

California Department of Social Services
2024-25 Proposed Trailer Bill Language

Permanent Foster Care Rate Structure

**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 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 will 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 pursuant to 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, pursuant to 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 shall also 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 about why the parent, legal guardian, or minor was not able to participate or sign the case plan.

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

4 **(17) On and after the date required by paragraph (11) of subdivision (h) of Section 11461:**

5 **(A) The minor's most recent Integrated Practice-Child and Adolescent Needs and**
6 **Strengths (IP-CANS) assessment and the minor's tier, if applicable, as determined by the**
7 **IP-CANS assessment for purposes of the Tiered Rate Structure pursuant to subdivision**
8 **(h) of section 11461.**

9 **(B) The minor's Child-Specific Immediate Needs Allocation Plan as described in**
10 **subparagraph (E) of paragraph (2) of subdivision (d) of Section 16562.**

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

14 (d) The following shall apply:

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

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

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

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

20 (D) Group care placements in the following order:

21 (i) Short-term residential therapeutic programs.

22 (ii) Group homes vendored by a regional center.

23 (iii) Community treatment facilities.

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

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

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

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

39 (i) The reasonable and good faith effort by the probation officer to identify and include all
40 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) 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 (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.~~

~~(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.~~

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 ~~placement~~ for nonminor dependents, as described in subdivision (w) 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 (c) of Section 11460, provided that the placement worker, in addition to complying with all other statutory requirements for placing a child or youth in an out-of-state residential facility, documents that the requirements of Section 7911.1 of the Family Code have been met.

(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.

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 or, on and after the date required by paragraph (11) 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

1 purposes of the innovative program or model of care and services will be achieved
2 commensurate with the alternative funding model or individualized rate.

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

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

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

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

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

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

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

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

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

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

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

43 ~~(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.~~

~~(c)(d)~~ 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.

~~(d)(e)~~ Nothing shall preclude a county 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.

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

**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.

(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

1 living placement, as defined in subdivision (w) of Section 11400, or a nonrelated legal guardian
2 receiving the basic rate. The increased rate shall not be used to compute the monthly amount
3 that may be paid to licensed foster family agencies for the placement of children in certified
4 foster homes.

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

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

10 (C) Effective January 1, 2008, the schedule of basic rates in subdivision (a), as adjusted
11 pursuant to subparagraph (B), shall be increased by 5 percent, rounded to the nearest dollar.
12 The increased rate shall not be used to compute the monthly amount that may be paid to
13 licensed foster family agencies for the placement of children in certified foster family homes, and
14 shall not be used to recompute the foster care maintenance payment that would have been paid
15 based on the age-related, state-approved foster family home care rate and any applicable
16 specialized care increment, for any adoption assistance agreement entered into prior to October
17 1, 1992, or in any subsequent reassessment for adoption assistance agreements executed
18 before January 1, 2008.

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

25 (B) Notwithstanding subparagraph (A), all counties for the 1999–2000 fiscal year and the 2007–
26 08 fiscal year shall receive an increase in state participation for the basic rate of the entire
27 percentage adjustment described in paragraph (1).

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

32 (e) (1) As used in this section, “specialized care increment” means an amount paid on behalf of
33 a child requiring specialized care to a home listed in subdivision (g) in addition to the ~~basic rate~~
34 **rates set forth in subdivisions (g) and (h) of Section 11461**. Notwithstanding subdivision (g),
35 the specialized care increment shall not be paid to a nonminor dependent placed in a
36 supervised independent living ~~placement~~**setting** as defined in subdivision (w) of Section
37 ~~11400~~**11403**. A county may have a ratesetting system for specialized care to pay for the
38 additional care and supervision needed to address the behavioral, emotional, and physical
39 requirements of foster children. A county may modify its specialized care rate system as
40 needed, to accommodate changing specialized placement needs of children.

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

44 (B) The department shall make available to the public each county's specialized care
45 information, including the criteria and methodology used to determine the specialized care
46 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) of Section 11461** 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
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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) **A**~~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 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) through (8), 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 herein.

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

(A) "IP-CANS" stands for Integrated Practice-Child and Adolescent Needs and Strengths. The IP-CANS is a validated functional assessment tool that supports decision-making 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 herein.

(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 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) A Strengths Building Allocation 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; and

(C) An Immediate Needs Allocation 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

(4) The Care and Supervision component of the Tiered Rate Structure described in subparagraph (A) of paragraph (2) shall be phased in as follows:

(A) For new entries into foster care beginning on and after the date required by paragraph (11), a rate equivalent to the 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 sixty (60) days after entry into foster care, whichever is earlier. 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 care and supervision rate paid for a nonminor dependent placed in a setting described in subdivision (e) of Section 11402 shall be the rate set forth in paragraphs (4) and (5) of subdivision (g) of this section. Beginning July 1, 2026, a rate equivalent to Tier 1 of the Care and Supervision rate in paragraph (3) shall be paid.

(C) The care and supervision rate paid on behalf of a child or nonminor dependent placed in a setting described in subdivision (i) 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 placed in a temporary shelter care facility or transitional shelter care facility.

(8) Notwithstanding paragraphs (1) through (4), 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. The care and supervision rate for a child whose nonrelated legal

guardianship was ordered in probate court shall be the rate set forth in paragraph (4) of subdivision (g) of Section 11405, as applicable.

(9) As soon as possible, but no later than December 1, 2024, the department shall issue instructions to the county placing agencies and Indian tribes that entered into an agreement pursuant to Section 10553.1 to implement this subdivision, which shall include, but not be limited to, all of the following:

(A) The identification of the standards the county placing agency or Indian tribe that entered into an agreement pursuant to Section 10553.1 must follow to ensure the IP-CANS assessment is completed to fidelity.

(B) The conditions that trigger the completion of an updated IP-CANS assessment in addition to those required for new entries into foster care and every six months while placed in foster care.

(C) The impact of changes in the child 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 tier and exceptions which will apply in order to support placement in a family home.

(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, 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.

(10) The Tiered Rate Structure described in this subdivision shall remain in effect until amended by subsequent legislation.

(11) The three components of the Tiered Rate Structure described in paragraph (2) of this subdivision 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.

(i)(h) 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.

**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 approved relative caregivers 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 (11) 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,** in

1 return for the care and supervision, as defined in subdivision (b) of Section 11460, of the child or
2 nonminor dependent if all of the following conditions are met:

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

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

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

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

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

18 (e) Counties shall recoup an overpayment in the Approved Relative Caregiver Funding Program
19 received by an approved relative caregiver using the standards and processes for overpayment
20 recoupment that are applicable to overpayments to an approved resource family, as specified in
21 Section 11466.24. Recouped overpayments shall not be subject to remittance to the federal
22 government. Any overpaid funds that are collected by the counties shall be remitted to the state
23 after subtracting both of the following:

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

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

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

31 (g) Prior to referral of any individual or recipient, or that person's case, to the local child support
32 agency for child support services pursuant to Section 17415 of the Family Code, the county
33 human services agency shall determine if an applicant or recipient has good cause for
34 noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims good cause
35 exception at any subsequent time to the county human services agency or the local child
36 support agency, the local child support agency shall suspend child support services until the
37 county social services agency determines the good cause claim, as set forth in Section
38 11477.04. If good cause is determined to exist, the local child support agency shall suspend
39 child support services until the applicant or recipient requests their resumption, and shall take
40 other measures that are necessary to protect the applicant or recipient and the children. If the
41 applicant or recipient is the parent of the child for whom aid is sought and the parent is found to
42 have not cooperated without good cause as provided in Section 11477.04, the applicant's or
43 recipient's family grant shall be reduced by 25 percent for the time the failure to cooperate lasts.

44 (h) Consistent with Section 17552 of the Family Code, if aid is paid under this chapter on behalf
45 of a child who is under the jurisdiction of the juvenile court and whose parent or guardian is
46 receiving reunification services, the county human services agency shall determine, prior to

1 referral of the case to the local child support agency for child support services, whether the
2 referral is in the best interest of the child, taking into account both of the following:

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

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

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

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

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

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

20 (C) All other eligibility conditions are met.

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

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

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

41 **Section 11461.36 of the Welfare and Institutions Code is amended to read:**
42 **11461.36.**

43 (a) It is the intent of the Legislature to provide support to emergency caregivers, as defined in
44 subdivision (c), who care for children and nonminor dependents before approval of an
45 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

1 delays in processing background check clearances or exemptions, medical examinations, or
2 delays that are based on the needs of the family.

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

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

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

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

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

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

17 (D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided
18 pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon
19 approval or denial of the resource family application, consistent with subdivision (g), or beyond
20 120 days, whichever occurs first.

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

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

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

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

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

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

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

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

1 (D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided
2 pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon
3 approval or denial of the resource family application, consistent with subdivision (g), or beyond
4 120 days, whichever occurs first.

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

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

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

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

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

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

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

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

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

30 (D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided
31 pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon
32 approval or denial of the resource family application, consistent with subdivision (g), or beyond
33 120 days, whichever occurs first.

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

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

41 (ii) On a monthly basis, the deputy director or director of the county child welfare department, or
42 their designees, or the chief probation officer, or their designee, as applicable, has been notified
43 of the delay in approving the resource family application and that notification is documented in
44 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 (11) of subdivision (h) of Section 11461, and notwithstanding the rate described in subdivision (b) and (l), the rate paid to an emergency caregiver on behalf of a child placed with an 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 subparagraph (A) of 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.

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

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

7 (3) The department shall work with the California State Association of Counties to jointly
8 determine the timeframe for subsequent reviews of county costs and savings beyond the 2019–
9 20 fiscal year.

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

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

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

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

29 (A) The placement is made pursuant to subdivision (d) of Section 309, Section 361.45, Section
30 727.05, or clause (i) of subparagraph (A) of paragraph (1) of subdivision (h) of Section 319.

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

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

34 (D) The child resides in California.

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

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

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

40 (3) The funding source for the placement shall be changed to AFDC-FC or the Approved
41 Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility
42 requirements, when the caregiver is approved as a tribally approved home. If the approval is
43 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.

**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 (11) 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.

**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.

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

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

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

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

11 (ii) If a short-term residential therapeutic program elects to approve and monitor resource
12 families directly, the program shall comply with all laws applicable to foster family agencies,
13 including, but not limited to, those set forth in the Community Care Facilities Act (Chapter 3
14 (commencing with Section 1500) of Division 2 of the Health and Safety Code).

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

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

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

29 (4) Staff training.

30 (5) Health and Safety Code requirements.

31 (6) Accreditation that includes:

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

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

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

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

42 (7) Mental health certification, including a requirement to timely report to the department any
43 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) **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 December 31, ~~2024~~**2027**.

(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 rate established pursuant to subdivisions (a) through (c), 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 (11) 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 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.

**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 (1) (A) **Unless the Tiered Rate Structure established in subdivision (h) of Section 11461**
2 **applies to a child or nonminor dependent, initial** interim rates developed pursuant to this
3 section shall be effective January 1, 2017, through December 31, **20242027**.

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

6 (C) The initial interim rates set forth in written directives or regulations pursuant to paragraph (4)
7 shall become inoperative on January 1, **20252028**.

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

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

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

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

17 (C) An administrative review process that includes a departmental review, corrective action, and
18 an appeal with the department. Notwithstanding the rulemaking provisions of the Administrative
19 Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of
20 the Government Code), this process shall be disseminated by written directive pending the
21 promulgation of regulations.

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

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

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

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

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

37 (ii) Specialized health care needs.

38 (4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5
39 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the
40 foster family agency rates, and the manner in which they are determined, shall be set forth in
41 written directives until regulations are adopted.

42 (d) The department shall develop a system of governmental monitoring and oversight that shall
43 be carried out in coordination with the State Department of Health Care Services. Oversight
44 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) through (g), 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 (11) 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.

**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.~~

**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.

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

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

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

14 **(e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act**
15 **(Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the**
16 **Government Code), the department may implement, interpret, or make specific sections**
17 **11466 through 11469.3 by means of all-county letters or similar written directives, which**
18 **shall be exempt from submission to or review by the Office of Administrative Law. These**
19 **all-county letters or similar written directives shall have the same force and effect as**
20 **regulations until the adoption of regulations no later than January 1, 2035.**

21 **Section 16501.1 of the Welfare and Institutions Code is amended to read:**
22 **16501.1.**

23 (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child
24 welfare services is the case plan.

25 (2) The Legislature further finds and declares that a case plan ensures that the child receives
26 protection and safe and proper care and case management, and that services are provided to
27 the child and parents or other caretakers, as appropriate, in order to improve conditions in the
28 parent's home, to facilitate the safe return of the child to a safe home or the permanent
29 placement of the child, and to address the needs of the child while in foster care.

30 (3) The agency shall consider and document the recommendations of the child and family team,
31 as defined in Section 16501, if any are available. The agency shall document the rationale for
32 any inconsistencies between the case plan and the child and family team recommendations.

33 (b) (1) A case plan shall be based upon the principles of this section and the input from the child
34 and family team.

35 (2) The case plan shall document that a preplacement assessment of the service needs of the
36 child and family, and preplacement preventive services, have been provided, and that
37 reasonable efforts to prevent out-of-home placement have been made. Preplacement services
38 may include intensive mental health services in the home or a community setting and the
39 reasonable efforts made to prevent out-of-home placement.

40 (3) In determining the reasonable services to be offered or provided, the child's health and
41 safety shall be the paramount concerns.

42 (4) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that
43 reasonable services will be offered to a parent who is incarcerated in a county jail or state
44 prison, detained by the United States Department of Homeland Security, or deported to their
45 country of origin, the case plan shall include information, to the extent possible, about a parent's

1 incarceration in a county jail or the state prison, detention by the United States Department of
2 Homeland Security, or deportation during the time that a minor child of that parent is involved in
3 dependency care.

4 (5) Reasonable services shall be offered or provided to make it possible for a child to return to a
5 safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court
6 determines that reunification services shall not be provided.

7 (6) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made
8 to place the child in a timely manner in accordance with the permanent plan and to complete all
9 steps necessary to finalize the permanent placement of the child.

10 (c) If out-of-home placement is used to attain case plan goals, the case plan shall consider the
11 recommendations of the child and family team.

12 (d) (1) The case plan shall include a description of the type of home or institution in which the
13 child is to be placed, and the reasons for that placement decision. The decision regarding
14 choice of placement shall be based upon selection of a safe setting that is the least restrictive
15 family setting that promotes normal childhood experiences and the most appropriate setting that
16 meets the child's individual needs and is available, in proximity to the parent's home, in
17 proximity to the child's school, and consistent with the selection of the environment best suited
18 to meet the child's special needs and best interests. The selection shall consider, in order of
19 priority, placement with relatives, nonrelative extended family members, and tribal members;
20 foster family homes, resource families, and approved or certified homes of foster family
21 agencies; followed by intensive services for foster care homes; or multidimensional treatment
22 foster care homes or therapeutic foster care homes; group care placements in the order of
23 short-term residential therapeutic programs, group homes, community treatment facilities, and
24 out-of-state residential treatment pursuant to Part 5 (commencing with Section 7900) of Division
25 12 of the Family Code.

26 (2) If a short-term residential therapeutic program placement is selected for a child or nonminor
27 dependent, the case plan shall indicate the needs, including the needs as identified by the
28 qualified individual pursuant to subdivision (g) of Section 4096, of the child or nonminor
29 dependent that necessitate this placement, the plan for transitioning the child or nonminor
30 dependent to a less restrictive environment, and the projected timeline by which the child or
31 nonminor dependent will be transitioned to a less restrictive environment, and the plan for
32 aftercare services for at least six months postdischarge to a family-based setting, as required by
33 Section 4096.6. The six months postdischarge requirement is inapplicable to the Medi-Cal
34 component of the aftercare services, which shall be provided for the length of time the child
35 needs specialty mental health services based on medical necessity criteria and other state and
36 federal requirements. This section of the case plan shall be reviewed and updated at least
37 semiannually.

38 (A) The case plan for placements in a group home, or commencing January 1, 2017, in a short-
39 term residential therapeutic program, shall indicate that the county has taken into consideration
40 Section 16010.8.

41 (B) (i) After January 1, 2017, a child and family team meeting as described in Section 16501
42 shall be convened by the county placing agency for the purpose of identifying the supports and
43 services needed to achieve permanency and enable the child or youth to be placed in the least
44 restrictive family setting that promotes normal childhood experiences.

45 (ii) Child and family teams shall be provided written or electronic information developed by the
46 department describing services and activities, including specialized permanency services,

1 shown to be effective in achieving and sustaining permanency for all children, youth, and
2 nonminor dependents.

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

6 (i) The reasonable and good faith effort by the social worker to identify and include all required
7 individuals in the child and family team.

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

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

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

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

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

23 (D) Following the court review pursuant to Section 361.22, the case plan shall document the
24 court's approval or disapproval of the placement.

25 (E) When the child or nonminor dependent has been placed in a short-term residential
26 therapeutic program or a community treatment facility, as applicable, for more than 12
27 consecutive months or 18 nonconsecutive months, or, in the case of a child who has not
28 attained 13 years of age, for more than 6 consecutive or nonconsecutive months, the case plan
29 shall include both of the following:

30 (i) Documentation of the information submitted to the court pursuant to subdivision (l) of Section
31 366.1, subdivision (k) of Section 366.3, or paragraph (4) of subdivision (b) of Section 366.31, as
32 applicable.

33 (ii) Documentation that the deputy director or director of the county child welfare department has
34 approved the continued placement of the child or nonminor dependent in the setting.

35 (F) On and after October 1, 2021, prior to discharge from a short-term residential therapeutic
36 program, and, on and after July 1, 2022, prior to discharge from a community treatment facility,
37 the case plan shall include both of the following:

38 (i) A description of the type of in-home or institution-based services to encourage the safety,
39 stability, and appropriateness of the next placement, including the recommendations of the child
40 and family team, if available.

41 (ii) A plan, developed in collaboration with the short-term residential therapeutic program or
42 community treatment facility, as applicable, for the provision of discharge planning and family-
43 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.

1 (e) A written case plan shall be completed within a maximum of 60 days of the initial removal of
2 the child or of the in-person response required under subdivision (f) of Section 16501 if the child
3 has not been removed from their home, or by the date of the dispositional hearing pursuant to
4 Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the
5 child and family dictate. At a minimum, the case plan shall be updated in conjunction with each
6 status review hearing conducted pursuant to Sections 364, 366, 366.3, and 366.31, and the
7 hearing conducted pursuant to Section 366.26, but no less frequently than once every six
8 months. Each updated case plan shall include a description of the services that have been
9 provided to the child under the plan and an evaluation of the appropriateness and effectiveness
10 of those services.

11 (1) It is the intent of the Legislature that extending the maximum time available for preparing a
12 written case plan from 30 to 60 days will afford caseworkers time to actively engage families,
13 and to solicit and integrate into the case plan the input of the child and the child's family, as well
14 as the input of relatives and other interested parties.

15 (2) The extension of the maximum time available for preparing a written case plan from 30 to 60
16 days shall be effective 90 days after the date that the department gives counties written notice
17 that necessary changes have been made to the Child Welfare Services/Case Management
18 System (CWS/CMS) to account for the 60-day timeframe for preparing a written case plan.

19 (f) The child welfare services case plan shall be comprehensive enough to meet the juvenile
20 court dependency proceedings requirements pursuant to Article 6 (commencing with Section
21 300) of Chapter 2 of Part 1 of Division 2.

22 (g) The case plan shall be developed considering the recommendations of the child and family
23 team, as follows:

24 (1) The case plan shall be based upon an assessment of the circumstances that required child
25 welfare services intervention. The child shall be involved in developing the case plan as age and
26 developmentally appropriate.

27 (2) The case plan shall identify specific goals and the appropriateness of the planned services in
28 meeting those goals.

29 (3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article
30 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
31 conditions cited as the basis for declaring the child a dependent of the court pursuant to Section
32 300, or all of these, and the other precipitating incidents that led to child welfare services
33 intervention.

34 (4) The case plan shall include a description of the schedule of the placement agency contacts
35 with the child and the family or other caretakers. The frequency of these contacts shall be in
36 accordance with regulations adopted by the State Department of Social Services. If the child
37 has been placed in foster care out of state, the county social worker or probation officer, or a
38 social worker or probation officer on the staff of the agency in the state in which the child has
39 been placed, shall visit the child in a foster family home or the home of a relative, consistent
40 with federal law and in accordance with the department's approved state plan. If a child is
41 placed in an out-of-state residential facility, as defined in paragraph (2) of subdivision (b) of
42 Section 7910 of the Family Code, pursuant to Section 361.21 or 727.1, visits shall be conducted
43 at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a
44 regularly scheduled placement agency contact with the foster child, and at each placement
45 change, the child's social worker or probation officer shall inform the child, the care provider,
46 and the child and family team, if applicable, of the child's rights as a foster child, as specified in
47 Section 16001.9, and shall provide a written copy of the rights to the child as part of the

1 explanation. The social worker or probation officer shall provide the information to the child in a
2 manner appropriate to the age or developmental level of the child. The social worker or
3 probation officer shall document in the case plan that they have informed the child of, and have
4 provided the child with a written copy of, the child's rights.

5 (5) (A) When out-of-home services are used, the frequency of contact between the natural
6 parents or legal guardians and the child shall be specified in the case plan. The frequency of
7 those contacts shall reflect overall case goals, and consider other principles outlined in this
8 section.

9 (B) Information regarding any court-ordered visitation between the child and the natural parents
10 or legal guardians, and the terms and conditions needed to facilitate the visits while protecting
11 the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible
12 after the court order is made.

13 (6) When out-of-home placement is made, the case plan shall include provisions for the
14 development and maintenance of sibling relationships as specified in subdivisions (b), (c), and
15 (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are
16 not placed together, the social worker for each child, if different, shall communicate with each of
17 the other social workers and ensure that the child's siblings are informed of significant life
18 events that occur within their extended family. Unless it has been determined that it is
19 inappropriate in a particular case to keep siblings informed of significant life events that occur
20 within the extended family, the social worker shall determine the appropriate means and setting
21 for disclosure of this information to the child commensurate with the child's age and emotional
22 well-being. These significant life events shall include, but shall not be limited to, the following:

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

25 (C) Significant changes regarding a dependent child, unless the child objects to the sharing of
26 the information with their siblings, including changes in placement, major medical or mental
27 health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

28 (7) If out-of-home placement is made in a foster family home, resource family home, group
29 home, or other childcare institution that is either a substantial distance from the home of the
30 child's parent or out of state, the case plan shall specify the reasons why that placement is in
31 the best interest of the child. When an out-of-state residential facility placement is
32 recommended or made, the case plan shall, in addition, specify compliance with Section
33 16010.9 of this code and Section 7911.1 of the Family Code.

34 (8) A case plan shall ensure the educational stability of the child while in foster care and shall
35 include both of the following:

36 (A) An assurance that the placement takes into account the appropriateness of the current
37 educational setting and the proximity to the school in which the child is enrolled at the time of
38 placement.

39 (B) An assurance that the placement agency has coordinated with the person holding the right
40 to make educational decisions for the child and appropriate local educational agencies to
41 ensure that the child remains in the school in which the child is enrolled at the time of placement
42 or, if remaining in that school is not in the best interests of the child, assurances by the
43 placement agency and the local educational agency to provide immediate and appropriate
44 enrollment in a new school and to provide all of the child's educational records to the new
45 school.

1 (9) (A) If out-of-home services are used, or if parental rights have been terminated and the case
2 plan is placement for adoption, the case plan shall include a recommendation regarding the
3 appropriateness of unsupervised visitation between the child and any of the child's siblings. This
4 recommendation shall include a statement regarding the child's and the siblings' willingness to
5 participate in unsupervised visitation. If the case plan includes a recommendation for
6 unsupervised sibling visitation, the plan shall also note that information necessary to accomplish
7 this visitation has been provided to the child or to the child's siblings.

8 (B) Information regarding the schedule and frequency of the visits between the child and
9 siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while
10 protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon
11 as possible after the court order is made.

12 (10) If out-of-home services are used and the goal is reunification, the case plan shall describe
13 the services to be provided to assist in reunification and the services to be provided concurrently
14 to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and
15 out-of-state placements, the importance of developing and maintaining sibling relationships
16 pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal
17 permanency for the child if reunification is unsuccessful.

18 (11) If out-of-home services are used, the child has been in care for at least 12 months, and the
19 goal is not adoptive placement, the case plan shall include documentation of the compelling
20 reason or reasons why termination of parental rights is not in the child's best interest. A
21 determination completed or updated within the past 12 months by the department when it is
22 acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child
23 will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of
24 Section 366.26 applies, shall be deemed a compelling reason.

25 (12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to
26 sign it whenever possible, and then shall receive a copy of the plan. In a voluntary service or
27 placement agreement, the parents or legal guardians shall be required to review and sign the
28 case plan. Whenever possible, parents and legal guardians shall participate in the development
29 of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in
30 subdivision (v) of Section 11400, who are receiving AFDC-FC or CalWORKs assistance and
31 who are up to 21 years of age pursuant to Section 11403, the transitional independent living
32 case plan, as set forth in subdivision (y) of Section 11400, shall be developed with, and signed
33 by, the nonminor.

34 (B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the
35 Evidence Code, neither their signature on the child welfare services case plan nor their
36 acceptance of any services prescribed in the child welfare services case plan shall constitute an
37 admission of guilt or be used as evidence against the parent or legal guardian in a court of law.
38 However, they shall also be advised that the parent's or guardian's failure to cooperate, except
39 for good cause, in the provision of services specified in the child welfare services case plan may
40 be used in any hearing held pursuant to Section 366.21, 366.22, or 366.25 of this code as
41 evidence.

42 (13) (A) A child shall be given a meaningful opportunity to participate in the development of the
43 case plan and state their preference for foster care placement. A child who is 12 years of age or
44 older and in a permanent placement shall also be given the opportunity to review the case plan,
45 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

1 dependent, consistent with their best interests, to prepare for transition from foster care and
2 assist the youth in meeting the eligibility criteria set forth in paragraphs (1) to (5), inclusive, of
3 subdivision (b) of Section 11403. If applicable, the case plan shall describe the individualized
4 supervision provided in the supervised independent living placement as defined in subdivision
5 (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent
6 and individuals identified as important to the child or nonminor dependent, and shall include
7 steps the agency is taking to ensure that the child or nonminor dependent achieves
8 permanence, including maintaining or obtaining permanent connections to caring and
9 committed adults.

10 (B) During the 90-day period prior to the participant attaining 18 years of age or older as the
11 state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
12 675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on
13 the child's behalf or the child is receiving benefits or services under Section 477 of the federal
14 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or
15 probation officer and other representatives of the participant, as appropriate, shall provide the
16 youth or nonminor dependent with assistance and support in developing the written 90-day
17 transition plan, that is personalized at the direction of the child, information as detailed as the
18 participant elects that shall include, but not be limited to, options regarding housing, health
19 insurance, education, local opportunities for mentors and continuing support services, and
20 workforce supports and employment services, a power of attorney for health care, and
21 information regarding the advance health care directive form. Information provided regarding
22 health insurance options shall include verification that the eligible youth or nonminor dependent
23 is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the
24 youth's social worker or probation officer to ensure that the eligible youth or nonminor
25 dependent is transitioned into the Medi-Cal program for former foster youth upon case closure
26 with no interruption in coverage and with no new application being required, as provided in
27 Section 14005.28.

28 (C) For youth 14 years of age or older, the case plan shall include documentation that a
29 consumer credit report was requested annually from each of the three major credit reporting
30 agencies at no charge to the youth and that any results were provided to the youth. For
31 nonminor dependents, the case plan shall include documentation that the county assisted the
32 nonminor dependent in obtaining their reports. The case plan shall include documentation of
33 barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any
34 accounts, the case plan shall detail how the county ensured the youth received assistance with
35 interpreting the credit report and resolving any inaccuracies, including any referrals made for the
36 assistance.

37 (17) For youth 14 years of age or older and nonminor dependents, the case plan shall be
38 developed in consultation with the youth. At the youth's option, the consultation may include up
39 to two members of the case planning team who are chosen by the youth and who are not foster
40 parents of, or caseworkers for, the youth. The agency, at any time, may reject an individual
41 selected by the youth to be a member of the case planning team if the agency has good cause
42 to believe that the individual would not act in the youth's best interest. One individual selected
43 by the youth to be a member of the case planning team may be designated to be the youth's
44 adviser and advocate with respect to the application of the reasonable and prudent parent
45 standard to the youth, as necessary.

46 (18) For youth in foster care 14 years of age or older and nonminor dependents, the case plan
47 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 (11) of subdivision (h) of Section 11461, the case plan shall include:

(A) The child or nonminor dependent's most recent IP-CANS assessment and the child 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) The child's or nonminor dependent's Child-Specific Immediate Needs Allocation Plan as described in subparagraph (E) of paragraph (2) of subdivision (d) of Section 16562, as applicable.

(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.

Chapter 6.5 (commencing with Section 16560) of Part 4 of Division 9 of the Welfare and Institutions Code is added to read:

CHAPTER 6.5. Foster Care Child and Adolescent Needs and Strengths Programs

Section 16560 of the Welfare and Institutions Code is added to read:

16560.

(a) On and after the date required by paragraph (11) of subdivision (h) of Section 11461, all placing agencies shall conduct an Integrated Practice-Child and Adolescent Needs and Strengths (IP-CANS) assessment for every child in foster care under the care, custody, and control of the placing agency.

(1) The placing agency shall complete an initial IP-CANS assessment within sixty (60) days of the child's date of entry into foster care, as defined in Section 361.49 or subdivision (d) of Section 727.4, as applicable.

(2) The placing agency shall complete a new IP-CANS assessment, 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 as directed in written guidance to be provided by the department.

(3) The IP-CANS assessment shall identify the child's tier for purposes of the Tiered Rate Structure established in subdivision (h) of Section 11461.

(b) For purposes of this chapter, the following definitions shall apply:

(1) "Child" means a person who is under 18 years of age and placed into foster care by a placing agency or a nonminor dependent as defined in subdivision (v) of Section 11400.

(2) "Placing agency" means a county child welfare agency, a county probation department, or an Indian tribe that entered into an agreement pursuant to Section 10553.1.

(3) "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.

Section 16562 of the Welfare and Institutions Code is added to read:
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 in foster care who have experienced trauma.

(2) The use of standardized validated functional assessment tools reveal that some children 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 provided to children 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 defined in Section 224.1.

1 (4) Child development research establishes that a trauma-informed system of care
2 prioritizes and supports the role of the child's family and community of origin in meeting
3 the needs of the child. Research also shows that children placed with relatives, or
4 extended family members as defined in Section 224.1 in the case of an Indian child,
5 experience better permanency outcomes, higher rates of reunification, lower rates of re-
6 entry into foster care, and greater stability while they are in care.

7 (5) Immediate needs should be addressed in a way that is culturally responsive, family-
8 centered, and permanency-focused, and, in the case of an Indian child, consistent with
9 the prevailing social and cultural conditions and way of life of the Indian child's tribe.

10 (6) It is therefore the intent of the Legislature in enacting this section to identify and
11 address the immediate needs of children in foster care, as identified through a
12 standardized validated functional assessment tool within the child and family team.

13 (b) The Immediate Needs Program is hereby established. Beginning on and after the date
14 required by paragraph (11) of subdivision (h) of Section 11461, the Immediate Needs
15 Program shall be available to every child in foster care who, upon completion of the IP-
16 CANS is determined to be in Tiers 2 or 3 as part of the Tiered Rate Structure established
17 in subdivision (h) of Section 11461. The Immediate Needs Program shall not apply to
18 nonminor dependents placed in a setting described in subdivision (e) of Section 11402.

19 (c) For purposes of this chapter, the following definitions shall apply:

20 (1) "Immediate Needs Program" means a program intended to provide an array of
21 integrated services and supports based on the Immediate Needs of eligible children who
22 fall into Tiers 2 or 3 of the Tiered Rate Structure established in subdivision (h) of Section
23 11461 and identified through the use of the IP-CANS assessment tool. For an Indian
24 child, the array of integrated services and supports provided shall be informed by
25 prevailing social and cultural conditions and way of life of the Indian child's tribe and
26 shall be provided consistent with active efforts as described in subdivision (f) of Section
27 224.1

28 (2) "Immediate Needs" means the circumstances identified by the child's IP-CANS
29 assessment that interfere with the child's behavioral or emotional functioning or
30 otherwise currently impact the child which can be treated or addressed through the
31 provision of services and supports.

32 (3) "Immediate Needs Allocation" means the amount of funding available as a component
33 of the Tiered Rate Structure established in subparagraph (C) of paragraph (2) of
34 subdivision (h) in Section 11461 and set forth in subparagraph (B) of paragraph (1) of
35 subdivision (d) of this section based on the child's tier as determined by the IP-CANS
36 assessment of the child.

37 (4) "Immediate Needs Provider" means a placing agency, or a provider with whom the
38 placing agency or the department contracts to provide Immediate Needs services and
39 supports. Immediate Needs Providers shall be certified by the department to provide
40 services and supports consistent with the standard of care framework adopted pursuant
41 to subdivision (e) of this section. For an Indian child, the Immediate Needs Provider
42 must have specialized knowledge of, training about, or experience with, tribes and the
43 federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

44 (5) "Placing Agency Allocation Plan" means the plan that includes all the requirements of
45 subparagraph (B) of paragraph (2) of subdivision (d) of this section and is submitted to
46 the department for approval.

(6) “Child-Specific Allocation Plan” means the plan required in subparagraph (E) of paragraph (2) of subdivision (d) of this section.

(d) The purpose of the Immediate Needs Program is to provide an array of integrated services and supports to meet the Immediate Needs of a child as identified by the child’s IP-CANS as efficiently and effectively as reasonably possible. Under the Immediate Needs Program:

(1) Each placing agency shall be provided a Placing Agency Allocation to fund the Immediate Needs Program.

(A) The department shall develop and implement a methodology for determining the Placing Agency Allocation based upon the number of days per year children in Tiers 2 and 3 in foster care placements are served by each placing agency.

(B) An Immediate Needs Allocation shall be available for each eligible child described in subdivision (b) based on the child’s tier as determined by the results of the child’s IP-CANS assessments, 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 and after the date required by paragraph (11) of subdivision (h) of Section 11461, for new entries into foster care and all other children in foster care placements on July 1, 2026, including children placed in a setting described in subdivision (d) of Section 11402, the Immediate Needs Allocation as set forth in subparagraph (B) shall be available for each eligible child described in subdivision (b) 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.

(2) Placing agencies receiving an allocation described in subparagraph (A) shall cooperate with the department and shall do all of the following:

(A) Provide for the Immediate Needs of children in Tiers 2 and 3 as identified by the IP-CANS using the Immediate Needs Allocation set forth in subparagraph (B) of paragraph (1) of subdivision (d).

(B) 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 shall submit to the department a Placing Agency Allocation Plan for approval that includes:

(i) How the placing agency will use the Immediate Needs Allocation in a manner that provides, arranges for, or ensures the provision of an array of Immediate Needs services and supports for children who are determined to be in Tiers 2 or 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 Placing Agency Allocation Plan or, alternatively, any Immediate Needs Providers with whom the placing agency contracts,

1 will meet the standards of care framework established by the department in guidelines
2 provided pursuant to paragraph (2) of subdivision (e).

3 (iii) How the placing agency will ensure an adequate supply of certified Immediate Needs
4 Providers for children in the Immediate Needs Program, including an adequate supply of
5 certified Immediate Needs Provider for Indian children in the Immediate Needs Program
6 who have specialized knowledge of, training about, or experience with, tribes and the
7 federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

8 (iv) Agree to provide data requested by the department related to children in foster care
9 in Tiers 2 and 3 as determined by the IP-CANS assessments.

10 (C) Become a certified Immediate Needs Provider if the placing agency opts to directly
11 provide for the Immediate Needs of children placed into foster care by using the
12 Immediate Needs Allocation described in paragraph (3) of subdivision (c).

13 (D) Use only Immediate Needs Providers certified by the department using contracts that
14 are consistent with model contracts developed by the department.

15 (E) Develop individual Child-Specific Immediate Needs Plans for using the Immediate
16 Needs Allocation for each child demonstrating how the funding will meet the child's
17 Immediate Needs and, for an Indian child, how the funding will be used in a manner
18 consistent with the prevailing social and cultural conditions and way of life of the Indian
19 child's tribe.

20 (F) Ensure Child-Specific Immediate Needs Plans for using the Immediate Needs
21 Allocation for each child are included in the child's case plan and the state's child
22 welfare information system.

23 (G) Submit data and outcome measures regarding the Immediate Needs Program to the
24 department in periodic reports on a schedule determined by the department.

25 (e) The department shall be responsible for all of the following:

26 (1) Oversight of the placing agencies in administering the Immediate Needs Program,
27 including the placing agency's use of the Placing Agency Allocation funding for the
28 program, the Immediate Needs Allocation, and the progress and success of the program
29 in meeting the Immediate Needs of children in foster care.

30 (2) Development of a standards of care framework for the Immediate Needs Program that
31 Immediate Needs Providers shall be subject to regarding the services and supports to be
32 provided to meet a child's Immediate Needs as identified in the child's IP-CANS
33 assessment.

34 (3) Development of a process through which an Immediate Needs Provider shall be
35 certified by the department to provide services consistent with the standard of care
36 framework developed pursuant to paragraph (2). The certification for Immediate Needs
37 Providers for Indian children shall include requirements, developed through consultation
38 with tribes, for specialized knowledge of, training about, or experience with, tribes and
39 the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

40 (4) Provision of technical assistance to support placing agencies in developing and
41 maintaining an adequate array of certified Immediate Needs Providers.

42 (5) Development of model contracts that align with the standards of care
43 framework and with which all placing agency contracts with Immediate Needs
44 Providers must be consistent.

1 (6) Development of written guidance and technical support for placing agencies
2 who might need the support of regional contracts with Immediate Needs Providers
3 to ensure an adequate supply of providers who are certified and able to meet the
4 standard of care framework.

5 (7) Development of guidelines, developed in consultation with persons and
6 entities described in subdivision (f), for ensuring each child who falls into Tiers 2
7 or 3 are provided services and supports consistent with the standards of care
8 framework.

9 (8) Workforce development, training, and curriculum requirements on the
10 Immediate Needs Program, including the standards of care framework and model
11 contracting.

12 (9) Development of guidelines and training on funding resources and claiming by
13 placing agencies and Immediate Needs Providers, which shall include, but not be
14 limited to, controls and documentation to determine when federal financial
15 participation may be available if all state and federal requirements are met.

16 (10) Development of policies and procedures for statewide collection of data and
17 outcome measures, including requirements for the placing agencies and
18 Immediate Needs Providers to submit needed data and reports.

19 (11) Development of guidelines describing the conditions, and the process and
20 procedure, under which the department will need to enter into contracts regarding
21 the Immediate Needs Programs.

22 (f) The department, in consultation with the State Department of Health Care Services,
23 County Behavioral Health Directors Association of California, County Welfare Directors
24 Association of California, Chief Probation Officers of California, tribes, child welfare
25 advocates, providers, current or former foster children, caregivers, and other interested
26 parties, shall establish statewide minimum standards for Immediate Needs Program and
27 for the Immediate Needs Providers of services and supports, and shall issue guidance
28 necessary to implement this section. The process for development of the standards of
29 care framework relating to Indian children shall include consultation with federally
30 recognized tribes.

31 (g) Federal financial participation under the Medi-Cal program shall only be available for
32 services and supports provided under the Immediate Needs Program if all state and
33 federal requirements are met and the service is medically necessary. The State
34 Department of Health Care Services may issue guidance on the conditions under which
35 federal financial participation is available for Medi-Cal services that intersect with the
36 implementation of this section. Medi-Cal services shall only be claimed to the extent that
37 medical assistance federal financial participation is available and is not otherwise
38 jeopardized. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of
39 Division 3 of Title 2 of the Government Code, the State Department of Health Care
40 Services may implement, interpret, or make specific this section concerning the
41 provision of Medi-Cal services by means of plan or all-county letters, information
42 notices, plan or provider bulletins, or other similar instructions, without taking any
43 further regulatory action.

44 (h) Notwithstanding the rulemaking provisions of the Administrative Procedure Act
45 (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the
46 Government Code), the department may implement, interpret, or make specific this
47 section through and by means of all-county letters or similar written directives, which

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

4 (i)(1) Pursuant to a voluntary agreement reached between the department and a placing
5 agency, or pursuant to the process and procedures developed under paragraph (11) of
6 subdivision (e), under which the department determines a placing agency has failed to
7 adequately administer the Immediate Needs Allocation Program or meet the Immediate
8 Needs of children under the standard of care framework, the department has authority to
9 receive future payments of the placing agency's Placing Agency Allocation and use the
10 Placing Agency Allocation to award contracts for the purpose of implementing and
11 maintaining the Immediate Needs Program using the funding from the Immediate Needs
12 Allocation pursuant to policies and procedures established under paragraph (11) of
13 subdivision (e) of this section.

14 (2) Notwithstanding any other law, contracts awarded by the department for purposes of
15 this section shall be exempt from the personal services contracting requirements of
16 Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of
17 the Government Code.

18 (3) Notwithstanding any other law, contracts awarded by the department for purposes of
19 this section shall be exempt from the Public Contract Code and the State Contracting
20 Manual and shall not be subject to the review or approval of the Department of General
21 Services or the Department of Technology.

22
23 Section 16565 of the Welfare and Institutions Code is added to read:
24 16565.

25 (a) The Legislature finds and declares the following:

26 (1) Social determinants of health, adverse childhood experiences (ACEs), positive
27 childhood experiences and other supports are critical determinants of life outcomes for
28 children. Research shows that ACEs can have lasting, negative, and permanent impacts
29 on childhood development. Many factors, including experiencing abuse or neglect,
30 placement instability and disconnection from family and natural supports, leave children
31 in foster care particularly vulnerable to the impact of ACEs.

32 (2) Research also shows that positive childhood experiences can lessen the impact of
33 ACEs. Through positive childhood experiences, children can develop, build, and nurture
34 strengths, which may support the successful transition to permanency and successful
35 adulthood.

36 (3) Focusing on strengths building activities, by providing explicit funding for these
37 activities, will help to prevent children in foster care from developing more complex
38 needs and will serve to stabilize children in their families, which, whenever possible and
39 consistent with federal and state laws for placement preferences, should include
40 placement in the home of a relative, nonrelative extended family member or, in the case
41 of an Indian child, an extended family member as defined in Section 224.1.

42 (4) Strengths building activities should be culturally responsive, family-centered, and
43 permanency-focused, and, in the case of an Indian child, consistent with the prevailing
44 social and cultural conditions and way of life of the Indian child's tribe.

1 (5) It is therefore the intent of the Legislature in enacting this Section to create a program
2 to empower the children in foster care and their families, with support from the Child and
3 Family Team, to select and make decisions about the goods, services, activities, and
4 supports needed to achieve the strengths building objectives.

5 (b) The Strengths Building Child and Family-Determination Program is hereby
6 established. Beginning on and after the date required by paragraph (11) of subdivision
7 (h) of Section 11461, the Strengths Building Child and Family-Determination Program
8 shall be available to every child in foster care whose tier has been determined as part of
9 the Tiered Rate Structure established in subdivision (h) of Section 11461, based on the
10 completion of the Integrated Practice-Child and Adolescent Needs and Services (IP-
11 CANS) assessment tool.

12 (c) For purposes of this Chapter, the following definitions shall apply:

13 (1) "Child and Family-Determination" means the process established by the department
14 to empower the child and family to make decisions, informed by the Integrated Practice-
15 Child and Adolescent Needs and Services (IP-CANS) assessment tool and, for an Indian
16 child, informed by prevailing social and cultural conditions and way of life of the Indian
17 child's tribe, about the mix of goods, services, activities, and supports needed to meet
18 the child's strengths building objectives.

19 (2) "Child and Family Team" shall have the same meaning as the "child and family team,"
20 described in paragraph (4) of subdivision (a) of Section 16501, including, for an Indian
21 child, a representative of the Indian child's tribe or Indian custodian, as applicable.

22 (3) "Family" shall include, for the purposes of this section, the child's parents, guardian,
23 Indian custodian, and relative(s), unless a juvenile court has made an order terminating
24 parental rights pursuant to Section 366.26. "Family" shall also include resource families
25 or tribally approved homes, and, in the case of an Indian child, a representative of the
26 Indian child's tribe and extended family members as defined in Section 224.1.

27 (3) "Spending Plan Manager" means the entity or entities that contract with the
28 department to manage the Strengths Building Allocation on behalf of the child. The
29 Spending Plan Manager shall be a partnership (general or limited partnership), a
30 corporation (both for-profit and nonprofit), a limited liability company, or an association
31 with a valid tax payer identification number.

32 (4) "Spending Plan Report" means a report of the information required in subparagraph
33 (B) of paragraph (5) of subdivision (d) prepared by the Spending Plan Manager regarding
34 the child's Strengths Building Allocation.

35 (5) "Strengths Building" means the growth or development of characteristics of a child in
36 an environment or through an external factor that provides the individual with meaning
37 and wellbeing through the provision of goods, services, activities, and supports. For an
38 Indian child, the identification of strengths must be informed by prevailing social and
39 cultural conditions and way of life of the Indian child's tribe.

40 (6) "Strengths Building Allocation" means the per child per month amount paid as a rate
41 component of the Tiered Rate Structure established in subparagraph (B) of paragraph (2)
42 of subdivision (h) in Section 11461 and set forth in paragraph (1) of subdivision (d) of this
43 section based on the child's tier as determined by the child's IP-CANS assessment.

44 (7) "Strengths Building Spending Plan" means the plan the child and family develop to
45 use the Strengths Building Allocation as provided in subparagraph (A) paragraph (3) of
46 subdivision (d) of this section.

(d) Under the Strengths Building Child and Family-Determination Program:

(1) For each eligible child described in subdivision (b), a per child per month Strengths Building Allocation shall be available based on the child's tier according to the following tiered rate schedule:

Tier 1: \$ 500

Tier 2: \$ 700

Tier 3: \$ 900

(2) For each eligible child described in subdivision (b) a Strengths Building Allocation shall be available, as set forth in paragraph (1), as follows:

(A) Except as provided in subparagraph (B), beginning on and after the date required by paragraph (11) of subdivision (h) of Section 11461, for new entries into foster care and all other children in foster care placements on July 1, 2026, including children placed in a setting described in subdivision (d) of Section 11402, the Strengths Building Allocation shall be available 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.

(B) Beginning on and after the date required by paragraph (11) of subdivision (h) of Section 11461, an amount equivalent to Tier 1 of the Strengths Building Allocation set forth in paragraph (1) shall be available to a nonminor dependent placed in a setting described in subdivision (e) of Section 11402.

(C) The Strengths Building Allocation shall be considered to be owned by the state until the Spending Plan Manager pays for goods, services, activities, and supports for the child using the allocation funds. The child's Strengths Building Allocation must be used within the fiscal year for which the funding is appropriated and before the child exits foster care, including, but not limited to, when the child reunifies with a parent, or achieves permanency through adoption, tribal customary adoption, or guardianship.

(3) The child and family, in exercising Child and Family-Determination, with support from the Child and Family Team, informed by the child'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.

(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 Allocation 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 Allocation for the child's tier.

(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, and goods, services, activities, and supports that are culturally significant to the child or that help the child feel connected to their family and community of origin, or, in the case of an Indian child, the child's tribe.

1 (4) The Child and Family Team shall be responsible for both of the following:

2 (A) Supporting the child and family in selecting goods, services, activities, and supports
3 for the Strengths Building Spending Plan that are consistent with the strengths building
4 objectives identified by the child's IP-CANS assessment and the program standards and
5 guidelines developed by the department pursuant to subdivision (e) and, for an Indian
6 child, informed by prevailing social and cultural conditions and way of life of the Indian
7 child's tribe.

8 (B) Actively working with the child and family when goods, services, activities, and
9 supports chosen for the Strengths Building Spending Plan fail to meet the program
10 standards and guidelines developed by the department pursuant to subdivision (e) to
11 help the child and family select and find goods, services, activities, and supports that
12 comply with those guidelines and, for an Indian child, are informed by prevailing social
13 and cultural conditions and way of life of the Indian child's tribe.

14 (5) Each child shall have a Spending Plan Manager to assist the child and family with
15 managing the Strengths Building Allocation consistent with the child and family's
16 Strengths Building Spending Plan. The Spending Plan Manager shall do all of the
17 following:

18 (A) Pay for and, if needed, otherwise enable the procurement of goods, services,
19 activities, and supports for the child according to terms of the Spending Plan Manager's
20 contract with the department, the program standards and guidelines developed by the
21 department pursuant to subdivision (e), and any other applicable requirements under
22 state and federal law.

23 (B) Provide the child, family, and placing agency, as applicable, with a Spending Plan
24 Report, consisting of at least an itemized monthly statement with a description of the
25 goods, services, activities, and supports purchased using the Strengths Building
26 Allocation in the previous 30-day period, the amount spent for each good, service,
27 activity, and support in the previous 30-day period, and the amount of funding that
28 remains available under the child and family's Strengths Building Spending Plan.

29 (C) Comply with the duties prescribed in the terms of the contract with the department,
30 which shall include, but are not limited, to:

31 (i) Ensuring the Strengths Building Allocation is available to the child for its intended
32 use, consistent with the child and family's Strengths Building Spending Plan.

33 (ii) Ensuring any provider of Strengths Building goods, services, activities, and supports
34 secured through the Strengths Building Child and Family-Determination Program who
35 has direct contact with the child has completed a criminal background check if required
36 by state and federal law.

37 (e) The department shall be responsible for all of the following:

38 (1) Oversight of the contract or contracts with Spending Plan Managers for spending
39 plan management services, including the expenditure of the Strengths Building
40 Allocation.

41 (2) Development of program standards including, but not limited to, the following:

42 (A) A standards of care framework for the program, including standards that promote
43 increased Child and Family-Determination over decisions about the goods, services,
44 activities, and supports that will best meet the child's strengths building objectives
45 identified in the child's IP-CANS assessment and, for an Indian child, that are consistent

1 with prevailing social and cultural conditions and way of life of the Indian child's tribe,
2 and that are consistent with active efforts as described in subdivision (f) of Section
3 224.1.

4 (B) Comprehensive guidance for child and family-centered planning by the Child and
5 Family Team that supports the child and family in developing their Strengths Building
6 Spending Plan and, for an Indian child, supports engagement with the child's tribe in
7 ensuring the Strengths Building Spending Plan is informed by prevailing social and
8 cultural conditions and way of life of the Indian child's tribe.

9 (C) Education or training for placing agencies, the child and family, the Child and Family
10 Team, and the Spending Plan Manager, to ensure understanding of the principles of child
11 and family-determination, strengths building, comprehensive child and family-centered
12 planning, the planning process, and the management of budgets, services, and staff and,
13 for an Indian child, understanding of prevailing social and cultural conditions and way of
14 life of the Indian child's tribe. Any materials or information provided for a child shall be
15 age-appropriate.

16 (D) Guidelines and training on funding resources for placing agencies, Spending Plan
17 Managers and providers of Strengths Building goods, services, activities, and supports,
18 which shall include, but not be limited to, controls and documentation to determine when
19 federal financial participation may be claimed if all state and federal requirements are
20 met.

21 (E) A description of the nature and scope of allowable or approved goods, services,
22 activities, and supports designed to achieve strengths building objectives identified in
23 the child's Strengths Building Spending Plan.

24 (F) The qualifications of the entity or entities who are eligible to contract with the
25 department to manage Strengths Building Allocations to ensure their ability to effectively
26 serve as a child's Spending Plan Manager.

27 (3) Consultation with the State Department of Health Care Services, County Welfare
28 Directors Association of California, Chief Probation Officers of California, tribes, child
29 welfare advocates, providers, current or former foster children, caregivers, and other
30 interested parties, in the development of the informational materials and guidelines
31 described in paragraph (2). The development of the standards of care framework,
32 educational, informational, and training materials, and guidelines relating to Indian
33 children shall include consultation with federally recognized tribes.

34 (f) The placing agency shall:

35 (1) Include the Strengths Building Spending Plan and the Spending Manager Report in
36 the child's case plan, and the state's child welfare information system, and provide a
37 copy of the report to members of the Child and Family team and, for an Indian child, to
38 the Indian child's tribe.

39 (2) Facilitate the meeting with the Child and Family Team, including, for an Indian child, a
40 representative of the Indian child's tribe or Indian custodian, as applicable, in providing
41 support to the child and family in developing the Strengths Building Spending Plan and
42 in selecting goods, services, activities, and supports to achieve the child's strengths
43 building objectives.

44 (3) Provide information and support to the child and family, upon request, regarding
45 goods, services, activities, and supports available in the community, and, if needed,
46 support the child and family in accessing those goods, services, activities, and supports.

(g) The department, as it determines necessary, shall adopt regulations to implement the procedures set forth in this section.

(1) Any regulations shall be adopted 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.

(2) 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.

(h) The department may award contracts for the purpose of implementing and maintaining the Strengths Building Child and Family-Determination Program.

CHAPTER 6.3. Intensive Services Foster Care [18360 - 18360.35]

**Section 18360 of the Welfare and Institutions Code is amended to read:
18360.**

As used in this chapter, the following terms have the following meanings:

(a) "Client support staff" means professional and paraprofessional staff or contractors who meet the experience and education requirements of paragraphs (2), (3), and (4) of subdivision (c) of Section 18360.10, and are operating within the scope of practice of their license or certification, to provide support and services to the eligible child and other individuals, as approved by the placing agency and informed by the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501, or the individualized health care plan team, as defined in subdivision (d) of Section 17710.

(b) "Eligible child" means a child or nonminor dependent in foster care who has intensive needs, including, but not limited to, medical, therapeutic, or behavioral needs.

(c) "Intensive services foster care" means a licensed foster family agency model or public delivery model of home-based family care for eligible children whose needs for safety, permanency, and well-being require specially trained resource parents and intensive professional and paraprofessional services and support 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.

(d) "Intensive services foster care resource family" means a resource family, as defined in Section 16519.5 of this code or Section 1517 of the Health and Safety Code and, until December 31, 2020, a licensed foster family home or a certified family home of a licensed foster family agency, or, before January 1, 2020, the approved home of a relative or nonrelative extended family member, that has met the training requirements in this chapter or is in the process of completing training pursuant to paragraph (5) of subdivision (b) of Section 18360.10.

(e) "Intensive services foster care resource parent" means a foster parent of an intensive services foster care resource family.

(f) "Licensed foster family agency model" means an intensive services foster care program operated by a private nonprofit agency or a county that is licensed as a foster family agency.

(g) "Public delivery model" means an intensive services foster care program directly operated by a county as a governmental program.

1 (h) "Urgent placement needs" means immediate and extenuating circumstances requiring
2 immediate placement with an intensive services foster care resource parent, as determined by
3 the county placing agency based on the level of care rate protocol.

4 **(i) This chapter shall become inoperative on July 1, 2026, and, as of January 1, 2027, is**
5 **repealed.**