to the amount set forth in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d), effective July 1, 2007, and shall remain in effect unless a change in the placement or a change in AFDC-FC eligibility of the child warrants redetermination of the rate.

(2) For a child who is receiving AFDC-FC benefits or for whom a foster care eligibility determination is pending, and for whom an eligibility determination for regional center services pursuant to subdivision (a) of Section 4512 is pending or approved, and for whom, prior to July 1, 2007, a State Department of Developmental Services facility rate determination request has been made and is pending, the rate shall



be the State Department of Developmental Services facility rate determined by the regional center through an individualized assessment, or the rate established in paragraph (1) of subdivision (c), whichever is greater. The rate shall remain in effect until the child is no longer eligible to receive AFDC-FC, or, if still AFDC-FC eligible, is found ineligible for regional center services as an individual described in subdivision (a) of Section 4512. Other than the circumstances described in this section, regional centers shall not establish facility rates for AFDC-FC purposes.

(g) (1) The department shall adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, on or before July 1, 2009.

(2) The adoption of regulations pursuant to paragraph (1) shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, and general welfare. The regulations authorized by this subdivision shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(h) (1) The State Department of Social Services and the State Department of Developmental Services shall provide to the Joint Legislative Budget Committee, on an annual basis, the data set forth in paragraph (2) to facilitate legislative review of the outcomes of the changes made by the addition of this section. The first report shall be submitted on October 1, 2007.

(2) The following data shall be provided pursuant to this subdivision:

(A) The number of, and services provided to, children who are consumers of regional center services and who are receiving AAP, ARC, Kin-GAP, or AFDC-FC, broken out by children receiving the amount pursuant to paragraph (1) of subdivision (c), the amount pursuant to paragraph (1) of subdivision (d), and the level of supplement pursuant to subparagraph (A) of paragraph (2) of subdivision (c).

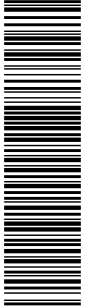
(B) A comparison of services provided to these children and similar children who are regional center consumers who do not receive AFDC-FC, ARC, Kin-GAP, or AAP benefits, broken out by children receiving the amount pursuant to paragraph (1) of subdivision (c), the amount pursuant to paragraph (1) of subdivision (d), and the level of supplement pursuant to subparagraph (A) of paragraph (2) of subdivision (c).

(C) The number and nature of appeals filed regarding services provided or secured by regional centers for these children, consistent with Section 4714, broken out by children receiving the amount pursuant to paragraph (1) of subdivision (c), the amount pursuant to paragraph (1) of subdivision (d), and the level of supplement pursuant to subparagraph (A) of paragraph (2) of subdivision (c).

(D) The number of these children who are adopted before and after the act adding this section, broken out by children receiving the amount pursuant to paragraph (1) of subdivision (c), the amount pursuant to paragraph (1) of subdivision (d), and the level of supplement pursuant to subparagraph (A) of paragraph (2) of subdivision (c).

(E) The number and levels of supplements requested pursuant to subparagraph (B) of paragraph (2) of subdivision (c).

(F) The number of appeals requested of the decision by counties to deny the request for the supplement pursuant to subparagraph (A) of paragraph (2) of subdivision (c).



(G) The total number and levels of supplements authorized pursuant to subparagraph (A) of paragraph (2) of subdivision (c) and the number of these supplements authorized upon appeal.

(i) The State Department of Social Services and the State Department of Developmental Services shall provide public transparency regarding implementation of this section through the annual posting of the data in paragraph (2) of subdivision (h) on their respective internet websites. Each department shall also maintain a link to the other department's data on their respective internet websites.

(j) (1) Commencing January 1, 2012, and prior to July 1, 2017, the rate described in subdivision (c) shall be paid for an eligible nonminor dependent who is under 21 years of age, is receiving AFDC-FC or Kin-GAP benefits pursuant to Section 11403, and is a consumer of regional center services.

(2) Commencing July 1, 2017, the rate described in subdivision (c) shall be paid for an eligible nonminor dependent who is under 21 years of age, is receiving AFDC-FC, ARC, or Kin-GAP benefits pursuant to Section 11403, and is a consumer of regional center services.

SEC. 20. Section 11466 of the Welfare and Institutions Code is amended to read:

11466. For purposes of this section to Section 11469.3, inclusive, the following definitions apply:

(a) "Provider" shall mean a group home, short-term residential therapeutic program, a foster family agency, and similar foster care business entities.

(b) "Audit determination" has the same meaning as "audit finding."

(c) "Financial audit" means an audit conducted by a qualified, independent certified public accountant with an audit designation engaged by the provider and submitted to the department for review.

(d) "Fiscal audit" means an audit conducted by the department pursuant to Part 200 (commencing with Section 200.0) of Chapter II of Subtitle A of Title 2 of the Code of Federal Regulations, as implemented by the United States Department of Health and Human Services in Part 75 (commencing with Section 75.1) of Subchapter A of Subtitle A of Title 45 of the Code of Federal Regulations, including uniform administrative requirements, cost principles, and audit requirements, as specifically implemented in Section 75.106 of Title 45 of the Code of Federal Regulations.

(e) "Performance audit" means an audit conducted by the department to assess provider compliance with performance standards and outcome measures as set forth in Sections 11469, 11469.1, 11469.2, and 11469.3.

(f) ~~(1)~~ "Program audit" means an audit conducted by the department of ongoing provider programs to determine whether the program is providing the level of services and maintaining the documentation to support the paid rate.

~~(2) For group home providers that have been granted an extension of their rate classification level pursuant to subdivision (d) or (e) of Section 11462.04, "program audit" means an audit to determine whether the group home is providing the level of services to support the paid rate classification level.~~

SEC. 21. Section 11466.01 of the Welfare and Institutions Code is amended to read:

11466.01. (a) Commencing January 1, 2017, a provisional rate shall be set for ~~all of the following:~~ both of the following providers:



~~(1) A provider that is granted an extension pursuant to paragraph (1) of subdivision (d) of Section 11462.04.~~

~~(2) A provider that is granted an extension pursuant to paragraph (2) of subdivision (d) of Section 11462.04.~~

~~(3) A foster family agency licensed on or before January 1, 2017, upon submission of a program statement pursuant to Section 1506.1 of the Health and Safety Code.~~

~~(4) A new short-term residential therapeutic program provider.~~

~~(5) A new foster family agency provider.~~

~~(6) A provider that is granted an extension pursuant to subdivision (e) of Section 11462.04.~~

(1) A new short-term residential therapeutic program provider.

(2) A new foster family agency provider.

(b) (1) The provisional rate shall be subject to terms and conditions, including the duration of the provisional period, set by the department.

(1) For a provider described in paragraph (1) or (3) of subdivision (a), a provisional rate may be granted for a period that is not extended beyond December 31, 2019.

(2) For a provider described in paragraph (2) of subdivision (a), a provisional rate may be granted and may be reviewed on an annual basis, pursuant to paragraph (2) of subdivision (d) of Section 11462.04.

~~(3)~~

(2) For a provider described in paragraph (4) or (5) of subdivision (a), a provisional rate may be granted for a period of up to 24 months from the date the provider's license was issued.

(4) For a provider described in paragraph (3) or (6) of subdivision (a), a provisional rate may be granted for a period that is not extended beyond December 31, 2020.

(c) In determining whether to grant, and upon what conditions to grant, a provisional rate, the department shall consider factors including all of the following:

~~(1) Any prior extension granted pursuant to Section 11462.04 or 11462.041.~~

~~(2)~~

(1) Any licensing history for any license with which the program, or its directors or officers, have been associated.

~~(3)~~

(2) Any financial, fiscal, or compliance audit history with which the program, or its directors or officers, have been associated.

~~(4)~~

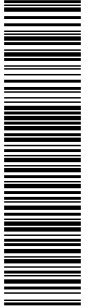
(3) Outstanding civil penalties or overpayments with which the program, or its directors or officers, have been associated.

~~(5)~~

(4) Any violations of state or federal law.

(d) In determining whether to continue, and upon what conditions to continue, a provisional rate, the department shall consider those factors specified in subdivision (c), as well as compliance with the terms, conditions, and requirements during the provisional period.

(e) In determining whether, at the end of the provisional rate period or thereafter, to grant a rate and whether to impose or continue, and upon what conditions to impose



or continue, a probationary rate the department shall consider the factors specified in subdivision (c).

(f) The department shall establish an administrative review process for determinations, including denial, rate reduction, probation, and termination of the provisional and probationary rates. This process shall include a departmental review, corrective action, and a protest with the department. 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), this process shall be disseminated by written directive pending the promulgation of regulations.

(g) (1) (A) For the purposes of this section, a “provisional rate” is a prospective rate given to a provider described in subdivision (a) based on an assurance to perform in accordance with terms and conditions attached to the granting of the provisional rate.

(B) For the purposes of this section, a “probationary rate” is a rate upon which limitations and conditions are imposed as a result of violations of terms, conditions, or state or federal law, including those set forth in subdivisions (c) and (d).

(2) (A) At the conclusion of a provisional rate, a probationary rate may be imposed, at the discretion of the department, if additional oversight is deemed necessary based on the provider’s performance during the provisional rate period.

(B) At any time, a rate may become a probationary rate if additional oversight is deemed necessary based on the provider’s performance in accordance with terms and conditions attached to the granting or maintenance of its rate.

(C) A probationary rate may be accompanied by a rate reduction.

SEC. 22. Section 11466.1 of the Welfare and Institutions Code is amended to read:

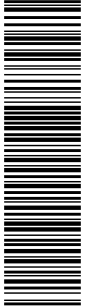
11466.1. (a) (1) The department shall adopt regulations that specify the type of information requested from providers, including reasonable timeframes. All providers shall upon request of the department for any records, or for any information contained in records pertaining to an individual program, make the requested records or information available to the department for inspection or copying. The information required to be made available pursuant to this section shall include, but not be limited to, information necessary to establish a rate, collect provider sustained overpayments in a timely and efficient manner, or to perform a financial, fiscal, performance, or program audit. This section shall not be construed to modify applicable rules of confidentiality.

(2) Providers, upon request of the department, shall allow timely access to a provider’s records and facilities in order to conduct a financial, fiscal, performance, or program audit.

(3) Providers shall allow the department immediate access to program information or access to a facility if the deputy director of the children and family services division of the department serves the provider with notice that, in the opinion of the deputy director, the immediate access to a facility or program information is required based on one of the following conditions or circumstances:

(A) A temporary suspension order has been served on a provider.

(B) Based on reliable evidence, the department has a valid basis for believing that proceedings have been, or will shortly be, instituted against a provider in a state



or federal court for purposes of determining whether the provider is insolvent or bankrupt under appropriate state or federal law.

(C) A provider is, or will shortly be, taking action that might reasonably hinder or defeat the department's ability to collect overpayments in the future.

(4) The department shall adopt regulations that specify timeframes and penalties for failure to submit requested information or allow facility access that may include reduction or termination of the AFDC-FC rate. Penalties shall not be imposed until the provider has been given a reasonable opportunity to respond or provide access.

(b) The department shall apply and enforce only those statutes, regulations, all-county letters, or similar written directives, that are made available to providers, in writing, for any period for which a rate is effective.

(c) The department shall consult with representatives of providers concerning the development of those standards and the modification of existing standards. Providers shall receive written notice of, and have the opportunity to comment upon, new and modified standards proposed by the department.

(d) The department shall make available to providers, in writing, any new or modified standards prior to the beginning of the period upon which a rate is calculated, if possible, or as quickly as it is administratively practical to do so. Notwithstanding subdivisions (b) and (c), in the event of an unanticipated circumstance or unusual expenditure, the department may exercise its discretion in interpreting what is an allowable or a reasonable expenditure. However, the department shall make those interpretations available to providers, in writing, as quickly as it is practical to do so.

(e) 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 Sections 11466 to 11469.3, inclusive, as those sections read on the effective date of the act that added this subdivision, by means of all-county letters or similar written directives, which shall be exempt from submission to or review by the Office of Administrative Law. The all-county letters or similar written directives shall have the same force and effect as regulations until the adoption of regulations, no later than January 1, 2035.

SEC. 23. Section 11466.36 of the Welfare and Institutions Code is amended to read:

11466.36. (a) The department may terminate a program rate or a provider's eligibility to be paid any rate for a child placed in their care if any of the following conditions are met:

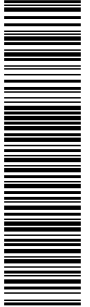
(1) The department determines that, based upon the findings of a hearing officer, a rate application or information submitted by a provider was fraudulently submitted to the department.

(2) A provider is failing to provide services in accordance with the standards associated with its paid rate or in accordance with its program statement.

(3) A provider with an outstanding sustained overpayment incurs a second sustained overpayment, and is unable to repay the sustained overpayments.

(4) A provider has a sustained overpayment that represents 100 percent of a provider's annual rate reimbursement.

(5) A provider has a sustained overpayment and has failed to timely submit its payments on more than three occasions in a 12-month period.



(6) For a provider operating a short-term residential therapeutic program or a community treatment facility, the program or facility is no longer accredited as required by state law.

(b) This chapter shall not be construed to affect the department's authority under other provisions of law for collection of provider sustained overpayments.

SEC. 24. Section 11467 of the Welfare and Institutions Code is amended to read:

11467. (a) The State Department of Social Services, with the advice and assistance of the County Welfare Directors Association of California, the Chief Probation Officers of California, the County Behavioral Health Directors Association of California, research entities, foster youth and advocates for foster youth, foster care provider business entities organized and operated on a nonprofit basis, tribes, and other stakeholders, shall establish a working group to develop performance standards and outcome measures for providers of out-of-home care placements made under the AFDC-FC program, including, but not limited to, foster family agency, group home, short-term residential therapeutic program, and THP-Plus providers, and for the effective and efficient administration of the AFDC-FC program.

(b) (1) The performance standards and outcome measures shall employ the applicable performance standards and outcome measures as set forth in Sections 11469 to 11469.3, inclusive, designed to identify the degree to which foster care providers, including business entities organized and operated on a nonprofit basis, are providing out-of-home placement services that meet the needs of foster children, and the degree to which these services are supporting improved outcomes, including those identified by the California Child and Family Service Review System.

(2) Providers shall maintain, for licensing, ratesetting, and placement purposes, program statements, as required pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, and all applicable written directives and regulations adopted by the department.

~~(c) In addition to the process described in subdivision (a), the working group may also develop the following:~~

~~(1) A means of identifying the child's strengths and needs, and determining which out-of-home placement is the most appropriate for a child.~~

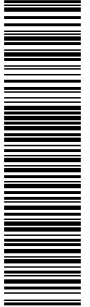
~~(2) A procedure for identifying children who have been in congregate care for one year or longer, determining the reasons each child remains in congregate care, and developing a plan for each child to transition to a less restrictive, more family-like setting.~~

~~(d) The department shall provide updates regarding its progress toward meeting the requirements of this section during the 2013 and 2014 budget hearings.~~

~~(e)~~

(c) 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), until the enactment of applicable state law, or October 1, 2015, whichever is earlier, the department may implement the changes made pursuant to this section through all-county letters, or similar instructions from the director.

~~(f) The department, in collaboration with the County Welfare Directors Association of California, shall track the utilization, workload, and costs associated~~



~~with implementing any specific tool developed pursuant to paragraph (1) of subdivision (e).~~

SEC. 25. Section 11467.2 of the Welfare and Institutions Code is amended to read:

11467.2. (a) The department shall contract with an independent evaluator to conduct a study of alternative funding mechanisms for group home care in California and to formulate a proposed funding system for the care and supervision of children who are placed in group home care. The independent evaluator shall consider and evaluate alternative funding mechanisms, including, but not limited to, cost-based rates, individual client needs-based rates, managed care rates, program type rates, and negotiated rates, and shall propose a specific mechanism and procedure, for children subject to Sections 300 or 602 who are placed in group homes. The study shall consider empirical research, current foster care program service needs, other state funding systems, and any other relevant data, including information obtained from the final report regarding the Reexamination of the Role of Group Care Within a Family Based System of Care, as mandated by Chapter 311 of the Statutes of 1998.

(b) The department shall convene a steering committee to provide direction for the study, which shall be comprised of appropriate state and county agencies, as well as group home providers, current or former foster youth, and other interested parties.

(c) The department shall provide a copy of the final report submitted pursuant to subdivision (a) to the appropriate fiscal and policy committees of the Legislature on or before October 1, 2001. Any proposal or recommendations submitted pursuant to this section shall not become effective unless enacted pursuant to statute.

(d) Pending completion of a new rate system, this section shall not be construed in any way to prohibit recognition through the budget process of the costs of operating under the current rate system or the consideration of rate adjustments.

(e) This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

SEC. 26. Section 11468.6 of the Welfare and Institutions Code is amended to read:

11468.6. (a) The director shall establish administrative procedures to review group home nonprovisional program rate audit findings.

(b) A group home provider, including an RCL 13 or an RCL 14 provider, may request a hearing to examine any disputed nonprovisional program rate audit finding that results in an overpayment or adjustment to the provider's rate or that reduces the provider's overall RCL point total pursuant to Section 11462. The administrative review process established in this section shall not examine issues regarding the authority of the department to set rates, determine RCL points, conduct audits, or collect overpayments from a group home provider.

(c) The administrative appeal process established pursuant to this section shall commence with an informal hearing, and provide for a formal administrative hearing of the informal level appeal record and decision by a hearing officer appointed by the department. The department shall make every effort to contract with the State Department of Health Care Services to conduct the informal hearings required by this subdivision during the first year of implementation of this section.

(d) An amended audit report may be issued by the department for the fiscal period or periods for which the proceedings are pending under this section, if at the



time of the hearing, the group home provider submits additional documentation or evidence that was not available to the department at the time of the audit. The proceedings shall be suspended for a period not exceeding 120 days while the department completes an amended audit and the provider identifies any additional disputes that result from an amended audit report. Additional audit findings included in an amended audit report may also be included in the proceedings at the request of the provider.

(e) Within 120 days after submission of a proposed decision, the department shall do one of the following:

(1) Adopt the proposed decision with or without reading or hearing the record.

(2) Reject the proposed decision and adopt an alternative decision based upon the documentary and electronically recorded record, with or without taking additional evidence.

(3) Refer the matter to the same or a different hearing officer to take additional evidence. If the case is so assigned, the hearing officer shall, within 90 days, prepare a proposed decision, based upon the additional evidence and the documentary and electronically recorded record of the prior hearing. The department may then take one of the actions described in this subdivision in regard to the new proposed decision. The department may return a proposed decision twice on the same appeal.

(4) If the department fails to take action on the proposed decision within 120 days after the submission of the proposed decision, the proposed decision shall take effect by operation of law.

(f) (1) The department's decision shall be final when the decision is mailed to the parties. However, the department retains jurisdiction to correct clerical errors.

(2) Copies of the final decision of the department and the hearing officer's proposed decision, if it was not adopted by the department, shall be mailed by certified mail to the parties.

(g) The group home provider may request review of the final decision of the department made pursuant to this section in accordance with Section 1094.5 of the Code of Civil Procedure within six months of the issuance of the department's final decision.

(h) This section shall become inoperative on July 1, 2024, and, as of January 1, 2025, is repealed.

SEC. 27. Section 11469 of the Welfare and Institutions Code is amended to read:

11469. (a) The department shall develop, following consultation with group home providers, the County Welfare Directors Association of California, the Chief Probation Officers of California, the County Behavioral Health Directors Association of California, the State Department of Health Care Services, and stakeholders, performance standards and outcome measures for determining the effectiveness of the care and supervision, as defined in subdivision (b) of Section 11460, provided by group homes under the AFDC-FC program pursuant to Sections 11460 and 11462. These standards shall be designed to measure group home program performance for the client group that the group home program is designed to serve.

(1) The performance standards and outcome measures shall be designed to measure the performance of group home programs in areas over which the programs have some degree of influence, and in other areas of measurable program performance



that the department can demonstrate are areas over which group home programs have meaningful managerial or administrative influence.

(2) These standards and outcome measures shall include, but are not limited to, the effectiveness of services provided by each group home program, and the extent to which the services provided by the group home assist in obtaining the child welfare case plan objectives for achieving the desired outcomes in safety, permanency, and well-being for the child.

(3) In addition, when the group home provider has identified as part of its program for licensing, ratesetting, or county placement purposes, or has included as a part of a child's case plan by mutual agreement between the group home and the placing agency, specific mental health, education, medical, and other child-related services, the performance standards and outcome measures may also measure the effectiveness of those services.

(b) Regulations regarding the implementation of the group home performance standards system required by this section shall be adopted no later than one year prior to implementation. The regulations shall specify both the performance standards system and the manner by which the AFDC-FC rate of a group home program shall be adjusted if performance standards are not met.

(e) ~~Except as provided in subdivision (d), effective July 1, 1995, group home performance standards shall be implemented. Any group home program not meeting the performance standards shall have its AFDC-FC rate, set pursuant to Section 11462, adjusted according to the regulations required by this section.~~

~~(d) A group home program shall be classified at rate classification level 13 or 14 only if it has been granted an extension pursuant to subdivision (d) or (e) of Section 11462.04 and all of the following are met:~~

~~(1) The program generates the requisite number of points for rate classification level 13 or 14.~~

~~(2) The program only accepts children with special treatment needs as determined through the assessment process pursuant to paragraph (2) of subdivision (a) of Section 11462.01.~~

~~(3) The program meets the performance standards designed pursuant to this section.~~

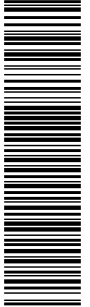
(c) Effective July 1, 1995, group home performance standards shall be implemented.

~~(e)~~

~~(d) Notwithstanding subdivision (c), the group home program performance standards system shall not be implemented prior to the implementation of the AFDC-FC performance standards system.~~

~~(f)~~

(e) On or before January 1, 2016, the department shall develop, following consultation with the County Welfare Directors Association of California, the Chief Probation Officers of California, the County Behavioral Health Directors Association of California, research entities, foster children, advocates for foster children, foster care provider business entities organized and operated on a nonprofit basis, Indian tribes, and other stakeholders, additional performance standards and outcome measures that require group homes to implement programs and services to minimize law enforcement contacts and delinquency petition filings arising from incidents of allegedly



unlawful behavior by minors occurring in group homes or under the supervision of group home staff, including individualized behavior management programs, emergency intervention plans, and conflict resolution processes.

~~(g)~~

~~(f)~~ On or before January 1, 2017, the department shall develop, following consultation with the County Welfare Directors Association of California, the Chief Probation Officers of California, the County Behavioral Health Directors Association of California, the Medical Board of California, research entities, foster children advocates for foster children, foster care provider business entities organized and operated on a nonprofit basis, Indian tribes, and other stakeholders, additional performance standards and outcome measures that require group homes and short-term residential therapeutic programs to implement alternative programs and services, including individualized behavior management programs, emergency intervention plans, and conflict resolution processes.

~~(h)~~

~~(g)~~ Performance standards and outcome measures developed pursuant to this section shall apply to short-term residential therapeutic programs.

~~(i)~~

~~(h)~~ The department shall develop and implement a technical assistance and support plan, in consultation with the stakeholders identified in subdivision (a), that utilizes the performance standards and outcome measures to identify and assist low performing providers.

~~(j)~~

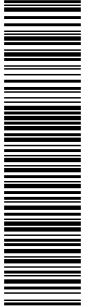
~~(i)~~ The department shall coordinate with other state agencies, and may execute agreements as necessary, to obtain data necessary to fulfill the requirements of this section.

SEC. 28. Section 16121 of the Welfare and Institutions Code is amended to read:

16121. (a) (1) For initial adoption assistance agreements executed on October 1, 1992, to December 31, 2007, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2007, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(2) For initial adoption assistance agreements executed from January 1, 2008, to December 31, 2009, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2009, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(3) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on January 1, 2010, to June 30, 2011, inclusive, or the effective date specified in a final order, for which the time to appeal has passed, issued

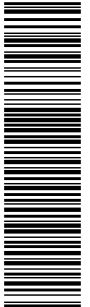


by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al., (U.S. Dist. Ct. No. C 07-08056 WHA), whichever is earlier, where the adoption is finalized on or before June 30, 2011, or the date specified in that order, whichever is earlier, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstance of the adopting parents, but that amount shall not exceed the basic foster care maintenance payment rate structure in effect on June 30, 2011, or the date immediately before the date specified in the order described in this paragraph, whichever is earlier, and any applicable specialized care increment, that the child would have received while placed in a licensed or approved family home. Adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(4) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after July 1, 2011, or the effective date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, where the adoption is finalized on or after July 1, 2011, or the effective date of that order, whichever is earlier, and before December 31, 2016, and for initial adoption assistance agreements executed before July 1, 2011, or the date specified in that order, whichever is earlier, where the adoption is finalized on or after the earlier of July 1, 2011, or that specified date, and before December 31, 2016, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the basic foster family home rate structure effective and available as of December 31, 2016, plus any applicable specialized care increment. These adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(5) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after January 1, 2017, and before July 1, 2026, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, as applicable, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463, inclusive of any level of care determination, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.

(6) (A) For initial adoption assistance agreements executed on and after the date specified in paragraph (9) of subdivision (h) of Section 11461, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.



(B) Notwithstanding subparagraph (A), the department shall issue written guidance regarding the specific conditions under which an adoptive family may be paid an amount of aid based on the child's needs that shall not exceed Tier 2 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, plus any applicable specialized care increment.

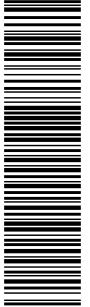
(b) Payment may be made on behalf of an otherwise eligible child in a state-approved group home, short-term residential therapeutic program, or residential care treatment facility if the department or county responsible for determining payment has confirmed that the placement is necessary for the temporary resolution of mental or emotional problems related to a condition that existed before the adoptive placement. Out-of-home in-state placements shall be in accordance with the applicable provisions of Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and other applicable statutes and regulations governing eligibility for AFDC-FC payments for placements in in-state facilities. If the placement is out-of-state, the facility must be eligible for Title IV-E funded placements in the state in which it is situated. The Adoption Assistance Program (AAP) rate paid on behalf of the child shall not exceed the rate paid for a short-term residential therapeutic program. The designation of the placement facility shall be made after consultation with the family by the department or county welfare agency responsible for determining the Adoption Assistance Program eligibility and authorizing financial aid. Group home, short-term residential therapeutic program, or residential placement shall only be made as part of a plan for return of the child to the adoptive family, that shall actively participate in the plan. Adoption Assistance Program benefits may be authorized for payment for an eligible child's group home, short-term residential therapeutic program, or residential treatment facility placement if the placement is justified by a specific episode or condition and does not exceed an 18-month cumulative period of time. After an initial authorized group home, short-term residential therapeutic program, or residential treatment facility placement, subsequent authorizations for payment for a group home, short-term residential therapeutic program, or residential treatment facility placement may be based on an eligible child's subsequent specific episodes or conditions.

(c) (1) Payments on behalf of a child who is a recipient of AAP benefits who is also a consumer of regional center services shall be based on the rates established by the State Department of Social Services pursuant to Section 11464 and subject to the process described in paragraph (1) of subdivision (d) of Section 16119.

(2) (A) Except as provided for in subparagraph (B), this subdivision shall apply to adoption assistance agreements signed on or after July 1, 2007.

(B) Rates paid on behalf of regional center consumers who are recipients of AAP benefits and for whom an adoption assistance agreement was executed before July 1, 2007, shall remain in effect, and may only be changed in accordance with Section 16119.

(i) If the rates paid pursuant to adoption assistance agreements executed before July 1, 2007, are lower than the rates specified in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, respectively, those rates shall be increased, as appropriate and in accordance with Section 16119, to the amount set forth in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, effective July 1, 2007. Once set, the rates shall remain in effect and may only be changed in accordance with Section 16119.



(ii) For purposes of this clause, for a child who is a recipient of AAP benefits or for whom the execution of an AAP agreement is pending, and who has been deemed eligible for or has sought an eligibility determination for regional center services pursuant to subdivision (a) of Section 4512, and for whom a determination of eligibility for those regional center services has been made, and for whom, before July 1, 2007, a maximum rate determination has been requested and is pending, the rate shall be determined through an individualized assessment and pursuant to subparagraph (C) of paragraph (1) of subdivision (c) of Section 35333 of Title 22 of the California Code of Regulations as in effect on January 1, 2007, or the rate established in subdivision (b) of Section 11464, whichever is greater. Once the rate has been set, it shall remain in effect and may only be changed in accordance with Section 16119. Other than the circumstances described in this clause, regional centers shall not make maximum rate benefit determinations for the AAP.

(3) Regional centers shall separately purchase or secure the services contained in the child's IFSP or IPP, pursuant to Section 4684.

(4) Regulations adopted by the department pursuant to this subdivision shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. The regulations authorized by this paragraph shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(d) (1) In the event that a family signs an adoption assistance agreement where a cash benefit is not awarded, the adopting family shall be otherwise eligible to receive Medi-Cal benefits for the child if it is determined that the benefits are needed pursuant to this chapter.

(2) Regional centers shall separately purchase or secure the services that are contained in the child's Individualized Family Service Plan (IFSP) or Individual Program Plan (IPP) pursuant to Section 4684.

(e) Subdivisions (a), (b), and (d) shall apply only to adoption assistance agreements signed on or after October 1, 1992. An adoption assistance agreement executed before October 1, 1992, shall continue to be paid in accordance with the terms of that agreement, and shall not be eligible for any increase in the basic foster care maintenance rate structure that occurred after December 31, 2007.

(f) This section shall supersede the requirements of subparagraph (C) of paragraph (1) of Section 35333 of Title 22 of the California Code of Regulations.

(g) The adoption assistance payment rate structure identified in subdivisions (a) and (e) shall be adjusted by the percentage changes in the California Necessities Index, beginning with the 2011–12 fiscal year, and shall not require a reassessment.

SEC. 29. Section 16501 of the Welfare and Institutions Code is amended to read:

16501. (a) (1) As used in this chapter, "child welfare services" means public social services that are directed toward the accomplishment of any or all of the following purposes:



(A) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children.

(B) Preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children.

(C) Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible.

(D) Restoring to their families children who have been removed, by the provision of services to the child and the families.

(E) Identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate.

(F) Ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

(2) "Child welfare services" also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. The child welfare services provided on behalf of each child represent a continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services. The individual child's case plan is the guiding principle in the provision of these services. The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever comes first.

(3) "Child welfare services" are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services consistent with paragraph (1) of subdivision (d) of Section 16501.1. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

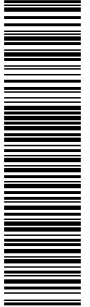
(4) "Child and family team" means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. The child and family team shall have the same meaning as the "family and permanency team," as described in Section 675a(c)(1)(B)(ii) of Title 42 of the United States Code.

(A) The activities of the team shall include, but not be limited to, all of the following:

(i) Providing input into the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant.

(ii) Providing input into the placement decision made by the placing agency and the services to be provided in order to support the child or youth.

(iii) On and after October 1, 2021, for a child placed into a short-term residential therapeutic program, providing input into all of the following:



(I) Required determinations by a qualified individual pursuant to subdivision (g) of Section 4096.

(II) Required components of the case plan, including those specified in subparagraph (C) of paragraph (2) of subdivision (d) of Section 16501.1.

(III) Development of the plan for family-based aftercare services described in Section 4096.6.

(iv) Providing input to the placing agency in developing the Immediate Needs Plan for using the Immediate Needs Funding for each child in the Immediate Needs Program established by Section 16562.

(v) Supporting the child and family in selecting and making decisions about the goods, services, activities, and supports for the Strengths Building Spending Plan consistent with the Strengths Building Program as described in Section 16565.

(B) (i) The child and family team process shall engage the child or youth, the child's family, and other people important to the family or to the child or youth in meeting the objectives set forth in subparagraph (A). The child and family team shall also include representatives who provide formal supports to the child or youth and family when appropriate, including, but not limited to, all of the following:

(I) The caregiver.

(II) The placing agency caseworker.

(III) A representative from a foster family agency or short-term residential therapeutic program with which a child or youth is placed.

(IV) A county mental health representative.

(V) A representative from the regional center if the child is eligible for regional center services.

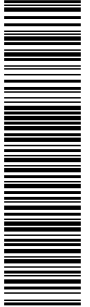
(VI) The child or youth's Court-Appointed Special Advocate, if one has been appointed, unless the child or youth objects.

(VII) A representative of the child or youth's tribe or Indian custodian, as applicable.

(ii) As appropriate, the child and family team also may include other formal supports, such as substance use disorder treatment professionals and educational professionals, providing services to the child or youth and family. For purposes of this definition, the child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child or youth and family. If placement into a short-term residential therapeutic program or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional. Any party to the child's case who is represented by an attorney may consult with their attorney regarding this process. The child or youth and their family may request specific persons to be included on the child and family team. Nothing shall preclude another agency serving the child or youth from convening a team in collaboration with the placing agency.

(5) "Child and family team meeting" means a convening of all or some members of the child and family team. A child and family team meeting may be requested by any member of the child and family team.

(A) Upon the scheduling of a child and family team meeting, a notification shall be provided to the child or youth, their parent or guardian, and the caregiver.



(B) The occurrence of the child and family team meeting shall be documented in the court report that is prepared pursuant to Section 358.1 or 366.1.

(C) (i) The child's court-appointed educational rights holder, if someone other than the parent, guardian, or caregiver, shall be invited to the child and family team meeting if either of the following applies:

(I) The child and family team will develop and implement a placement preservation strategy pursuant to Section 16010.7.

(II) The child and family team will discuss a placement change.

(ii) The child and family team shall discuss if remaining in the school of origin is in the child's best interest.

(iii) Pursuant to, and in accordance with, Section 48853.5 of the Education Code, if the child's educational rights holder determines that remaining in, or returning to, the child's school of origin is in the child's best interest, the child and family team, in consultation with the foster care educational liaison, shall determine an appropriate transportation plan for the child to attend their school of origin and any available extracurricular activities.

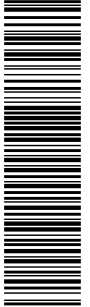
(6) Child welfare services may include, but are not limited to, a range of service-funded activities, including case management, counseling, emergency shelter care, emergency in-home caretakers, temporary in-home caretakers, respite care, therapeutic day services, teaching and demonstrating homemakers, parenting training, substance abuse testing, transportation, and specialized permanency services. These service-funded activities shall be available to children and their families in all phases of the child welfare program in accordance with the child's case plan and departmental regulations. Funding for services is limited to the amount appropriated in the annual Budget Act and other available county funds.

(7) Service-funded activities to be provided may be determined by each county, based upon individual child and family needs as reflected in the service plan.

(8) As used in this chapter, "emergency shelter care" means emergency shelter provided to children who have been removed pursuant to Section 300 from their parent or parents or their guardian or guardians. The department may establish, by regulation, the time periods for which emergency shelter care shall be funded. For the purposes of this paragraph, "emergency shelter care" may include "transitional shelter care facilities" as defined in paragraph (11) of subdivision (a) of Section 1502 of the Health and Safety Code.

(9) As used in this chapter, "specialized permanency services" means services to assist a child or nonminor dependent whose case plan is for permanent placement or supportive transition to adulthood in achieving a permanent family through reunification, adoption, legal guardianship, or other lifelong connection to caring adults, including at least one adult who will provide a permanent, parent-like relationship for the child or nonminor dependent. Specialized permanency services are designed for and with the child to address the child's history of trauma, separation, and loss. "Specialized permanency services" may include all of the following:

(A) Medically necessary mental health services, if the medical necessity criteria for Medi-Cal specialty mental health services, as described in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations, is met, as needed to ameliorate impairments in significant areas of life functioning that may reduce the likelihood of the child or nonminor dependent achieving a permanent family, and may



include other services designed to address the child's or nonminor dependent's history of trauma, grief, loss, stigma, and rejection that reduce the likelihood of the child or nonminor dependent achieving a permanent family.

(B) Permanency support core services, as appropriate to achieve, stabilize, and sustain the child or nonminor dependent in a permanent family.

(C) Services designed to prepare the identified permanent family to meet the child's or nonminor dependent's needs, set appropriate expectations before and after permanency is achieved, and stabilize the placement.

(b) As used in this chapter, "respite care" means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month pending the development of policies and regulations in consultation with county placing agencies and stakeholders. This care may be provided to the child's parents or guardians. This care shall not be limited by regulation to care over 24 hours. These services shall not be provided for the purpose of routine, ongoing childcare.

(c) The county shall provide child welfare services as needed pursuant to an approved service plan and in accordance with regulations promulgated, in consultation with the counties, by the department. Counties may contract for service-funded activities, as defined in paragraph (1) of subdivision (a). Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.

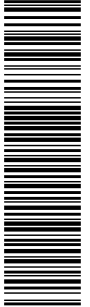
(d) This chapter shall not be construed to affect duties that are delegated to probation officers pursuant to Sections 601 and 654.

(e) A county may utilize volunteer individuals to supplement professional child welfare services by providing ancillary support services in accordance with regulations adopted by the State Department of Social Services.

(f) As used in this chapter, emergency response services consist of a response system providing in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation, as required by Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of investigation pursuant to Section 11166 of the Penal Code and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in their own home or to protect the safety of the child. County welfare departments shall respond to any report of imminent danger to a child immediately and all other reports within 10 calendar days. An in-person response is not required when the county welfare department, based upon an evaluation of risk, determines that an in-person response is not appropriate. This evaluation includes collateral contacts, a review of previous referrals, and other relevant information, as indicated.

(g) As used in this chapter, family maintenance services are activities designed to provide in-home protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families.

(h) As used in this chapter, family reunification services are activities designed to provide time-limited foster care services to prevent or remedy neglect, abuse, or exploitation, when the child cannot safely remain at home, and needs temporary foster care, while services are provided to reunite the family.



(i) (1) As used in this chapter, permanent placement services are activities designed to provide an alternate permanent family structure for children who, because of abuse, neglect, or exploitation, cannot safely remain at home and who are unlikely to ever return home. These services shall be provided on behalf of children for whom there has been a judicial determination of a permanent plan for adoption, legal guardianship, placement with a fit and willing relative, or continued foster care placement, and, as needed, shall include supportive transition services to nonminor dependents, as described in subdivision (v) of Section 11400.

(2) For purposes of this section, “another planned permanent living arrangement” means a permanent plan ordered by the court for a child 16 years of age or older or a nonminor dependent, when there is a compelling reason or reasons to determine that it is not in the best interest of the child or nonminor dependent to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, or be placed with a fit and willing relative. Placement in a group home, or, on and after January 1, 2017, a short-term residential therapeutic program, shall not be the identified permanent plan for any child or nonminor dependent.

(j) As used in this chapter, family preservation services include those services specified in Section 16500.5 to avoid or limit out-of-home placement of children, and may include those services specified in that section to place children in the least restrictive environment possible.

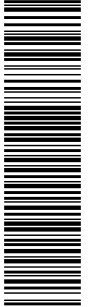
(k) (1) (A) In any county electing to implement this subdivision, all county welfare department employees who have frequent and routine contact with children shall, by February 1, 1997, and all welfare department employees who are expected to have frequent and routine contact with children and who are hired on or after January 1, 1996, and all such employees whose duties change after January 1, 1996, to include frequent and routine contact with children, shall, if the employees provide services to children who are alleged victims of abuse, neglect, or exploitation, sign a declaration under penalty of perjury regarding any prior criminal conviction, and shall provide a set of fingerprints to the county welfare director.

(B) The county welfare director shall secure from the Department of Justice a criminal record to determine whether the employee has ever been convicted of a crime other than a minor traffic violation. The Department of Justice shall deliver the criminal record to the county welfare director.

(C) If it is found that the employee has been convicted of a crime, other than a minor traffic violation, the county welfare director shall determine whether there is substantial and convincing evidence to support a reasonable belief that the employee is of good character so as to justify frequent and routine contact with children.

(D) An exemption shall not be granted pursuant to subparagraph (C) if the person has been convicted of a sex offense against a minor, or has been convicted of an offense specified in Section 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in paragraph (1) of Section 273a of, or subdivision (a) or (b) of Section 368 of, the Penal Code, or has been convicted of an offense specified in subdivision (c) of Section 667.5 of the Penal Code. The county welfare director shall suspend such a person from any duties involving frequent and routine contact with children.

(E) Notwithstanding subparagraph (D), the county welfare director may grant an exemption if the employee or prospective employee, who was convicted of a crime against an individual specified in paragraph (1) or (7) of subdivision (c) of Section



667.5 of the Penal Code, has been rehabilitated as provided in Section 4852.03 of the Penal Code and has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years and has the recommendation of the district attorney representing the employee's or prospective employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the county welfare director may give the employee or prospective employee an opportunity to explain the conviction and shall consider that explanation in the evaluation of the criminal conviction record.

(F) If criminal record information has not been recorded, the county welfare director shall cause a statement of that fact to be included in that person's personnel file.

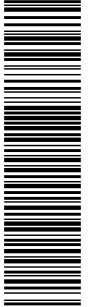
(2) For purposes of this subdivision, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that the county welfare director is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this subdivision, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

(l) (1) Consistent with Section 675a(c)(1)(D) of Title 42 of the United States Code, "qualified individual" means a trained professional or licensed clinician responsible for conducting the determination described in subdivision (g) of Section 4096 and determining the most effective and appropriate placement for a child. In the case of an Indian child, as defined in Section 224.1, a person may be designated by the child's tribe as the qualified individual pursuant to this subdivision and as defined in subdivision (c) of Section 224.6. In the absence of that designation, the qualified individual shall have specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(2) Except as provided in paragraph (3), the qualified individual shall not be an employee of the IV-E agency and shall not be connected to, or affiliated with, any placement setting in which the IV-E agency places children.

(3) (A) The department shall seek approval from the Secretary of the United States Department of Health and Human Services for authorization to permit employees of the IV-E agency or an individual connected to, or affiliated with, a placement setting to serve as the qualified individual who conducts the assessment described in subdivision (g) of Section 4096. A request for approval shall describe the process through which the department may certify that an employee of a Title IV-E agency, or individual connected to or affiliated with a placement setting, and designated as a qualified individual will maintain objectivity in conducting the assessment and determination of the most effective and appropriate placement for a child or nonminor dependent.

(B) Any process developed pursuant to subparagraph (A) shall be developed jointly with the State Department of Health Care Services and in consultation with the State Department of Developmental Services, the State Department of Education,



county child welfare, probation, and behavioral health agencies, and other interested stakeholders.

(C) If approval is granted, the department and the State Department of Health Care services shall issue joint instructions to counties regarding the process for the department to approve a joint request and plan submitted to the department by a county placing agency and behavioral health plan to permit an individual who is an employee of a Title IV-E agency or connected to, or affiliated with, a IV-E placement setting to serve as a qualified individual.

(4) 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 subdivision by means of all-county letters or similar 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.

SEC. 30. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(3) The agency shall consider and document the recommendations of the child and family team, as defined in Section 16501, if any are available. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

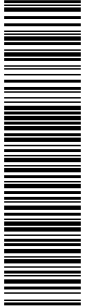
(b) (1) A case plan shall be based upon the principles of this section and the input from the child and family team.

(2) The case plan shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. Preplacement services may include intensive mental health services in the home or a community setting and the reasonable efforts made to prevent out-of-home placement.

(3) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(4) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that reasonable services will be offered to a parent who is incarcerated in a county jail or state prison, detained by the United States Department of Homeland Security, or deported to their country of origin, the case plan shall include information, to the extent possible, about a parent's incarceration in a county jail or the state prison, detention by the United States Department of Homeland Security, or deportation during the time that a minor child of that parent is involved in dependency care.

(5) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and



(e) of Section 361.5, the court determines that reunification services shall not be provided.

(6) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) If out-of-home placement is used to attain case plan goals, the case plan shall consider the recommendations of the child and family team.

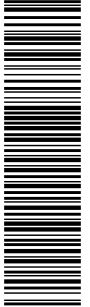
(d) (1) The case plan shall include a description of the type of home or institution in which the child is to be placed, and the reasons for that placement decision. The decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs and is available, in proximity to the parent's home, in proximity to the child's school, and consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, nonrelative extended family members, and tribal members; foster family homes, resource families, and approved or certified homes of foster family agencies; followed by intensive services for foster care homes; or multidimensional treatment foster care homes or therapeutic foster care homes; group care placements in the order of short-term residential therapeutic programs, group homes, community treatment facilities, and out-of-state residential treatment pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) If a short-term residential therapeutic program placement is selected for a child or nonminor dependent, the case plan shall indicate the needs, including the needs as identified by the qualified individual pursuant to subdivision (g) of Section 4096, of the child or nonminor dependent that necessitate this placement, the plan for transitioning the child or nonminor dependent to a less restrictive environment, and the projected timeline by which the child or nonminor dependent will be transitioned to a less restrictive environment, and the plan for aftercare services for at least six months postdischarge to a family-based setting, as required by Section 4096.6. The six months postdischarge requirement is inapplicable to the Medi-Cal component of the aftercare services, which shall be provided for the length of time the child needs specialty mental health services based on medical necessity criteria and other state and federal requirements. This section of the case plan shall be reviewed and updated at least semiannually.

(A) The case plan for placements in a group home, or commencing January 1, 2017, in a short-term residential therapeutic program, shall indicate that the county has taken into consideration Section 16010.8.

(B) (i) After January 1, 2017, a child and family team meeting as described in Section 16501 shall be convened by the county placing agency for the purpose of identifying the supports and services needed to achieve permanency and enable the child or youth to be placed in the least restrictive family setting that promotes normal childhood experiences.

(ii) Child and family teams shall be provided written or electronic information developed by the department describing services and activities, including specialized



permanency services, shown to be effective in achieving and sustaining permanency for all children, youth, and nonminor dependents.

(C) On and after October 1, 2021, within 30 days of placement in a short-term residential therapeutic program, and, on and after July 1, 2022, within 30 days of placement in a community treatment facility, the case plan shall document all of the following:

(i) The reasonable and good faith effort by the social worker to identify and include all required individuals in the child and family team.

(ii) All contact information for members of the child and family team, as well as contact information for other relatives and nonrelative extended family members who are not part of the child and family team.

(iii) Evidence that meetings of the child and family team, including the meetings related to the determination required under Section 4096, are held at a time and place convenient for the family.

(iv) If reunification is the goal, evidence that the parent from whom the child was removed provided input on the members of the child and family team.

(v) Evidence that the determination required under subdivision (g) of Section 4096 was conducted in conjunction with the child and family team.

(vi) The placement preferences of the child or nonminor dependent and the child and family team relative to the determination and, if the placement preferences of the child or nonminor dependent or the child and family team are not the placement setting recommended by the qualified individual conducting the determination, the reasons why the preferences of the team or the child or nonminor dependent were not recommended.

(D) Following the court review pursuant to Section 361.22, the case plan shall document the court's approval or disapproval of the placement.

(E) When the child or nonminor dependent has been placed in a short-term residential therapeutic program or a community treatment facility, as applicable, for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a child who has not attained 13 years of age, for more than 6 consecutive or nonconsecutive months, the case plan shall include both of the following:

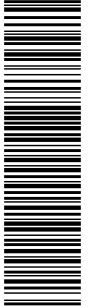
(i) Documentation of the information submitted to the court pursuant to subdivision (l) of Section 366.1, subdivision (k) of Section 366.3, or paragraph (4) of subdivision (b) of Section 366.31, as applicable.

(ii) Documentation that the deputy director or director of the county child welfare department has approved the continued placement of the child or nonminor dependent in the setting.

(F) On and after October 1, 2021, prior to discharge from a short-term residential therapeutic program, and, on and after July 1, 2022, prior to discharge from a community treatment facility, the case plan shall include both of the following:

(i) A description of the type of in-home or institution-based services to encourage the safety, stability, and appropriateness of the next placement, including the recommendations of the child and family team, if available.

(ii) A plan, developed in collaboration with the short-term residential therapeutic program or community treatment facility, as applicable, for the provision of discharge planning and family-based aftercare support pursuant to Section 4096.6.



(3) On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits and who is up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to successful adulthood. If admission to, or continuation in, a group home or short-term residential therapeutic program placement is being considered for a nonminor dependent, the group home or short-term residential therapeutic program placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home or short-term residential therapeutic program placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to successful adulthood. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive family setting that promotes normal childhood experiences, including a target date for discharge from the group home or short-term residential therapeutic program placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home or short-term residential therapeutic program placement remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to successful adulthood. The group home or short-term residential therapeutic program placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home or short-term residential therapeutic program placement is likely to remain in group home or short-term residential therapeutic program placement on their 18th birthday, in order to expedite the transition to a less restrictive family setting that promotes normal childhood experiences, if the child becomes a nonminor dependent. The case planning process shall include informing the youth of all of the options, including, but not limited to, admission to or continuation in a group home or short-term residential therapeutic program placement.

(4) Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains their 19th birthday, whichever is earlier, continuation in or admission to a group home placement is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

(5) In addition to the requirements of paragraphs (1) to (4), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall



also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

(e) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Sections 364, 366, 366.3, and 366.31, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services/Case Management System (CWS/CMS) to account for the 60-day timeframe for preparing a written case plan.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

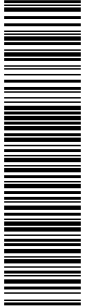
(g) The case plan shall be developed considering the recommendations of the child and family team, as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the placement agency contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or probation officer, or a social worker or probation officer on the staff of the agency in the state in which the child has been placed, shall visit the child in a foster family home or the home of a relative, consistent with federal law and in



accordance with the department's approved state plan. If a child is placed in an out-of-state residential facility, as defined in paragraph (2) of subdivision (b) of Section 7910 of the Family Code, pursuant to Section 361.21 or 727.1, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled placement agency contact with the foster child, and at each placement change, the child's social worker or probation officer shall inform the child, the care provider, and the child and family team, if applicable, of the child's rights as a foster child, as specified in Section 16001.9, and shall provide a written copy of the rights to the child as part of the explanation. The social worker or probation officer shall provide the information to the child in a manner appropriate to the age or developmental level of the child. The social worker or probation officer shall document in the case plan that they have informed the child of, and have provided the child with a written copy of, the child's rights.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

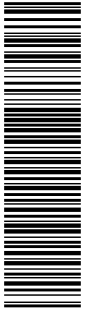
(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with their siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, resource family home, group home, or other childcare institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state residential facility placement is recommended or made, the case plan shall, in addition, specify compliance with Section 16010.9 of this code and Section 7911.1 of the Family Code.

(8) A case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:



(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

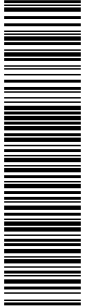
(9) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(10) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and out-of-state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(11) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In a voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC or CalWORKs assistance and who are up to 21 years of age pursuant to Section 11403, the transitional independent living case plan, as set forth in subdivision (y) of Section 11400, shall be developed with, and signed by, the nonminor.



(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21, 366.22, or 366.25 of this code as evidence.

(13) (A) A child shall be given a meaningful opportunity to participate in the development of the case plan and state their preference for foster care placement. A child who is 12 years of age or older and in a permanent placement shall also be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan.

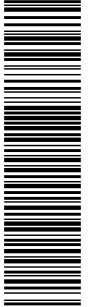
(B) For a child who receives a copy of the case plan pursuant to subparagraph (A) and who speaks a primary language other than English, the case plan shall be translated and provided to the child in their primary language.

(14) The case plan shall be included in the court report, and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(15) (A) If the case plan has as its goal for the child a permanent plan of adoption, legal guardianship, or another planned permanent living arrangement, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, or a legal guardian, and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. Regardless of whether the child has been freed for adoption, documentation shall include a description of any barriers to achieving legal permanence and the steps the agency will take to address those barriers. If a child has been in care for three years or more, the documentation shall include a description of the specialized permanency services used or, if specialized permanency services have not been used, a statement explaining why the agency chose not to provide these services. If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

(B) Specific elements of specialized permanency services may be included in the case plan as needed to meet the permanency needs of the individual child or nonminor dependent.

(C) When the child is 16 years of age or older and is in another planned permanent living arrangement, the case plan shall identify the intensive and ongoing efforts to return the child to the home of the parent, place the child for adoption, place the child

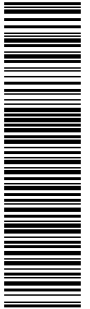


for tribal customary adoption in the case of an Indian child, establish a legal guardianship, or place the child nonminor dependent with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the child.

(16) (A) (i) For a child who is 14 or 15 years of age, the case plan shall include a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood. The description may be included in the document described in subparagraph (A) of paragraph (18).

(ii) When appropriate, for a child who is 16 years of age or older and, commencing January 1, 2012, for a nonminor dependent, the case plan shall include the transitional independent living plan (TILP), a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood, and, in addition, whether the youth has an in-progress application pending for Title XVI Supplemental Security Income benefits or for special immigrant juvenile status or other applicable application for legal residency and an active dependency case is required for that application. For a child who speaks a primary language other than English, the TILP shall be translated into their primary language. When appropriate, for a nonminor dependent, the transitional independent living case plan, as described in subdivision (y) of Section 11400, shall include the TILP, a written description of the programs and services that will help the nonminor dependent, consistent with their best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living placement as defined in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec. 675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 of the federal Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care, and information regarding the advance health care directive form. Information provided regarding health insurance options shall include verification that the eligible youth or nonminor dependent is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth's social worker or probation officer to ensure that



the eligible youth or nonminor dependent is transitioned into the Medi-Cal program for former foster youth upon case closure with no interruption in coverage and with no new application being required, as provided in Section 14005.28.

(C) For youth 14 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining their reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

(17) For youth 14 years of age or older and nonminor dependents, the case plan shall be developed in consultation with the youth. At the youth's option, the consultation may include up to two members of the case planning team who are chosen by the youth and who are not foster parents of, or caseworkers for, the youth. The agency, at any time, may reject an individual selected by the youth to be a member of the case planning team if the agency has good cause to believe that the individual would not act in the youth's best interest. One individual selected by the youth to be a member of the case planning team may be designated to be the youth's adviser and advocate with respect to the application of the reasonable and prudent parent standard to the youth, as necessary.

(18) For youth in foster care 14 years of age or older and nonminor dependents, the case plan shall include both of the following:

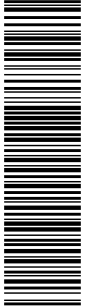
(A) A document that describes the youth's rights with respect to education, health, visitation, and court participation, the right to be annually provided with copies of their credit reports at no cost while in foster care pursuant to Section 10618.6, and the right to stay safe and avoid exploitation.

(B) A signed acknowledgment by the youth that they have been provided a copy of the document and that the rights described in the document have been explained to the youth in an age-appropriate manner.

(19) The case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, shall document the services provided to address that issue.

(20) For a youth in foster care 10 years of age or older who is in junior high, middle, or high school, or a nonminor dependent enrolled in high school, the case plan shall be reviewed annually, and updated as needed, to indicate that the case management worker has verified that the youth or nonminor dependent received comprehensive sexual health education that meets the requirements established in Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code, through the school system. The case plan shall document either of the following:

(A) For a youth in junior high or middle school, either that the youth has already received this instruction during junior high or middle school, or how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the dependency court during this timeframe.



(B) For a youth or nonminor dependent in high school, either that the youth or nonminor dependent already received this instruction during high school, or how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the dependency court during this timeframe.

(21) (A) For a youth in foster care 10 years of age or older or a nonminor dependent, the case plan shall be updated annually to indicate that the case management worker has done all of the following:

(i) Informed the youth or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(ii) Informed the youth or nonminor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health care services and their confidentiality rights regarding those services.

(iii) Informed the youth or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(B) This paragraph shall not be construed to affect any applicable confidentiality law.

(22) For a child who is 16 years of age or older and for a nonminor dependent, the case plan shall identify the person or persons, who may include the child's high school counselor, Court-Appointed Special Advocate, guardian, or other adult, who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education. If, at any point in the future, the child or nonminor dependent expresses that they wish to pursue postsecondary education, the case plan shall be updated to identify an adult individual responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid.

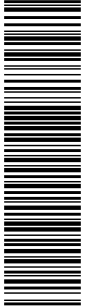
(23) On and after the date required by paragraph (9) of subdivision (h) of Section 11461, the case plan shall include all of the following:

(A) A summary of the child's or nonminor dependent's most recent IP-CANS assessment and the child's or nonminor dependent's tier as determined by the IP-CANS assessment for purposes of the Tiered Rate Structure pursuant to subdivision (h) of Section 11461.

(B) If applicable, the plan to meet the child or nonminor dependent's immediate needs, as defined in paragraph (2) of subdivision (c) of Section 16562, using funding made available for that purpose.

(C) The Strengths Building Spending Plan and the spending plan report, as defined in subdivision (c) of Section 16565, for a child or nonminor dependent eligible for the Strengths Building Child and Family Determination Program established in Section 16565.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child



or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and their siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services/Case Management System (CWS/CMS) is implemented on a statewide basis.

(j) When a child is 10 years of age or older and has been in out-of-home placement for six months or longer, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationships with those individuals, provided that those relationships are in the best interest of the child. The social worker or probation officer shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, or may seek that information from the child and family team, as appropriate. The social worker or probation officer shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services. The nonminor dependent's caregiver shall be provided with a copy of the nonminor's TILP.

(l) Each county shall ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care during a federal fiscal year is not less than 95 percent of the total number of those visits that would occur if each child were visited once every month while in care and that the majority of the visits occur in the residence of the child. The county child welfare and probation departments shall comply with data reporting requirements that the department deems necessary to comply with the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288) and the federal Child and Family Services Improvement and Innovation Act (Public Law 112-34).

(m) The implementation and operation of the amendments to subdivision (i) enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

SEC. 31. Chapter 6.5 (commencing with Section 16560) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 6.5. FOSTER CARE CHILD AND ADOLESCENT NEEDS AND STRENGTHS
PROGRAMS

16560. (a) The Legislature finds and declares all of the following:

(1) The Continuum of Care Reform (CCR) was enacted to improve California's child welfare system and its outcomes through, in part, the selection and use of comprehensive initial child assessments.

(2) In 2018, the department selected the Child and Adolescent Needs and Strengths (CANS) assessment tool as the evidence-based, functional assessment tool as part of the implementation of the CCR. Pursuant to Section 16523.55, the requirement under Section 16523.5 for quarterly updates to the Legislature by the department on



the implementation of the CCR has included a requirement for status updates on the utilization of the CANS assessment tool.

(3) The Legislature supports the use of the CANS assessment tool to guide case management and to identify trauma-informed services and supports tailored to meet the individual needs of children in foster care, with the goal of obtaining permanency and stability for every child and nonminor dependent.

(b) For purposes of this chapter, the following definitions shall apply:

(1) "Child" means a person, including an Indian child as described in subdivision (a) of Section 224.1, who is under 18 years of age and placed into foster care by a placing agency.

(2) "Integrated Practice-Child and Adolescent Needs and Strengths" or "IP-CANS" shall have the same meaning as the IP-CANS, described in subparagraph (A) of paragraph (1) of subdivision (h) of Section 11461.

(3) "Nonminor dependent" has the same meaning as a nonminor dependent in subdivision (v) of Section 11400.

(4) "Placing agency" means a county child welfare agency, a county probation department, or an Indian tribe that has entered into an agreement pursuant to Section 10553.1.

(c) On and after the date required by paragraph (9) of subdivision (h) of Section 11461, all placing agencies shall ensure completion of IP-CANS assessments for every child and nonminor dependent placed in foster care under the care, custody, and control of the placing agency. In the case of an Indian child, the IP-CANS assessment shall ensure a representative of the child's tribe is offered an opportunity to provide input.

(1) The placing agency shall ensure completion of an initial IP-CANS assessment, informed by members of the Child and Family Team, including the child or nonminor dependent, family, and, in the case of an Indian child, the child's tribe, within sixty (60) days of the child entering foster care as defined in written guidance to be provided by the department.

(2) The placing agency shall ensure completion of a new IP-CANS assessment, informed by members of the Child and Family Team, including the child or nonminor dependent, family, and, in the case of an Indian child, the child's tribe, at a minimum, every six months after the initial IP-CANS assessment, and more frequently to address the needs or changing circumstances of the child or nonminor dependent as directed in written guidance to be provided by the department.

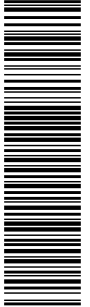
(3) The IP-CANS assessments shall identify determine the child's or nonminor dependent's tier for purposes of the Tiered Rate Structure established in subdivision (h) of Section 11461.

(d) (1) The department shall engage with a working group regarding guidelines and standards on the use of the IP-CANS that shall include, but not be limited to, all of the following:

(A) Outcome measures and tools necessary to ensure the IP-CANS assessments are completed to fidelity.

(B) The timing and use of the IP-CANS assessments in determining a child's or nonminor dependent's tier in the Tiered Rate Structure.

(C) The conditions that trigger the completion of an updated or new IP-CANS assessment.



(D) The impact of changes in the child's or nonminor dependent's tier as determined by subsequent IP-CANS assessments, including the timing of changes in the components of the Tiered Rate Structure based on changes in the child's or nonminor dependent's tier and exceptions which will apply in order to support placement in a family home.

(2) Not later than January 1, 2025, the department shall issue guidance and instructions to placing agencies regarding implementation by July 1, 2025 of the guidelines and standards developed pursuant to this subdivision.

(e) 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, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2035.

16562. The Legislature finds and declares the following:

(a) (1) A coordinated, timely, and trauma-informed system of care is essential to meet the needs of children and nonminor dependents in foster care who have experienced trauma.

(2) The use of standardized, validated functional assessment tools reveal that some children and nonminor dependents have immediate needs that may become increasingly complex if intervention is delayed or if the need is left unattended.

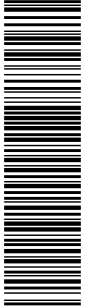
(3) Investing in the provision of services to children and nonminor dependents in foster care by identifying and addressing immediate needs ensures that even those children and nonminor dependents with the highest level of need can be supported in every setting and, whenever possible, in the home of a relative, nonrelative extended family member or, in the case of an Indian child, an extended family member, as described in Section 224.1.

(4) Child development research establishes that a trauma-informed system of care prioritizes and supports the role of the child's or nonminor dependent's family and community of origin in meeting the needs of the child and nonminor dependent. Research also shows that children and nonminor dependents placed with relatives, or extended family members as defined in Section 224.1 in the case of an Indian child, experience better permanency outcomes, higher rates of reunification, lower rates of reentry into foster care, and greater stability while they are in care.

(5) Immediate needs should be addressed in a way that is culturally responsive, family centered, and permanency focused, and, for an Indian child, supports engagement with the child's tribe in ensuring the array of integrated services and supports are informed by the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(6) It is therefore the intent of the Legislature in enacting this chapter to identify and address the immediate needs of children and nonminor dependents in foster care, as identified through a standardized validated functional assessment tool informed by the child and family team.

(b) The Immediate Needs Program is hereby established. Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, the Immediate Needs Program shall be available to every child and nonminor dependent in foster care who,



upon completion of the IP-CANS, is determined to be in Tier 2, Tier 3, or Tier 3+ as part of the Tiered Rate Structure established in subdivision (h) of Section 11461. The Immediate Needs Program shall not apply to nonminor dependents placed in a setting described in subdivision (w) of Section 11400.

(c) For purposes of this chapter, the following definitions shall apply:

(1) "Immediate Needs Program" means a program intended to provide an array of integrated services and supports based on the immediate needs of eligible children who fall into Tier 2, Tier 3, or Tier 3+ of the Tiered Rate Structure established in subdivision (h) of Section 11461 and identified through the use of the IP-CANS assessment tool. For an Indian child, the program shall support engagement with the child's tribe by ensuring that the array of integrated services and supports provided shall be informed by prevailing social and cultural conditions and way of life of the Indian child's tribe and shall be provided consistent with active efforts as described in subdivision (f) of Section 224.1.

(2) "Immediate needs" means the circumstances identified by the child's or nonminor dependent's IP-CANS assessment that interfere with the child's or nonminor dependent's age and developmentally-appropriate behavioral or emotional functioning or otherwise currently impact the child or nonminor dependent that can be treated or addressed through the provision of services and supports.

(3) "Immediate Needs Funding" means the amount of funding available as a component of the Tiered Rate Structure established in subparagraph (C) of paragraph (2) of subdivision (h) of Section 11461, and set forth in subparagraph (B) of paragraph (1) of subdivision (d), based on the child's or nonminor dependent's tier, as determined by the IP-CANS assessment. The Immediate Needs Funding shall not be used to supplant existing state or county funds utilized for the provision of Medi-Cal services.

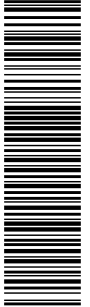
(4) "Immediate Needs Program Plan" means the plan that includes all the requirements of subparagraph (B) of paragraph (2) of subdivision (d) and is submitted to the department for approval.

(5) "Immediate needs provider" means a placing agency, or a provider with whom the placing agency or the department contracts to provide immediate needs services and supports. Immediate needs providers shall be certified by the department to provide services and supports consistent with the standards of care framework adopted pursuant to subdivision (e). For an Indian child, the immediate needs provider shall have specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(d) The purpose of the Immediate Needs Program is to provide an array of integrated services and supports tailored to meet the immediate needs of a child or nonminor dependent as identified by their IP-CANS as efficiently and effectively as reasonably possible. Under the Immediate Needs Program:

(1) (A) Each placing agency shall be provided funding to support the Immediate Needs Program. The department shall utilize a reconciliation process to adjust biannual funding as needed to ensure the placing agency has sufficient funding to provide for the immediate needs of each eligible child or nonminor dependent.

(B) Immediate Needs Funding shall be available per child per month for each eligible child or nonminor dependent described in subdivision (b) based on the child's or nonminor dependent's tier, as determined by the results of the child's or nonminor dependent's IP-CANS assessment, according to the following tiered rate schedule:



- Tier 1: \$0
- Tier 2: \$1000
- Tier 3: \$1500 [Ages 0-5]
- Tier 3+: \$4100 [Ages 6+]

(C) Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, for new entries into foster care, and for all other children and nonminor dependents in foster care placements on July 1, 2026, including children and nonminor dependents placed in a setting described in subdivision (d) of Section 11402, the Immediate Needs Funding shall be available for each eligible child or nonminor dependent described in subdivision (b), consistent with the child's or nonminor dependent's tier, as determined by the IP-CANS assessment, pursuant to a schedule to be determined by the department.

(2) Placing agencies shall do all of the following:

(A) Provide for the immediate needs of children and nonminor dependents in Tier 2, Tier 3, and Tier 3+ as identified by the IP-CANS using the immediate needs allocation set forth in subparagraph (B) of paragraph (1) of subdivision (d). A description of the immediate needs and how the funding will be used to meet the immediate needs shall be included in the child's or nonminor dependent's case plan.

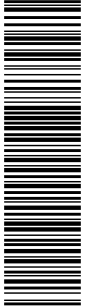
(B) Ensure the caregiver of a home-based setting, including, but not limited to, a tribally approved home, has relevant, specialized training necessary for the purpose of preparing the family to meet the needs of an individual child or nonminor dependent in Tiers 2, 3, or 3+ who is or will be placed in the home. Immediate Needs Funding may be used for this purpose but shall not supplant existing funding for training caregivers.

(C) When appropriate based on the IP-CANS assessment, the Immediate Needs Funding may be used for the child or nonminor dependent in a manner that supports reunification efforts. The Immediate Needs Funding shall not supplant existing funding used by placing agencies to provide reunification services.

(D) Ensure the caregiver has the capability, willingness, and ability to meet the specific immediate needs of the child or nonminor dependent placed in the home, including by assessing the risk and compatibility of placing the child or nonminor dependent with any other children or nonminor dependents in the home and the ability of the caregiver to provide care and support for all the children or nonminor dependents in the home consistent with guidance to be issued by the department.

(E) In consultation with the local interagency leadership team established pursuant to Section 16521.6, which shall include the engagement and coordination of federally recognized tribes, the placing agency and the mental health plan shall submit to the department an Immediate Needs Program plan for approval that includes all of the following:

(i) How the placing agency will use the Immediate Needs Funding in a manner that provides, arranges for, or ensures the provision of, an array of immediate needs services and supports for individual children and nonminor dependents who are determined to be in Tier 2, Tier 3, or Tier 3+ of the Tiered Rate Structure, and, for an Indian child, how the services and supports will be conducted in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and provided consistent with active efforts, as described in subdivision (f) of Section 224.1.



(ii) How the placing agency will ensure the services provided pursuant to the Immediate Needs Program plan or, alternatively, any immediate needs providers with whom the placing agency contracts, will meet the standards of care framework established by the department in the guidelines provided under paragraph (2) of subdivision (e).

(iii) How the placing agency will ensure an adequate supply of certified immediate needs providers for children and nonminor dependents in the Immediate Needs Program, including an adequate supply of certified immediate needs provider for Indian children in the program who have specialized knowledge of, training in, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(iv) An agreement by the placing agency to provide data requested by the department related to children and nonminor dependents in foster care in Tier 2 and Tier 3, as determined by the IP-CANS assessments.

(F) Become a certified immediate needs provider if the placing agency opts to directly provide for the immediate needs of children and nonminor dependents placed into foster care by using the Immediate Needs Funding.

(G) Use only immediate needs providers certified by the department, using contracts that are consistent with model contracts developed by the department.

(H) For a short-term therapeutic residential program or community treatment facility certified by the department as an immediate needs provider, contract with the short-term residential therapeutic residential program or the community treatment facility where a child or nonminor dependent in the Immediate Needs Program is placed, unless the placing agency determines it is in the best interest of the child or nonminor dependent to receive services and supports from another certified immediate needs provider.

(I) Facilitate the child and family team to obtain input on the development of an Immediate Needs Plan and incorporate the Immediate Needs Plan as part of the child's or nonminor dependent's case plan, as applicable, and the state's child welfare information system.

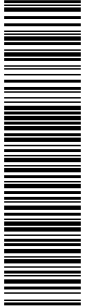
(J) Submit data and outcome measures regarding the Immediate Needs Program to the department in periodic reports, on a schedule determined by the department.

(e) The department shall be responsible for all of the following:

(1) Oversight of the placing agencies in administering the Immediate Needs Program, including the placing agency's use of the placing agency funding for the program, the Immediate Needs Funding, and the progress and success of the program in meeting the immediate needs of children in foster care.

(2) Development of a standards of care framework for the Immediate Needs Program developed in consultation with persons and entities described in subdivision (f), that immediate needs providers shall be subject to regarding the services and supports to be provided to meet a child's or nonminor dependent's immediate needs as identified in the IP-CANS assessment for each child or nonminor dependent who falls into tiers 2, Tier 3, or Tier 3+.

(3) Development of a process by which an immediate needs provider shall be certified by the department to provide services consistent with the standards of care framework developed pursuant to paragraph (2). The certification for immediate needs providers for Indian children shall include requirements, developed through consultation



with tribes, for specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(4) Provision of technical assistance to support placing agencies in developing and maintaining an adequate array of certified immediate needs providers.

(5) Development of model contracts that align with the standards of care framework and with which all placing agency contracts with immediate needs providers shall be consistent.

(6) Development of written guidance and technical support for placing agencies to support both of the following:

(A) Regional contracts with immediate needs providers to ensure an adequate supply of providers who are certified and able to meet the standards of care framework.

(B) Agreements between placing agencies to administer the Immediate Needs Program, or for building a consortium of placing agencies to jointly administer the Immediate Needs Program.

(7) Development of informational materials for placing agencies to provide to children, nonminor dependents, families, and caregivers, about the Immediate Needs Program. Information shall be provided in plain language, in alternative formats and alternative modes of communication and provide language access as required by state and federal law.

(8) Workforce development, training, and curriculum requirements on the Immediate Needs Program, including the standards of care framework and model contracting.

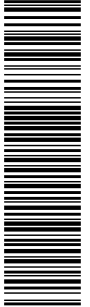
(9) Development of guidelines and training on funding resources and claiming by placing agencies and immediate needs providers, including, but not limited to, controls and documentation to determine when federal financial participation may be available if all state and federal requirements are met.

(10) Development of policies and procedures for statewide collection of data and outcome measures, including requirements for the placing agencies and immediate needs providers to submit needed data and reports.

(11) Development of guidelines describing the conditions, and the process and procedure, under which the department will need to enter into contracts regarding the Immediate Needs Program.

(f) The department, in consultation with the State Department of Health Care Services, County Behavioral Health Directors Association of California, County Welfare Directors Association of California, Chief Probation Officers of California, tribes, child welfare advocates, providers, current or former foster children, nonminor dependents, parents, caregivers, and other interested parties, shall establish statewide minimum standards for the Immediate Needs Program and for immediate needs providers of services and supports, and shall issue guidance necessary to implement this section. The process for development of the standards of care framework relating to Indian children shall include consultation with federally recognized tribes.

(g) The department shall consult with an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 for the purpose of the implementation of this section by the Indian tribe, consortium of tribes, or tribal organization.



(h) Federal financial participation under the Medi-Cal program shall only be available for services and supports provided under the Immediate Needs Program if all state and federal requirements are met and the service is medically necessary.

(1) The State Department of Health Care Services may issue guidance on the conditions under which federal financial participation is available for Medi-Cal services that intersect with the implementation of this section.

(2) Medi-Cal services shall only be claimed to the extent 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 implement, interpret, or make specific this section concerning the provision of Medi-Cal services by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

(i) 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 section through and by means of all-county letters or similar written directives, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar written directives shall have the same force and effect as regulations until the adoption of regulations, no later than January 1, 2035.

(j) (1) The department has authority to receive the Immediate Needs Funding on behalf of the placing agency and use the funding to award contracts for the purpose of implementing and maintaining the Immediate Needs Program under either of the following circumstances:

(A) Pursuant to a voluntary agreement reached between the department and a placing agency.

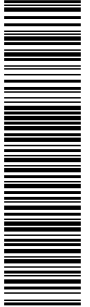
(B) If the department, pursuant to the conditions, policies, and procedures established under paragraph (11) of subdivision (e), determines a placing agency has failed to adequately administer the Immediate Needs Program or meet the immediate needs of children or nonminor dependents for whom it is responsible based on the standard of care framework established in paragraph (2) of subdivision (e).

(2) Notwithstanding any other law, contracts awarded by the department for purposes of this section 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.

(3) Notwithstanding any other law, contracts awarded by the department for purposes of this section shall be exempt from 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 or the Department of Technology.

(k) Placing agencies shall have authority to enter into voluntary agreements with other placing agencies to administer their Immediate Needs Program, and to form a consortium of placing agencies to jointly administer the Immediate Needs Program, provided there is compliance with the written guidance and technical support provided by the department pursuant to paragraphs (6) and (7) of subdivision (e).

16565. (a) The Legislature finds and declares the following:



(1) Social determinants of health, adverse childhood experiences (ACEs), positive childhood experiences, and other supports are critical determinants of life outcomes for children. Research shows that ACEs can have lasting, negative, and permanent impacts on childhood development. Many factors, including experiencing abuse or neglect, placement instability and disconnection from family and natural supports, leave children and nonminor dependents in foster care particularly vulnerable to the impact of ACEs.

(2) Research also shows that positive childhood experiences, tailored to a child's or nonminor dependent's strengths, can lessen the impact of ACEs. Through positive childhood experiences, children can develop, build, and nurture strengths and personal autonomy, which may support the successful transition to permanency and successful adulthood.

(3) Focusing on strengths building activities, by providing explicit funding for these activities, will help to prevent children and nonminor dependents in foster care from developing more complex needs and will serve to stabilize children, and, as applicable, nonminor dependents in their families, which, whenever possible and consistent with federal and state laws for placement preferences, should include placement in the home of a relative, nonrelative extended family member or, in the case of an Indian child, an extended family member as defined in Section 224.1.

(4) Strengths building activities should be culturally responsive, family centered, and permanency focused, and, in the case of an Indian child, consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(5) It is therefore the intent of the Legislature in enacting this section to create a program to empower the children and nonminor dependents in foster care and their families, with support from the child and family team, to select and make decisions about the goods, services, activities, and supports needed to achieve the strengths building objectives.

(b) The Strengths Building Child and Family Determination Program is hereby established. Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, the Strengths Building Child and Family Determination Program shall be available to every child and nonminor dependent in foster care whose tier has been determined as part of the Tiered Rate Structure established in subdivision (h) of Section 11461, based on the completion of the IP-CANS assessment. In lieu of applying the Strengths Building Child and Family Determination Program to nonminor dependents placed in a setting described in subdivision (w) of Section 11400, an amount equivalent to Tier 1 of the Strengths Building Funding shall be included in their rate, as described in clause (ii) of subparagraph (B) of paragraph (6) of subdivision (h) of Section 11461.

(c) For purposes of this chapter, the following definitions shall apply:

(1) "Child and family determination" means the process established by the department to empower the child or nonminor dependent, in an age and developmentally appropriate manner and the child and family or nonminor dependent to make decisions, informed by the IP-CANS assessment tool about the mix of goods, services, activities, and supports needed to meet the child's or nonminor dependent's strengths building objectives. In the case of an Indian child, the process shall be informed by the prevailing social and cultural conditions and way of life of the Indian child's tribe.



(2) “Child and family team” has the same meaning as described in paragraph (4) of subdivision (a) of Section 16501, including, for an Indian child, a representative of the Indian child’s tribe or Indian custodian, as applicable.

(3) “Family” includes the child’s parents, guardian, Indian custodian, and relatives, unless a juvenile court has made an order terminating parental rights pursuant to Section 366.26. “Family” also includes resource families or tribally approved homes, and, in the case of an Indian child, a representative of the Indian child’s tribe and extended family members, as defined in Section 224.1.

(4) “Spending plan manager” means the entity or entities that contract with the department to manage the Strengths Building Funding on behalf of the child or nonminor dependent. The spending plan manager shall be a partnership, whether general or limited, a corporation, whether forprofit or nonprofit, a limited liability company, or an association with a valid tax payer identification number.

(5) “Spending plan report” means a report of the information required in subparagraph (B) of paragraph (5) of subdivision (d), prepared by the spending plan manager, regarding the child’s or nonminor dependent’s Strengths Building Funding.

(6) “Strengths building” means the growth or development of characteristics of a child or nonminor dependent in an environment or through an external factor that provides the individual with meaning and wellbeing through the provision of goods, services, activities, and supports. For an Indian child, the identification of strengths shall be informed by prevailing social and cultural conditions and way of life of the Indian child’s tribe.

(7) “Strengths Building Funding” means the per child per month amount paid as a rate component of the Tiered Rate Structure established in subparagraph (B) of paragraph (2) of subdivision (h) of Section 11461, as specified in paragraph (1) of subdivision (d), based on the child’s or nonminor dependent’s tier, as determined by the IP-CANS assessment.

(8) “Strengths Building Spending Plan” means the plan the child and family develop to use the Strengths Building Funding as provided in subparagraph (A) of paragraph (3) of subdivision (d). In the case of a nonminor dependent, the Strengths Building Spending Plan means the plan that is developed by the nonminor dependent with the support of the child and family team or other appropriate supports selected by the nonminor dependent.

(d) Under the Strengths Building Child and Family Determination Program:

(1) Strengths Building Funding shall be available per child per month for each eligible child or nonminor dependent described in subdivision (b) based on the child’s or nonminor dependent’s tier, according to the following tiered rate schedule:

Tier 1: \$ 500

Tier 2: \$ 700

Tier 3: \$ 900 [Ages 0-5]

Tier 3+: \$900 [Ages 6+]

(2) For each eligible child or nonminor dependent described in subdivision (b) Strengths Building Funding shall be available, as set forth in paragraph (1), as follows:

(A) Except as provided in subparagraph (B), beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, for new entries into foster care and for all other children or nonminor dependents in foster care placements on July 1, 2026, including children or nonminor dependents placed in a setting described in subdivision



(d) of Section 11402, the Strengths Building Funding shall be available consistent with the child's or nonminor dependent's tier, as determined by the IP-CANS assessment, pursuant to a schedule to be determined by the department.

(B) Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, an amount equivalent to Tier 1 of the Strengths Building Funding shall be available to a nonminor dependent placed in a setting described in subdivision (w) of Section 11400.

(C) The Strengths Building Funding shall be considered to be owned by the state until the spending plan manager pays for goods, services, activities, and supports for the child or nonminor dependent using the funds. The child's or nonminor dependent's Strengths Building Funding must be used within the fiscal year for which the funding is appropriated. When the child or nonminor dependent exits foster care, including, but not limited to, when the child reunifies with a parent with or without juvenile court supervision, or achieves permanency through adoption, tribal customary adoption, or guardianship, any unused portion of Strengths Building Funding shall be available for use by the child or nonminor dependent through the end of the fiscal year for which the funding was appropriated.

(D) All goods, services, activities, and supports paid for by the Spending Plan Manager using the Strengths Building Funding shall belong to or be provided for the benefit of the child or nonminor dependent, including when the child's or nonminor dependent's placement changes.

(E) Notwithstanding any other law, payments, goods, services, activities and supports made available to a child or nonminor dependent pursuant to this section shall not be considered income or resources for purposes of determining the individual's eligibility for benefits or assistance under any federal, state or local benefit or assistance program, to the extent permitted by federal law.

(3) The child and family or nonminor dependent, in exercising child and family determination, with support from the child and family team, informed by the child's or nonminor dependent's IP-CANS assessment, and, for an Indian child, informed by prevailing social and cultural conditions and way of life of the Indian child's tribe, shall do both of the following:

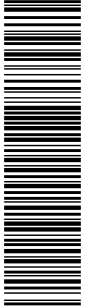
(A) Develop a Strengths Building Spending Plan for the child or nonminor dependent.

(i) The Strengths Building Spending Plan shall detail the strengths building objectives that are to be achieved through the purchase of child- and family-directed goods, services, activities, and supports using the Strengths Building Funding pursuant to the program standards and guidelines established by the department pursuant to subdivision (e) and, for an Indian child, informed by prevailing social and cultural conditions and way of life of the Indian child's tribe.

(ii) The total amount of the Strengths Building Spending Plan shall not exceed the amount of the Strengths Building Funding for the child's or nonminor dependent's tier.

(iii) The Strengths Building Spending Plan shall not be used to supplant existing funding sources used to secure goods, services, activities, or supports for children or nonminor dependents in foster care.

(B) Choose the goods, services, activities, and supports consistent with the program standards and guidelines developed by the department pursuant to subdivision



(e). These goods and services may include, but are not limited to, extracurricular activities, peer support, post-secondary educational materials and supplies, and goods, services, activities, and supports that are culturally significant to the child or nonminor dependent or that help the child or nonminor dependent feel connected to their family and community of origin, or, in the case of an Indian child, the child's tribe.

(i) The child and family or nonminor dependent's choice of goods, services, activities or supports shall be presumed to be reasonable and appropriate when those choices are consistent with guidance provided by the department describing allowable uses of the Strengths Building Funding and do not otherwise create risk to the child's or nonminor dependent's health, safety, or wellbeing. Strengths Building Funding shall not be used in a manner that would violate any state or federal law or any court order.

(ii) In the case of a child whose permanent plan is reunification, the child shall be empowered, as age and developmentally appropriate, to lead decision-making with active support of their parent or parents receiving reunification services. In all other cases, the child shall be empowered, as age and developmentally appropriate, to lead decisionmaking with active support of their caregiver.

(iii) In the case of a nonminor dependent, the nonminor dependent shall be empowered to make decisions to expend Strengths Building Funding in a manner that supports their transition to successful adulthood.

(4) The child and family team shall be responsible for both of the following:

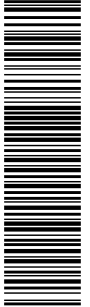
(A) Supporting the child and family or nonminor dependent in selecting goods, services, activities, and supports for the Strengths Building Spending Plan that are consistent with the strengths building objectives identified by the child's or nonminor dependent's IP-CANS assessment and the program standards and guidelines developed by the department pursuant to subdivision (e) and, for an Indian child, informed by prevailing social and cultural conditions and way of life of the Indian child's tribe, and for a child who is 14 years and older, as is age appropriate, and for all nonminor dependents, supporting the child in leading and directing the decisions related to the use of the Strengths Building Funding.

(B) Working with the child and family or nonminor dependent, as applicable, when goods, services, activities, and supports chosen for the Strengths Building Spending Plan fail to meet the program standards and guidelines developed by the department pursuant to subdivision (e) to help select and find goods, services, activities, and supports that comply with those guidelines and, for an Indian child, are informed by prevailing social and cultural conditions and way of life of the Indian child's tribe.

(5) Each child and nonminor dependent shall have a spending plan manager to assist the child and family and nonminor dependent with managing the Strengths Building Funding consistent with the Strengths Building Spending Plan. The spending plan manager shall do all of the following:

(A) Pay for and, if needed, otherwise enable the procurement of goods, services, activities, and supports for the child or nonminor dependent according to terms of the spending plan manager's contract with the department, the program standards and guidelines developed by the department pursuant to subdivision (e), and any other applicable requirements under state and federal law.

(i) When necessary or appropriate, payments may be made directly to the caregiver, child and family, or a nonminor dependent, according to the terms of the



spending plan manager's contract with the department, guidance provided by the department, and applicable federal and state law.

(ii) Payments shall be made timely according to the terms of the Strengths Building Spending Plan to promote the goals and objectives of the Strength Building Child and Family Determination Program, the terms of the Spending Plan Manager's contract with the department, guidance provided by the department, and applicable federal and state law.

(B) Provide the child, family, nonminor dependent, and placing agency, as applicable, with a spending plan report, consisting of at least an itemized monthly statement with a description of the goods, services, activities, and supports purchased using the Strengths Building Funding in the previous 30-day period, the amount spent for each good, service, activity, and support in the previous 30-day period, and the amount of funding that remains available under the Strengths Building Spending Plan.

(C) Comply with the duties prescribed in the terms of the contract with the department, including, but not limited to, ensuring the Strengths Building Funding is available to the child or nonminor dependent for its intended use, consistent with the Strengths Building Spending Plan.

(e) The department shall be responsible for all of the following:

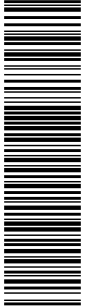
(1) Oversight of the contract or contracts with spending plan managers for spending plan management services, including the expenditure of the Strengths Building Funding.

(2) Development of program standards including, but not limited to, the following:

(A) A standards of care framework for the program, including standards that promote increased child and family determination over decisions about the goods, services, activities, and supports that will best meet the strengths building objectives identified in the child's or nonminor dependent's IP-CANS assessment and, for an Indian child, that are consistent with prevailing social and cultural conditions and way of life of the Indian child's tribe, and that are consistent with active efforts as described in subdivision (f) of Section 224.1.

(B) Comprehensive guidance for child- and family-centered planning by the child and family team that supports the child and family in developing their Strengths Building Spending Plan and, for an Indian child, supports engagement with the child's tribe in ensuring the Strengths Building Spending Plan is informed by prevailing social and cultural conditions and way of life of the Indian child's tribe, and for a child who is 14 years and older, as is age appropriate, and for all nonminor dependents, support the child or nonminor dependent in leading the decisions related to the use of the Strengths Building Spending Plan.

(C) Education or training and informational materials, for the child and family or nonminor dependent, the child and family team, and the spending plan manager, about the Strengths Building Child and Family Determination Program to ensure understanding of the principles of child and family determination, strengths building, comprehensive child- and family-centered planning, the planning process, self-determination principles in adolescent and young adult development, and the management of budgets, services, and staff and, for an Indian child, understanding of prevailing social and cultural conditions and way of life of the Indian child's tribe. Any materials or information provided for children and nonminor dependents shall be



age-appropriate and shall assist in preparing them for the child's and family's or nonminor dependent's development of the Strengths Building Spending Plan.

(D) Guidelines and training on funding resources for spending plan managers and providers of strengths building goods, services, activities, and supports, which shall include, but not be limited to, controls and documentation to determine when federal financial participation may be claimed if all state and federal requirements are met.

(E) A description of the nature and scope of allowable or approved goods, services, activities, and supports designed to achieve strengths building objectives identified in the child's or nonminor dependent's Strengths Building Spending Plan.

(F) The qualifications of the entity or entities who are eligible to contract with the department to manage Strengths Building Funding to ensure their ability to effectively serve as a spending plan manager.

(3) Consultation with the State Department of Health Care Services, County Welfare Directors Association of California, Chief Probation Officers of California, tribes, child welfare advocates, providers, current or former foster children, nonminor dependents, caregivers, and other interested parties, in the development of the informational materials and guidelines described in paragraph (2). The development of the standards of care framework, educational, informational, and training materials, and guidelines relating to Indian children shall include consultation with federally recognized tribes.

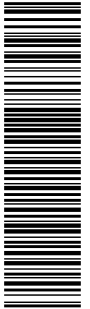
(f) The placing agency shall do all of the following:

(1) Include the Strengths Building Spending Plan and the spending manager report in the child's or nonminor dependent's case plan, and the statewide child welfare information system, and provide a copy of the report to members of the child and family team and, for an Indian child, to the Indian child's tribe.

(2) Facilitate the meeting with the child and family team, including, for an Indian child, a representative of the Indian child's tribe or Indian custodian, as applicable, in providing support to the child and family or nonminor dependent in developing the Strengths Building Spending Plan and in selecting goods, services, activities, and supports to achieve the child's or nonminor dependent's strengths building objectives.

(3) Provide information and support to the child and family or nonminor dependent, upon request, regarding goods, services, activities, and supports available in the community, and, if needed, support the child and family nonminor dependent in accessing those goods, services, activities, and supports. The placing agency shall inform the child and family or nonminor dependent when the placing agency is legally responsible for covering the cost of goods, services, activities, and supports purchased with Strengths Building Funding and assist the child and family or nonminor dependent in selecting other goods, services, activities, and supports, including those of the nature and scope described in guidance provided by the department, that achieve the strength building objectives identified in the child's or nonminor dependent's IP-CANS assessment.

(g) The department shall consult with an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 for the purpose of the implementation of this section by the Indian tribe, consortium of tribes, or tribal organization.



(h) The department, as it determines necessary, shall adopt regulations to implement the procedures set forth in this section in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(i) The department may award contracts for the purpose of implementing and maintaining the Strengths Building Child and Family Determination Program.

SEC. 32. Section 18358.38 is added to the Welfare and Institutions Code, to read:

18358.38. This chapter shall become inoperative on July 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 33. Section 18360.36 is added to the Welfare and Institutions Code, to read:

18360.36. This chapter shall become inoperative on July 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 34. (a) The Legislature finds and declares that unknown long-term economic factors require prudence in committing the General Fund to ongoing spending. The Legislature further declares a commitment to establish an ongoing foster care rate structure as provided in subdivision (g) of Section 11461, subdivision (c) of Section 11462, and subdivision (c) of Section 11463.

(b) Notwithstanding the dates identified in paragraph (9) of subdivision (h) of Section 11461, and contingent upon future budget appropriations to effectuate this section, the amendments made pursuant to this act necessary to implement the foster care Tiered Rate Structure shall be operative only after the Department of Finance makes a determination in the spring of 2026 supporting either of the following:

(1) General Fund moneys over the multiyear forecasts are available to support the Tiered Rate Structure, an appropriation is feasible, and a General Fund augmentation for the State Department of Social Services to implement the Tiered Rate Structure will be prioritized.

(2) An appropriation is not feasible, in which case the existing foster care rate structures shall remain in effect and continue to be fully funded as provided by law, and the Tiered Rate Structure shall not be implemented until an appropriation is made.

(c) This section shall not be interpreted to cease or delay any funding or action required to perform the automation or other activities necessary to prepare for the implementation of the Tiered Rate Structure provided for in this act.

SEC. 35. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.



LEGISLATIVE COUNSEL'S DIGEST

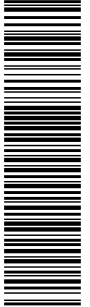
Bill No. _____
as introduced, _____.
General Subject: Permanent foster care rate structure.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law establishes a schedule of basic rates to be paid for the care and supervision of each foster child, administered by the State Department of Social Services.

Commencing the later of July 1, 2026, or the date that the State Department of Social Services notifies the Legislature that the California Statewide Automated Welfare System (CalSAWS) can perform the necessary automation, this bill, among other things, would establish a new, Tiered Rate Structure for children and nonminor dependents in foster care, which would be based on the use of the Integrated Practice-Child and Adolescent Needs and Strengths (IP-CANS) assessment tool, as defined. The Tiered Rate Structure would include 3 components, including an amount paid to the foster care provider for care and supervision of the child, as defined, a strengths building allocation to provide for a child's strengths building objectives, as identified by the IP-CANS, and an immediate needs allocation to provide for the child's immediate needs, and would establish 3 payment tiers, as specified. The bill would require care and supervision payments to be made to a provider at a per child per month rate, based on the child's assessment results, with specified exceptions, and would specify the manner in which the care and supervision component would be phased in.

The bill would require all placing agencies, on and after the implementation date of the Tiered Rate Structure, to conduct the IP-CANS assessment for every child, as defined, in foster care under the care, custody, and control of the placing agency, within 60 days of their date of entry into foster care, as specified, and every 6 months after the initial assessment or more frequently, as prescribed. The bill would require the IP-CANS assessment to identify the child's tier for purposes of the Tiered Rate Structure.

The bill would establish the Immediate Needs Program, to provide an array of integrated services and supports based on the immediate needs, as defined, of children who fall into Tier 2 or Tier 3 of the Tiered Rate Structure, pursuant to the IP-CANS assessment. The bill would require the immediate needs allocation for a child to be based on their tier, as determined by the IP-CANS. The bill would specify the department's duties with respect to the Immediate Needs Program, including, but not limited to, overseeing placement agencies in administering the program and developing a certification process for immediate needs providers, as specified. The bill also would require the department to, in consultation with specified entities, to establish statewide minimum standards for the program and providers, and to issue guidance to implement those standards.



The bill also would establish the Strengths Building and Child and Family Determination Program that, beginning on the implementation date of the Tiered Rate Structure, would be available to every child in foster care whose tier has been determined as part of the Tiered Rate Structure. The bill would require a child and family team, as defined, to perform specified child and family determination functions, including to support the child and family in developing a strengths building spending plan, as defined, to detail the strengths building objectives that are to be achieved through the purchase of child- and family-directed goods, services, activities, and supports using the strengths building allocation pursuant to program standards and guidelines established by the department, as specified. The bill would specify the authority and duties of the department and placement agencies under the Strengths Building and Child and Family Determination Program.

Existing law requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Existing law requires the case plan to be based on an assessment of the circumstances that required child welfare services intervention, as specified, and to include prescribed components.

This bill, on and after the implementation date of the new Tiered Rate Structure, would require the case plan to include the child's or nonminor's most recent IP-CANS assessment and tier, and information relating to the child's or nonminor's immediate needs allocation plan and strengths building spending plan and spending plan report, as specified.

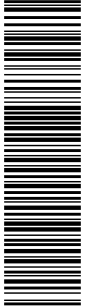
Existing law requires the department to develop an intensive services foster care program to serve children with specific needs, including intensive treatment and behavioral needs and specialized health care needs, whose needs for safety, permanency, and well-being require specially trained resource parents and intensive professional and paraprofessional services and supports in order to remain in a home-based setting or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center. Existing law also requires the department to implement intensive treatment foster care programs for eligible children in any participating county that applies for and receives the department's approval for an intensive treatment foster care program rate, as specified.

This bill would make those programs inoperative on July 1, 2026, and would repeal them as of January 1, 2027.

The bill would make various conforming changes to existing provisions to require implementation of the new Tiered Rate Structure for specified placements, and would delete obsolete statutory language and make other conforming changes relating to foster care rates and placements.

The bill, in order for the amendments made by the bill necessary to implement the foster care Tiered Rate Structure to be operative, would require the Department of Finance to make a determination in the spring of 2026 that General Fund moneys over the multiyear forecasts are available to support the Tiered Rate Structure, an appropriation is feasible, and a General Fund augmentation for the State Department of Social Services to implement the Tiered Rate Structure will be prioritized.

By increasing duties of county social workers and placing agencies implementing the new foster care rate structure, the 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 no reimbursement is required by this act for a specified reason.

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

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