Senate Bill No. 187

CHAPTER 50

An act to add Section 12087.3 to the Government Code, to amend Sections 50807 and 50811 of, to amend the heading of Chapter 11.8 (commencing with Section 50811) of Part 2 of Division 31 of, to add Section 1530.90 to, to add Division 2.8 (commencing with Section 1890) to, and to repeal and add Section 130208 of, the Health and Safety Code, to amend Sections 11166 and 11174.34 of the Penal Code, to add and repeal Sections 17131.12 and 17131.19 of the Revenue and Taxation Code, to amend Sections 319, 319.3, 358.1, 361.2, 361.22, 366, 366.1, 366.3, 366.31, 636, 706.5, 706.6, 727.12, 727.2, 2200, 4094, 4094.2, 4094.5, 4096, 4096.6, 10609.4, 11004.1, 11266, 11330.7,11403, 11403.2, 11450, 11450.025, 11461, 11461.36, 11461.6, 11462, 11462.01, 11463, 11466.36, 12201.06, 12301.61, 16001, 16501.1, 16501.35, 16501.45, 16501.5, 16501.6, 16501.95, 16523.58, 16524.9, 16587, 16589, 18358.30, 18900.8, 18930, and 18995 of, to amend, renumber, and add Section 18997.2 of, to amend and repeal Section 12301.24 of, to amend, repeal, and add Sections 13753, 13754, 13757, and 18930.5 of, to add Sections 2200.2, 2200.5, 2200.7, 8151.5, 11450.027, 12300.6, 15768, 18926.8, 18928.5, and 18997.3 to, to add Article 5 (commencing with Section 9156) to Chapter 2 of Division 8.5 of, to add Chapter 10.2 (commencing with Section 18936) to Part 6 of Division 9 of, to repeal Chapter 7 (commencing with Section 4362) of Part 3 of Division 4 of, and to repeal Chapter 4.5 (commencing with Section 8151) of Division 8 of, the Welfare and Institutions Code, and to amend and repeal Section 135 of Chapter 27 of the Statutes of 2019, relating to public social services, and making an appropriation therefore, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 187, Committee on Budget and Fiscal Review. Human services.

(1) Existing law establishes the California Health and Human Services Agency, which includes the State Department of Public Health, among other state departments charged with the administration of health, social, and other human services. Existing law, the California Emergency Services Act, creates, within the office of the Governor, the Office of Emergency Services, which is responsible for addressing natural, technological, or man-made disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

This bill would establish, beginning July 1, 2022, the Office of Response and Resilience within the California Health and Human Services Agency to provide policy, fiscal, and operational organization, coordination, and management when departments within the agency are preparing for, mitigating, responding to, or helping communities recover from an emergency, as defined. The bill would require the Office of Response and Resilience to, among other things, maintain and update an All Hazards Dashboard to identify the impacts of emergency and hazardous events and provide key data necessary to support agency response operation. The bill would authorize the office to enter into contracts for the purposes of implementing these provisions, and would, on or before June 30, 2024, exempt those contracts from certain laws relating to public contracts and from the review or approval of the Department of General Services.

The bill would make implementation of these provisions contingent upon an appropriation by the Legislature in the annual Budget Act for its purposes.

(2) Existing law establishes the Health Plan Improvement Trust Fund, for use by the Center for Data Insights and Innovation, as specified. Existing law required moneys in the Office of Patient Advocate Trust Fund to be transferred and deposited into the Health Plan Improvement Trust Fund by July 1, 2021, and required the Office of Patient Advocate Trust Fund to be eliminated once all funds are transferred.

This bill would instead rename the Office of Patient Advocate Trust Fund to the Health Plan Improvement Trust Fund, and would transfer the moneys in the previously created Health Plan Improvement Trust Fund to the newly renamed fund. The bill would additionally provide that the moneys in the Health Plan Improvement Trust Fund shall be available, upon appropriation by the Legislature, for use by the Center for Data Insights and Innovation, as specified.

(3) Existing law establishes the Department of Community Services and Development, under the direction of an executive officer known as the Director of Community Services and Development, within the California Health and Human Services Agency. Existing law, among other things, authorizes the department to apply for, administer, and oversee federal block grant funds and other public and private funds designed to support antipoverty programs in the state that are not currently administered by other departments.

Existing federal law, the Consolidated Appropriations Act, 2021, among other things, requires the federal Department of Health and Human Services to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, which is also known as the Low Income Household Water Assistance Program, for making grants to states and Indian tribes to assist low-income households that pay a high proportion of household income for drinking water and wastewater services, as provided.

Existing law requires the Department of Community Services and Development to administer the Low Income Household Water Assistance Program in this state, and to receive and expend moneys appropriated and allocated to the state for purposes of that program, pursuant to the

above-described federal law. Existing law authorizes the department to develop and implement a state plan, requirements, guidelines, and subgrantee contract provisions for the program without taking further regulatory action, as specified.

This bill would, using funds appropriated in the Budget Act of 2022, require the department to continue to administer the Low Income Household Water Assistance Program in this state, until the appropriated funds are expended or until June 30, 2026, whichever occurs first. This bill would require the one-time extension of the Low Income Household Water Assistance Program to be implemented in accordance with the above-described state plan and program guidelines, as specified.

This bill would require the department to amend the above-described program guidelines. The bill would require the department to seek public input by posting, no less than 30 days before finalization of the program guidelines, the draft program guidelines on the department's public internet website and by holding a public hearing on draft program guidelines with notice of the hearing published prominently on the department's public internet website no less than 10 days before the hearing.

Existing law requires the Department of Community Services and Development to receive and administer the federal Low-Income Home Energy Assistance Program (LIHEAP) block grant.

This bill would require the department to assist local service providers in maintaining full compliance with these provisions and with the LIHWAP contract requirements and program guidelines. The bill would authorize the department to use all available means to terminate a local service provider's designation to administer LIHEAP funds for failure to administer LIHWAP funds pursuant to these provisions and in accordance with LIHWAP contract requirements and program guidelines. The bill would require the department to work with local service providers, as specified, to facilitate the release of supplemental funds to provide outreach, intake, and delivery of financial assistance for water and wastewater services to eligible households.

The Personal Income Tax Law and the Corporation Tax Law, in conformity with federal income tax law, generally define "gross income" as income from whatever source derived, and provide various exclusions from gross income.

This bill, for taxable years beginning on or after January 1, 2022, and before January 1, 2027, would exclude from gross income any amounts of financial assistance received by an individual taxpayer pursuant to those acts. The bill would repeal these provisions on December 1, 2027.

Existing law requires any bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives that the tax expenditure will achieve, detailed performance indicators, and data collection requirements.

This bill, for specified provisions, would provide findings to comply with the additional information requirement for any bill authorizing a new tax expenditure.

(4) Existing law generally provides for the placement of foster youth in various placement settings and governs the provision of child welfare services, as specified. Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including community treatment facilities (CTFs) and short-term residential therapeutic programs (STRTPs), by the State Department of Social Services (department). A violation of the act is a misdemeanor.

Under existing law, a CTF is a residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Existing law requires a CTF, as a condition of licensure, to receive a certification of compliance from the State Department of Health Care Services. Under existing law, only seriously emotionally disturbed children, as defined, under specified criteria are placed in a CTF. Under existing law, a STRTP is a residential facility that provides an integrated program of specialized and intensive generally nonmedical, short-term, 24-hour trauma-informed care and supervision, services and supports, and treatment to children, as specified.

Existing federal law, the Family First Prevention Services Act (FFPSA), prohibits federal payments to the state for foster care maintenance payments on behalf of a child placed in a qualified residential treatment program, among other childcare institutions, unless a court assesses the placement within 30 days of the placement being made and the program meets specified requirements, including the utilization of a trauma-informed treatment model and the provision of nursing staff and discharge planning and family-based aftercare support for at least 6 months postdischarge. The FFPSA also requires an assessment and determination by a qualified individual of which placement would best meet the needs of the child, and documentation in the child's case plan of these assessments, among other things. Existing state law sets forth various provisions concerning the licensing of, and the placement of foster youth in, STRTPs that conform to the FFPSA requirements.

This bill would make related changes to provisions concerning the licensing of, and the placement on or after July 1, 2022, of children in, CTFs, including, among other things, requiring a qualified individual to conduct an assessment of certain placements in CTFs, establishing a process for the juvenile court to review and approve the placement of a dependent child, ward, or nonminor dependent in a CTF, requiring county social workers and probation officers to include certain information in specified social studies, reports, and case plans, requiring CTFs to ensure the availability of nursing staff, and providing at least 6 months of family-based aftercare services postdischarge from a CTF. The bill would, for placements into a CTF, require the Judicial Council, on or before October 1, 2022, to amend or adopt rules of court and to develop or amend appropriate forms, as necessary.

The bill would require a licensed CTF to have national accreditation from an entity identified by the department, as specified. The bill would require a CTF to provide documentation to the department reporting its accreditation

status at 12 months and at 18 months after the date of licensure. The bill would require a CTF to prepare and maintain a plan of operation relating to, among other things, standards for a comprehensive trauma-informed treatment model, and development of discharge planning and an individualized family-based aftercare support plan, as specified. Under the bill, federal financial participation under the Medi-Cal program would only be available if all state and federal requirements are met and the treatment is medically necessary, regardless of the 6 months postdischarge requirement. The bill would authorize the Director of Social Services to adopt emergency regulations, as specified, and would authorize the department to implement these provisions through interim licensing standards until the adoption of regulations.

By creating new requirements for CTFs under the California Community Care Facilities Act, the violation of which is a crime, and by creating new duties for county officials, the bill would impose a state-mandated local program.

(5) Existing law requires the department to establish a foster care rate for each CTF program, as specified. Existing law requires the department to develop a payment structure for STRTP placements claiming certain foster care funding, and to develop a rate system that includes consideration of certain factors, including accreditation, as specified.

This bill would require that a CTF or STRTP be reclassified and paid at the appropriate program rate for which it is qualified if it fails to timely obtain or maintain accreditation as required by state law or fails to provide proof of that accreditation to the department upon request. The bill would include, as part of the accreditation factor for STRTPs, provision for reduction or revocation of the rate in the event of the suspension, lapse, revocation, or other loss of accreditation, or failure to provide proof of that accreditation to the department upon request. The bill would authorize the department to terminate a program rate if, for a provider operating a STRTP or a CTF, the program or facility is no longer accredited as required by state law.

(6) Existing law creates the Office of Youth and Community Restoration within the California Health and Human Services Agency to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system, as specified. Existing law requires the office to have an ombudsperson who has the authority to investigate complaints from youth, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or to refer complaints to another body for investigation. Under existing law, the ombudsperson has the authority to publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken.

This bill would specify that the ombudsperson has the authority to, among other things, decide, in its discretion, whether to investigate complaints from youth detained in or committed to juvenile facilities. The bill would require the ombudsperson to provide prescribed notifications to the

complainant, including whether the ombudsperson is investigating or referring the complaint and the final outcome of any investigation. The bill would make the identities of the complainants or witnesses and information obtained by the ombudsperson in an investigation confidential, as specified, and would, in doing so, limit the right of the public to obtain that information.

The bill would require the ombudsperson to post on the internet and provide the Legislature with regular reports of data collected over the course of the year, including, but not limited to, complaints received and the trends and issues that arose in the course of investigating complaints.

The California Constitution provides for the Right to Truth-in-Evidence, which requires a 2 /3 vote of the Legislature to exclude any relevant evidence from any criminal proceeding, as specified.

This bill would prohibit the ombudsperson and their staff from being compelled to testify or being deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties and would prohibit the records of the ombudsperson and their staff and any reports not released to the public from being disclosed or produced in response to a subpoena or discovery in a judicial or administrative proceeding. Because this bill may exclude from a criminal action information discovered during an investigation that would otherwise be admissible, it requires a 2 /3 vote of the Legislature.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(7) Existing law provides for the out-of-home placement, including foster care placement, of children who are unable to remain in the custody and care of their parents. Existing law, the federal Social Security Act, provides for benefits for eligible beneficiaries, including survivorship and disability benefits and supplemental security income (SSI) benefits for, among others, blind and disabled children. Existing law requires the county to provide specified information relating to SSI payments to a foster youth receiving those benefits when the youth is approaching their 18th birthday, including providing information regarding the federal requirement that the youth establish continuing disability as an adult in order for SSI benefits to continue. Existing law declares the intent of the Legislature that nonminor dependents who receive federal SSI benefits may serve as their own payee, if it is determined that the nonminor dependent satisfies the criteria established by the Social Security Administration, and should be assisted by the county welfare department in receiving direct payment. Existing law requires a youth in foster care and nearing emancipation to be screened by the county for potential eligibility SSI benefits, as specified.

This bill would revise and expand these provisions with respect to nonminor dependents, including requiring the county, if the youth elects to remain in foster care as a nonminor dependent after attaining 18 years of age, to assist the nonminor dependent in establishing continuing disability

as an adult, including identifying an appropriate representative payee, which may include the nonminor dependent, a trusted adult, or the county, and gathering and submitting records to the federal Social Security Administration. The bill would specify the duties of the county if selected as a nonminor dependent's representative payee.

The bill would revise screening requirements for foster youth nearing emancipation, including requiring the youth to be under the supervision of the county child welfare agency, juvenile probation department, or tribal organization, and requiring the screening to occur when the youth is over 16 years of age. The bill would require the county to screen nonminor dependents for potential eligibility for SSI benefits under certain circumstances, including, among other circumstances, when a nonminor dependent has had a change of circumstances, including a medical condition that is expected to last more than a year. The bill would also require the county to submit an application on behalf of any nonminor dependent who is screened as being likely to be eligible for those benefits and consents to the application, as specified. The bill would require the county to assist the nonminor dependent or representative payee other than the county to provide information to the Social Security Administration to ensure that the nonminor dependent receives the appropriate number of payments. The bill would replace various references to county welfare departments to instead refer to county placement agencies.

The bill would have these provisions become operative on January 1, 2023, or 30 days after the department has issued the required guidance, whichever is later.

By increasing duties of county placing agencies assisting foster youth and nonminor dependents, the bill would impose a state-mandated program.

(8) The federal FFPSA provides a state with the option to use certain federal funds to provide mental health and substance abuse prevention and treatment services and in-home parent skill-based programs to a child who is a candidate for foster care or a child in foster care who is a pregnant or parenting foster youth, as specified. Existing state law authorizes a county to elect to provide those prevention services by providing a written plan to the department, which has oversight of the Family First Prevention Services program. Existing law requires the county to consult with other relevant county agencies, as specified, in the development of the plan.

This bill would require the participating county to also consult with the other agencies in the ongoing implementation of the plan. The bill would, until July 1, 2025, exempt contracts awarded by the department for purposes of the program, and for purposes of the above-described family-based aftercare services, from specified contracting requirements.

(9) Existing law, subject to an annual appropriation in the annual Budget Act, requires the Department of Housing and Community Development to provide, under the Transitional Housing Program, funding to counties for allocation to child welfare services agencies to help young adults who are 18 to 24 years of age, inclusive, secure and maintain housing, with priority given to young adults formerly in the state's foster care or probation systems.

Existing law, subject to an appropriation in the annual Budget Act, also requires the department to allocate funding to counties to provide housing navigators to help young adults who are 18 to 21 years of age, inclusive, secure and maintain housing, with priority given to young adults in the foster care system. Existing law requires a child welfare agency that accepts any distribution of money pursuant to either program to report specified information to the department on an annual basis.

This bill would rename the housing navigator program as the Housing Navigation and Maintenance Program, and would extend eligibility and priority for the program to help young adults who are 18 to 24 years of age, inclusive, with priority given to young adults formerly or currently in the foster care system. The bill would, for a child welfare agency that accepts any distribution of money for both the Transitional Housing Program and the Housing Navigation and Maintenance Program, require the department to accept one county board resolution and one allocation acceptance form, and execute one standard agreement, for both programs.

Existing law makes transitional housing available to any former foster youth who is at least 18 years of age and not more than 24 years of age who has exited from the foster care system on or after their 18th birthday and has elected to participate in the Transitional Housing Program-Plus, as defined, if they have not received services pursuant to these provisions for more than a total of 24 months. Existing law authorizes a county to extend those services to former foster youth who are not more than 25 years of age and for a total of 36 months if the former foster youth meets specified criteria.

This bill would extend the age of eligibility for transitional housing in all counties to any former foster youth who is 18 to 24 years of age, inclusive, and would extend the maximum time they may receive services pursuant to these provisions to 36 months. To the extent that this bill would expand county duties with regard to the administration of the Transitional Housing Program-Plus program, it would impose a state-mandated local program.

(10) Existing law, the Mello-Granlund Older Californians Act, reflects the policy mandates and directives of the federal Older Americans Act of 1965, as amended, and sets forth the state’s commitment to its older population and other populations served by the programs administered by the California Department of Aging.

Under existing law, the Director of Health Care Services administers the Comprehensive Act for Families and Caregivers of Cognitively Impaired Adults to provide various services to cognitively impaired adults, as defined, and their families and caregivers. Existing law requires the director to contract with caregiver resource centers to deliver services to caregivers of cognitively impaired adults, such as information on chronic and disabling conditions, clinical staff to provide an assessment of caregiver needs, legal and financial consultation, and respite care, among others. Existing law requires the caregiver resource centers to submit progress reports on their activities, as specified.

This bill would repeal and recast those provisions to require the Director of the California Department of Aging to administer the act. The bill would state that cognitive impairment may be caused by, among other things, dementia, cerebrovascular diseases, or degenerative diseases. The bill would require the department to administer the caregiver resource center program as a distinct program separate from the federal Older Americans Act.

(11) Existing law establishes a system of statewide child welfare services, administered by the State Department of Social Services and county child welfare agencies, with the intent that all children are entitled to be safe and free from abuse and neglect. Existing law requires the department to implement the Child Welfare Services/Case Management System (CWS/CMS) to administer and evaluate the state's child welfare services and foster care programs. Existing law also requires the department and the Office of Systems Integration, in collaboration with the County Welfare Directors Association, to seek resources to enable the necessary level of engagement by the counties in the Child Welfare Services-New System (CWS-NS), a successor information system, as specified. Existing law requires the existing (CWS/CMS) operations and functionality to be maintained at a level at least commensurate with its December 2015 status and not to be decommissioned prior to the full statewide implementation of the CWS-NS in all counties.

This bill would revise various specific references to the CWS/CMS and the CWS-NS, to refer instead to a statewide child welfare information system. The bill would require counties to fully utilize the functionality provided by the replacement statewide child welfare information system when it has been implemented statewide. By imposing additional duties on countries, the bill would impose a state-mandated local program.

(12) Existing law establishes the State Supplementary Program for the Aged, Blind, and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement Supplemental Security Income (SSI) payments made available pursuant to the federal Social Security Act. Existing law also establishes the Golden State Grant Program, which requires the department to make a one-time grant payment of $600 to qualified grant recipients, including recipients of benefits under the SSI/SSP program.

This bill would repeal the Golden State Grant Program as of January 1, 2024.

(13) Existing law provides for the temporary or emergency placement of dependent children of the juvenile court and nonminor dependents with relative caregivers or nonrelative extended family members under specified circumstances. Existing law requires counties to provide a specified payment to an emergency caregiver if, among other things, the emergency caregiver has completed an application for resource family approval and an application for the Emergency Assistance Program. Existing law requires that these payments be made through Emergency Assistance Program funds included in the state's Temporary Assistance for Needy Families (TANF) block grant,

with the county solely responsible for the nonfederal share of cost, except as specified.

Under existing law, during the 2022–23 fiscal year, and each fiscal year thereafter, these payments are ineligible for the federal or state share of payment upon approval or denial of the resource family application or beyond 90 days, whichever occurs first. Existing law requires the State Department of Social Services to consider extending the required payments beyond the 90-day limit if the resource family approval process cannot be completed within 90 days due to circumstances outside of a county's control.

This bill would instead make payments ineligible for the federal or state share of payment upon approval or denial of the resource family application or beyond 120 days, whichever occurs first. The bill would remove the requirement on the department to consider the payment extension. The bill would also make the federal and state share available beyond 120 days of payments, and up to 365 days of payments, if certain conditions are met by the county, including, among others, the provision of monthly documentation showing good cause for the delay in approving the resource family application that is outside the control of the county, as specified.

(14) Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families using federal, state, and county funds. Existing law requires families to be grouped into assistance units for purposes of determining eligibility and computing the amount of CalWORKs aid to be paid. Existing law authorizes current and future grants payable to an assistance unit to be reduced due to prior overpayments, and requires a county to take all reasonable steps necessary to promptly correct any overpayment of supportive services payments to a recipient.

Existing law requires a nonfraudulent CalWORKs overpayment that is established for a current CalWORKs case on or after August 1, 2021, and for the benefit months of April 2020 to the end of the proclamation of a state of emergency related to the COVID-19 pandemic, or June 30, 2022, whichever date is sooner, to be classified as an administrative error. Existing law prohibits an overpayment classified as an administrative error pursuant to this provision from being reclassified after the state of emergency related to the COVID-19 pandemic ends.

This bill would make that prohibition inapplicable if the overpayment is determined to be fraudulent. To the extent the bill would impose new duties on counties, the bill would impose a state-mandated local program.

Existing law, under the CalWORKs program, provides for an immediate assistance payment if a county determines at the time of application that the applicant is apparently eligible for CalWORKs aid, and the applicant needs immediate assistance because the family's total available liquid resources are less than $100 and there is an emergency situation. Existing law provides for homeless assistance for temporary shelter to homeless families that are apparently eligible. Existing law limits an alien applicant who does not provide verification of their eligible alien immigration status,

or a person with no eligible children who does not provide medical verification of their pregnancy from being apparently eligible for purposes of those provisions.

This bill would remove the limitation on a person with no eligible children who does not provide medical verification of their pregnancy from being apparently eligible, thereby expanding apparent eligibility for those purposes. By imposing an additional duty on counties, the bill would impose a state-mandated local program.

Existing law establishes maximum aid grant amounts to be provided to each family receiving aid under CalWORKs. Existing law increases the maximum aid payments by 5% commencing on March 1, 2014, by an additional 5% commencing on April 1, 2015, by an additional 1.43% commencing on October 1, 2016, by specified fixed dollar amounts commencing in 2017, and by an additional 5.3% commencing on October 1, 2021.

This bill would express the intent of the Legislature that, upon appropriation, CalWORKs maximum aid payments are sufficient to ensure that no child lives at or below 50% of the federal poverty level, and would make related statements of intent, as specified.

The bill would, commencing on October 1, 2022, increase by 11% the maximum aid payments in effect on July 1, 2022. Under the bill, counties would not be required to contribute a share of the costs to cover this increase to maximum aid payments.

The bill would also, commencing on October 1, 2022, and through September 30, 2024, increase the maximum aid payments in effect on July 1, 2022, by an additional 10%, as specified. The bill would, commencing on October 1, 2024, and subject to an appropriation, increase the maximum aid payments in effect on July 1, 2024. By increasing the duties of counties relating to these CalWORKs maximum aid payments, the bill would impose a state-mandated local program.

Because moneys from the General Fund are continuously appropriated to defray a portion of county aid grant costs under the CalWORKs program, this bill would make an appropriation for the maximum aid payments cumulative increase of 21%.

Existing law requires the Director of Finance to annually provide certain cost and revenue estimates and sets forth a process by which increases may be made to the maximum aid payments based on those estimates.

This bill, commencing on January 1, 2023, and based on a specified timeline, would require the State Department of Social Services to annually provide a display to the appropriate policy and fiscal committees of the Legislature and on the department's internet website showing the CalWORKs maximum aid payment amounts compared to 50% of the federal poverty level.

Existing law establishes the CalWORKs Home Visiting Program as a voluntary program for the purpose of supporting positive health, development, and well-being outcomes for eligible pregnant and parenting people, families, and infants born into poverty. Existing law, subject to an

appropriation in the annual Budget Act, requires the State Department of Social Services to award funds to participating counties in order to provide voluntary evidence-based home visiting services to any assistance unit that meets specified requirements. Existing law requires a primary component of the program to be case management and evidence-based home visiting, as specified, for the purpose of family support. Existing law authorizes counties, in coordination with home visitors and CalWORKs staff, to establish a process to provide one-time, as-needed funding for the purchase of material goods for a program participant's household related to care, health, and safety of the child and family, in an amount not to exceed $500.

This bill would increase that to an amount not to exceed $1,000.

(15) Existing federal law establishes various disability benefits programs, including the Supplemental Security Income (SSI) program, under which cash assistance is provided to qualified low-income aged, blind, and disabled persons, and the Social Security Disability Insurance (SSDI) program, under which benefits are provided to persons with disabilities who have paid social security taxes. Existing state law provides for disability benefits programs, including the State Supplementary Program for the Aged, Blind, and Disabled (SSP), under which state funds are provided in supplementation of federal SSI benefits.

Under existing law, benefit payments under SSP are calculated by establishing the maximum level of nonexempt income and federal SSI and state SSP benefits for each category of eligible recipient. The state SSP payment is the amount required, when added to the nonexempt income and SSI benefits available to the recipient, to provide the maximum benefit payment. Existing law prohibits, for each calendar year, commencing with the 2011 calendar year, any cost-of-living adjustment from being made to the maximum benefit payment unless otherwise specified by statute, except for the passalong of any cost-of-living increase in the federal SSI benefits. Existing law continuously appropriates funds for the implementation of SSP.

Existing law, in 2022, increased the amount of aid paid under SSP by a percentage increase calculated by the State Department of Social Services and the Department of Finance and required those departments to notify specified legislative committees and the Legislative Analyst's Office of the final percentage increase effected by the appropriation in the Budget Act of 2021 for the purposes of implementing the increase. Existing law, commencing January 1, 2024, and subject to an appropriation in the Budget Act of 2023, provides an additional grant increase subject to the same calculations, notifications, and implementation as the first increase.

This bill would, instead, subject to an appropriation in the Budget Act of 2022, and commencing January 1, 2023, increase the amount of aid paid under SSP by a percentage increase calculated by the departments listed above. The bill would require those departments to notify specified legislative committees and the Legislative Analyst's Office of the final percentage increase effectuated by the appropriation in the Budget Act of 2022 for the purposes of implementing the increase.

The bill would also require the State Department of Social Services to calculate and publish what the payment levels and associated costs would have been if annual state cost-of-living adjustments had been provided, as specified.

(16) Existing law establishes the Emergency Child Care Bridge Program for Foster Children, to be implemented at the discretion of each county, for the purpose of stabilizing foster children with families at the time of placement by providing a time-limited payment or voucher for childcare following the child's placement, or for a child whose parent is in foster care, and by providing the family with a childcare navigator to assist the family in accessing long-term subsidized childcare. Existing law requires participating county welfare departments to determine eligibility of a child for the program by using specified criteria, including that a payment or voucher may be provided if work or school responsibilities preclude a resource family from being at home when the child for whom they have care and responsibility is not in school or for periods when the family is required to participate, without the child, in activities associated with parenting a child that are beyond the scope of ordinary parental duties.

This bill instead would authorize a payment or voucher if work or school responsibilities preclude a resource family from providing care, rather than precluding them from being at home, when the child for whom they have care and responsibility is not in school or for periods when the family is required to participate, without the child, in activities associated with parenting a child that are beyond the scope of ordinary parental duties.

Under existing law, a child receiving a monthly childcare payment or voucher is eligible to receive the payment or voucher for up to 6 months, which may be extended for an additional 6-month period, for a total period of up to 12 months, under certain circumstances.

This bill would, effective September 1, 2022, authorize a county welfare department to extend the monthly payment or voucher beyond 12 months based on a compelling reason, which may include, among other things, the inability of the foster child to successfully transition to other subsidized childcare or other reasons authorized pursuant to guidance issued by the department, with input from stakeholders. The bill would also remove obsolete provisions.

(17) Existing law establishes the In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and counties, under which qualified aged, blind, and disabled persons are provided with services so they may remain in their own homes. Existing law provides for the allocation of funds from the Local Revenue Fund to local agencies for the administration of various health, mental health, and public social service programs, including IHSS (1991 Realignment funds).

Existing law requires a specified mediation process, including a factfinding panel recommending settlement terms, to be held if a public authority or nonprofit consortium and the employee organization fail to reach agreement on a bargaining contract with in-home supportive service workers on or after October 1, 2021. Existing law subjects a county to a withholding of

1991 Realignment funds if, among other things, the county does not reach an agreement with the employee organization within 90 days after the release of the factfinding panel's recommended settlement terms. Existing law specifies that withholding would be on October 1, 2021, if the factfinding panel's recommended settlement terms were released prior to June 30, 2021, and the county did not reach an agreement with the employee organization within 90 days after the release.

This bill would clarify that the above-described withholding of 1991 Realignment funds is a one-time withholding, and would specify that the funds are to be withheld pursuant to a schedule developed by the Department of Finance and provided to the Controller.

Existing law requires the department, in consultation with stakeholders, to create and provide to the Legislature the framework for a permanent provider backup system, to be implemented after statutes are enacted to define the parameters of services pursuant to IHSS, as specified.

This bill, effective no sooner than October 1, 2022, as specified, would require a county or a public authority to administer a backup provider system for in-home supportive services and waiver personal care services providers. The bill would establish eligibility requirements, maximum total hours a recipient may use, eligibility requirements and wages for backup providers, and the responsibilities of the county or public authority in operating the system. The bill would make counties, public authorities, and the state immune from liability resulting from a backup provider's untimely response to a request for provider backup services, except as provided. The bill would authorize the department to implement and administer these provisions through all-county letters or similar instructions until regulations are adopted and would require the state to seek all federal approval necessary. By increasing the duties of local governments, this bill would impose a state-mandated local program.

Existing law requires prospective providers of in-home supportive services to complete, at the time of enrollment, a provider orientation that is developed by the department, in consultation with counties, and that includes specified program information, including the requirements to be an eligible IHSS provider and a description of the program. Existing law requires the provider orientation to be an onsite orientation that all prospective providers are required to attend in person.

This bill would, if the state or local public health agency issues an order limiting the size of gatherings, authorize a county to hold a series of smaller in-person orientations that meet the same criteria. The bill would specify that a county is not required to hold an orientation in which prospective providers attend in person if the state or local health agency issues an order that prevents the in-person orientation from occurring. The bill would require a county to hold an orientation that is in person within 30 calendar days of the date that the public health order restrictions are lifted, except as specified. The bill would prohibit the requirement for in-person orientation from applying if the parties to a collective bargaining agreement expressly agree

to waive that requirement and have a negotiated alternative method for the provision of the orientation.

Existing law prohibits a public employer from deterring or discouraging public employees, or applicants to be public employees, from becoming or remaining members of an employee organization, from authorizing representation by an employee organization, or from authorizing dues or fee deductions to an employee organization. Existing law grants the Public Employment Relations Board jurisdiction over violations of these provisions.

This bill would authorize a claim to be brought before the Public Employment Relations Board for an alleged violation of the above-described prohibition if the county has not complied with the requirement to hold provider orientation, as specified.

This bill would also make technical, nonsubstantive changes to these provisions.

(18) Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law requires the State Department of Social Services to administer a state system for establishing rates in the AFDC-FC program. Existing law requires the department to implement a rate structure that is effective through December 31, 2022, for specified rates paid to certified family homes of a foster family agency, short-term residential therapeutic programs, and foster family agencies that provide treatment, intensive treatment, and therapeutic foster care programs.

This bill would provide a 2-year extension for the payments of those rates.

Existing law requires the State Department of Social Services to implement intensive treatment foster care programs for eligible children and exempts the rates for these programs from the current AFDC-FC foster family agency ratesetting system. Existing law requires the department from January 1, 2017, to December 31, 2021, inclusive, to implement an interim rate structure to reflect the appropriate level of placement and address the need for specialized health care, support services, and mental health treatment services for foster children served in these programs. Existing law provides the method to calculate current rates for these programs.

This bill would extend the operation of this interim rate structure through December 31, 2024.

(19) Existing federal law provides for the Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county.

Existing law requires the State Department of Social Services to establish a food assistance program, known as the California Food Assistance Program (CFAP), to provide assistance to a noncitizen of the United States if the person’s immigration status meets the eligibility criteria of SNAP in effect on August 21, 1996, but the person is not eligible for SNAP benefits solely due to their immigration status, as specified. Existing law also makes eligible for the program an applicant who is otherwise eligible for the program, but

who entered the United States on or after August 22, 1996, if the applicant is sponsored and the applicant meets one of a list of criteria, including that the applicant, after entry into the United States, is a victim of the sponsor or the spouse of the sponsor if the spouse is living with the sponsor.

Existing law, to become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System (SAWS) has been updated to perform the necessary automation, requires the department to use state funds appropriated for CFAP to provide nutritional benefits to households that are ineligible for CalFresh benefits solely due to their immigration status.

This bill, subject to an appropriation in the annual Budget Act, would additionally make an individual 55 years of age or older eligible for the program if the individual's immigration status is the sole basis for their ineligibility for CalFresh benefits.

Existing law requires a recipient of CalWORKs to participate in welfare-to-work activities as a condition of eligibility. Existing law requires a recipient of CFAP benefits who is also receiving CalWORKs aid to satisfactorily participate in welfare-to-work activities, as specified, or if the recipient is not receiving CalWORKs aid, to meet specified work requirements under SNAP.

This bill instead would prohibit a recipient of CFAP benefits from being required to meet the SNAP work requirement. Under the bill, an applicant who states that they do not have a social security number would not be required to present a social security number in order to receive CFAP benefits.

These provisions would become operative on the date that the department notifies the Legislature that SAWS has been updated to perform the necessary automation to implement the bill. To the extent this bill would expand eligibility for CFAP, which is administered by the counties, this bill would impose a state-mandated local program.

Existing federal law, as a condition of eligibility for CalFresh, requires a household member who is not exempt to comply with specified work requirements, and partially funds specified costs of the CalFresh E&T program.

This bill would establish the CalFresh E&T Workers' Compensation Fund for the purpose of paying workers' compensation claims resulting from CalFresh recipients' participation in the CalFresh E&T program. The bill would continuously appropriate funds deposited under this provision for this purpose. The bill would provide, in the event of abolition of the CalFresh E&T program, for the return of any remaining funds to the Food and Nutrition Service of the United States Department of Agriculture.

Existing law sets forth certain requirements and exemptions for students in postsecondary education for purposes of CalFresh eligibility.

This bill would, no later than January 1, 2024, require the State Department of Social Services, in order to assist in monitoring information about access to CalFresh by students enrolled in an institution of higher education, as defined, to publish certain data specific to students' receipt

of CalFresh benefits on the department's existing CalFresh Data Dashboard. The bill would require the department to update the dashboard over time as additional data become available about this population.

Existing law requires the State Department of Social Services to work with representatives of county human services agencies and the County Welfare Directors Association of California to update the budgeting methodology used to determine the annual funding for county administration of the CalFresh program beginning with the 2022–23 fiscal year.

This bill would instead require the department to work with those entities to update that budgeting methodology beginning with the 2023–24 fiscal year.

(20) Existing law establishes the CalFood Program, administered by the State Department of Social Services, whose ongoing primary function is to facilitate the distribution of food to low-income households. Existing law creates both the CalFood Account and the Public Higher Education Pantry Assistance Program Account in the Emergency Food for Families Voluntary Tax Contribution Fund, and requires that moneys in these respective accounts, upon appropriation by the Legislature, be allocated to the department for allocation for specified purposes, including allocating moneys from the CalFood Account to the CalFood Program for the purchase, storage, and transportation of food grown or produced in California. Existing law prohibits the storage and transportation expenditures associated with the CalFood Program from exceeding 15% of the CalFood Program fund's annual budget.

This bill would eliminate that 15% limit and would instead authorize the percentage of storage and transportation expenditures compared to the CalFood Program fund's annual budget to be increased from their levels in the 2021-22 fiscal year after a determination by the department in consultation with food bank stakeholders to reflect the true costs to acquire, store, and distribute foods purchased through the CalFood Program.

Existing federal law establishes the Food Distribution Program on Indian Reservations (FDPIR), under which United States Department of Agriculture foods are provided to income-eligible households living on Indian reservations, and to American Indian households residing in approved areas near reservations, as an alternative to SNAP benefits.

This bill would establish the Tribal Nutrition Assistance Program, to be administered by the State Department of Social Services. Subject to an appropriation, the bill would require the department to award grants, no later than July 1, 2023, to eligible tribes and tribal organizations to address food insecurity and inequities between CalFresh benefits and FDPIR. The bill would require the department to develop grant eligibility standards and rules regarding approved services and assistance in government-to-government consultation with tribes. The bill would exempt contracts and grants awarded pursuant to the act from specified contracting provisions and rules. The bill would authorize the department to implement and administer the act without adopting regulations.

(21) Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. Existing law requires that certain individuals be mandated reporters of elder and dependent adult abuse. Existing law requires each county welfare department to establish and support a system of protective services for elderly and dependent adults who may be subjected to neglect, abuse, or exploitation, or who are unable to protect their own interest.

This bill would require the State Department of Social Services to select and award grants to private nonprofit or public entities for the purpose of establishing a statewide multipurpose adult protective services workforce development and training program. Under the bill, the purpose of the program would be to develop and implement statewide coordinated training and workforce development activities designed specifically to meet the needs of county adult protective services social workers, as specified, and to provide training for the above-described mandated reporters.

The bill would authorize the department to enter into agreements with other public or private entities for the provision of the activities, as specified, to the extent that funding is appropriated by the Legislature or provided through other sources. The bill would condition implementation of the program's provisions on an appropriation of sufficient funding from state or federal sources.

(22) Existing law requires the State Department of Social Services, subject to an appropriation for this purpose in the annual Budget Act, to administer the California Guaranteed Income Pilot Program, until July 1, 2026, to provide grants to eligible entities, as defined, for the purpose of administering pilot programs and projects that provide a guaranteed income to participants, with priority to California residents who age out of the extended foster care program at or after 21 years of age or who are pregnant individuals.

Existing law requires the department to determine the methodology for, and manner of, distributing grants awarded under the program, ensuring that grant funds are awarded in an equitable manner to eligible entities in both rural and urban counties and in proportion to the number of individuals anticipated to be served by an eligible entity's pilot program or project.

This bill would authorize the department to establish an appropriate method, process, and structure for grant management, fiscal accountability, payments to guaranteed income pilot participants, and technical assistance and supports for grantees that ensure transparency and accountability in the use of state funds. The bill would authorize the department to contract with one or more entities for these purposes, as specified. The bill would also authorize the department to require grantees to use a specified third party vendor for purposes of administering grantees' pilots and to meet the requirements of the program.

Under existing law, in order to receive grant funds under the program, an eligible entity is required to, among other things, present a plan for providing all individuals who receive guaranteed income payments with sufficient benefits counseling and informational materials to ensure that

they are aware of any impact the receipt of a guaranteed income payment from the pilot program or project may have on their eligibility for other public benefit programs.

This bill would authorize the department to contract with a third party vendor for the purpose of developing a benefits counseling tool or informational materials for use by grantees to assist in meeting the above-described requirements.

Existing law authorizes the department to accept and, subject to an appropriation, expend funds from nongovernmental sources for the review and evaluation of the pilot programs and projects, as specified.

This bill would authorize the department to accept and, subject to an appropriation, expend funds from nongovernmental sources for any grant or contract under the program.

Under existing law, guaranteed income payments received by an individual from a pilot program or project are not considered income or resources for purposes of determining eligibility for benefits or assistance under any state or local benefit or assistance program, as specified. The Personal Income Tax Law imposes a tax on individual taxpayers measured by the taxpayer's taxable income for the taxable year, but, in modified conformity with federal income tax laws, allows various exclusions from gross income.

This bill would, until July 1, 2026, exclude any payments received by an individual from a guaranteed income pilot program or project, as specified, from the gross income of recipients for personal income tax purposes.

(23) Existing law, commonly known as the Continuum of Care Reform (CCR), states the intent of the Legislature to improve California's child welfare system and its outcomes by increasing the use of home-based family care and creating faster paths to permanency resulting in shorter durations of involvement in the child welfare and juvenile justice systems, among other things. Existing law, until July 1, 2023, exempts certain contracts or grants necessary for the department to implement or evaluate CCR from specified contracting requirements.

This bill would extend those exemptions until July 1, 2025

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for specified reasons.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(25) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. The Legislature finds and declares that California requires a consistent, agencywide, person-centered approach, to ensure all of our health and social services programs are moving together in alignment to serve Californians before, during, and after a disaster. This requires breaking down traditional programmatic silos and ensuring that California is serving the whole of the needs of each person, which is critical during a disaster and during disaster recovery.

SEC. 2. Section 12087.3 is added to the Government Code, to read:

12087.3. (a) It is the intent of the Legislature that, upon appropriation in the Budget Act of 2022, one-time funding for the Low Income Household Water Assistance Program (LIHWAP) shall be used to prioritize and expedite services that reduce arrearages for low-income households.

(b) The Department of Community Services and Development shall continue to administer LIHWAP in this state using the funds appropriated in Items 4700-062-8506 and 4700-162-8506 of the Budget Act of 2022. The department shall administer this program until appropriated funds are expended or until June 30, 2026, whichever occurs first. These funds shall be allocated in accordance with all of the following:

(1) At least 75 percent of funds shall be allocated for financial assistance to pay water or wastewater bills of eligible households.

(2) Up to 19.6 percent of funds shall be allocated to support local program administration, including funding outreach, intake and enrollment services, and the issuance of financial assistance to eligible households in the form of a direct payment or state-issued warrant.

(3) Up to 5.4 percent of funds shall be allocated for state operations and oversight.

(c) Services under this section shall be available to eligible households in a manner consistent with the American Rescue Plan Act of 2021 (Public Law 117-2).

(d) (1) The one-time extension of LIHWAP enacted by this section shall be implemented in accordance with the federally approved 2021 LIHWAP state plan and program guidelines, with all of the following exceptions:

(A) Program guidelines shall be amended to extend program timelines and modify benefit issuance requirements to allow for the issuance of financial assistance payments to eligible households or the eligible household's water and wastewater system provider.

(B) At the department's discretion, the program guidelines may be amended to the extent necessary to promote efficient and effective delivery of services to eligible households.

(2) The department shall update program guidelines to reflect changes to program requirements, and provide public notice and seek public input on program guideline amendments, using the following process:

(A) The department shall post, no less than 30 days before finalization of the program guidelines, the draft program guidelines on the department's public internet website.

(B) The department shall hold a public hearing on draft program guidelines with notice of the hearing published prominently on the department's public internet website no less than 10 days before the hearing.

(3) Associated provisions of the 2021 LIHWAP state plan may be waived in order to support efficient and effective delivery of service to eligible households and alignment with program guidelines amended pursuant to this subdivision.

(e) Nonprofit and public agencies shall serve as local service providers to support local program administration of LIHWAP services funded by appropriations in the Budget Act of 2022. Local service providers shall be defined as nonprofit and public agencies designated in accordance with federal Public Law 97-35, as amended, serving as local service providers for the Low Income Home Energy Assistance Program (LIHEAP)(42 U.S.C. Sec. 8621 et seq.). The department shall assist local service providers in maintaining full compliance with this section and with the LIHWAP contract requirements and program guidelines. The department may use all available means to terminate a local service provider's designation to administer LIHEAP funds for failure to administer LIHWAP funds pursuant to this section and in accordance with LIHWAP contract requirements and program guidelines.

(f) The department shall work with local service providers to facilitate the release of supplemental funds to provide outreach, intake, and delivery of financial assistance for water and wastewater services to eligible households. To ensure continuity of LIHWAP assistance delivery within a local service provider service area, the department may, at its discretion, execute a contract with a local service provider upon either of the following:

(1) The local service provider's full expenditure of its original LIHWAP allocation.

(2) The expiration of the original federal LIHWAP program.

(g) Notwithstanding any other law, the department shall afford local service providers flexibility and control in the planning, administration, and delivery of LIHWAP services.

SEC. 3. Section 1530.90 is added to the Health and Safety Code, immediately following Section 1530.9, to read:

1530.90. (a) A community treatment facility, as defined in paragraph (8) of subdivision (a) of Section 1502 and licensed pursuant to this chapter, shall meet the requirements of this section.

(b) (1) A community treatment facility shall have national accreditation from an entity identified by the department pursuant to subdivision (c) of Section 4094.2 of the Welfare and Institutions Code.

(2) A community treatment facility applicant shall submit documentation of accreditation, or application for accreditation, with its application for licensure.

(3) A community treatment facility shall have up to 24 months from the date of licensure to obtain accreditation.

(4) A community treatment facility that has not obtained accreditation shall provide documentation to the department reporting its progress in

obtaining accreditation at 12 months and at 18 months after the date of licensure.

(5) This subdivision does not preclude the department from requesting additional information from the community treatment facility regarding its accreditation status.

(6) The department may revoke a community treatment facility's license pursuant to Article 5 (commencing with Section 1550) for failure to obtain accreditation within the timeframes specified in this subdivision.

(c) (1) A community treatment facility shall prepare and maintain a current, written plan of operation as required by the department.

(2) The plan of operation shall include a program statement that includes, but is not limited to, all of the following:

(A) A description of how the community treatment facility will meet standards for a comprehensive trauma-informed treatment model designed to address the individualized needs of children, consistent with Section 1522.45, that include, but are not limited to, a description of the services to be provided or arranged to meet the short-term and long-term needs and goals of the child as assessed by the qualified individual, consistent with the assessment described in subdivision (e) of Section 4094.5 and subdivision (g) of Section 4096 of the Welfare and Institutions Code, as applicable.

(B) A plan for how the community treatment facility will make licensed nursing staff available, as set forth in Section 4094 of the Welfare and Institutions Code and Chapter 12 (commencing with Section 1900) of Division 1 of Title 9 of the California Code of Regulations.

(C) A description of the community treatment facility's ability to support the individual needs of children and their families, including, but not limited to, treatment that implements child-specific short- and long-term needs and goals identified by the qualified individual's assessment of the child as described in subdivision (e) of Section 4094.5 and subdivision (g) of Section 4096 of the Welfare and Institutions Code, as applicable.

(D) A description of procedures for the development, implementation, and periodic updating of the needs and services plan for children served by the community treatment facility and procedures for collaborating with the child and family team described in paragraph (4) of subdivision (a) of Section 16501 of the Welfare and Institutions Code, as applicable, that include, but are not limited to, a description of the services to be provided or arranged to meet the short- and long-term needs and goals of the child as assessed by the qualified individual, consistent with the assessment described in subdivision (e) of Section 4094.5 and subdivision (g) of Section 4096 of the Welfare and Institutions Code, as applicable, processes to ensure treatment is consistent with the short- and long-term needs and goals for the child, including, as specified in the child's permanency plan, the anticipated duration of the treatment, and processes to ensure that consistent progress is made toward the timeframe and plan for transitioning the child to a less restrictive family environment.

(E) (i) A description of how the community treatment facility, in accordance with the child's case plan and the child and family team

recommendations, will provide for, arrange for the provision of, or assist in, all of the following:

(I) Identification of home-based family care settings for a child who does not have a home-based caregiver identified.

(II) Development of discharge planning and an individualized family-based aftercare support plan that identifies necessary supports, services, and treatment to be provided for at least six months postdischarge as a child moves from the community treatment facility placement to a home-based family care setting or to a permanent living situation through reunification, adoption, or guardianship, or to a transitional housing program. This plan shall be developed, pursuant to Section 4096.6 of the Welfare and Institutions Code, in collaboration with the county placing agency, the child and family team, and other necessary agencies or individuals for at least six months postdischarge. Federal financial participation under the Medi-Cal program shall only be available for aftercare services if all state and federal specialty mental health service requirements are met and the treatment is medically necessary, regardless of the six months postdischarge requirement.

(III) Documentation of the process by which the short- and long-term, child-specific mental health goals identified by a qualified individual, as defined in Section 16501 of the Welfare and Institutions Code, consistent with the assessment described in subdivision (e) of Section 4094.5 and subdivision (g) of Section 4096 of the Welfare and Institutions Code, will be implemented by the community treatment facility, as applicable.

(ii) Clause (i) shall not be interpreted to supersede the placement and care responsibility vested in the county child welfare agency or probation department.

(F) (i) A description of how the community treatment facility will, to the extent clinically appropriate, consistent with any applicable court orders, and in accordance with the child's best interest, do all of the following:

(I) Facilitate participation of family members in the child's treatment program.

(II) Facilitate outreach to the family members of the child, including siblings, document how the outreach is made, including contact information, and maintain contact information for any known biological family and nonrelative extended family members of the child.

(III) Document how family members will be integrated into the treatment process for the child, including postdischarge, and how sibling connections are maintained.

(ii) Clause (i) shall not be interpreted to supersede the placement and care responsibility vested in the county child welfare agency or probation department.

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

(d) The community treatment facility shall maintain in the child's record the written determination and the qualified individual's assessment of the child, as applicable, required to be completed and provided to the community

treatment facility pursuant to subdivision (e) of Section 4094.5 of the Welfare and Institutions Code.

(e) (1) Emergency regulations to implement this section may be adopted by the Director of Social Services in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). These emergency regulations shall be developed in consultation with system stakeholders. The initial adoption of the emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations shall be exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

(2) The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement that it describe specific facts showing the need for immediate action. A certificate of compliance for these implementing regulations shall be filed within 24 months following the adoption of the first emergency regulations filed pursuant to this section. The emergency regulations may be readopted and remain in effect until approval of the certificate of compliance.

(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 section by means of interim licensing standards until regulations are adopted. These interim licensing standards shall have the same force and effect as regulations until the adoption of regulations.

SEC. 4. Division 2.8 (commencing with Section 1890) is added to the Health and Safety Code, to read:

DIVISION 2.8. OFFICE OF RESPONSE AND RESILIENCE

1890. For the purposes of this division, the following definitions apply:

(a) "Agency" means the California Health and Human Services Agency.

(b) "Department" means a department or other subdivision within the agency.

(c) "Emergency" means any condition or degree of emergency established under the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2 of the Government Code).

(d) "Office" means the Office of Response and Resilience.

1891. Commencing July 1, 2022, there is hereby established within the California Health and Human Services Agency the Office of Response and Resilience. The office shall provide policy, fiscal, and operational organization, coordination, and management when departments are preparing for, mitigating, responding to, or helping communities recover from an emergency. The office shall be administered by a director who shall be appointed by the secretary of the agency.

1892. In addition to the general duties set forth in Section 1891, the office shall have the following responsibilities:

(a) The office shall have the following emergency preparedness and mitigation duties.

(1) Perform a threat and risk assessment for each department, by hazard.

(2) Document each department's capacity to respond to each hazard.

(3) Develop interdepartmental emergency training, exercises, and continuity programs.

(b) The office shall have the following emergency response duties:

(1) Provide policy, fiscal, and operational organization, coordination, and management related to department emergency response.

(2) Create and document a coordinated, interdepartmental response framework to lead departments through multiple, simultaneous, and complex hazards and emergency events.

(3) Maintain and update, as needed, the agency All Hazards Dashboard. The All Hazards Dashboard shall do both of the following:

(A) Identify the impacts of emergency and hazardous events on communities by establishing a single reference point for situational awareness and cross-departmental coordination.

(B) Provide key data necessary to support agency response operations and automate related reporting processes.

(c) The office shall have the following emergency recovery responsibilities:

(1) Coordinate and manage interdepartmental fiscal and programmatic emergency recovery after any emergency.

(2) Work, in coordination with the Office of Emergency Services, to obtain federal resources for departments that may be available as a result of an emergency.

(d) The office shall provide a report to the Legislature, pursuant to Section 9795 of the Government Code, by August 31, 2024, on the effectiveness of the office and whether it enhances operations throughout the emergency management continuum.

1893. For purposes of implementing this division, the agency and the office may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis. On or before June 30, 2024, contracts entered into or amended pursuant to this section are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Section 19130 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract

Code, and the State Administrative Manual, and are exempt from the review or approval of any division of the Department of General Services.

1894. Implementation of this division is contingent upon an appropriation of funds by the Legislature in the annual Budget Act for the express purposes of this division.

SEC. 5. Section 50807 of the Health and Safety Code is amended to read:

50807. (a) Subject to an appropriation in the annual Budget Act, the Department of Housing and Community Development shall allocate funding to county child welfare agencies to help young adults who are 18 to 24 years of age, inclusive, secure and maintain housing, with priority given to young adults formerly in the state's foster care or probation systems.

(b) The department shall consult with the State Department of Social Services, the Department of Finance, and the County Welfare Directors Association of California to develop an allocation schedule for purposes of distributing funds allocated to counties pursuant to subdivision (a).

(c) If a child welfare agency accepts any distribution of money, it shall report the following data to the Department of Housing and Community Development on an annual basis:

(1) The number of homeless youth served.

(2) The number of former foster youth served. For purposes of this paragraph, "former foster youth" means a child or nonminor dependent, as defined by Section 475 of Title IV-E of the Social Security Act (42 U.S.C. Sec. 675(8)) and subdivision (v) of Section 11400 of the Welfare and Institutions Code, who had been removed by the juvenile court from the custody of their parent, legal guardian, or Indian custodian pursuant to Section 361 or 726 of the Welfare and Institutions Code, ordered into a placement described in paragraphs (2) to (9), inclusive, of subdivision (e) of Section 361.2 of, or paragraph (4) of subdivision (a) of Section 727 of, the Welfare and Institutions Code, and for whom juvenile court jurisdiction was terminated while the youth remained in placement.

(3) The number of homeless youth who exited homelessness into temporary housing.

(4) The number of homeless youth who exited homelessness into permanent housing.

(d) For a child welfare agency that accepts any distribution of money for the Transitional Housing Program pursuant to this chapter and the Housing Navigation and Maintenance Program pursuant to Chapter 11.8 (commencing with Section 50811), the department shall accept one county board resolution and one allocation acceptance form, and execute one standard agreement, for both programs.

SEC. 6. The heading of Chapter 11.8 (commencing with Section 50811) of Part 2 of Division 31 of the Health and Safety Code is amended to read:

CHAPTER 11.8. HOUSING NAVIGATION AND MAINTENANCE PROGRAM

SEC. 7. Section 50811 of the Health and Safety Code is amended to read:

50811. (a) Subject to an appropriation in the annual Budget Act to the Department of Housing and Community Development to continue the housing navigator program established as a result of the allocation in Provision (3) of Item 2240-103-0001 of the Budget Act of 2019, which is hereby renamed the Housing Navigation and Maintenance Program, the department shall allocate funding to county child welfare agencies to provide housing navigators to help young adults who are 18 to 24 years of age, inclusive, secure and maintain housing. A county that receives an allocation pursuant to this subdivision shall give priority to young adults currently or formerly in the foster care system.

(b) The department shall consult with the State Department of Social Services, the Department of Finance, and the County Welfare Directors Association of California to develop an allocation schedule for purposes of distributing funds allocated to counties pursuant to subdivision (a).

(c) The housing navigation and maintenance program for a county that accepts an allocation of money pursuant to this section shall provide training to its child welfare agency social workers and probation officers who serve nonminor dependents. The training shall address an overview of the housing resources available through the local coordinated entry system, homeless continuum of care, and county public agencies, including, but not limited to, housing navigation, permanent affordable housing, THP-Plus, and housing choice vouchers. The training shall also address how to access and receive a referral to existing housing resources, the social worker's and probation officer's role in identifying unstable housing situations for youth, and referring youth to housing assistance programs.

(d) If a child welfare agency accepts any distribution of money, it shall report the following data to the Department of Housing and Community Development on an annual basis:

(1) The number of homeless youth served.

(2) The number of foster youth served. For purposes of this paragraph, "foster youth" means a child or nonminor dependent, as defined by Section 475 of Title IV-E of the Social Security Act (42 U.S.C. Sec. 675(8)) and subdivision (v) of Section 11400 of the Welfare and Institutions Code, who has been removed from the custody of their parent, legal guardian, or Indian custodian pursuant to Section 361 or 726 of the Welfare and Institutions Code, and who has been ordered into any placement described in paragraphs (2) to (9), inclusive, of subdivision (e) of Section 361.2 of, or paragraph (4) of subdivision (a) of Section 727 of, the Welfare and Institutions Code.

(3) The number of former foster youth served. For purposes of this paragraph, "former foster youth" means a child or nonminor dependent, as defined by Section 475 of Title IV-E of the Social Security Act (42 U.S.C. Sec. 675(8)) and subdivision (v) of Section 11400 of the Welfare and Institutions Code, who had been removed by the juvenile court from the custody of their parent, legal guardian, or Indian custodian pursuant to Section 361 or 726 of the Welfare and Institutions Code, ordered into a

placement described in paragraphs (2) to (9), inclusive, of subdivision (e) of Section 361.2 of, or paragraph (4) of subdivision (a) of Section 727 of, the Welfare and Institutions Code, and for whom juvenile court jurisdiction was terminated while the youth remained in placement.

(4) The number of homeless youth who exited homelessness into temporary housing.

(5) The number of homeless youth who exited homelessness into permanent housing.

(e) For a child welfare agency that accepts any distribution of money for the Housing Navigation and Maintenance Program pursuant to this chapter and the Transitional Housing Program pursuant to Chapter 11.7 (commencing with Section 50807), the department shall accept one county board resolution and one allocation acceptance form, and execute one standard agreement, for both programs.

SEC. 8. Section 130208 of the Health and Safety Code is repealed.

SEC. 9. Section 130208 is added to the Health and Safety Code, to read:

130208. (a) The Office of Patient Advocate Trust Fund shall be renamed to the Health Plan Improvement Trust Fund.

(b) The moneys in the Health Plan Improvement Trust Fund shall, upon appropriation by the Legislature, be made available for the purposes in Section 130204.

(c) All moneys in the Health Plan Improvement Trust Fund created pursuant to former Section 130208, as added by Section 11 of Chapter 696 of the Statutes of 2021, shall be transferred to the renamed Health Plan Improvement Trust Fund, identified as Fund 3209 in the Department of Finance's Uniform Codes Manual.

(d) Notwithstanding Section 16305.7 of the Government Code, all interest earned on moneys that have been deposited in the Health Plan Improvement Trust Fund shall be retained in the fund and used for purposes consistent with Section 130204.

SEC. 10. Section 11166 of the Penal Code is amended to read:

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, "reasonable suspicion" means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when

appropriate, on the person's training and experience, to suspect child abuse or neglect. "Reasonable suspicion" does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any "reasonable suspicion" is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which the mandated reporter filed the report. A mandated reporter who files a one-time automated written report because the mandated reporter was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the statewide child welfare information system. The department shall work with stakeholders to modify reporting forms and the statewide child welfare information system as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the statewide child welfare information system is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) This section does not supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars ($1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals the

mandated reporter's failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, "penitential communication" means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of the clergy member's church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the clergy member's church, denomination, or organization, has a duty to keep those communications secret.

(2) This subdivision does not modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in the clergy member's professional capacity or within the scope of the clergy member's employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.

(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of that person's professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the

reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of the technician's professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.

(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, the mandated reporter makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in the person's private capacity and not in the person's professional capacity or within the scope of the person's employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow the employee's supervisor to file or process a mandated report under any circumstances.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose the employee's identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) (1) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child that relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department

shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it that is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or as the result of the failure of a person responsible for the child's welfare to adequately protect the minor from abuse when the person responsible for the child's welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

SEC. 11. Section 11174.34 of the Penal Code is amended to read:

11174.34. (a) (1) The purpose of this section shall be to coordinate and integrate state and local efforts to address fatal child abuse or neglect, and to create a body of information to prevent child deaths.

(2) It is the intent of the Legislature that the California State Child Death Review Council, the Department of Justice, the State Department of Social Services, the State Department of Health Services, and state and local child death review teams shall share data and other information necessary from the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics and the Department of Social Services statewide child welfare information system files to establish accurate information on the nature and extent of child abuse- or neglect-related fatalities in California as those documents relate to child fatality cases. Further, it is the intent of the Legislature to ensure that records of child abuse- or neglect-related fatalities are entered into the State Department of Social Services, statewide child welfare information system. It is also the intent that training and technical assistance be provided to child death review teams and professionals in the child protection system regarding multiagency case review.

(b) (1) It shall be the duty of the California State Child Death Review Council to oversee the statewide coordination and integration of state and local efforts to address fatal child abuse or neglect and to create a body of information to prevent child deaths. The Department of Justice, the State Department of Social Services, the State Department of Health Care Services,

the California Coroner's Association, the County Welfare Directors Association, Prevent Child Abuse California, the California Homicide Investigators Association, the Office of Emergency Services, the Inter-Agency Council on Child Abuse and Neglect/National Center on Child Fatality Review, the California Conference of Local Health Officers, the California Conference of Local Directors of Maternal, Child, and Adolescent Health, the California Conference of Local Health Department Nursing Directors, the California District Attorneys Association, and at least three regional representatives, chosen by the other members of the council, working collaboratively for the purposes of this section, shall be known as the California State Child Death Review Council. The council shall select a chairperson or cochairpersons from the members.

(2) The Department of Justice is hereby authorized to carry out the purposes of this section by coordinating council activities and working collaboratively with the agencies and organizations in paragraph (1), and may consult with other representatives of other agencies and private organizations, to help accomplish the purpose of this section.

(c) Meetings of the agencies and organizations involved shall be convened by a representative of the Department of Justice. All meetings convened between the Department of Justice and any organizations required to carry out the purpose of this section shall take place in this state. There shall be a minimum of four meetings per calendar year.

(d) To accomplish the purpose of this section, the Department of Justice and agencies and organizations involved shall engage in the following activities:

(1) Analyze and interpret state and local data on child death in an annual report to be submitted to local child death review teams with copies to the Governor and the Legislature, no later than July 1 each year. Copies of the report shall also be distributed to public officials in the state who deal with child abuse issues and to those agencies responsible for child death investigation in each county. The report shall contain, but not be limited to, information provided by state agencies and the county child death review teams for the preceding year.

The state data shall include the Department of Justice Child Abuse Central Index and Supplemental Homicide File, the State Department of Health Services Vital Statistics, and the State Department of Social Services statewide child welfare information system.

(2) In conjunction with the Office of Emergency Services, coordinate statewide and local training for county death review teams and the members of the teams, including, but not limited to, training in the application of the interagency child death investigation protocols and procedures established under Sections 11166.7 and 11166.8 to identify child deaths associated with abuse or neglect.

(e) The State Department of Public Health, in collaboration with the California State Child Death Review Council, shall design, test and implement a statewide child abuse or neglect fatality tracking system

incorporating information collected by local child death review teams. The department shall:

(1) Establish a minimum case selection criteria and review protocols of local child death review teams.

(2) Develop a standard child death review form with a minimum core set of data elements to be used by local child death review teams, and collect and analyze that data.

(3) Establish procedural safeguards in order to maintain appropriate confidentiality and integrity of the data.

(4) Conduct annual reviews to reconcile data reported to the State Department of Health Services Vital Statistics, Department of Justice Homicide Files and Child Abuse Central Index, and the State Department of Social Services statewide child welfare information system data systems, with data provided from local child death review teams.

(5) Provide technical assistance to local child death review teams in implementing and maintaining the tracking system.

(6) This subdivision shall become operative on July 1, 2000, and shall be implemented only to the extent that funds are appropriated for its purposes in the Budget Act.

(f) Local child death review teams shall participate in a statewide child abuse or neglect fatalities monitoring system by:

(1) Meeting the minimum standard protocols set forth by the State Department of Public Health in collaboration with the California State Child Death Review Council.

(2) Using the standard data form to submit information on child abuse or neglect fatalities in a timely manner established by the State Department of Public Health.

(g) The California State Child Death Review Council shall monitor the implementation of the monitoring system and incorporate the results and findings of the system and review into an annual report.

(h) The Department of Justice shall direct the creation, maintenance, updating, and distribution electronically and by paper, of a statewide child death review team directory, which shall contain the names of the members of the agencies and private organizations participating under this section, and the members of local child death review teams and local liaisons to those teams. The department shall work in collaboration with members of the California State Child Death Review Council to develop a directory of professional experts, resources, and information from relevant agencies and organizations and local child death review teams, and to facilitate regional working relationships among teams. The Department of Justice shall maintain and update these directories annually.

(i) The agencies or private organizations participating under this section shall participate without reimbursement from the state. Costs incurred by participants for travel or per diem shall be borne by the participant agency or organization. The participants shall be responsible for collecting and compiling information to be included in the annual report. The Department

of Justice shall be responsible for printing and distributing the annual report using available funds and existing resources.

(j) The Office of Emergency Services, in coordination with the State Department of Social Services, the Department of Justice, and the California State Child Death Review Council shall contract with state or nationally recognized organizations in the area of child death review to conduct statewide training and technical assistance for local child death review teams and relevant organizations, develop standardized definitions for fatal child abuse or neglect, develop protocols for the investigation of fatal child abuse or neglect, and address relevant issues such as grief and mourning, data collection, training for medical personnel in the identification of child abuse or neglect fatalities, domestic violence fatality review, and other related topics and programs. The provisions of this subdivision shall only be implemented to the extent that the agency can absorb the costs of implementation within its current funding, or to the extent that funds are appropriated for its purposes in the Budget Act.

(k) Law enforcement and child welfare agencies shall cross-report all cases of child death suspected to be related to child abuse or neglect whether or not the deceased child has any known surviving siblings.

(*l*) County child welfare agencies shall create a record in the statewide child welfare information system on all cases of child death suspected to be related to child abuse or neglect, whether or not the deceased child has any known surviving siblings. Upon notification that the death was determined not to be related to child abuse or neglect, the child welfare agency shall enter that information into the statewide child welfare information system.

SEC. 12. Section 17131.12 is added to the Revenue and Taxation Code, to read:

17131.12. (a) Gross income does not include any payments received by an individual from a guaranteed income pilot program or project that receives a grant pursuant to Section 18997 of the Welfare and Institutions Code.

(b) This section shall become inoperative on July 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 13. Section 17131.19 is added to the Revenue and Taxation Code, to read:

17131.19. (a) For taxable years beginning on or after January 1, 2022, and before January 1, 2027, gross income does not include financial assistance received by an individual taxpayer pursuant to the 2022 California Low Income Household Water Assistance Program (Cal-LIHWAP) as described in Section 12087.3 of the Government Code.

(b) This section shall remain in effect only until December 1, 2027, and as of that date is repealed.

SEC. 14. Section 319 of the Welfare and Institutions Code is amended to read:

319. (a) At the initial petition hearing, the court shall examine the child's parents, guardians, Indian custodian, or other persons having relevant

knowledge and hear the relevant evidence as the child, the child's parents or guardians, the child's Indian custodian, the petitioner, the Indian child's tribe, or their counsel desires to present. The court may examine the child, as provided in Section 350.

(b) The social worker shall report to the court on the reasons why the child has been removed from the parent's, guardian's, or Indian custodian's physical custody, the need, if any, for continued detention, the available services and the referral methods to those services that could facilitate the return of the child to the custody of the child's parents, guardians, or Indian custodian, and whether there are any relatives who are able and willing to take temporary physical custody of the child. If it is known or there is reason to know the child is an Indian child, the report shall also include all of the following:

(1) A statement of the risk of imminent physical damage or harm to the Indian child and any evidence that the emergency removal or placement continues to be necessary to prevent the imminent physical damage or harm to the child.

(2) The steps taken to provide notice to the child's parents, custodians, and tribe about the hearing pursuant to this section.

(3) If the child's parents and Indian custodians are unknown, a detailed explanation of what efforts have been made to locate and contact them, including contact with the appropriate Bureau of Indian Affairs regional director.

(4) The residence and the domicile of the Indian child.

(5) If either the residence or the domicile of the Indian child is believed to be on a reservation or in an Alaska Native village, the name of the tribe affiliated with that reservation or village.

(6) The tribal affiliation of the child and of the parents or Indian custodians.

(7) A specific and detailed account of the circumstances that caused the Indian child to be taken into temporary custody.

(8) If the child is believed to reside or be domiciled on a reservation in which the tribe exercises exclusive jurisdiction over child custody matters, a statement of efforts that have been made and that are being made to contact the tribe and transfer the child to the tribe's jurisdiction.

(9) A statement of the efforts that have been taken to assist the parents or Indian custodians so the Indian child may safely be returned to their custody.

(c) The court shall order the release of the child from custody unless a prima facie showing has been made that the child comes within Section 300, the court finds that continuance in the parent's or guardian's home is contrary to the child's welfare, and any of the following circumstances exist:

(1) There is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the parent's or guardian's physical custody.

(2) There is substantial evidence that a parent, guardian, or custodian of the child is likely to flee the jurisdiction of the court, and, in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.

(3) The child has left a placement in which the child was placed by the juvenile court.

(4) The child indicates an unwillingness to return home, if the child has been physically or sexually abused by a person residing in the home.

(d) If the court knows or there is reason to know the child is an Indian child, the court may only detain the Indian child if it also finds that detention is necessary to prevent imminent physical damage or harm. The court shall state on the record the facts supporting this finding.

(e) (1) If the hearing pursuant to this section is continued pursuant to Section 322 or for any other reason, the court shall find that the continuance of the child in the parent's or guardian's home is contrary to the child's welfare at the initial petition hearing or order the release of the child from custody.

(2) If the court knows or has reason to know the child is an Indian child, the hearing pursuant to this section may not be continued beyond 30 days unless the court finds all of the following:

(A) Restoring the child to the parent, parents, or Indian custodian would subject the child to imminent physical damage or harm.

(B) The court is unable to transfer the proceeding to the jurisdiction of the appropriate Indian tribe.

(C) It is not possible to initiate an Indian child custody proceeding as defined in Section 224.1.

(f) (1) The court shall also make a determination on the record, referencing the social worker's report or other evidence relied upon, as to whether reasonable efforts were made to prevent or eliminate the need for removal of the child from their home, pursuant to subdivision (b) of Section 306, and whether there are available services that would prevent the need for further detention. Services to be considered for purposes of making this determination are case management, counseling, emergency shelter care, emergency in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training, transportation, and any other child welfare services authorized by the State Department of Social Services pursuant to Chapter 5 (commencing with Section 16500) of Part 4 of Division 9. The court shall also review whether the social worker has considered whether a referral to public assistance services pursuant to Chapter 2 (commencing with Section 11200) and Chapter 7 (commencing with Section 14000) of Part 3 of, Chapter 1 (commencing with Section 17000) of Part 5 of, and Chapter 10 (commencing with Section 18900) of Part 6 of, Division 9 would have eliminated the need to take temporary custody of the child or would prevent the need for further detention.

(2) If the court knows or has reason to know the child is an Indian child, the court shall also determine whether the county welfare department made active efforts to provide remedial services and rehabilitation programs

designed to prevent the breakup of the Indian family. The court shall order the county welfare department to initiate or continue services or programs pending disposition pursuant to Section 358.

(3) If the child can be returned to the custody of their parent, guardian, or Indian custodian through the provision of those services, the court shall place the child with their parent, guardian, or Indian custodian and order that the services shall be provided. If the child cannot be returned to the physical custody of their parent or guardian, the court shall determine if there is a relative who is able and willing to care for the child, and has been assessed pursuant to Section 361.4.

(4) In order to preserve the bond between the child and the parent and to facilitate family reunification, the court shall consider whether the child can be returned to the custody of their parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with their parent. The fact that the parent is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with their parent shall not be, for that reason alone, prima facie evidence of substantial danger. The court shall specify the factual basis for its conclusion that the return of the child to the custody of their parent would pose a substantial danger or would not pose a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child.

(g) If a court orders a child detained, the court shall state the facts on which the decision is based, specify why the initial removal was necessary, reference the social worker's report or other evidence relied upon to make its determination whether continuance in the home of the parent or legal guardian is contrary to the child's welfare, order temporary placement and care of the child to be vested with the county child welfare department pending the hearing held pursuant to Section 355 or further order of the court, and order services to be provided as soon as possible to reunify the child and their family, if appropriate.

(h) (1) (A) If the child is not released from custody, the court may order the temporary placement of the child in any of the following for a period not to exceed 15 judicial days:

(i) The home of a relative, an extended family member, as defined in Section 224.1 and Section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.), or a nonrelative extended family member, as defined in Section 362.7, that has been assessed pursuant to Section 361.4.

(ii) The approved home of a resource family, as defined in Section 16519.5, or a home licensed or approved by the Indian child's tribe.

(iii) An emergency shelter or other suitable licensed place.

(iv) A place exempt from licensure designated by the juvenile court.

(B) A youth homelessness prevention center licensed by the State Department of Social Services pursuant to Section 1502.35 of the Health and Safety Code shall not be a placement option pursuant to this section.

(C) If the court knows or has reason to know that the child is an Indian child, the Indian child shall be detained in a home that complies with the placement preferences set forth in Section 361.31 and in the federal Indian

Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.), unless the court finds good cause exists pursuant to Section 361.31 not to follow the placement preferences. If the court finds good cause not to follow the placement preferences for detention, this finding does not affect the requirement that a diligent search be made for a subsequent placement within the placement preferences.

(2) Relatives shall be given preferential consideration for placement of the child. As used in this section, "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.

(3) When placing in the home of a relative, an extended family member, as defined in Section 224.1 and Section 1903 of the federal Indian Child Welfare Act of 1978, or nonrelative extended family member, the court shall consider the recommendations of the social worker based on the assessment pursuant to Section 361.4 of the home of the relative, extended family member, or nonrelative extended family member, including the results of a criminal records check and prior child abuse allegations, if any, before ordering that the child be placed with a relative or nonrelative extended family member. The court may authorize the placement of a child on temporary basis in the home of a relative, regardless of the status of any criminal record exemption or resource family approval, if the court finds that the placement does not pose a risk to the health and safety of the child. The court shall order the parent to disclose to the social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child. The social worker shall initiate the assessment pursuant to Section 361.3 of any relative to be considered for continuing placement.

(i) In the case of an Indian child, any order detaining the child pursuant to this section shall be considered an emergency removal within the meaning of Section 1922 of the federal Indian Child Welfare Act of 1978. The emergency proceeding shall terminate if the child is returned to the custody of the parent, parents, or Indian custodian, the child has been transferred to the custody and jurisdiction of the child's tribe, or the agency or another party to the proceeding recommends that the child be removed from the physical custody of their parent or parents or Indian custodian pursuant to Section 361 or 361.2.

(j) (1) At the initial hearing upon the petition filed in accordance with subdivision (c) of Rule 5.520 of the California Rules of Court or anytime thereafter up until the time that the minor is adjudged a dependent child of the court or a finding is made dismissing the petition, the court may temporarily limit the right of the parent or guardian to make educational or developmental services decisions for the child and temporarily appoint a responsible adult to make educational or developmental services decisions for the child if all of the following conditions are found:

(A) The parent or guardian is unavailable, unable, or unwilling to exercise educational or developmental services rights for the child.

(B) The county placing agency has made diligent efforts to locate and secure the participation of the parent or guardian in educational or developmental services decisionmaking.

(C) The child's educational and developmental services needs cannot be met without the temporary appointment of a responsible adult.

(2) If the court limits the parent's educational rights under this subdivision, the court shall determine whether there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child.

(3) If the court cannot identify a responsible adult to make educational decisions for the child and the appointment of a surrogate parent, as defined in subdivision (a) of Section 56050 of the Education Code, is not warranted, the court may, with the input of any interested person, make educational decisions for the child. If the child is receiving services from a regional center, the provision of any developmental services related to the court's decision shall be consistent with the child's individual program plan and pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)). If the court cannot identify a responsible adult to make developmental services decisions for the child, the court may, with the input of any interested person, make developmental services decisions for the child. If the court makes educational or developmental services decisions for the child, the court shall also issue appropriate orders to ensure that every effort is made to identify a responsible adult to make future educational or developmental services decisions for the child.

(4) A temporary appointment of a responsible adult and temporary limitation on the right of the parent or guardian to make educational or developmental services decisions for the child shall be specifically addressed in the court order. An order made under this section shall expire at the conclusion of the hearing held pursuant to Section 361 or upon dismissal of the petition. Upon the entering of disposition orders, additional needed limitation on the parent's or guardian's educational or developmental services rights shall be addressed pursuant to Section 361.

(5) This section does not remove the obligation to appoint surrogate parents for students with disabilities who are without parental representation in special education procedures, as required by state and federal law, including Section 1415(b)(2) of Title 20 of the United States Code, Section 56050 of the Education Code, Section 7579.5 of the Government Code, and Rule 5.650 of the California Rules of Court.

(6) If the court appoints a developmental services decisionmaker pursuant to this section, the developmental services decisionmaker shall have the authority to access the child's information and records pursuant to subdivision (u) of Section 4514 and paragraph (23) of subdivision (a) of

Section 5328, and to act on the child's behalf for the purposes of the individual program plan process pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing process pursuant to Chapter 7 (commencing with Section 4700) of Division 4.5, and as set forth in the court order.

(k) For a placement made on or after October 1, 2021, each temporary placement of the child pursuant to subdivision (h) in a short-term residential therapeutic program shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 361.22.

(*l*) For a placement made on or after July 1, 2022, each temporary placement of the child pursuant to subdivision (h) in a community treatment facility shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 361.22.

SEC. 15. Section 319.3 of the Welfare and Institutions Code is amended to read:

319.3. (a) Notwithstanding Section 319, a child who is the subject of a petition under Section 300 and who is 6 to 12 years of age, inclusive, may be placed in a community care facility licensed as a group home for children, a short-term residential therapeutic program, a community treatment facility, or a temporary shelter care facility, as defined in Section 1530.8 of the Health and Safety Code, only when the court finds that placement is necessary to secure a complete and adequate evaluation, including placement planning and transition time. The placement period in a group home for children, a short-term residential therapeutic program, or a community treatment facility shall not exceed 60 days unless a case plan has been developed and the need for additional time is documented in the case plan and has been approved by a deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department. The placement period in a temporary shelter care facility shall not exceed 10 days.

(b) For a placement made on or after October 1, 2021, each placement of a child in a short-term residential therapeutic program pursuant to this section shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 361.22.

(c) For a placement made on or after July 1, 2022, each placement of a child in a community treatment facility pursuant to this section shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 361.22.

SEC. 16. Section 358.1 of the Welfare and Institutions Code is amended to read:

358.1. Each social study or evaluation made by a social worker or child advocate appointed by the court, required to be received in evidence pursuant to Section 358, shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department or social worker has considered either of the following:

(1) Child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems

at hand, and has offered these services to qualified parents if appropriate under the circumstances.

(2) Whether the child can be returned to the custody of the child's parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with the child's parent.

(b) What plan, if any, for return of the child to the child's parents and for achieving legal permanence for the child if efforts to reunify fail, is recommended to the court by the county welfare department or probation officer.

(c) Whether the best interest of the child will be served by granting reasonable visitation rights with the child to the child's grandparents, in order to maintain and strengthen the child's family relationships.

(d) (1) Whether the child has siblings under the court's jurisdiction, 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.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but 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 another sibling, as applicable, and whether ongoing contact is in the child's best emotional interest.

(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for their child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the study or evaluation makes that recommendation, it shall identify whether there is a responsible adult

available to make educational decisions for the child pursuant to Section 361.

(f) Whether the child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(g) Whether the parent has been advised of the child's option to participate in adoption planning, including the option to enter into a postadoption contact agreement as described in Section 8616.5 of the Family Code, and to voluntarily relinquish the child for adoption if an adoption agency is willing to accept the relinquishment.

(h) The appropriateness of any relative placement pursuant to Section 361.3. However, this consideration may not be cause for continuance of the dispositional hearing.

(i) Whether the caregiver desires, and is willing, to provide legal permanency for the child if reunification is unsuccessful.

(j) For an Indian child, in consultation with the Indian child's tribe, whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.

(k) On and after the date that the director executes a declaration pursuant to Section 11217, whether the child has been placed in an approved relative's home under a voluntary placement agreement for a period not to exceed 180 days, the parent or guardian is not interested in additional family maintenance or family reunification services, and the relative desires and is willing to be appointed the child's legal guardian.

(*l*) For a placement made on or after October 1, 2021, if the child has been placed in a short-term residential therapeutic program, the social study shall include the information specified in subdivision (c) of Section 361.22.

(m) For a placement made on or after July 1, 2022, if the child has been placed in a community treatment facility, the social study shall include the information specified in subdivision (c) of Section 361.22.

SEC. 17. Section 361.2 of the Welfare and Institutions Code is amended to read:

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

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

(1) Order that the parent become legal and physical custodian of the child. The court may also provide reasonable visitation by the noncustodial

parent. The court shall then terminate its jurisdiction over the child. The custody order shall continue unless modified by a subsequent order of the superior court. The order of the juvenile court shall be filed in any domestic relation proceeding between the parents.

(2) Order that the parent assume custody subject to the jurisdiction of the juvenile court and require that a home visit be conducted within three months. In determining whether to take the action described in this paragraph, the court shall consider any concerns that have been raised by the child's current caregiver regarding the parent. After the social worker conducts the home visit and files their report with the court, the court may then take the action described in paragraph (1), (3), or this paragraph. However, this paragraph does not imply that the court is required to take the action described in this paragraph as a prerequisite to the court taking the action described in either paragraph (1) or (3).

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

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

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

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

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

(2) The approved home of a relative, or the home of a relative who has been assessed pursuant to Section 361.4 and is pending approval pursuant to Section 16519.5, regardless of the relative's immigration status.

(3) The approved home of a nonrelative extended family member, as defined in Section 362.7, or the home of a nonrelative extended family member who has been assessed pursuant to Section 361.4 and is pending approval pursuant to Section 16519.5.

(4) The approved home of a resource family, as defined in Section 16519.5, or a home that is pending approval pursuant to paragraph (1) of subdivision (e) of Section 16519.5.

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

(6) If it is known or there is reason to know that the child is an Indian child, as defined by Section 224.1, a home or facility in accordance with the placement preferences contained in Section 361.31 and the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

(7) A suitable licensed community care facility, except a youth homelessness prevention center licensed by the State Department of Social Services pursuant to Section 1502.35 of the Health and Safety Code.

(8) With a 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, to be placed in a suitable family home certified or approved by the agency, with prior approval of the county placing agency.

(9) A community care facility licensed as a group home for children vendored by a regional center pursuant to Section 56004 of Title 17 of the California Code of Regulations or a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 of this code and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code. A child of any age who is placed in a community care facility licensed as a group home for children vendored by a regional center or a short-term residential therapeutic program shall have a case plan that indicates that placement is for purposes of providing short-term, specialized, and intensive treatment for the child, the case plan specifies the need for, nature of, and anticipated duration of this treatment, pursuant to paragraph (2) of subdivision (d) of Section 16501.1, and the case plan includes transitioning the child to a less restrictive environment and the projected timeline by which the child will be transitioned to a less restrictive environment. Any placement longer than six months shall be documented consistent with paragraph (3) of subdivision (a) of Section 16501.1 and, unless subparagraph (A) or (B) applies to the child, shall be approved by the deputy director or director of the county child welfare department no less frequently than every six months.

(A) A child under six years of age shall not be placed in a community care facility licensed as a group home for children vendored by a regional center or a short-term residential therapeutic program except under the following circumstances:

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

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

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

(iv) In addition, if a case plan indicates that placement is for purposes of providing family reunification services, the facility shall offer family reunification services that meet the needs of the individual child and their family, permit parents, guardians, or Indian custodians to have reasonable access to their children 24 hours a day, encourage extensive parental involvement in meeting the daily needs of their children, and employ staff trained to provide family reunification services. In addition, one of the following conditions exists:

(I) The child's parent, guardian, or Indian custodian is also under the jurisdiction of the court and resides in the facility.

(II) The child's parent, guardian, or Indian custodian is participating in a treatment program affiliated with the facility and the child's placement in the facility facilitates the coordination and provision of reunification services.

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

(B) A child who is 6 to 12 years of age, inclusive, may be placed in a community care facility licensed as a group home for children vendored by a regional center or a short-term residential therapeutic program under the following conditions:

(i) The deputy director of the county welfare department shall approve the case prior to initial placement.

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

(iii) To the extent that placements pursuant to this paragraph are extended beyond an initial six months, the requirements of this subparagraph shall apply to each extension. In addition, the deputy director or director of the county child welfare department shall approve the continued placement no less frequently than every 60 days.

(10) Any child placed in a short-term residential therapeutic program shall be either of the following:

(A) A child who has been assessed as meeting one of the placement requirements set forth in subdivisions (b) and (h) of Section 11462.01.

(B) A child under six years of age who is placed with their minor parent or for the purpose of reunification pursuant to clause (iv) of subparagraph (A) of paragraph (9).

(11) The home of a relative in which the juvenile court has authorized placement, regardless of the status of any criminal record exemption or resource family approval, if the court has found that the placement does not pose a risk to the health and safety of the child.

(12) This subdivision does not allow a social worker to place any dependent child outside the United States, except as specified in subdivision (f).

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

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

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

(A) Placement with a relative.

(B) Placement of siblings in the same home.

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

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

(E) Psychological and emotional needs of the dependent child.

(F) Social, cultural, and educational needs of the dependent child.

(G) Specific desires of any dependent child who is 12 years of age or older.

(4) If the court finds that a placement outside the United States is, by clear and convincing evidence, in the best interest of the child, the court may issue an order authorizing the social worker to make a placement outside the United States. A child subject to this subdivision shall not leave the United States prior to the issuance of the order described in this paragraph.

(5) For purposes of this subdivision, "outside the United States" shall not include the lands of any federally recognized American Indian tribe or Alaskan Natives.

(6) This subdivision shall not apply to the placement of a dependent child with a parent pursuant to subdivision (a).

(g) (1) If the child is taken from the physical custody of the child's parent, guardian, or Indian custodian and unless the child is placed with relatives, the child shall be placed in foster care in the county of residence of the child's parent, guardian, or Indian custodian in order to facilitate reunification of the family.

(2) If there are no appropriate placements available in the parent's, guardian's, or Indian custodian's county of residence, a placement may be made in an appropriate place in another county, preferably a county located

adjacent to the parent's, guardian's, or Indian custodian's community of residence.

(3) This section does not require multiple disruptions of the child's placement corresponding to frequent changes of residence by the parent, guardian, or Indian custodian. In determining whether the child should be moved, the social worker shall take into consideration the potential harmful effects of disrupting the placement of the child and the parent's, guardian's, or Indian custodian's reason for the move.

(4) If it has been determined that it is necessary for a child to be placed in a county other than the child's parent's, guardian's, or Indian custodian's county of residence, the specific reason the out-of-county placement is necessary shall be documented in the child's case plan. If the reason the out-of-county placement is necessary is the lack of resources in the sending county to meet the specific needs of the child, those specific resource needs shall be documented in the case plan.

(5) If it has been determined that a child is to be placed out of county either in a group home for children vendored by a regional center or a short-term residential therapeutic program, or with a foster family agency for subsequent placement in a certified foster family home, and the sending county is to maintain responsibility for supervision and visitation of the child, the sending county shall develop a plan of supervision and visitation that specifies the supervision and visitation activities to be performed and specifies that the sending county is responsible for performing those activities. In addition to the plan of supervision and visitation, the sending county shall document information regarding any known or suspected dangerous behavior of the child that indicates the child may pose a safety concern in the receiving county. Upon implementation of the statewide child welfare information system, the plan of supervision and visitation, as well as information regarding any known or suspected dangerous behavior of the child, shall be made available to the receiving county upon placement of the child in the receiving county. If placement occurs on a weekend or holiday, the information shall be made available to the receiving county on or before the end of the next business day.

(6) If it has been determined that a child is to be placed out of county and the sending county plans that the receiving county shall be responsible for the supervision and visitation of the child, the sending county shall develop a formal agreement between the sending and receiving counties. The formal agreement shall specify the supervision and visitation to be provided the child, and shall specify that the receiving county is responsible for providing the supervision and visitation. The formal agreement shall be approved and signed by the sending and receiving counties prior to placement of the child in the receiving county. In addition, upon completion of the case plan, the sending county shall provide a copy of the completed case plan to the receiving county. The case plan shall include information regarding any known or suspected dangerous behavior of the child that indicates the child may pose a safety concern to the receiving county.

(h) (1) Subject to paragraph (2), if the social worker must change the placement of the child and is unable to find a suitable placement within the county and must place the child outside the county, the placement shall not be made until the social worker has served written notice on the parent, guardian, Indian custodian, the child's tribe, the child's attorney, and, if the child is 10 years of age or older, on the child, at least 14 days prior to the placement, unless the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given. The notice shall state the reasons that require placement outside the county. The child or parent, guardian, Indian custodian, or the child's tribe may object to the placement not later than seven days after receipt of the notice and, upon objection, the court shall hold a hearing not later than five days after the objection and prior to the placement. The court shall order out-of-county placement if it finds that the child's particular needs require placement outside the county.

(2) (A) The notice required prior to placement, as described in paragraph (1), may be waived if the child and family team has determined that the identified placement is in the best interest of the child, no member of the child and family team objects to the placement, and the child's attorney has been informed of the intended placement and has no objection, and, if applicable, the Indian custodian or child's tribe has been informed of the intended placement and has no objection.

(B) If the child is transitioning from a temporary shelter care facility, as described in Section 11462.022, and all of the circumstances set forth in subparagraph (A) do not exist, the county shall provide oral notice to the child's parents, guardian, Indian custodian, the child's tribe, the child's attorney, and, if the child is 10 years of age or older, to the child no later than one business day after the determination that out-of-county placement is necessary and the circumstances in subparagraph (A) do not exist. The oral notice shall state the reasons that require placement outside the county and shall be immediately followed by written notice stating the reasons. The child, parent, guardian, Indian custodian, or tribe may object to the placement not later than seven days after oral notice is provided and, upon objection, the court shall hold a hearing not later than two judicial days after the objection is made. The court may authorize that the child remain in the temporary shelter care facility pending the outcome of the hearing. The court shall order out-of-county placement if it finds that the child's particular needs require placement outside the county. This subparagraph does not preclude placement of the child without prior notice if the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given.

(i) If the court has ordered removal of the child from the physical custody of the child's parents pursuant to Section 361, the court shall consider whether the family ties and best interest of the child will be served by granting visitation rights to the child's grandparents. The court shall clearly specify those rights to the social worker.

(j) If the court has ordered removal of the child from the physical custody of the child's parents pursuant to Section 361, the court shall consider whether there are any siblings under the court's jurisdiction, or any nondependent siblings in the physical custody of a parent subject to the court's jurisdiction, the nature of the relationship between the child and their siblings, the appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002, and the impact of the sibling relationships on the child's placement and planning for legal permanence.

(k) (1) An agency shall ensure placement of a child in a home that, to the fullest extent possible, best meets the day-to-day needs of the child. A home that best meets the day-to-day needs of the child shall satisfy all of the following criteria:

(A) The child's caregiver is able to meet the day-to-day health, safety, and well-being needs of the child.

(B) The child's caregiver is permitted to maintain the least restrictive family setting that promotes normal childhood experiences and that serves the day-to-day needs of the child.

(C) The child is permitted to engage in reasonable, age-appropriate day-to-day activities that promote normal childhood experiences for the foster child.

(2) The foster child's caregiver shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, to determine day-to-day activities that are age appropriate to meet the needs of the child. This section does not permit a child's caregiver to permit the child to engage in day-to-day activities that carry an unreasonable risk of harm, or subject the child to abuse or neglect.

SEC. 18. Section 361.22 of the Welfare and Institutions Code is amended to read:

361.22. (a) (1) For a placement made on or after October 1, 2021, each placement of a child or nonminor dependent in a short-term residential therapeutic program, including the initial placement and each subsequent placement into a short-term residential therapeutic program, shall be reviewed by the court within 45 days of the start of placement in accordance with this section. In no event shall the court grant a continuance pursuant to subdivision (a) of Section 352 that would cause the review to be completed more than 60 days after the start of the placement.

(2) For a placement made on or after July 1, 2022, each placement of a child or nonminor dependent in a community treatment facility, including the initial placement and each subsequent placement into a community treatment facility, shall be reviewed by the court within 45 days of the start of placement in accordance with this section. In no event shall the court grant a continuance pursuant to subdivision (a) of Section 352 that would cause the review to be completed more than 60 days after the start of the placement.

(b) (1) At any time after the decision to place a child or nonminor dependent into a short-term residential therapeutic program or a community treatment facility has been made, but no later than five calendar days

following each placement, the social worker shall request the court to schedule a hearing to review the placement.

(2) The social worker shall serve a copy of the request on all parties to the proceeding, the child's or nonminor dependent's court appointed special advocate, if applicable, and the child's tribe in the case of an Indian child.

(c) (1) The social worker shall prepare and submit a report that shall include all of the following:

(A) A copy of the assessment, determination as to the services and care needs of the child or nonminor dependent, and documentation prepared by the qualified individual pursuant to paragraph (1) of subdivision (g) of Section 4096.

(B) The case plan documentation required pursuant to subparagraph (C) of paragraph (2) of subdivision (d) of Section 16501.1.

(C) In the case of an Indian child, a statement regarding whether the child's tribe had an opportunity to confer regarding the departure from the placement preferences described in Section 361.31, and the active efforts made prior to placement in a short-term therapeutic program or community treatment facility to satisfy subdivision (f) of Section 224.1.

(D) A statement regarding whether the child or nonminor dependent or any party to the proceeding, or the child's tribe in the case of an Indian child, objects to the placement of the child or nonminor dependent in the short-term residential therapeutic program or community treatment facility.

(2) The social worker shall serve a copy of the report to all parties to the proceeding no later than seven calendar days before the hearing.

(d) Within five calendar days of the request described in subdivision (b), the court shall set a hearing to be held within 45 days after the start of the placement and give notice of the hearing to all parties to the proceeding, and the child's tribe in the case of an Indian child.

(e) When reviewing each placement of the child or nonminor dependent in a short-term residential therapeutic program or a community treatment facility, the court shall do all of the following:

(1) Consider the information specified in subdivision (c).

(2) Determine whether the needs of the child or nonminor dependent can be met through placement in a family-based setting, or, if not, whether placement in a short-term residential therapeutic program or community treatment facility, as applicable, provides the most effective and appropriate care setting for the child or nonminor dependent in the least restrictive environment. A shortage or lack of family homes shall not be an appropriate reason for determining that the needs of the child cannot be met in a family-based setting.

(3) Determine whether a short-term residential therapeutic program or community treatment facility level of care, as applicable, is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.

(4) In the case of an Indian child, determine whether there is good cause to depart from the placement preferences set forth in Section 361.31.

(5) Approve or disapprove the placement.

(6) Make a finding, either in writing or on the record, of the basis for its determinations pursuant to this subdivision.

(f) If the court disapproves the placement, the court shall order the social worker to transition the child or nonminor dependent to a placement setting that is consistent with the determinations made pursuant to subdivision (e) within 30 days of the disapproval.

(g) This section does not prohibit the court from reviewing the placement of a child or nonminor dependent in a short-term residential therapeutic program or community treatment facility pursuant to subdivision (a) at a regularly scheduled hearing if that hearing is held within 60 days of the placement and the information described in subdivision (c) has been presented to the court.

(h) (1) On or before October 1, 2021, for placements into a short-term residential therapeutic program, the Judicial Council shall amend or adopt rules of court and shall develop or amend appropriate forms, as necessary, to implement this section, including developing a procedure to enable the court to review the placement without a hearing.

(2) On or before October 1, 2022, for placements into a community treatment facility, the Judicial Council shall amend or adopt rules of court and shall develop or amend appropriate forms, as necessary, to implement this section, including developing a procedure to enable the court to review the placement without a hearing.

SEC. 19. Section 366 of the Welfare and Institutions Code is amended to read:

366. (a) (1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement. If the child or nonminor dependent is placed in a short-term residential therapeutic program on or after October 1, 2021, or placed in a community treatment facility on or after July 1, 2022, the court shall consider the evidence and documentation submitted pursuant to subdivision (*l*) of Section 366.1 in making this determination.

(B) The extent of the agency's compliance with the case plan in making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts, to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests. Where it is known or there is reason to know that the child is an Indian child, as defined by Section 224.1, the court shall also determine whether the agency has made active efforts, as defined in

Section 224.1 and as described in Section 361.7, to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

(C) Whether there should be any limitation on the right of the parent, guardian, or Indian custodian to make educational decisions or developmental services decisions for the child. That limitation shall be specifically addressed in the court order and shall not exceed those necessary to protect the child. Whenever the court specifically limits the right of the parent, guardian, or Indian custodian to make educational decisions or developmental services decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions or developmental services decisions for the child pursuant to Section 361.

(D) (i) Whether the child has other siblings under the court's jurisdiction, 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:

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

(ib) 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.

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

(id) 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.

(ii) 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 their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(E) The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care.

(F) (i) For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent, whether the social worker or probation officer has verified that the child or nonminor dependent

has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system or has ensured that the child will receive the instruction.

(ii) For a child or nonminor dependent described in clause (i), whether the social worker or probation officer has done all of the following:

(I) Informed the child 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 child or nonminor dependent, in an age and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.

(III) Informed the child 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.

(iii) This subparagraph does not affect any applicable confidentiality law.

(iv) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(G) (i) For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(H) If the review hearing is the last review hearing to be held before the child attains 18 years of age, the court shall conduct the hearing pursuant to Section 366.31 or 366.32.

(2) The court shall project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption in the case of an Indian child, legal guardianship, placed with a fit and willing relative, or in another planned permanent living arrangement.

(b) Subsequent to the hearing, periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.3 and 16503.

(c) If the child has been placed out of state, each review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and

16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interests of the child.

(d) (1) A review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall not result in a placement of a child outside the United States prior to a judicial finding that the placement is in the best interest of the child, except as required by federal law or treaty.

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

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

(A) Placement with a relative.

(B) Placement of siblings in the same home.

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

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

(E) Psychological and emotional needs of the dependent child.

(F) Social, cultural, and educational needs of the dependent child.

(G) Specific desires of any dependent child who is 12 years of age or older.

(4) If the court finds that a placement outside the United States is, by clear and convincing evidence, in the best interest of the child, the court may issue an order authorizing the social worker or placing agency to make a placement outside the United States. A child subject to this subdivision shall not leave the United States prior to the issuance of the order described in this paragraph.

(5) For purposes of this subdivision, "outside the United States" shall not include the lands of any federally recognized American Indian tribe or Alaskan Natives.

(6) This section shall not apply to the placement of a dependent child with a parent.

(e) (1) On and after July 1, 2021, a child shall not be placed or remain in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, unless the placement is ordered or approved pursuant to Section 361.21.

(2) Notwithstanding any other law, on and after July 1, 2022, a child shall not be placed by a county child welfare agency in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, except for placements described in subdivision (h) of Section 7911.1 of the Family Code.

(3) Notwithstanding any other law, a child who is placed in an out-of-state residential facility by a county child welfare agency shall not remain in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, after January 1, 2023.

(f) The status review of every nonminor dependent, as defined in subdivision (v) of Section 11400, shall be conducted pursuant to the requirements of Sections 366.3, 366.31, or 366.32, and 16503 until dependency jurisdiction is terminated pursuant to Section 391.

SEC. 20. Section 366.1 of the Welfare and Institutions Code is amended to read:

366.1. Each supplemental report required to be filed pursuant to Section 366 shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department social worker has considered either of the following:

(1) Child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered those services to qualified parents, if appropriate under the circumstances.

(2) Whether the child can be returned to the custody of the child's parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with the child's parent.

(b) What plan, if any, for the return and maintenance of the child in a safe home is recommended to the court by the county welfare department social worker.

(c) Whether the subject child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(d) What actions, if any, have been taken by the parent to correct the problems that caused the child to be made a dependent child of the court.

(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for their child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the supplemental report makes that recommendation, the report shall identify whether there is a responsible adult available to make educational decisions for the child pursuant to Section 361.

(f) (1) The health and education of the minor, including a copy of the complete health and education summary, as required under Section 16010, including the name and contact information of the person or persons currently holding the right to make educational decisions for the child.

(2) In instances in which it is determined that disclosure pursuant to paragraph (1) of the contact information of the person or persons currently holding the right to make educational decisions for the child poses a threat to the health and safety of that individual or those individuals, that contact information shall be redacted or withheld from the health and education summary within the supplemental report described in this section.

(g) (1) Whether the child has any siblings under the court's jurisdiction, 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.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but 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 their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(h) (1) For a child who is 10 years of age or older and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent, either of the following:

(A) For a child in junior high or middle school, either that the child has already received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system while in junior high or middle school or how the county will ensure that the child receives that instruction at least once before completing junior high or middle school if the child remains under the jurisdiction of the juvenile court during that timeframe.

(B) For a child in high school or a nonminor dependent, either that the child has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system while in high school, or how the county will ensure that the child or nonminor dependent receives that instruction at least once before completing high school if the child remains under the jurisdiction of the juvenile court during that timeframe.

(2) For a child who is 10 years of age or older or a nonminor dependent, whether the social worker or probation officer has done all of the following:

(A) Informed the child 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.

(B) Informed the child or nonminor dependent, in an age and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.

(C) Informed the child 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.

(3) This subdivision does not affect any applicable confidentiality law.

(4) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subdivision.

(i) (1) For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(2) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subdivision.

(j) Whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and actions taken to maintain those relationships. The social worker shall ask every child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer to identify any individuals other than the child's siblings who are important to the child, consistent with the child's best interest. The social worker may ask any other child to provide that information, as appropriate.

(k) The implementation and operation of the amendments to subdivision (j) 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.

(*l*) On and after October 1, 2021, for a child whose placement in a short-term residential therapeutic program has been reviewed and approved, and, on and after July 1, 2022, for a child whose placement in a community treatment facility has been reviewed and approved, pursuant to Section 361.22, the supplemental report shall include evidence of all of the following:

(1) Ongoing assessment of the strengths and needs of the child that continues to support the determination that the needs of the child cannot be met by family members or in another family-based setting, placement in a

short-term residential therapeutic program or community treatment facility, as applicable, continues to provide the most effective and appropriate care setting in the least restrictive environment, and placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child.

(2) Documentation of the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(3) Documentation of the intensive and ongoing efforts made by the child welfare department, consistent with the child's permanency plan, to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home or tribally approved home, or in another appropriate family-based setting.

SEC. 21. Section 366.3 of the Welfare and Institutions Code is amended to read:

366.3. (a) (1) If a juvenile court orders a permanent plan of adoption, tribal customary adoption, adoption of a nonminor dependent pursuant to subdivision (f) of Section 366.31, or legal guardianship pursuant to Section 360 or 366.26, the court shall retain jurisdiction over the child or nonminor dependent until the child or nonminor dependent is adopted or the legal guardianship is established, except as provided for in Section 366.29 or, on and after January 1, 2012, Section 366.32. The status of the child or nonminor dependent shall be reviewed every six months to ensure that the adoption or legal guardianship is completed as expeditiously as possible. Following a termination of parental rights, the parent or parents shall not be a party to, or receive notice of, any subsequent proceedings regarding the child.

(2) When the adoption of the child or nonminor dependent has been granted, or in the case of a tribal customary adoption, when the tribal customary adoption order has been afforded full faith and credit and the petition for adoption has been granted, the court shall terminate its jurisdiction over the child or nonminor dependent.

(3) Following establishment of a legal guardianship, the court may continue jurisdiction over the child as a dependent child of the juvenile court or may terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the legal guardianship, as authorized by Section 366.4. If, however, a relative or nonrelative extended family member of the child is appointed the legal guardian of the child and the guardian's home has been approved pursuant to Section 16519.5 for at least six months, the court shall, except if the relative or nonrelative extended family member guardian objects, or upon a finding of exceptional circumstances, terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship, as authorized by Section 366.4.

(b) (1) If the court has dismissed dependency jurisdiction following the establishment of a legal guardianship, or no dependency jurisdiction attached because of the granting of a legal guardianship pursuant to Section 360, and the legal guardianship is subsequently revoked or otherwise terminated, the county welfare department shall notify the juvenile court of this fact. The court may vacate its previous order dismissing dependency jurisdiction over the child.

(2) Notwithstanding Section 1601 of the Probate Code, the proceedings to terminate a legal guardianship that has been granted pursuant to Section 360 or 366.26 shall be held either in the juvenile court that retains jurisdiction over the guardianship, as authorized by Section 366.4, or the juvenile court in the county where the guardian and child currently reside, based on the best interests of the child, unless the termination is due to the emancipation or adoption of the child. The juvenile court having jurisdiction over the guardianship shall receive notice from the court in which the petition is filed within five calendar days of the filing. Prior to the hearing on a petition to terminate legal guardianship pursuant to this subdivision, the court shall order the county welfare department having jurisdiction or jointly with the county department where the guardian and child currently reside to prepare a report, for the court's consideration, that shall include an evaluation of whether the child could safely remain in, or be returned to, the legal guardian's home, without terminating the legal guardianship, if services were provided to the child or legal guardian. If applicable, the report shall also identify recommended family maintenance or reunification services to maintain the legal guardianship and set forth a plan for providing those services. If the petition to terminate legal guardianship is granted, either juvenile court may resume dependency jurisdiction over the child, and may order the county welfare department to develop a new permanent plan, which shall be presented to the court within 60 days of the termination. If no dependency jurisdiction has attached, the social worker shall make any investigation the social worker deems necessary to determine whether the child may be within the jurisdiction of the juvenile court, as provided in Section 328.

(3) Unless the parental rights of the child's parent or parents have been terminated, they shall be notified that the legal guardianship has been revoked or terminated and shall be entitled to participate in the new permanency planning hearing. The court shall try to place the child in another permanent placement. At the hearing, the parents may be considered as custodians but the child shall not be returned to the parent or parents unless they prove, by a preponderance of the evidence, that reunification is the best alternative for the child. The court may, if it is in the best interests of the child, order that reunification services again be provided to the parent or parents.

(c) If, following the establishment of a legal guardianship, the county welfare department becomes aware of changed circumstances that indicate adoption or, for an Indian child, tribal customary adoption, may be an appropriate plan for the child, the department shall so notify the court. The

court may vacate its previous order dismissing dependency jurisdiction over the child and order that a hearing be held pursuant to Section 366.26 to determine whether adoption or continued legal guardianship is the most appropriate plan for the child. The hearing shall be held no later than 120 days from the date of the order. If the court orders that a hearing shall be held pursuant to Section 366.26, the court shall direct the agency supervising the child and the county adoption agency, or the State Department of Social Services if it is acting as an adoption agency, to prepare an assessment under subdivision (b) of Section 366.22.

(d) (1) If the child or nonminor dependent is in a placement other than the home of a legal guardian and jurisdiction has not been dismissed, the status of the child shall be reviewed at least every six months. The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. The review of the status of a child or nonminor dependent for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption may be conducted by the court or an appropriate local agency. The court shall conduct the review under the following circumstances:

(A) Upon the request of the child's parents or legal guardians.

(B) Upon the request of the child or nonminor dependent.

(C) It has been 12 months since a hearing held pursuant to Section 366.26 or an order that the child remain in foster care pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision (h).

(D) It has been 12 months since a review was conducted by the court.

(2) The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

(e) Except as provided in subdivision (g), at the review held every six months pursuant to subdivision (d), the reviewing body shall inquire about the progress being made to provide a permanent home for the child, shall consider the safety of the child, and shall determine all of the following:

(1) The continuing necessity for, and appropriateness of, the placement. If the child is placed in a short-term residential therapeutic program on or after October 1, 2021, or a community treatment facility on or after July 1, 2022, the court shall consider the evidence and documentation submitted pursuant to subdivision (*l*) of Section 366.1 in making this determination.

(2) Identification of individuals other than the child's siblings who are important to a child who is 10 years of age or older and has been in out-of-home placement for six months or longer, and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker 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, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(3) The continuing appropriateness and extent of compliance with the permanent plan for the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer and individuals who are important to the child and efforts to identify a prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(4) The extent of the agency's compliance with the child welfare services case plan in making reasonable efforts either to return the child to the safe home of the parent or to complete whatever steps are necessary to finalize the permanent placement of the child. If the reviewing body determines that a second period of reunification services is in the child's best interests, and that there is a significant likelihood of the child's return to a safe home due to changed circumstances of the parent, pursuant to subdivision (f), the specific reunification services required to effect the child's return to a safe home shall be described.

(5) Whether there should be any limitation on the right of the parent or guardian to make educational decisions or developmental services decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions or developmental services decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions or developmental services decisions for the child pursuant to Section 361.

(6) The adequacy of services provided to the child. The court shall consider the progress in providing the information and documents to the child, as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(7) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(8) The likely date by which the child may be returned to, and safely maintained in, the home, placed for adoption, legal guardianship, placed with a fit and willing relative, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption, or, if the child is 16 years of age or older, and no other permanent plan is appropriate at the time of the hearing, in another planned permanent living arrangement.

(9) (A) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

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

(ii) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002. At the first review conducted for a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, the court shall inquire into the status of the development of a voluntary postadoption sibling contact agreement pursuant to subdivision (e) of 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.

(B) The factors the court may consider as indicators of the nature of the child's sibling relationships 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 their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(10) For a child who is 14 years of age or older and for a nonminor dependent, the services needed to assist the child or nonminor dependent to make the transition from foster care to successful adulthood.

(11) Whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

Each licensed foster family agency shall submit reports for each child in its care, custody, and control to the court concerning the continuing appropriateness and extent of compliance with the child's permanent plan, the extent of compliance with the case plan, and the type and adequacy of services provided to the child.

(f) Unless their parental rights have been permanently terminated, the parent or parents of the child are entitled to receive notice of, and participate in, those hearings. It shall be presumed that continued care is in the best interests of the child, unless the parent or parents prove, by a preponderance of the evidence, that further efforts at reunification are the best alternative for the child. In those cases, the court may order that further reunification services to return the child to a safe home environment be provided to the parent or parents up to a period of six months, and family maintenance services, as needed for an additional six months in order to return the child to a safe home environment. This subdivision shall not apply to the parents of a nonminor dependent.

(g) At the review conducted by the court and held at least every six months, regarding a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, or, for an Indian child for whom parental rights are not being terminated and a tribal

customary adoption is being considered, the county welfare department shall prepare and present to the court a report describing the following:

(1) The child's present placement.

(2) The child's current physical, mental, emotional, and educational status.

(3) If the child has not been placed with a prospective adoptive parent or guardian, identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The agency shall ask every child who is 10 years of age or older to identify any individuals who are important to the child, consistent with the child's best interest, and may ask any child who is younger than 10 years of age to provide that information as appropriate. The agency shall make efforts to identify other individuals who are important to the child.

(4) Whether the child has been placed with a prospective adoptive parent or parents.

(5) Whether an adoptive placement agreement has been signed and filed.

(6) If the child has not been placed with a prospective adoptive parent or parents, the efforts made to identify an appropriate prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(7) Whether the final adoption order should include provisions for postadoptive sibling contact pursuant to Section 366.29.

(8) The progress of the search for an adoptive placement if one has not been identified.

(9) Any impediments to the adoption or the adoptive placement.

(10) The anticipated date by which the child will be adopted or placed in an adoptive home.

(11) The anticipated date by which an adoptive placement agreement will be signed.

(12) Recommendations for court orders that will assist in the placement of the child for adoption or in the finalization of the adoption.

The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

The court shall make appropriate orders to protect the stability of the child and to facilitate and expedite the permanent placement and adoption of the child.

(h) (1) At the review held pursuant to subdivision (d) for a child in foster care, the court shall consider all permanency planning options for the child including whether the child should be returned to the home of the parent, placed for adoption, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption, or appointed a legal guardian, placed with a fit and willing relative, or, if compelling reasons exist for finding that none of the foregoing options are in the best interest of the child and the child is 16 years of age or older, whether the child should be placed in another planned permanent living arrangement. The court shall order that

a hearing be held pursuant to Section 366.26, unless it determines by clear and convincing evidence that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is being returned to the home of the parent, the child is not a proper subject for adoption, or no one is willing to accept legal guardianship as of the hearing date. If the county adoption agency, or the department when it is acting as an adoption agency, has determined it is unlikely that the child will be adopted or one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, that fact shall constitute a compelling reason for purposes of this subdivision. Only upon that determination may the court order that the child remain in foster care, without holding a hearing pursuant to Section 366.26. The court shall make factual findings identifying any barriers to achieving the permanent plan as of the hearing date. The nonminor dependent's legal status as an adult is in and of itself a compelling reason not to hold a hearing pursuant to Section 366.26.

(2) When the child is 16 years of age or older and in another planned permanent living arrangement, the court shall do all of the following:

(A) Ask the child about their desired permanency outcome.

(B) Make a judicial determination explaining why, as of the hearing date, another planned permanent living arrangement is the best permanency plan for the child.

(C) State for the record the compelling reason or reasons why it continues not to be in the best interest of the child to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, be placed with a legal guardian, or be placed with a fit and willing relative.

(3) When the child is 16 years of age or older and is in another planned permanent living arrangement, the social study prepared for the hearing shall include a description of all of the following:

(A) The intensive and ongoing efforts to return the child to the home of the parent, place the child for adoption, or establish a legal guardianship, as appropriate.

(B) The steps taken to do both of the following:

(i) Ensure that the child's care provider is following the reasonable and prudent parent standard.

(ii) Determine whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the child about opportunities for the child to participate in those activities.

(4) When the child is under 16 years of age and has a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative, the social study shall include a description of any barriers to achieving the permanent plan and the efforts made by the agency to address those barriers.

(i) If, as authorized by subdivision (h), the court orders a hearing pursuant to Section 366.26, the court shall direct the agency supervising the child

and the county adoption agency, or the State Department of Social Services when it is acting as an adoption agency, to prepare an assessment, as provided for in subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22. A hearing held pursuant to Section 366.26 shall be held no later than 120 days from the date of the 12-month review at which it is ordered, and at that hearing the court shall determine whether adoption, tribal customary adoption, legal guardianship, placement with a fit and willing relative, or, for a child 16 years of age or older, another planned permanent living arrangement is the most appropriate plan for the child. On and after January 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered if the child is a nonminor dependent, unless the nonminor dependent is an Indian child and tribal customary adoption is recommended as the permanent plan. The court may order that a nonminor dependent who otherwise is eligible pursuant to Section 11403 remain in a planned, permanent living arrangement. At the request of the nonminor dependent who has an established relationship with an adult determined to be the nonminor dependent's permanent connection, the court may order adoption of the nonminor dependent pursuant to subdivision (f) of Section 366.31.

(j) The reviews conducted pursuant to subdivision (a) or (d) may be conducted earlier than every six months if the court determines that an earlier review is in the best interests of the child or as court rules prescribe.

(k) On and after October 1, 2021, for reviews conducted pursuant to subdivision (a) or (d) for the child whose placement in a short-term residential therapeutic program has been reviewed and approved, and, on and after July 1, 2022, for reviews conducted pursuant to subdivision (a) or (d) for the child whose placement in a community treatment facility has been reviewed and approved, pursuant to Section 361.22, the report prepared for the review shall include evidence of all of the following:

(1) Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program or community treatment facility, as applicable, continues to provide the most effective and appropriate care setting in the least restrictive environment, and the placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child.

(2) Documentation of the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(3) Documentation of the intensive and ongoing efforts made by the child welfare department, consistent with the child's permanency plan, to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home or tribally approved home, or in another appropriate family-based setting.

SEC. 22. Section 366.31 of the Welfare and Institutions Code is amended to read:

366.31. (a) If a review hearing is the last review hearing to be held before the child attains 18 years of age, the court shall ensure all of the following:

(1) The child's case plan includes a plan for the child to satisfy one or more of the participation conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, so that the child is eligible to remain in foster care as a nonminor dependent.

(2) The child has been informed of their right to seek termination of dependency jurisdiction pursuant to Section 391, and understands the potential benefits of continued dependency.

(3) The child is informed of their right to have dependency reinstated pursuant to subdivision (e) of Section 388, and understands the potential benefits of continued dependency.

(b) At the review hearing that occurs in the six-month period before the child attains 18 years of age, and at every subsequent review hearing for the nonminor dependent, as described in subdivision (v) of Section 11400, the report shall describe all of the following:

(1) The child's and nonminor dependent's plans to remain in foster care and plans to meet one or more of the participation conditions as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403 to continue to receive AFDC-FC benefits as a nonminor dependent.

(2) The efforts made and assistance provided to the child and nonminor dependent by the social worker or the probation officer so that the child and nonminor dependent will be able to meet the participation conditions.

(3) Efforts toward completing the items described in paragraph (2) of subdivision (e) of Section 391.

(4) On and after October 1, 2021, for a child or nonminor dependent whose placement in a short-term residential therapeutic program has been reviewed and approved, and, on and after July 1, 2022, for a child or nonminor dependent whose placement in a community treatment facility has been reviewed and approved, pursuant to Section 361.22, the report prepared for the review shall include evidence of all of the following:

(A) Ongoing assessment of the strengths and needs of the child or nonminor dependent continues to support the determination that the needs of the child or nonminor dependent cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program or community treatment facility, as applicable, continues to provide the most effective and appropriate care setting in the least restrictive environment, and placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.

(B) Documentation of the child or nonminor dependent's specific treatment or service needs that will be met in the placement and the length of time the child or nonminor dependent is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and

expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(C) Documentation of the intensive and ongoing efforts made by the child welfare department, consistent with the child or nonminor dependent's permanency plan, to prepare the child or nonminor dependent to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home, a tribally approved home, or in another appropriate family-based setting, or, in the case of a nonminor dependent, in a supervised independent living setting.

(5) (A) For a child or nonminor dependent in high school who has been under the jurisdiction of the juvenile court for a year or longer, the information in subparagraph (B) of paragraph (1) of subdivision (h) of Section 366.1.

(B) (i) Whether the social worker or probation officer has informed the minor or nonminor dependent of the information in paragraph (2) of subdivision (h) of Section 366.1.

(ii) This paragraph does not affect any applicable confidentiality law.

(6) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(c) The reviews conducted pursuant to this section for a nonminor dependent shall be conducted in a manner that respects the nonminor's status as a legal adult, focused on the goals and services described in the youth's transitional independent living case plan, as described in subdivision (y) of Section 11400, including efforts made to maintain connections with caring and permanently committed adults, and attended, as appropriate, by additional participants invited by the nonminor dependent.

(d) For a nonminor dependent whose case plan is continued court-ordered family reunification services pursuant to Section 361.6, the court shall consider whether the nonminor dependent may safely reside in the home of the parent or guardian. If the nonminor cannot reside safely in the home of the parent or guardian or if it is not in the nonminor dependent's best interest to reside in the home of the parent or guardian, the court must consider whether to continue or terminate reunification services for the parent or legal guardian.

(1) The review report shall include a discussion of all of the following:

(A) Whether foster care placement continues to be necessary and appropriate.

(B) The likely date by which the nonminor dependent may reside safely in the home of the parent or guardian or will achieve independence.

(C) Whether the parent or guardian and nonminor dependent were actively involved in the development of the case plan.

(D) Whether the social worker or probation officer has provided reasonable services designed to aid the parent or guardian to overcome the problems that led to the initial removal of the nonminor dependent.

(E) The extent of progress the parents or guardian have made toward alleviating or mitigating the causes necessitating placement in foster care.

(F) Whether the nonminor dependent and parent, parents, or guardian are in agreement with the continuation of reunification services.

(G) Whether continued reunification services are in the best interest of the nonminor dependent.

(H) Whether there is a substantial probability that the nonminor dependent will be able to safely reside in the home of the parent or guardian by the next review hearing date.

(I) The efforts to maintain the nonminor's connections with caring and permanently committed adults.

(J) The agency's compliance with the nonminor dependent's transitional independent living case plan, including efforts to finalize the nonminor's permanent plan and prepare the nonminor dependent for independence.

(K) The progress in providing the information and documents to the nonminor dependent as described in Section 391.

(L) (i) For a nonminor dependent in high school who has been under the jurisdiction of the juvenile court for a year or longer, the information in subparagraph (B) of paragraph (1) of subdivision (h) of Section 366.1.

(ii) Whether the social worker or probation officer has informed the nonminor dependent of the information in paragraph (2) of subdivision (h) of Section 366.1.

(iii) This subparagraph does not affect any applicable confidentiality law.

(M) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education including career or technical education.

(2) The court shall inquire about the progress being made to provide a permanent home for the nonminor, shall consider the safety of the nonminor dependent, and shall determine all of the following:

(A) The continuing necessity for, and appropriateness of, the placement. If the child or nonminor dependent is placed in a short-term residential therapeutic program on or after October 1, 2021, or is placed in a community treatment facility on or after July 1, 2022, the court shall consider the evidence and documentation submitted pursuant to paragraph (4) of subdivision (b) in making this determination.

(B) Whether the agency has made reasonable efforts to maintain relationships between the nonminor dependent and individuals who are important to the nonminor dependent.

(C) The extent of the agency's compliance with the case plan in making reasonable efforts or, in the case of an Indian child, active efforts, as described in Section 361.7, to create a safe home of the parent or guardian for the nonminor to reside in or to complete whatever steps are necessary to finalize the permanent placement of the nonminor dependent.

(D) The extent of the agency's compliance with the nonminor dependent's transitional independent living case plan, including efforts to finalize the youth's permanent plan and prepare the nonminor dependent for independence.

(E) The adequacy of services provided to the parent or guardian and to the nonminor dependent. The court shall consider the progress in providing the information and documents to the nonminor dependent as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(F) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(G) The likely date by which the nonminor dependent may safely reside in the home of the parent or guardian or, if the court is terminating reunification services, the likely date by which it is anticipated the nonminor dependent will achieve independence, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption.

(H) Whether the agency has made reasonable efforts as required in subparagraph (D) of paragraph (1) of subdivision (a) of Section 366 to establish or maintain the nonminor dependent's relationship with their siblings who are under the juvenile court's jurisdiction.

(I) The services needed to assist the nonminor dependent to make the transition from foster care to successful adulthood.

(J) Whether or not reasonable efforts to make and finalize a permanent placement for the nonminor dependent have been made.

(K) (i) If the nonminor dependent is in high school and has been under the jurisdiction of the juvenile court for a year or longer, whether the social worker or probation officer has taken the actions described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 366.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(L) (i) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(3) If the court determines that a nonminor dependent may safely reside in the home of the parent or former guardian, the court may order the nonminor dependent to return to the family home. After the nonminor dependent returns to the family home, the court may terminate jurisdiction and proceed under applicable provisions of Section 391 or continue jurisdiction as a nonminor under subdivision (a) of Section 303 and hold hearings as follows:

(A) At every hearing for a nonminor dependent residing in the home of the parent or guardian, the court shall set a hearing within six months of the previous hearing. The court shall advise the parties of their right to be present. At least 10 calendar days before the hearing, the social worker or probation officer shall file a report with the court describing the services offered to the family and the progress made by the family in eliminating the conditions or factors requiring court supervision. The report shall address all of the following:

(i) Whether the parent or guardian and the nonminor dependent were actively involved in the development of the case plan.

(ii) Whether the social worker or probation officer has provided reasonable services to eliminate the need for court supervision.

(iii) The progress of providing information and documents to the nonminor dependent as described in Section 391.

(B) The court shall inquire about progress being made, shall consider the safety of the nonminor dependent, and shall determine all of the following:

(i) The continuing need for court supervision.

(ii) The extent of the agency's compliance with the case plan in making reasonable efforts to maintain a safe family home for the nonminor dependent.

(C) If the court finds that court supervision is no longer necessary, the court shall terminate jurisdiction under applicable provisions of Section 391.

(e) For a nonminor dependent who is no longer receiving court-ordered family reunification services and is in a permanent plan of another planned permanent living arrangement, at the review hearing held every six months pursuant to subdivision (d) of Section 366.3, the reviewing body shall inquire about the progress being made to provide permanent connections with caring, committed adults for the nonminor dependent, shall consider the safety of the nonminor, shall consider the transitional independent living case plan, and shall determine all of the following:

(1) The continuing necessity for, and appropriateness of, the placement.

(2) The continuing appropriateness and extent of compliance with the permanent plan for the nonminor dependent, including efforts to identify and maintain relationships with individuals who are important to the nonminor dependent.

(3) The extent of the agency's compliance with the nonminor dependent's transitional independent living case plan, including whether or not reasonable

efforts have been made to make and finalize the youth's permanent plan and prepare the nonminor dependent for independence.

(4) Whether a prospective adoptive parent has been identified and assessed as appropriate for the nonminor dependent's adoption under this section, whether the prospective adoptive parent has been informed about the terms of the written negotiated adoption assistance agreement pursuant to Section 16120, and whether adoption should be ordered as the nonminor dependent's permanent plan. If nonminor dependent adoption is ordered as the nonminor dependent's permanent plan, a hearing pursuant to subdivision (f) shall be held within 60 days. When the court orders a hearing pursuant to subdivision (f), it shall direct the agency to prepare a report that shall include the provisions of paragraph (5) of subdivision (f).

(5) For the nonminor dependent who is an Indian child, whether, in consultation with the nonminor's tribe, the nonminor should be placed for tribal customary adoption.

(6) The adequacy of services provided to the nonminor dependent. The court shall consider the progress in providing the information and documents to the nonminor dependent as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(7) The likely date by which it is anticipated the nonminor dependent will achieve adoption or independence.

(8) Whether the agency has made reasonable efforts as required in subparagraph (D) of paragraph (1) of subdivision (a) of Section 366 to establish or maintain the nonminor dependent's relationship with their siblings who are under the juvenile court's jurisdiction.

(9) The services needed to assist the nonminor dependent to make the transition from foster care to successful adulthood.

(10) When the hearing described in this subdivision is held pursuant to paragraph (3) or (4) of subdivision (d) of Section 366.3, and the nonminor dependent has a permanent plan of another planned permanent living arrangement, the court shall do all of the following:

(A) Ask the nonminor dependent about their desired permanency outcome.

(B) Make a judicial determination explaining why, as of the hearing date, another planned permanent living arrangement is the best permanency plan for the nonminor dependent.

(C) State for the record the compelling reason or reasons why it continues not to be in the best interest of the nonminor dependent to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, be placed with a legal guardian, or be placed with a fit and willing relative.

(11) (A) If the nonminor dependent is in high school and has been under the jurisdiction of the juvenile court for a year or longer, whether the social worker or probation officer has taken the actions described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 366.

(B) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this paragraph.

(12) (A) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(B) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(f) (1) At a hearing to consider a permanent plan of adoption for a nonminor dependent, the court shall read and consider the report in paragraph (5) and receive other evidence that the parties may present. A copy of the executed negotiated agreement shall be attached to the report. If the court finds pursuant to this section that nonminor dependent adoption is the appropriate permanent plan, it shall make findings and orders to do the following:

(A) Approve the adoption agreement and declare the nonminor dependent is the adopted child of the adoptive parent, and that the nonminor dependent and adoptive parents agree to assume toward each other the legal relationship of parents and child and to have all of the rights and be subject to all of the duties and responsibilities of that relationship.

(B) Declare that the birth parents of the nonminor dependent are, from the time of the adoption, relieved of all parental duties toward, and responsibility for, the adopted nonminor dependent and have no rights over the adopted nonminor dependent.

(2) If the court finds that the nonminor dependent and the prospective adoptive parent have mutually consented to the adoption, the court may enter the adoption order after it determines all of the following:

(A) Whether the notice was given as required by law.

(B) Whether the nonminor dependent and prospective adoptive parent are present for the hearing.

(C) Whether the court has read and considered the assessment prepared by the social worker or probation officer.

(D) Whether the court considered the wishes of the nonminor dependent.

(E) If the nonminor dependent is eligible, the prospective adoptive parent has signed the negotiated adoption assistance agreement pursuant to subdivision (g) of Section 16120, and whether a copy of the executed negotiated agreement is attached to the report.

(F) Whether the adoption is in the best interest of the nonminor dependent.

(3) If the court orders the establishment of the nonminor dependent adoption, it shall dismiss dependency or transitional jurisdiction.

(4) If the court does not order the establishment of the nonminor dependent adoption, the nonminor dependent shall remain in a planned

permanent living arrangement subject to periodic review of the juvenile court pursuant to this section.

(5) At least 10 calendar days before the hearing, the social worker or probation officer shall file a report with the court and provide a copy of the report to all parties. The report shall describe the following:

(A) Whether or not the nonminor dependent has any developmental disability and whether the proposed adoptive parent is suitable to meet the needs of the nonminor dependent.

(B) The length and nature of the relationship between the prospective adoptive parent and the nonminor dependent, including whether the prospective adoptive parent has been determined to have been established as the nonminor's permanent connection.

(C) Whether the nonminor dependent has been determined to be eligible for the adoption assistance program and, if so, whether the prospective adoptive parent has signed the negotiated adoption assistance agreement pursuant to subdivision (g) of Section 16120.

(D) Whether a copy of the executed negotiated agreement is attached to the report.

(E) Whether criminal background clearances were completed for the prospective adoptive parent as required by Section 671(a)(20)(A) and (a)(20)(C) of Title 42 of the United States Code.

(F) Whether the prospective adoptive parent who is married and not legally separated from that spouse has the consent of the spouse, provided that the spouse is capable of giving that consent.

(G) Whether the adoption of the nonminor dependent is in the best interests of the nonminor dependent and the prospective adoptive parent.

(H) Whether the nonminor dependent and the prospective adoptive parent have mutually consented to the adoption.

(6) The social worker or probation officer shall serve written notice of the hearing in the manner and to the persons set forth in Section 295, including the prospective adoptive parent or parents, except that notice to the nonminor's birth parents is not required.

(7) Nothing in this section shall prevent a nonminor dependent from filing an adoption petition pursuant to Section 9300 of the Family Code.

(g) Each licensed foster family agency shall submit reports for each nonminor dependent in its care to the court concerning the continuing appropriateness and extent of compliance with the nonminor dependent's permanent plan, the extent of compliance with the transitional independent living case plan, and the type and adequacy of services provided to the nonminor dependent. The report shall document that the nonminor has received all the information and documentation described in paragraph (2) of subdivision (e) of Section 391. If the court is considering terminating dependency jurisdiction for a nonminor dependent it shall first hold a hearing pursuant to Section 391.

(h) When the nonminor dependent is in another planned permanent living arrangement, the social study prepared for the hearing held under subdivision (e) shall include a description of all of the following:

(1) The intensive and ongoing efforts to return the nonminor dependent to the home of the parent, place the nonminor dependent for adoption, or place the nonminor dependent with a fit and willing relative, as appropriate.

(2) The steps taken to do both of the following:

(A) Ensure that the nonminor dependent's care provider is following the reasonable and prudent parent standard.

(B) Determine whether the nonminor dependent has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the nonminor dependent about opportunities for the nonminor dependent to participate in those activities.

SEC. 23. Section 636 of the Welfare and Institutions Code is amended to read:

636. (a) If it appears upon the hearing that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to the minor's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days and shall enter the order together with its findings of fact in support thereof in the records of the court. The circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another that the minor be detained. If a minor is a dependent of the court pursuant to Section 300, the court's decision to detain shall not be based on the minor's status as a dependent of the court or the child welfare services department's inability to provide a placement for the minor.

(b) If the court finds that the criteria of Section 628.1 are applicable, the court shall place the minor on home supervision for a period not to exceed 15 judicial days, and shall enter the order together with its findings of fact in support thereof in the records of the court. If the court releases the minor on home supervision, the court may continue, modify, or augment any conditions of release previously imposed by the probation officer, or may impose new conditions on a minor released for the first time. If there are new or modified conditions, the minor shall be required to sign a written promise to obey those conditions pursuant to Section 628.1.

(c) If the probation officer is recommending that the minor be detained, the probation officer shall submit to the court documentation, as follows:

(1) Documentation that continuance in the home is contrary to the minor's welfare shall be submitted to the court as part of the detention report prepared pursuant to Section 635.

(2) Documentation that reasonable efforts were made to prevent or eliminate the need for removal of the minor from the home and documentation of the nature and results of the services provided shall be

submitted to the court either as part of the detention report prepared pursuant to Section 635, or as part of a case plan prepared pursuant to Section 636.1, but in no case later than 60 days from the date of detention.

(d) Except as provided in subdivision (e), before detaining the minor, the court shall determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. The court shall make that determination on a case-by-case basis and shall make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision.

(1) If the minor can be returned to the custody of the minor's parent or legal guardian at the detention hearing, through the provision of services to prevent removal, the court shall release the minor to the physical custody of the minor's parent or legal guardian and order that those services be provided.

(2) If the minor cannot be returned to the custody of the minor's parent or legal guardian at the detention hearing, the court shall state the facts upon which the detention is based. The court shall make the following findings on the record and reference the probation officer's report or other evidence relied upon to make its setting determinations:

(A) Whether continuance in the home of the parent or legal guardian is contrary to the minor's welfare.

(B) Whether reasonable efforts have been made to safely maintain the minor in the home of the minor's parent or legal guardian and to prevent or eliminate the need for removal of the minor from the minor's home. This finding shall be made at the detention hearing if possible, but in no case later than 60 days following the minor's removal from the home.

(3) If the minor cannot be returned to the custody of the minor's parent or legal guardian at the detention hearing, the court shall make the following orders:

(A) The probation officer shall provide services as soon as possible to enable the minor's parent or legal guardian to obtain any assistance as may be needed to enable the parent or guardian to effectively provide the care and control necessary for the minor to return to the home.

(B) The minor's placement and care shall be the responsibility of the probation department pending disposition or further order of the court.

(4) If the matter is set for rehearing pursuant to Section 637, or continued pursuant to Section 638, or continued for any other reason, the court shall find that the continuance of the minor in the parent's or guardian's home is contrary to the minor's welfare at the initial petition hearing or order the release of the minor from custody.

(e) For a minor who is a dependent of the court pursuant to Section 300, the court's decision to detain the minor shall not be based on a finding that continuance in the minor's current placement is contrary to the minor's welfare. If the court determines that continuance in the minor's current placement is contrary to the minor's welfare, the court shall order the child

welfare services department to place the minor in another licensed or approved placement.

(f) For a placement made on or after October 1, 2021, each placement of the minor in a short-term residential therapeutic program shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 727.12.

(g) For a placement made on or after July 1, 2022, each placement of the minor in a community treatment facility shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 727.12.

(h) Whether the minor is returned home or detained, the court shall order the minor's parent or guardian to cooperate with the probation officer in obtaining those services described in paragraph (1) of, or in subparagraph (A) of paragraph (3) of, subdivision (d).

SEC. 24. Section 706.5 of the Welfare and Institutions Code is amended to read:

706.5. (a) If placement in foster care is recommended by the probation officer, or where the minor is already in foster care placement or pending placement pursuant to an earlier order, the social study prepared by the probation officer that is received into evidence at disposition pursuant to Section 706 shall include a case plan, as described in Section 706.6. If the court elects to hold the first status review at the disposition hearing, the social study shall also include, but not be limited to, the factual material described in subdivision (c).

(b) If placement in foster care is not recommended by the probation officer prior to disposition, but the court orders foster care placement, the court shall order the probation officer to prepare a case plan, as described in Section 706.6, within 30 days of the placement order. The case plan shall be filed with the court.

(c) At each status review hearing, the social study shall include, but not be limited to, an updated case plan as described in Section 706.6 and the following information:

(1) (A) The continuing necessity for and appropriateness of the placement.

(B) On and after October 1, 2021, for the minor or nonminor dependent whose placement in a short-term residential therapeutic program has been reviewed and approved, and, on and after July 1, 2022, for the minor or nonminor dependent whose placement in a community treatment facility has been reviewed and approved, pursuant to Section 727.12, the social study shall include evidence of each of the following:

(i) Ongoing assessment of the strengths and needs of the minor or nonminor dependent continues to support the determination that the needs of the minor or nonminor dependent cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program or community treatment facility, as applicable, continues to provide the most effective and appropriate level of care in the least restrictive environment, and the placement is consistent with the short- and

long-term mental and behavioral health goals and permanency plan for the minor or nonminor dependent.

(ii) Documentation of the minor or nonminor dependent's specific treatment or service needs that will be met in the placement, and the length of time the minor or nonminor dependent is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(iii) Documentation of the intensive and ongoing efforts made by the probation department, consistent with the minor or nonminor dependent's permanency plan, to prepare the minor or nonminor dependent to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home, tribally approved home, or in another appropriate family-based setting, or, in the case of a nonminor dependent, in a supervised independent living setting.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(4) If the first permanency planning hearing has not yet occurred, the social study shall include the likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative, or referred to another planned permanent living arrangement.

(5) Whether the minor has been or will be referred to educational services and what services the minor is receiving, including special education and related services if the minor has exceptional needs as described in Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code or accommodations if the child has disabilities as described in Chapter 16 (commencing with Section 701) of Title 29 of the United States Code Annotated. The probation officer or child advocate shall solicit comments from the appropriate local education agency prior to completion of the social study.

(6) If the parent or guardian is unwilling or unable to participate in making an educational or developmental services decision for their child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational or developmental services decisions for the child, the probation department shall consider whether the right of the parent or guardian to make educational or developmental services decisions for the minor should be limited. If the study makes that recommendation, it shall identify whether there is a responsible adult available to make educational or developmental services decisions for the minor pursuant to Section 726.

(7) When the minor is 16 years of age or older and in another planned permanent living arrangement, the social study shall include a description of all of the following:

(A) The intensive and ongoing efforts to return the minor to the home of the parent, place the minor for adoption, or establish a legal guardianship, as appropriate.

(B) The steps taken to do both of the following:

(i) Ensure that the minor's care provider is following the reasonable and prudent parent standard.

(ii) Determine whether the minor has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the minor about opportunities for the minor to participate in the activities.

(8) When the minor is under 16 years of age and has a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative, the social study shall include a description of any barriers to achieving the permanent plan and the efforts made by the agency to address those barriers.

(9) (A) For a child who is 10 years of age or older and has been declared a ward of the juvenile court pursuant to Section 601 or 602 for a year or longer, the information in subparagraph (B) of paragraph (1) of subdivision (h) of Section 366.1.

(B) For a child who is 10 years of age or older, whether the probation officer has informed the minor or nonminor dependent of the information in paragraph (2) of subdivision (h) of Section 366.1.

(C) This paragraph does not affect any applicable confidentiality law.

(10) For a child who is 16 years of age or older or for a nonminor dependent, whether the probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(d) At each permanency planning hearing, the social study shall include, but not be limited to, an updated case plan as described in Section 706.6, the factual material described in subdivision (c) of this section, and a recommended permanent plan for the minor.

SEC. 25. 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.

(d) The following shall apply:

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

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

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

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

(D) Group care placements in the following order:

(i) Short-term residential therapeutic programs.

(ii) Group homes vendored by a regional center.

(iii) Community treatment facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The probation department.

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

(3) The minor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, those services to be provided to assist

in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.

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

(2) If, after considering reunification, adoptive placement, legal guardianship, or permanent placement with a fit and willing relative the probation officer recommends placement in a planned permanent living arrangement for a minor 16 years of age or older, the case plan shall include documentation of a compelling reason or reasons why termination of parental rights is not in the minor's best interest. For purposes of this subdivision, a "compelling reason" shall have the same meaning as in subdivision (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.

SEC. 26. Section 727.12 of the Welfare and Institutions Code is amended to read:

727.12. (a) (1) For a placement made on and after October 1, 2021, each placement of the minor or nonminor dependent in a short-term residential therapeutic program, including the initial placement and each subsequent placement into a short-term residential therapeutic program, shall be reviewed by the court within 45 days of the start of placement in accordance with this section. In no event shall the court grant a continuance pursuant to Section 682 that would cause the review to be completed more than 60 days after the start of the placement.

(2) For a placement made on and after July 1, 2022, each placement of the minor or nonminor dependent in a community treatment facility, including the initial placement and each subsequent placement into a community treatment facility, shall be reviewed by the court within 45 days of the start of placement in accordance with this section. In no event shall

the court grant a continuance pursuant to Section 682 that would cause the review to be completed more than 60 days after the start of the placement.

(b) (1) At any time after the decision to place a minor or nonminor dependent into a short-term residential therapeutic program or a community treatment facility has been made, but no later than five calendar days following each placement, the probation officer shall request the juvenile court to schedule a hearing to review the placement.

(2) The probation officer shall serve a copy of the request on all parties to the delinquency proceeding, the minor's court-appointed special advocate, if applicable, and the minor's tribe in the case of an Indian child to whom subparagraph (E) of paragraph (1) of subdivision (d) of Section 224.1 applies.

(c) (1) The probation officer shall prepare and submit a report that shall include all of the following:

(A) A copy of the assessment, determination, and documentation prepared by the qualified individual pursuant to subdivision (g) of Section 4096.

(B) The case plan documentation required pursuant to subparagraph (B) of paragraph (3) of subdivision (d) of Section 706.6.

(C) In the case of an Indian child, a statement regarding whether the minor's tribe had an opportunity to confer regarding the departure from the placement preferences described in Section 361.31, and the active efforts made prior to placement in a short-term therapeutic program or community treatment facility to satisfy subdivision (f) of Section 224.1.

(D) A statement regarding whether the minor or nonminor dependent or any party to the proceeding, or minor's tribe in the case of an Indian child to whom subparagraph (E) of paragraph (1) of subdivision (d) of Section 224.1 applies, objects to the placement of the minor or nonminor dependent in the short-term residential therapeutic program or community treatment facility.

(2) The probation officer shall serve a copy of the report on all parties to the proceeding no later than seven calendar days before the hearing.

(d) Within five calendar days of the request described in subdivision (b), the court shall set a hearing to be held within 45 days after the start of the placement and give notice of the hearing to all parties to the proceeding, and the minor's tribe in the case of an Indian child to whom subparagraph (E) of paragraph (1) of subdivision (d) of Section 224.1 applies.

(e) When reviewing each placement of the minor or nonminor dependent in a short-term residential therapeutic program or community treatment facility, the court shall do all of the following:

(1) Consider the information specified in subdivision (c).

(2) Determine whether the needs of the minor or nonminor dependent can be met through placement in a family-based setting, or, if not, whether placement in a short-term residential therapeutic program or community treatment facility, as applicable, provides the most effective and appropriate care setting for the minor or nonminor dependent in the least restrictive environment. A shortage or lack of resource family homes shall not be an acceptable reason for determining that the needs of the minor or nonminor dependent cannot be met in a family-based setting.

(3) Determine whether the short-term residential therapeutic program or community treatment facility level of care, as applicable, is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the minor or nonminor dependent.

(4) In the case of an Indian child, determine whether there is good cause to depart from the placement preferences set forth in Section 361.31.

(5) Approve or disapprove the placement.

(6) Make a finding, either in writing or on the record, of the basis for its determinations pursuant to this subdivision.

(f) If the court disapproves the placement, the court shall order the probation officer to transition the minor or nonminor dependent to a placement setting that is consistent with the determinations made pursuant to subdivision (e) within 30 days of the disapproval.

(g) This section does not prohibit the court from reviewing the placement of a minor or nonminor dependent in a short-term residential therapeutic program or community treatment facility pursuant to subdivision (a) at a regularly scheduled hearing if that hearing is held within 60 days of the placement and the information described in subdivision (c) has been presented to the court.

(h) (1) On or before October 1, 2021, for placements into a short-term residential therapeutic program, the Judicial Council shall amend or adopt rules of court and shall develop or amend appropriate forms, as necessary, to implement this section, including developing a procedure to enable the court to review the placement without a hearing.

(2) On or before October 1, 2022, for placements into a community treatment facility, the Judicial Council shall amend or adopt rules of court and shall develop or amend appropriate forms, as necessary, to implement this section, including developing a procedure to enable the court to review the placement without a hearing.

SEC. 27. Section 727.2 of the Welfare and Institutions Code is amended to read:

727.2. The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 and to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to the minor's home or to establish an alternative permanent plan for the minor.

(a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to the minor's home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except as provided in subdivision (b).

(b) (1) Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:

(A) Reunification services were previously terminated for that parent or guardian, pursuant to Section 366.21, 366.22, or 366.25, or not offered, pursuant to subdivision (b) of Section 361.5, in reference to the same minor.

(B) The parent has been convicted of any of the following:

(i) Murder of another child of the parent.

(ii) Voluntary manslaughter of another child of the parent.

(iii) Aiding or abetting, attempting, conspiring, or soliciting to commit that murder or manslaughter described in clause (i) or (ii).

(iv) A felony assault that results in serious bodily injury to the minor or another child of the parent.

(C) The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with the minor's parent or legal guardian.

(2) If no reunification services are offered to the parent or guardian, the permanency planning hearing, as described in Section 727.3, shall occur within 30 days of the date of the hearing at which the decision is made not to offer services.

(c) The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months. The six-month time periods shall be calculated from the date the minor entered foster care, as defined in paragraph (4) of subdivision (d) of Section 727.4. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727 at the first status review hearing. It shall be the duty of the probation officer to prepare a written social study report pursuant to subdivision (c) of Section 706.5, including an updated case plan, as described in Section 706.6, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social study report shall include all reports the probation officer relied upon in making their recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family agency, the facility or agency may provide the probation officer with a report containing its recommendations. Prior to any status review hearing involving the physical custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing the person's recommendations. The court shall consider all reports and recommendations filed pursuant to subdivision (c) and pursuant to this subdivision.

(e) At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement. If the minor or nonminor dependent is placed in a short-term residential therapeutic program on or after October 1, 2021, or a community treatment facility on or after July 1, 2022, the court shall consider the evidence and

documentation submitted in the social study pursuant to subparagraph (B) of paragraph (1) of subdivision (c) of Section 706.5 in making this determination.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor pursuant to Section 726.

(4) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(5) The likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative, or, if the minor is 16 years of age or older, referred to another planned permanent living arrangement.

(6) (A) In the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to successful adulthood.

(B) The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer's report and any other evidence relied upon in reaching its decision.

(7) (A) For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been declared a ward of the juvenile court pursuant to Section 601 or 602 for a year or longer whether the probation officer has taken the actions described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 366.

(B) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this paragraph.

(8) For a child who is 16 years of age or older or for a nonminor dependent, whether the probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(f) At any status review hearing prior to the first permanency hearing, after considering the admissible and relevant evidence, the court shall order

return of the minor to the physical custody of the minor's parent or legal guardian unless the court finds, by a preponderance of evidence, that the return of the minor to the minor's parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. In making its determination, the court shall review and consider the social study report, recommendations, and the case plan pursuant to subdivision (b) of Section 706.5, the report and recommendations of any child advocate appointed for the minor in the case, and any other reports submitted to the court pursuant to subdivision (d), and shall consider the efforts or progress, or both, demonstrated by the minor and family and the extent to which the minor availed themselves of the services provided.

(g) At all status review hearings subsequent to the first permanency planning hearing, the court shall consider the safety of the minor and make the findings and orders as described in paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The court shall either make a finding that the previously ordered permanent plan continues to be appropriate or shall order that a new permanent plan be adopted pursuant to subdivision (b) of Section 727.3. However, the court shall not order a permanent plan of "return to the physical custody of the parent or legal guardian after further reunification services are offered," as described in paragraph (2) of subdivision (b) of Section 727.3.

(h) The status review hearings required by subdivision (c) may be heard by an administrative review panel, provided that the administrative panel meets all of the requirements listed in subparagraph (B) of paragraph (7) of subdivision (d) of Section 727.4.

(i) (1) At any status review hearing at which a recommendation to terminate delinquency jurisdiction is being considered, or at the status review hearing held closest to the ward attaining 18 years of age, but no fewer than 90 days before the ward's 18th birthday, the court shall consider whether to modify its jurisdiction pursuant to Section 601 or 602 and assume transition jurisdiction over the minor pursuant to Section 450. The probation department shall address this issue in its report to the court and make a recommendation as to whether transition jurisdiction is appropriate for the minor.

(2) The court shall order the probation department or the minor's attorney to submit an application to the child welfare services department pursuant to Section 329 to declare the minor a dependent of the court and modify its jurisdiction from delinquency to dependency jurisdiction if it finds both of the following:

(A) The ward does not come within the description set forth in Section 450, but jurisdiction as a ward may no longer be required.

(B) The ward appears to come within the description of Section 300 and cannot be returned home safely.

(3) The court shall set a hearing within 20 judicial days of the date of its order issued pursuant to paragraph (2) to review the decision of the child

welfare services department and may either affirm the decision not to file a petition pursuant to Section 300 or order the child welfare services department to file a petition pursuant to Section 300.

(j) If a review hearing pursuant to this section is the last review hearing to be held before the minor attains 18 years of age, the court shall ensure that the minor's transitional independent living case plan includes a plan for the minor to meet one or more of the criteria in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, so that the minor can become a nonminor dependent, and that the minor has been informed of the minor's right to decline to become a nonminor dependent and to seek termination of the court's jurisdiction pursuant to Section 607.2.

SEC. 28. Section 2200 of the Welfare and Institutions Code is amended to read:

2200. (a) Commencing July 1, 2021, there is in the California Health and Human Services Agency the Office of Youth and Community Restoration.

(b) The office's mission is to promote trauma responsive, culturally informed services for youth involved in the juvenile justice system that support the youths' successful transition into adulthood and help them become responsible, thriving, and engaged members of their communities.

(c) The office shall have the following responsibility and authority:

(1) Once data becomes available as a result of the plan developed to Section 13015 of the Penal Code, develop a report on youth outcomes in the juvenile justice system.

(2) Identify policy recommendations for improved outcomes and integrated programs and services to best support delinquent youth.

(3) Identify and disseminate best practices to help inform rehabilitative and restorative youth practices, including education, diversion, re-entry, religious and victims' services.

(4) Provide technical assistance as requested to develop and expand local youth diversion opportunities to meet the varied needs of the delinquent youth population, including but not limited to sex offender, substance abuse, and mental health treatment.

(5) Report annually on the work of the Office of Youth and Community Restoration.

(d) The office shall have an ombudsperson that has the authority to do all of the following:

(1) Investigate complaints from youth.

(2) Decide, in its discretion, whether to investigate complaints from youth who are detained in the, or committed to, juvenile facilities, families, staff, and others about harmful conditions or practices, violations of laws and regulations governing facilities, and circumstances presenting an emergency situation, or refer complaints to another body for investigation.

(3) Publish and provide regular reports to the Legislature about complaints received and subsequent findings and actions taken, pursuant to Section 2200.5.

(4) Have access to, and review copies of, any record of a local agency, and contractors with local agencies, except personnel records legally required to be kept confidential. Access to records shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws. The ombudsperson shall be granted access to records during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the records of the facility.

(5) Meet or communicate privately with any youth in a juvenile facility and premises within the control of a county or local agency, or a contractor with a county or local agency. The ombudsperson shall provide forty-eight hour advance notice to the agency in direct control of the facility to meet with a youth. Access shall be in accordance with existing law and rules of court governing juvenile confidentiality and all other applicable laws.

(6) Disseminate information and provide training and technical assistance to youth who are involved in the juvenile justice system, social workers, probation officers, tribal child welfare agencies, child welfare organizations, children's and youth advocacy groups, consumer and service provider organizations, and other interested parties on the rights of youth involved in the juvenile justice system and the services provided by the ombudsperson. The rights shall include rights set forth in federal and state law and regulations for youth detained in or committed to juvenile justice facilities. The information shall include methods of contacting the ombudsperson and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(7) Access, visit, and observe juvenile facilities and premises within the control of a county, or local agency, or a contractor with a county, or local agency, serving youth involved in the juvenile justice system. The ombudsperson shall be granted access to the facilities during business hours with advance notice of a minimum of 48 hours to the agency in direct control of the facility.

(e) The Office of Youth and Community Restoration shall evaluate the efficacy of local programs being utilized for realigned youth. No later than July 1, 2025, the office shall report its findings to the Governor and the Legislature.

(f) Juvenile grants shall not be awarded by the Board of State and Community Corrections without the concurrence of the office. All juvenile justice grant administration functions in the Board of State and Community Corrections shall be moved to the office no later than January 1, 2025.

SEC. 29. Section 2200.2 is added to the Welfare and Institutions Code, to read:

2200.2. (a) If the office of the ombudsperson decides to investigate a complaint, or refer a complaint to another body for investigation, pursuant to paragraph (1) of subdivision (d) of Section 2200, the ombudsman shall notify the complainant of the intention to investigate or refer the complaint. If the ombudsperson declines to investigate a complaint or continue an investigation, the ombudsperson shall notify the complainant of the reason.

(b) The ombudsperson shall update the complainant on the progress of the investigation and the attempts to resolve the complaint, and notify the complainant of the final outcome. If appropriate, the office may also share the outcome of any investigation performed by the office with the youth's counsel.

(c) Except when there is a safety concern, the ombudsperson shall also notify the head of the agency against which a complaint was filed when it refers the matter for an investigation.

(d) The ombudsperson may resolve complaints, when possible, collaborating with facility administrators and staff to develop resolutions that may include training.

(e) (1) Information obtained by the office from a complaint, regardless of whether it is investigated by the office, referred to another entity for investigation, or determined not to be the proper subject of an investigation, shall remain confidential under relevant state and federal confidentiality laws. Disclosure of information that is not confidential under state and federal confidentiality laws shall occur only as necessary to carry out the mission of the office, including as necessary to provide explanation and support for the office's recommendations for improving the youth and community restoration system to the Legislature and state and local agencies that provide services and supports to youth placed in delinquency settings.

(2) The ombudsperson shall maintain confidentiality with respect to the identities of the complainants or witnesses coming before them, except insofar as disclosure may be necessary to enable the ombudsperson to carry out the duties of the office set forth in subdivisions (a) to (c), inclusive. The ombudsperson may not disclose a record that is confidential under relevant state and federal confidentiality laws.

(f) In order to encourage candor during the ombudsperson's investigation of complaints made by, or on behalf of, detained youths and to facilitate the ombudsperson's ability to resolve complaints, both of the following shall apply:

(1) The ombudsperson and their staff shall not be compelled to testify or be deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties, except as necessary to enforce or implement this chapter.

(2) The records of the ombudsperson and their staff, including notes, drafts, and records obtained from an individual or agency during the intake, review, or investigation of a complaint, and any reports not released to the public shall not be subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as necessary to enforce or implement the provisions of this chapter.

SEC. 30. Section 2200.5 is added to the Welfare and Institutions Code, to read:

2200.5. (a) The ombudsperson shall publish and provide regular reports to the Legislature about all data collected over the course of the year, including, but not limited to, contacts to the office, complaints received, including the type and source of those complaints, investigations performed

by the ombudsperson, the time to investigate and resolve complaints, the number and types of complaints referred to other agencies, the trends and issues that arose in the course of investigating complaints, pending complaints, and subsequent findings and actions taken, and a summary of the data received by the ombudsperson.

(b) The compiled data shall be posted so that it is available to the public on the office's existing internet website.

(c) The report shall comply with all confidentiality laws.

(d) Nothing shall preclude the ombudsperson from issuing data, findings, or reports other than the annual compilation of data described in this section or Section 2200.

SEC. 31. Section 2200.7 is added to the Welfare and Institutions Code, to read:

2200.7. (a) The office shall hire the necessary personnel to perform the functions of the ombudsperson. In hiring decisions, priority shall be given to people who were formerly detained or committed to a juvenile justice facility.

(b) When exercising the investigative, complaint resolution, and technical assistance functions of the ombudsperson of the Office of Youth and Community Restoration, the ombudsperson and their staff shall have all immunities under Article 2 (commencing with Section 815) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code afforded to the discharge of discretionary duties by public entities and their employees.

(c) If the ombudsperson believes, based on information received during the exercise of their official duties, that there is a breach of duty or misconduct by an employee of a state or local agency or their contractors in the conduct of the employees' official duties, the ombudsperson shall refer the matter to the agency director or other responsible officer, and, if the conduct would constitute a crime, to an appropriate law enforcement body or agency.

SEC. 32. Section 4094 of the Welfare and Institutions Code is amended to read:

4094. (a) The State Department of Mental Health shall establish, by regulations adopted at the earliest possible date, but no later than December 31, 1994, program standards for any facility licensed as a community treatment facility. This section shall apply only to community treatment facilities described in this subdivision.

(b) Commencing July 1, 2012, the State Department of Health Care Services may adopt or amend regulations pertaining to the program standards for any facility licensed as a community treatment facility.

(c) A certification of compliance issued by the State Department of Health Care Services shall be a condition of licensure for the community treatment facility by the State Department of Social Services. The department may, upon the request of a county, delegate the certification and supervision of a community treatment facility to the county department of mental health.

(d) The State Department of Health Care Services shall adopt regulations to include, but not be limited to, the following:

(1) Procedures by which the Director of Health Care Services shall certify that a facility requesting licensure as a community treatment facility pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code is in compliance with program standards established pursuant to this section.

(2) Procedures by which the Director of Health Care Services shall deny a certification to a facility or decertify a facility that is licensed as a community treatment facility pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, but no longer complying with program standards established pursuant to this section, in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) Provisions for site visits by the State Department of Health Care Services for the purpose of reviewing a facility's compliance with program standards established pursuant to this section.

(4) Provisions for the community care licensing staff of the State Department of Social Services to report to the State Department of Health Care Services when there is reasonable cause to believe that a community treatment facility is not in compliance with program standards established pursuant to this section.

(5) Provisions for the State Department of Health Care Services to provide consultation and documentation to the State Department of Social Services in any administrative proceeding regarding denial, suspension, or revocation of a community treatment facility license.

(e) The standards adopted by regulations pursuant to subdivisions (a) and (b) shall include, but not be limited to, standards for treatment, staffing, and for the use of psychotropic medication, discipline, and restraints in the facilities. The standards shall also meet the requirements of Section 4094.5.

(f) (1) A community treatment facility shall not be required by the State Department of Health Care Services to have 24-hour onsite licensed nursing staff, but shall retain at least one full-time, or full-time-equivalent, registered nurse onsite if all of the following are applicable:

(A) The facility does not use mechanical restraint.

(B) The facility only admits children who have been assessed, at the point of admission, by a licensed primary care provider and a licensed psychiatrist, who have concluded, with respect to each child, that the child does not require medical services that require 24-hour nursing coverage. For purposes of this section, a "primary care provider" includes a person defined in Section 14254, or a nurse practitioner who has the responsibility for providing initial and primary care to patients, for maintaining the continuity of care, and for initiating referral for specialist care.

(C) Other medical or nursing staff shall be available on call to provide appropriate services, when necessary, within one hour. In order for a placement in a community treatment facility to be funded with federal Aid to Families with Dependent Children-Foster Care on behalf of an eligible child, the facility shall maintain registered or licensed nursing staff and other licensed clinical staff who are onsite, according to the facility's

treatment model, and who are available 24 hours a day and 7 days a week. If consistent with the facility's treatment model, a community treatment facility may access the same nursing resources as those made available to a short-term residential therapeutic program pursuant to Section 4096.55.

(D) All direct care staff shall be trained in first aid and cardiopulmonary resuscitation, and in emergency intervention techniques and methods approved by the Community Care Licensing Division of the State Department of Social Services.

(2) The State Department of Health Care Services may adopt emergency regulations as necessary to implement this subdivision. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, and general welfare. The regulations shall be exempt from review by the Office of Administrative Law and shall become effective immediately upon filing with the Secretary of State. The regulations shall not remain in effect more than 180 days unless the adopting agency complies with all the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, as required by subdivision (e) of Section 11346.1 of the Government Code.

(g) During the initial public comment period for the adoption of the regulations required by this section, the community care facility licensing regulations proposed by the State Department of Social Services and the program standards proposed by the State Department of Health Care Services shall be presented simultaneously.

(h) A minor shall be admitted to a community treatment facility only if the requirements of Section 4094.5 of this code, Section 1530.9 of the Health and Safety Code, and either of the following conditions are met:

(1) The minor is within the jurisdiction of the juvenile court, and has made voluntary application for mental health services pursuant to Section 6552.

(2) Informed consent is given by a parent, guardian, conservator, or other person having custody of the minor.

(i) Any minor admitted to a community treatment facility shall have the same due process rights afforded to a minor who may be admitted to a state hospital, pursuant to the holding in In re Roger S. (1977) 19 Cal.3d 921. Minors who are wards or dependents of the court and to whom this subdivision applies shall be afforded due process in accordance with Section 6552 and related case law, including In re Michael E. (1975) 15 Cal.3d 183. Regulations adopted pursuant to Section 4094 shall specify the procedures for ensuring these rights, including provisions for notification of rights and the time and place of hearings.

SEC. 33. Section 4094.2 of the Welfare and Institutions Code is amended to read:

4094.2. (a) For the purpose of establishing payment rates for community treatment facility programs, the private nonprofit agencies selected to operate these programs shall prepare a budget that covers the total costs of providing residential care and supervision and mental health services for their proposed

programs. These costs shall include categories that are allowable under California's Foster Care program and existing programs for mental health services. They shall not include educational, nonmental health medical, and dental costs.

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

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

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

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

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

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

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

(d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the 2003–04 fiscal year, and the 2004–05 fiscal year, community treatment facility programs shall also be paid a community treatment facility supplemental rate of up to two thousand five hundred dollars ($2,500) per child per month on behalf of children eligible under the foster care program and children placed out of home pursuant to an individualized education program developed under former Section 7572.5 of the Government Code. Subject

to the availability of funds, the supplemental rate shall be shared by the state and the counties. Counties shall be responsible for paying a county share of cost equal to 60 percent of the community treatment rate for children placed by counties in community treatment facilities and the state shall be responsible for 40 percent of the community treatment facility supplemental rate. The community treatment facility supplemental rate is intended to supplement, and not to supplant, the payments for which children placed in community treatment facilities are eligible to receive under the foster care program and the existing programs for mental health services.

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

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

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

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

(i) The State Department of Health Care Services and the State Department of Social Services may adopt emergency regulations necessary to implement joint protocols for the oversight of community treatment facilities, to modify existing licensing regulations governing reporting requirements and other procedural and administrative mandates to take into account the seriousness and frequency of behaviors that are likely to be exhibited by seriously emotionally disturbed children placed in community treatment facility programs, to modify the existing foster care ratesetting regulations, and to pay the community treatment facility supplemental rate. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, and general welfare. The regulations shall become effective immediately upon filing with the Secretary of State. The regulations shall not remain in effect more than 180 days unless the adopting agency complies with all the provisions of Chapter 3.5 (commencing with Section 11340) of

Part 1 of Division 3 of Title 2 of the Government Code, as required by subdivision (e) of Section 11346.1 of the Government Code.

SEC. 34. Section 4094.5 of the Welfare and Institutions Code is amended to read:

4094.5. Regulations for community treatment facilities adopted pursuant to Section 4094 shall include, but not be limited to, the following:

(a) Only seriously emotionally disturbed children, as defined in Section 5699.2, either (1) for whom other less restrictive mental health interventions have been tried, as documented in the case plan, or (2) who are currently placed in an acute psychiatric hospital or state hospital or in a facility outside the state for mental health treatment, and who may require periods of containment to participate in, and benefit from, mental health treatment, shall be placed in a community treatment facility. For purposes of this subdivision, lesser restrictive interventions shall include, but are not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling.

(b) A facility shall have the capacity to provide secure containment. For purposes of this section, a facility or an area of a facility shall be defined as secure if residents are not permitted to leave the premises of their own volition. All or part of a facility, including its perimeter, but not a room alone, may be locked or secure. If a facility uses perimeter fencing, all beds within the perimeter shall be considered secure beds. All beds outside of a locked or secure wing or facility shall be considered nonsecure beds.

(c) A locked or secure program in a facility shall not be used for disciplinary purposes, but shall be used for the protection of the minor. It may be used as a treatment modality for a child needing that level of care. The use of the secure facility program shall be for as short a period as possible, consistent with the child's case plan and safety. The department shall develop regulations governing the oversight, review, and duration of the use of secure beds.

(d) Fire clearance approval shall be obtained pursuant to Section 1531.2 of the Health and Safety Code.

(e) (1) Prior to admission, any child admitted to a community treatment facility shall have been certified as seriously emotionally disturbed, as defined in Section 5699.2, by a licensed mental health professional.

(A) Except in the case of placement on an emergency basis, as described in subdivision (i) of Section 4096, any child who is a dependent or ward of the juvenile court, is the subject of a petition filed pursuant to Section 300, has been detained pursuant to Section 636, or is voluntarily placed and the placement is funded by the Aid to Families with Dependent Children-Foster Care program, shall, prior to admission, have been determined by a county interagency placement committee to require placement in the community treatment facility, as prescribed by subdivision (e) of Section 4096. A copy of the interagency placement committee determination shall be provided to the facility.

(B) Any child who is a dependent or ward of the juvenile court, is the subject of a petition filed pursuant to Section 300, has been detained pursuant

to Section 636, or is voluntarily placed and the placement is funded by the Aid to Families with Dependent Children-Foster Care program, shall be assessed by a qualified individual, as defined in subdivision (*l*) of Section 16501, pursuant to subdivision (g) of Section 4096, as needing the level of care provided by a community treatment facility. The assessment by the qualified individual shall occur prior to the child's admission to the facility, or, if delaying placement for the qualified individual's assessment would be contrary to the child's well-being, within 30 days after the child began physically residing in the facility. A copy of the completed assessment shall be provided to the facility.

(C) Federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the treatment is medically necessary. Federal financial participation under the Medi-Cal program shall not be claimed for medical assistance expenditures relating to minors or nonminors detained in a juvenile justice facility, unless expressly permitted under the federal law, or approved under the CalAIM Terms and Conditions as defined in subdivision (c) of Section 14184.101 or the approved terms and conditions of a successor waiver or demonstration project.

(2) Any county cost associated with the certification and the determination provided for in paragraph (1) may be billed as a utilization review expense.

SEC. 35. Section 4096 of the Welfare and Institutions Code is amended to read:

4096. (a) This section governs interagency placement committees related to the placement of dependents and wards into short-term residential therapeutic programs, as specified in Section 11462.01, in a community treatment facility, as defined in paragraph (8) of subdivision (a) of Section 1502 of the Health and Safety Code, or in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code.

(1) Interagency collaboration and children's program services shall be structured in a manner that will facilitate implementation of the goals of Part 4 (commencing with Section 5850) of Division 5 to develop protocols outlining the roles and responsibilities of placing agencies and programs regarding nonemergency placements of foster children in certified residential therapeutic programs.

(2) Components shall be added to state-county performance contracts required in Section 5650 that provide for reports from counties on how this section is implemented.

(3) The State Department of Health Care Services shall develop performance contract components required by paragraph (2).

(4) Performance contracts subject to this section shall document that the procedures to be implemented in compliance with this section have been approved by the county social services department and the county probation department.

(b) Funds specified in subdivision (a) of Section 17601 for services to wards of the court and dependent children of the court shall be allocated

and distributed to counties based on the number of wards of the court and dependent children of the court in the county.

(c) A county may utilize funds allocated pursuant to subdivision (b) only if the county has established an operational interagency placement committee with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health. If necessary, the funds may be used for costs associated with establishing the interagency placement committee.

(d) Funds allocated pursuant to subdivision (b) shall be used to provide services to wards of the court and dependent children of the court jointly identified by county mental health, social services, and probation departments as the highest priority. Every effort shall be made to match those funds with funds received pursuant to Title XIX of the federal Social Security Act, contained in Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(e) (1) Each interagency placement committee shall establish procedures whereby a ward of the court or dependent child of the court, a child who is the subject of a petition filed pursuant to Section 300, a child detained pursuant to Section 636, or a voluntarily placed child whose placement is funded by the Aid to Families with Dependent Children-Foster Care program, who is to be placed or is currently placed in a program, as specified in subdivision (a), shall be determined to meet one of the following:

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

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

(C) The child's or ward's individual behavioral or treatment needs can only be met by the level of care provided in a program, as specified in subdivision (a).

(2) The determination required by paragraph (1) shall do all of the following:

(A) Ensure that the care and services that the child needs, including any care or service needs determined by the qualified individual assessment, are provided by a program, as specified in subdivision (a), and include documentation regarding how medically necessary Medi-Cal specialty mental health services will be provided in a provisionally licensed program.

(B) Ensure that the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(C) Consider the detailed history that shall be provided by the placing agency outlining behavior that may pose a threat to the health or safety of that child and the other children residing in the program and consider any potential interference with the effectiveness of the care and services provided to that child and the other children residing in the program, as specified in subdivision (a).

(D) Describe additional safety measures and therapeutic interventions needed to mitigate identified challenging behaviors or risks to the safety of the child and other children in the facility.

(E) Present the determination to the placing agency within five business days of the referral.

(3) This subdivision does not prohibit an interagency placement committee from considering an assessment that was provided by a licensed mental health professional, as described in subdivision (j), and that was developed consistent with procedures established by the county pursuant to paragraph (1).

(4) The State Department of Health Care Services and the State Department of Social Services shall develop a dispute resolution process or utilize an existing dispute resolution process currently operated by each department to jointly review a disputed interagency placement committee determination made pursuant to this subdivision. The departments shall report the developed or utilized dispute resolution process to the appropriate policy and fiscal committees of the Legislature no later than January 1, 2017, and shall track the number of disputes reported and resolved, and provide that information to the Legislature annually as part of the State Budget process. 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 departments may issue guidance on the joint review process for dispute resolution by written directive.

(f) The interagency placement committee shall document the results of the determination required by subdivision (e) and shall notify the appropriate provider in writing, of those results within 10 days of the completion of the determination.

(g) (1) For a placement in a short-term therapeutic residential program, a community treatment facility, as defined in paragraph (8) of subdivision (a) of Section 1502 of the Health and Safety Code, or in an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, made on or after October 1, 2021, a qualified individual, as defined pursuant to subdivision (*l*) of Section 16501, shall conduct an assessment pursuant to this subdivision if the child is placed by a county child welfare or probation placing agency.

(2) (A) Unless the placement is an emergency placement pursuant to paragraph (3) of subdivision (h) of Section 11462.01, the qualified individual shall conduct an independent assessment and determination regarding the needs of the child prior to placement in a short-term therapeutic residential program, in a community treatment facility, or in an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code. In the event of an emergency placement, the qualified individual shall conduct the independent assessment and determination regarding the needs of the child within 30 days of the start of the placement.

(B) In connection with the activities required by the qualified individual, placing agencies shall adopt, and all parties to the child's case shall utilize,

the universal release of information identified by the State Department of Social Services and the State Department of Health Care Services.

(3) The assessment conducted by the qualified individual shall include, at a minimum, all of the following:

(A) Engagement with the child and family team members and, in the case of an Indian child, the Indian child's tribe, in conducting the assessment.

(B) An assessment of the strengths and needs of the child or nonminor dependent, using an age-appropriate, evidence-based, validated, functional assessment tool and methodology approved by the State Department of Social Services and the State Department of Health Care Services. If the authorized assessment tool has already been completed as part of the child and family team within two months of the referral to a qualified individual, the qualified individual may utilize or update those results at the discretion of the qualified individual. If the assessment tool was completed more than two months before the referral to a qualified individual, the qualified individual shall update those results.

(C) The identification of the child-specific short- and long-term mental and behavioral health goals and treatment needs of the child.

(D) In the case of an Indian child, the qualified individual's efforts to consult with the child's tribe. The qualified individual shall consult and confer with a representative of the child's tribe or, at the direction of the tribal representative, the qualified expert witness, as described in Section 224.6. Such consultation shall include, but not be limited to, determination of the social and cultural standards of the Indian child's tribe.

(4) The qualified individual shall determine and document the following in writing:

(A) Whether the assessed needs of the child or nonminor dependent can be met with family members, in a tribally approved home in the case of an Indian child, or in another family-based setting.

(B) If the child or nonminor dependent's needs cannot be met with family members, in a tribally approved home in the case of an Indian child, or in another family-based setting, all of the following:

(i) Why the needs of the child cannot be met with family members of the child or in another family-based setting identified by the placing agency, or in a tribally approved home in the case of an Indian child.

(ii) Why a short-term residential therapeutic program, or, where applicable, a community treatment facility, as defined in paragraph (8) of subdivision (a) of Section 1502 of the Health and Safety Code, or an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment.

(iii) How a short-term residential therapeutic program intervention, or, where applicable, the program intervention of a community treatment facility or an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, is consistent with the short- and long-term goals for the child, as specified in the permanency plan

for the child, and for an Indian child, will meet the child's needs consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(iv) The mental and behavioral health interventions and treatment that the program will implement to improve functioning and well-being and, for an Indian child, how the interventions and treatment will be conducted in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(v) Any known multiagency care coordination needs that should be planned for during discharge and aftercare planning, as developed pursuant to Section 4096.6, upon the child's transition to a family-based setting.

(C) The engagement with the child and family team members and, in the case of an Indian child, the Indian child's tribe.

(5) The assessment of the qualified individual does not replace or replicate existing case planning or case management activities, roles, and responsibilities of the county placing agency caseworker in preparation of the child's case plan pursuant to Section 16501.1 or requirements of the interagency placement committee established pursuant to this section.

(6) The qualified individual shall provide the assessment required by paragraph (3) and the report required by paragraph (4) to the county placing agency and the short-term residential therapeutic program, or, where applicable, the community treatment facility, as defined in paragraph (8) of subdivision (a) of Section 1502 of the Health and Safety Code, or the out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, in which the child or nonminor dependent is or will be placed.

(7) It is the intent of the Legislature that the assessments of a qualified individual provided pursuant to this subdivision are provided as specialty mental health services, whenever possible, consistent with all state and federal Medicaid requirements.

(8) For purposes of subparagraph (K) of paragraph (1) of subdivision (a) of Section 827, a qualified individual shall be considered a member of the child's multidisciplinary team.

(h) (1) The State Department of Social Services and the State Department of Health Care Services shall issue joint guidance that shall include, but not be limited to, all of the following:

(A) The statewide standards and approval requirements for qualified individuals, as defined in subdivision (*l*) of Section 16501.

(B) The requirements for referrals to, and the assessment conducted by, the qualified individual pursuant to subdivision (g).

(C) Documentation requirements necessary to meet state and federal child welfare requirements and documentation requirements for Medi-Cal specialty mental health activities conducted by the qualified individual.

(D) The applicable state and federal privacy and confidentiality laws that permit or limit the dissemination of the assessment of the qualified individual developed pursuant to subdivision (g).

(2) The guidance issued pursuant to this subdivision shall be issued on or before July 31, 2021.

(i) Nothing in this section shall be interpreted to prevent a county placing agency from making a placement in a short-term residential therapeutic program or a community treatment facility on an emergency basis, as permitted pursuant to subdivision (h) of Section 11462.01, prior to the determination by the interagency placement committee pursuant to this section.

(j) If the child's or youth's placement is not funded by the Aid to Families with Dependent Children-Foster Care program a licensed mental health professional, or an otherwise recognized provider of mental health services, shall certify that the child has been assessed as meeting the medical necessity criteria for Medi-Cal specialty mental health Early and Periodic Screening, Diagnosis, and Treatment services, as the criteria are described in Section 1830.210 of Title 9 of the California Code of Regulations, or assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3. A "licensed mental health professional" includes a physician licensed under Section 2050 of the Business and Professions Code, a licensed psychologist within the meaning of subdivision (a) of Section 2902 of the Business and Professions Code, a licensed clinical social worker within the meaning of subdivision (a) of Section 4996 of the Business and Professions Code, a licensed marriage and family therapist within the meaning of subdivision (b) of Section 4980 of the Business and Professions Code, or a licensed professional clinical counselor within the meaning of subdivision (e) of Section 4999.12.

(k) (1) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(2) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of this section shall be exempt from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

SEC. 36. Section 4096.6 of the Welfare and Institutions Code is amended to read:

4096.6. (a) For the purpose of this section, "family-based aftercare services" means an array of integrated services and supports that meets all of the following specifications:

(1) Are provided to or on behalf of a child for at least six months postdischarge from a short-term residential therapeutic program, a community treatment facility, or an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code. Federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the service is medically necessary, regardless of the six months postdischarge requirement.

(2) Are family-based and implemented as part of an individualized, child-specific transition plan in a manner that supports the child's permanency plan and incorporates the recommendations of the qualified individual.

(3) No later than October 1, 2022, meet the standards established pursuant to subdivision (c).

(b) (1) On and after October 1, 2021, each county child welfare agency, probation department, and mental health plan, in consultation with the local interagency leadership team established pursuant to Section 16521.6, shall jointly provide, arrange for, or ensure the provision of, at least six months of aftercare services for youth in the placement and care responsibility of the county child welfare or county probation agency who are discharged from a short-term residential therapeutic program, or from an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, to a family-based setting. Federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the service is medically necessary, regardless of the six months postdischarge requirement.

(2) On and after July 1, 2022, each county child welfare agency, probation department, and mental health plan, in consultation with the local interagency leadership team established pursuant to Section 16521.6, shall jointly provide, arrange for, or ensure the provision of, at least six months of aftercare services for youth in the placement and care responsibility of the county child welfare or county probation agency who are discharged from a community treatment facility, as defined in subparagraph (A) of paragraph (8) of subdivision (a) of Section 1502 of the Health and Safety Code, to a family-based setting. Federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the service is medically necessary, regardless of the six months postdischarge requirement.

(3) No later than October 1, 2021, county agencies shall leverage existing wraparound programs and other resources to provide at least six months of family-based aftercare services, while planning and incrementally implementing the standards established pursuant to subdivision (c).

(4) No later than October 1, 2023, or 12 months from the date the department issues written policy guidance regarding subdivision (c), whichever occurs later, county agencies shall jointly provide, arrange for, or ensure the provision of, at least 6 months of family-based aftercare services consistent with the minimum requirements established pursuant to subdivision (c).

(c) (1) The State Department of Social Services and the State Department of Health Care Services shall establish, through regulation, statewide minimum standards for family-based aftercare services. Minimum standards shall be informed by stakeholder advisory groups convened by the State Department of Social Services and the State Department of Health Care Services and shall require, but shall not be limited to, all of the following:

(A) The use of a California high-fidelity wraparound model, approved by the State Department of Social Services and consistent with the California Wraparound Standards and Chapter 4 (commencing with Section 18250) of Part 6 of Division 9, for aftercare services.

(B) A process through which a provider shall be certified to provide family-based aftercare services.

(C) Guidelines for ensuring each child, minor, or nonminor dependent discharged from a short-term residential therapeutic program, a community treatment facility, or an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, to family-based care is provided aftercare services pursuant to this section, including process guidance for circumstances in which children, minors, or nonminor dependents reside outside the county of jurisdiction.

(D) Workforce development, training, and curriculum requirements.

(E) Funding planning, which shall include, but not be limited to, controls and documentation to ensure that federal financial participation under the Medi-Cal program is only claimed if all state and federal requirements are met and the service is medically necessary.

(F) Data collection and outcome measures.

(2) No later than August 1, 2021, the State Department of Social Services, in partnership with the State Department of Health Care Services and in consultation with the County Behavioral Health Directors Association of California, the County Welfare Directors Association of California, Chief Probation Officers of California, tribes, child welfare advocates, providers, current or former foster children or youth, caregivers, and other interested stakeholders, shall issue guidance necessary to implement this section.

(d) Each county shall submit a plan to the State Department of Social Services and the State Department of Health Care Services for the provision of family-based aftercare services as follows:

(1) No later than October 1, 2021, each county shall submit a plan for the provision of family-based aftercare services in compliance with paragraph (3) of subdivision (b), including, but not limited to, how existing programs and resources will be leveraged to provide interim aftercare services until full implementation of subdivision (c).

(2) No later than October 1, 2023, or 12 months from the date the department issues written policy guidance regarding subdivision (c), whichever occurs later, each county shall update and submit its plan for the provision of family-based aftercare services in compliance with the requirements of paragraph (4) of subdivision (b) and consistent with the standards established pursuant to subdivision (c) and shall submit updates to the departments based on any modifications to its local plan.

(3) The State Department of Social Services and the State Department of Health Care Services, or its designee, shall jointly review and approve county plans and updates to plans for family-based aftercare services.

(4) A county participating in an individualized or wraparound services program shall submit the plan for family-based aftercare services as a part

of the plan developed pursuant to Chapter 4 (commencing with Section 18250) of Part 6 of Division 9.

(e) For this section, federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the service is medically necessary, regardless of the six-month postdischarge requirement.

(f) The State Department of Health Care Services may issue guidance on the conditions under which federal financial participation is available for Medi-Cal services that intersect with the implementation of this section. Medi-Cal services shall only be claimed to the extent that any necessary federal approvals are obtained and medical assistance federal financial participation is available and is not otherwise jeopardized. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may implement, interpret, or make specific this section concerning the provision of Medi-Cal services by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

(g) (1) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

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

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

SEC. 37. Chapter 7 (commencing with Section 4362) of Part 3 of Division 4 of the Welfare and Institutions Code is repealed.

SEC. 38. Section 8151.5 is added to the Welfare and Institutions Code, to read:

8151.5. This chapter shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 39. Article 5 (commencing with Section 9156) is added to Chapter 2 of Division 8.5 of the Welfare and Institutions Code, to read:

Article 5. Comprehensive Act for Families and Caregivers of Cognitively Impaired Adults

9156. The Legislature finds all of the following:

(a) Across California, approximately 4,500,000 family caregivers support adult loved ones who seek to remain at home and avoid institutionalization.

Of these, more than 1,100,000 family caregivers are caring for someone with Alzheimer's disease or related dementia, usually with little support or training.

(b) Caring for a loved one with a cognitive disorder or another disabling condition can be very challenging, causing financial pressure, health problems, and emotional distress.

(c) The California Caregiver Resource Centers (CRCs) provide services to family caregivers of adults affected by chronic and debilitating health conditions, including dementia, Alzheimer's disease, cerebrovascular diseases, degenerative diseases such as Parkinson's disease, Huntington's disease and multiple sclerosis, or traumatic brain injury, among others.

(d) California's CRC system supports caregivers in their critical and increasingly complex roles through assessment, care planning, direct care skills, wellness programs, respite services, and legal or financial consultation. These supports are important in helping caregivers navigate the complex health and social needs of loved ones.

(e) The CRC network is vital to supporting California's 4,500,000 diverse caregivers, which will only continue to grow as the state's population ages.

(f) The state shall support family caregivers by funding and implementing the California CRCs.

9157. As used in this chapter:

(a) "Caregiver" means any unpaid family member or individual who assumes responsibility for the care of a cognitively impaired adult with chronic and debilitating health conditions, including dementia, Alzheimer's disease, cerebrovascular diseases such as stroke or aneurysm, degenerative diseases such as Parkinson's disease, Huntington's disease, and multiple sclerosis, or traumatic brain injury.

(b) "Cognitive impairment" means significant destruction of brain tissue with resultant loss of brain function. Examples of causes of the impairments include dementia, Alzheimer's disease, cerebrovascular diseases such as stroke or aneurysm, degenerative diseases such as Parkinson's disease, Huntington's disease, and multiple sclerosis, or traumatic brain injury.

(c) "Cognitively impaired adult" means a person whose cognitive impairment has occurred on or after 18 years of age.

(d) "CRC" means a caregiver resource center.

(e) "Department" means the California Department of Aging.

(f) "Family member" means any relative, partner, or court-appointed guardian or conservator who is responsible for the care of a cognitively impaired adult.

(g) "Respite care" means substitute care or supervision in support of the caregiver for the purposes of providing relief from the stresses of providing constant care and so as to enable the caregiver to pursue a normal routine and responsibilities. Respite care may be provided in the home or in an out-of-home setting, such as adult daycare centers or short-term placements in licensed residential care, skilled nursing, or inpatient facilities.

9158. The department shall administer this chapter and establish standards and procedures as the director deems necessary in carrying out

the provisions of this chapter. The standards and procedures are not required to be adopted as regulations pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

9159. (a) The department shall do all of the following:

(1) Maintain or enter into contracts directly with nonprofit CRCs to provide direct services to caregivers throughout the state in the existing geographic service areas.

(2) Require the CRCs to maintain a CRC Operations Manual that defines CRC services and procedures and identifies CRC duties and responsibilities.

(b) The department may enter into any contracts under this chapter on a bid or noncompetitive bid basis. These contracts shall be exempt from Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

9160. (a) Agencies designated as CRCs by the department shall include in their governing or advisory boards, or both, as required by the department, persons who are representative of the ethnic and socioeconomic demographic of the area served and reflective of the client groups served in the geographic area.

(b) Criteria to be used in selecting CRCs shall include, but not be limited to, the following:

(1) Fiscal stability and sound financial management, including the capability of successful fundraising.

(2) Ability to obtain community support for designation as a CRC within the existing statewide regions recommended by the department.

(3) Ability to carry out the functions specified in Section 9161, particularly in delivering necessary programs and services to caregivers taking care of cognitively impaired adults, as defined in subdivision (c) of Section 9157.

9161. (a) The CRCs shall deliver services to and advocate for caregivers of cognitively impaired adults, as established in the CRC Operations Manual.

(b) These services shall include, but not be limited to, all of the following:

(1) Specialized and accessible information on chronic and disabling conditions and diseases, aging, caregiving issues, and community resources.

(2) Family consultation. Professional staff shall work with families and caregivers to provide support, alleviate stress, examine options, and enable them to make decisions related to the care of cognitively impaired adults. Clinical staff shall provide an assessment of caregiver needs, short- and long-term care planning, and ongoing consultation.

(3) Respite care. The CRCs shall arrange respite services to relieve caregivers of the stress of constant care.

(4) Short-term counseling. The CRCs shall provide short-term individual or group counseling sessions to caregivers seeking emotional support, skill development, and strategies to better cope with their caregiving situation.

(5) Support groups. The CRCs shall offer support groups that enable caregivers to share experiences and ideas to ease the stress of their caregiving role.

(6) Legal and financial consultation, including professional legal assistance or referrals to professional legal assistance, that can help caregivers with a variety of issues, including estate planning, trusts, wills, conservatorships, and durable powers of attorney.

(7) Education and training. The CRCs shall organize and conduct education for groups of caregivers and community professionals on a variety of topics related to caregiving.

(c) The amount of each of the services specified in subdivision (b) that are provided shall be determined by local needs and available resources.

(d) Persons receiving services pursuant to this chapter may be required to contribute to the cost of services depending upon their ability to pay, but not to exceed the actual cost thereof.

9162. Each CRC shall submit progress reports on its activities as required by the department. These reports shall include, but not be limited to, a summary and evaluation of the activities of the CRC. Client, caregiver, service, and cost data shall be provided for each operating CRC.

9163. The department shall administer the statewide caregiver resource center program as a distinct state-level program separate from Title III of the federal Older Americans Act (42 U.S.C. Sec. 3021 et seq.).

SEC. 40. Section 10609.4 of the Welfare and Institutions Code is amended to read:

10609.4. (a) On or before July 1, 2000, the State Department of Social Services, in consultation with county and state representatives, foster youth, and advocates, shall do both of the following:

(1) Develop statewide standards for the implementation and administration of the Independent Living Program established pursuant to the federal Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272).

(2) Define the outcomes for the Independent Living Program and the characteristics of foster youth enrolled in the program for data collection purposes.

(b) Consistent with federal law and reporting requirements, each county department of social services shall submit to the department an annual Independent Living Program report, which shall include the following:

(1) An accounting of federal and state funds expended for implementation of the program. A county shall spend no more than 30 percent of federal Independent Living Program funds on housing. Expenditures shall be related to the specific purposes of the program. It is the intent of the Legislature that the department, in consultation with counties, shall develop a process for reporting that satisfies federal law and reporting requirements. Program purposes may include, but are not limited to, all of the following:

(A) Enabling participants to seek a high school diploma or its equivalent or to take part in appropriate vocational training, and providing job readiness training and placement services, or building work experience and marketable skills, or both.

(B) Providing training in daily living skills, budgeting, locating and maintaining housing, and career planning.

(C) Providing for individual and group counseling.

(D) Integrating and coordinating services otherwise available to participants.

(E) Providing each participant with a written transitional independent living plan that will be based on an assessment of the participant's needs, that includes information provided by persons who have been identified by the participant as important to the participant in cases in which the participant has been in out-of-home placement for six months or longer from the date the participant entered foster care, consistent with the participant's best interests, and that will be incorporated into their case plan.

(F) Providing participants who are within 90 days of attaining 18 years of age, or older as the state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec. 675(8)(B)(iii)), including those former foster care youth receiving Independent Living Program Aftercare Services, the opportunity to complete the exit transition plan as required by paragraph (16) of subdivision (f) of Section 16501.1.

(G) Providing participants with other services and assistance designed to improve independent living.

(H) Convening persons who have been identified by the participant as important to them for the purpose of providing information to be included in their written transitional independent living plan.

(2) Counties shall ensure timely and accurate data entry into the statewide child welfare information system for all youth receiving services pursuant to this section.

(3) Counties shall ensure that eligible foster care youth continue to receive information about, and are provided with an opportunity to complete, the National Youth in Transition Database (NYTD) survey, based on an updated process that shall be developed jointly by the department, in consultation with counties to ensure maximum participation in the survey completion and compliance with federal requirements, as follows:

(A) Counties shall provide information to the youth about the NYTD survey within 60 days prior to the date the current or former foster youth is required to be offered the survey.

(B) Within 45 days following the youth in foster care turning 17 years of age, counties shall ensure that each youth has an opportunity to complete the NYTD survey as required by federal law.

(C) Counties shall contact the youth who completed the survey at age 17, in order to request that they complete the followup survey before their 19th and 21st birthdays.

(D) Counties shall provide opportunities for current and former eligible foster youth to take the NYTD survey online at child welfare services and probation offices.

(c) The county department of social services in a county that provides transitional housing placement services pursuant to paragraph (2) of subdivision (a) of Section 11403.2 shall include in its annual Independent Living Program report a description of currently available transitional housing resources in relation to the number of emancipating pregnant or

parenting foster youth in the county, and a plan for meeting any unmet transitional housing needs of the emancipating pregnant or parenting foster youth.

(d) In consultation with the department, a county may use different methods and strategies to achieve the standards and outcomes of the Independent Living Program developed pursuant to subdivision (a).

(e) In consultation with the County Welfare Directors Association, the California Youth Connection, and other stakeholders, the department shall develop and adopt emergency regulations, no later than July 1, 2012, in accordance with Section 11346.1 of the Government Code that counties shall be required to meet when administering the Independent Living Program and that are achievable within existing program resources and any federal funds available for case management and case plan review functions for nonminor dependents, as provided for in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). The initial adoption of emergency regulations and one readoption of the initial regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Initial emergency regulations and the first readoption of those regulations shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the first readoption of those regulations authorized by this subdivision shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days.

(f) The department, in consultation with representatives of the Legislature, the County Welfare Directors Association, the Chief Probation Officers of California, the Judicial Council, representatives of tribes, the California Youth Connection, former foster youth, child advocacy organizations, labor organizations, dependency counsel for children, juvenile justice advocacy organizations, foster caregiver organizations, and researchers, shall review and develop modifications needed to the Independent Living Program to also serve the needs of nonminor dependents, as defined in subdivision (v) of Section 11400, eligible for services pursuant to Section 11403. These modifications shall include the exit transition plan required to be completed within the 90-day period immediately prior to the date the nonminor participant attains the age that would qualify the participant for federal financial participation, as described in Section 11403, pursuant to Section 675(5)(H) of Title 42 of the United States Code. Notwithstanding the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, through June 30, 2012, the department shall prepare for implementation of the applicable provisions of this section by publishing all-county letters or similar instructions from the director by October 1, 2011, to be effective January 1, 2012.

(g) Beginning in the 2011–12 fiscal year and for each fiscal year thereafter, funding and expenditures for programs and activities required

under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

SEC. 41. Section 11004.1 of the Welfare and Institutions Code is amended to read:

11004.1. (a) In addition to Section 11004, this section shall apply to the CalWORKs program.

(b) The amount of any CalWORKs grant overpayment shall be the difference between the grant amount the assistance unit actually received and the grant amount the assistance unit would have received under the semiannual reporting, prospective budgeting system if a county error had not occurred and if the recipient had timely, completely, and accurately reported, as required under Sections 11265.1 and 11265.3. An overpayment shall not be established based on any differences between the amount of income the county prospectively determined for the recipient for the semiannual reporting period and the income the recipient actually received during that period, provided the recipient's report was complete and accurate.

(c) A CalWORKs grant underpayment shall not be established based on any differences between the amount of income the county prospectively determined for the recipient for the semiannual reporting period and the income the recipient actually received during that period.

(d) (1) This section shall become operative on April 1, 2013. A county shall implement the semiannual reporting requirements in accordance with the act that added this section no later than October 1, 2013.

(2) Upon implementation described in paragraph (1), each county shall provide a certificate to the director certifying that semiannual reporting has been implemented in the county.

(3) Upon filing the certificate described in paragraph (2), a county shall comply with the semiannual reporting provisions of this section.

(e) (1) Commencing August 1, 2021, a CalWORKs overpayment that is established for a current CalWORKs case on or after that date, shall be classified as an administrative error if any overpaid benefit month or months occurred during the period between April 2020 and the end of the Governor's proclamation of a state of emergency related to the COVID-19 pandemic, or June 30, 2022, whichever date is sooner.

(2) If an overpayment is classified as an administrative error pursuant to paragraph (1), and the overpayment also includes overpaid months before or after the period specified in paragraph (1), the entire overpayment shall be classified as an administrative error.

(3) An overpayment classified as an administrative error pursuant to this subdivision shall not be reclassified after the state of emergency related to the COVID-19 pandemic ends, but shall remain an administrative error, unless the overpayment is determined to be fraudulent.

SEC. 42. Section 11266 of the Welfare and Institutions Code is amended to read:

11266. (a) At the time of application, the county shall determine whether the applicant needs immediate assistance because the applicant does not

have sufficient resources to meet their emergency needs, and shall determine whether the applicant is apparently eligible for aid under this chapter.

(1) The county shall determine that the applicant needs immediate assistance if the family's total available liquid resources, both nonexempt and exempt, are less than one hundred dollars ($100) and there is an emergency situation, whether foreseeable or not. Examples of emergency situations include, but are not limited to, lack of housing, lack of food, notice of termination or loss of utility service, lack of essential clothing (including diapers), and inability to meet essential transportation needs.

(2) Apparent eligibility exists when evidence presented by the applicant or which is otherwise available to the county welfare department and the information provided on the application documents indicate that there would be eligibility for aid under this chapter if the evidence and information were verified. An applicant who is not a citizen or national of the United States and who does not provide verification of their eligible immigration status shall not be considered to be apparently eligible under this subdivision.

(b) If an applicant needs immediate assistance, and is apparently eligible for aid as defined in subdivision (a), the county shall pay the applicant two hundred dollars ($200) or the maximum amount for which that applicant is eligible, whichever is less. The advance payment shall be made by the end of the first working day following the request for that aid. The county shall verify the applicant's eligibility for aid within 15 working days of the date that immediate need is requested, and advance payments made under this section shall be offset against the first grant payment made to the recipient.

(c) An applicant's receipt of a notice of eviction, including a three-day notice to pay or quit, shall constitute an emergency situation under subdivision (a), irrespective of the one hundred dollar ($100) resource test, if the applicant has insufficient income or resources to pay the rent owing. In those cases, the county shall give the applicant the option of receiving an immediate advance on the grant as described in subdivision (b), or an expedited determination of eligibility for aid. Before an applicant decides between these two options, the county shall fully apprise the applicant, in writing, of all information necessary to establish eligibility for aid. If an applicant requests expedited determination of eligibility for aid, the county shall complete the determination of eligibility for aid under this chapter, and, if the applicant is determined to be eligible, issue payment of the full prorated grant no more than three working days from the request for immediate need. If the eligibility determination is not made within this three-day period, the county shall immediately pay the applicant two hundred dollars ($200) or the maximum amount for which the applicant is eligible, whichever is less, as specified in subdivisions (a) and (b). The county shall verify the applicant's eligibility within 15 working days of the date of the request for immediate assistance, and advance payments made under this subdivision shall be offset against the first grant payment made to the recipient.

(d) (1) The county may deny an immediate advance payment if the applicant's only immediate need is homelessness and this need will be met

by issuance of nonrecurring special needs payment in accordance with subdivision (f) of Section 11450, or if the applicant's only immediate need is lack of food and this need will be met by issuance of CalFresh benefits within one working day of the request therefor. With regard to all other immediate needs, an advance payment may be denied and the applicant referred to another public or private program or resource, if all of the following conditions are met:

(A) Not more than one referral is made and the referral, when made, is to meet no more than one need.

(B) The county has verified in advance that the specific need can be satisfactorily addressed by the other program or resource immediately.

(C) Travel to the other program or resource will not impose a hardship on the applicant.

(2) If, for any reason, the other program or resource does not satisfactorily meet the applicant's need, the applicant shall be immediately issued an advance payment, as specified in subdivision (b).

(3) Except in the case of an applicant whose only need is lack of food and the need is met with the issuance of CalFresh benefits within one working day of the request, where an applicant's immediate need is met by an alternative program or resource authorized in this subdivision, the county shall verify the applicant's eligibility for aid within 15 working days of the date of request.

(e) A denial of an immediate need application shall not constitute a denial of the application for aid unless it is based upon the failure to meet relevant eligibility requirements.

SEC. 43. Section 11330.7 of the Welfare and Institutions Code is amended to read:

11330.7. (a) A primary component of the program described in this article shall be case management and evidence-based home visiting for the purpose of family support, which shall commence upon the determination that an individual is eligible in accordance with paragraph (2) of subdivision (c) of Section 11330.6 and shall continue until the eligible individual completes the evidence-based home visiting program or terminates the individual's own participation.

(b) Home visiting shall include, but not be limited to, resources and referrals to all of the following:

(1) Prenatal, infant, and toddler care.

(2) Infant and child nutrition.

(3) Developmental screening and assessments.

(4) Parent education, parent and child interaction, child development, and child care.

(5) Job readiness and barrier removal.

(6) Domestic violence and sexual assault, mental health, and substance abuse treatment, as applicable.

(c) Home visitors shall encourage participants to enroll their child in a high-quality, early learning setting, or participate in playgroups, or other child enrichment activities, as appropriate, and parent participation in this

early learning setting shall count towards allowable activities under a welfare-to-work plan developed by the parent or caretaker relative under Section 11325.21.

(d) Home visiting services shall only be those intended to achieve the goals established in subdivision (a) of Section 11330.6 and that are provided in the home of an assistance unit or at a location agreed upon by the parent or caretaker relative and the home visitor. Home visiting services shall only be provided by a registered nurse, nurse practitioner, social worker, or other person able to provide culturally appropriate services who is trained and certified according to the requirements of this article, has completed a background check, and has completed training as specified in subdivision (g) for the purposes of implementing this article.

(e) Home visiting services and visits shall not be mandatory, random, or unannounced.

(f) Counties may give preferential treatment to contractors of home visiting programs that are able to colocate home visitors and CalWORKs caseworkers in order to facilitate communication and coordination.

(g) (1) All home visiting providers shall complete training in the following areas before providing services to a CalWORKs recipient:

(A) (i) CalWORKs, Medi-Cal, CalFresh, California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and other programs, with county-specific information about how the home visiting professionals can help a parent access additional services for which the parent may be eligible and troubleshoot problems with benefits or eligibility that would impact the parent's access to services.

(ii) This training shall be administered by the county and shall include, but not be limited to, the demographics of the population served and the supports and services available for CalWORKs recipients.

(iii) Any costs incurred shall be funded as part of the allocation from the department to that county.

(B) (i) Cultural competency and implicit bias.

(ii) It is the responsibility of the contractor to ensure that all home visitors have received implicit bias and cultural competency trainings. The department shall establish the minimum training standards as required in this section.

(iii) Contractors are encouraged to partner with local organizations to develop a curriculum that best suits the needs of the home visiting program participants.

(C) (i) Strengths-based practices for working with families with unmet needs.

(ii) Either the contracted provider or the county shall administer this training.

(2) A county that staffs its home visiting program solely with county staff is exempt from the requirements of paragraph (1) to the extent the training would duplicate training already received.

(h) Counties, in coordination with home visitors and CalWORKs staff, may establish processes to provide one-time, as-needed funding for the

purchase of material goods for a program participant's household related to care, health, and safety of the child and family, which shall not exceed one thousand dollars ($1,000).

SEC. 44. Section 11403 of the Welfare and Institutions Code is amended to read:

11403. (a) It is the intent of the Legislature to exercise the option afforded states under Section 475(8) (42 U.S.C. Sec. 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the federal Social Security Act, as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), to receive federal financial participation for nonminor dependents of the juvenile court who satisfy the conditions of subdivision (b), consistent with their transitional independent living case plan. Nonminor dependents are eligible to receive support until they reach 21 years of age, consistent with their transitional independent living case plan and as described in Section 10103.5. It is the intent of the Legislature, both at the time of initial determination of the nonminor dependent's eligibility and throughout the time the nonminor dependent is eligible for aid pursuant to this section, that the social worker or probation officer or Indian tribal placing entity and the nonminor dependent shall work together to ensure the nonminor dependent's ongoing eligibility. All case planning shall be a collaborative effort between the nonminor dependent and the social worker, probation officer, or Indian tribe, with the nonminor dependent assuming increasing levels of responsibility and independence.

(b) A nonminor dependent receiving aid pursuant to this chapter, who satisfies the age criteria set forth in subdivision (a), shall meet the legal authority for placement and care by being under a foster care placement order by the juvenile court, or the voluntary reentry agreement as set forth in subdivision (z) of Section 11400, and is otherwise eligible for AFDC-FC payments pursuant to Section 11401. A nonminor who satisfies the age criteria set forth in subdivision (a), and who is otherwise eligible, shall continue to receive CalWORKs payments pursuant to Section 11253, Approved Relative Caregiver Funding Program benefits pursuant to Section 11461.3, or, as a nonminor former dependent or ward, aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) or adoption assistance payments, as specified in Chapter 2.1 (commencing with Section 16115) of Part 4. A nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 and who satisfies the criteria set forth in subdivision (a) is eligible to continue to receive aid as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision applies when one or more of the following conditions exist:

(1) The nonminor is completing secondary education or a program leading to an equivalent credential.

(2) The nonminor is enrolled in an institution that provides postsecondary or vocational education.

(3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.

(4) The nonminor is employed for at least 80 hours per month.

(5) The nonminor is incapable of doing any of the activities described in paragraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this section does not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments.

(c) The county child welfare or probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to Section 10553.1, shall work together with a nonminor dependent who is in foster care on the nonminor dependent's 18th birthday and thereafter or a nonminor former dependent receiving aid pursuant to Section 11405, to satisfy one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) and shall certify the nonminor's applicable condition or conditions in the nonminor's six-month transitional independent living case plan update, and provide the certification to the eligibility worker and to the court at each six-month case plan review hearing for the nonminor dependent. Relative guardians who receive Kin-GAP payments and adoptive parents who receive adoption assistance payments shall be responsible for reporting to the county welfare agency that the nonminor does not satisfy at least one of the conditions described in subdivision (b). The social worker, probation officer, or tribal entity shall verify and obtain assurances that the nonminor dependent continues to satisfy at least one of the conditions in paragraphs (1) to (5), inclusive, of subdivision (b) at each six-month transitional independent living case plan update. The six-month case plan update shall certify the nonminor's eligibility pursuant to subdivision (b) for the next six-month period. During the six-month certification period, the payee and nonminor shall report any change in placement or other relevant changes in circumstances that may affect payment. The nonminor dependent, or nonminor former dependent receiving aid pursuant to subdivision (e) of Section 11405, shall be informed of all due process requirements, in accordance with state and federal law, prior to an involuntary termination of aid, and shall simultaneously be provided with a written explanation of how to exercise their due process rights and obtain referrals to legal assistance. Any notices of action regarding eligibility shall be sent to the nonminor dependent or former dependent, their counsel, as applicable, and the placing worker, in addition to any other payee. Payments of aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), adoption assistance payments as specified in Chapter 2.1 (commencing with Section 16115) of Part 4, or aid pursuant to subdivision (e) of Section 11405 that are made on behalf of a nonminor former dependent shall terminate subject to the terms of the agreements. Subject to federal approval of amendments to the state plan, aid payments may be suspended and resumed based on changes of circumstances that affect eligibility. Nonminor former

dependents, as identified in paragraph (2) of subdivision (aa) of Section 11400, are not eligible for reentry under subdivision (e) of Section 388 as nonminor dependents under the jurisdiction of the juvenile court, but may be eligible for reentry pursuant to Section 388.1 if (1) the nonminor former dependent was receiving or, but for the receipt of Supplemental Security Income benefits or other aid from the federal Social Security Administration, would have received aid under either Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) or AFDC-FC pursuant to subdivision (e) of Section 11405, or the nonminor was receiving adoption assistance payments, as specified in Chapter 2.1 (commencing with Section 16115) of Part 4, and (2) the nonminor's former guardian or adoptive parent dies, or no longer provides ongoing support to, and no longer receives benefits on behalf of, the nonminor after the nonminor turns 18 years of age, but before the nonminor turns 21 years of age. Nonminor former dependents requesting the resumption of AFDC-FC payments pursuant to subdivision (e) of Section 11405 shall complete the applicable portions of the voluntary reentry agreement, as described in subdivision (z) of Section 11400.

(d) A nonminor dependent may receive all of the payment directly provided that the nonminor is living independently in a supervised placement, as described in subdivision (w) of Section 11400, and that both the youth and the agency responsible for the foster care placement have signed a mutual agreement, as defined in subdivision (u) of Section 11400, if the youth is capable of making an informed agreement, that documents the continued need for supervised out-of-home placement, and the nonminor's and social worker's or probation officer's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional independent living case plan.

(e) Eligibility for aid under this section shall not terminate until the nonminor dependent attains the age criteria, as set forth in subdivision (a), but aid may be suspended when the nonminor dependent no longer resides in an eligible facility, as described in Section 11402, or is otherwise not eligible for AFDC-FC benefits under Section 11401, or terminated at the request of the nonminor, or after a court terminates dependency jurisdiction pursuant to Section 391, delinquency jurisdiction pursuant to Section 607.2, or transition jurisdiction pursuant to Section 452. AFDC-FC benefits to nonminor dependents may be resumed at the request of the nonminor by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, before or after the filing of a petition filed pursuant to subdivision (e) of Section 388 after a court terminates dependency or transitional jurisdiction pursuant to Section 391 or delinquency jurisdiction pursuant to Section 607.2. The county welfare or probation department or Indian tribal entity that has entered into an agreement pursuant to Section 10553.1 shall complete the voluntary reentry agreement with the nonminor who agrees to satisfy the criteria of the agreement, as described in subdivision (z) of Section 11400. The county welfare department or tribal entity shall establish a new child-only Title IV-E eligibility determination

based on the nonminor's completion of the voluntary reentry agreement pursuant to Section 11401. The beginning date of aid for either federal or state AFDC-FC for a reentering nonminor who is placed in foster care is the date the voluntary reentry agreement is signed or the nonminor is placed, whichever is later. The county welfare department, county probation department, or tribal entity shall provide a nonminor dependent who wishes to continue receiving aid with the assistance necessary to meet and maintain eligibility.

(f) (1) The county having jurisdiction of the nonminor dependent shall remain the county of payment under this section regardless of the youth's physical residence. Nonminor former dependents receiving aid pursuant to subdivision (e) of Section 11405 shall be paid by their county of residence. Counties may develop courtesy supervision agreements to provide case management and independent living services by the county of residence pursuant to the nonminor dependent's transitional independent living case plan. Placements made out of state are subject to the applicable requirements of the Interstate Compact on Placement of Children, pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) The county welfare department, county probation department, or tribal entity shall notify all foster youth who attain 16 years of age and are under the jurisdiction of that county or tribe, including those receiving Kin-GAP, and AAP, of the existence of the aid prescribed by this section.

(3) The department shall seek any waiver to amend its Title IV-E State Plan with the Secretary of the United States Department of Health and Human Services necessary to implement this section.

(g) (1) Subject to paragraph (3), a county shall pay the nonfederal share of the cost of extending aid pursuant to this section to eligible nonminor dependents who have reached 18 years of age and who are under the jurisdiction of the county, including AFDC-FC payments pursuant to Section 11401, aid pursuant to Kin-GAP under Article 4.7 (commencing with Section 11385), adoption assistance payments as specified in Chapter 2.1 (commencing with Section 16115) of Part 4, and aid pursuant to Section 11405 for nonminor dependents who are residing in the county as provided in paragraph (1) of subdivision (f). A county shall contribute to the CalWORKs payments pursuant to Section 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) at the statutory sharing ratios in effect on January 1, 2012.

(2) Subject to paragraph (3), a county shall pay the nonfederal share of the cost of providing permanent placement services pursuant to subdivision (c) of Section 16508 and administering the Aid to Families with Dependent Children Foster Care program pursuant to Section 15204.9. For purposes of budgeting, the department shall use a standard for the permanent placement services that is equal to the midpoint between the budgeting standards for family maintenance services and family reunification services.

(3) (A) (i) Notwithstanding any other law, a county's required total contribution pursuant to paragraphs (1) and (2), excluding costs incurred pursuant to Section 10103.5, shall not exceed the amount of savings in

Kin-GAP assistance grant expenditures realized by the county from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385), and the amount of funding specifically included in the Protective Services Subaccount within the Support Services Account within the Local Revenue Fund 2011, plus any associated growth funding from the Support Services Growth Subaccount within the Sales and Use Tax Growth Account to pay the costs of extending aid pursuant to this section.

(ii) A county, at its own discretion, may expend additional funds beyond the amounts identified in clause (i). These additional amounts shall not be included in any cost and savings calculations or comparisons performed pursuant to this section.

(B) Beginning in the 2011–12 fiscal year, and for 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. In addition, the following are available to the counties for the purpose of funding costs pursuant to this section:

(i) The savings in Kin-GAP assistance grant expenditures realized from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385).

(ii) The savings realized from the change in federal funding for adoption assistance resulting from the enactment of Public Law 110-351 and consistent with subdivision (d) of Section 16118.

(4) (A) The limit on the county's total contribution pursuant to paragraph (3) shall be assessed by the State Department of Social Services, in conjunction with the California State Association of Counties, in 2015–16, to determine if it shall be removed. The assessment of the need for the limit shall be based on a determination on a statewide basis of whether the actual county costs of providing extended care pursuant to this section, excluding costs incurred pursuant to Section 10103.5, are fully funded by the amount of savings in Kin-GAP assistance grant expenditures realized by the counties from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385) and the amount of funding specifically included in the Protective Services Subaccount within the Support Services Account within the Local Revenue Fund 2011 plus any associated growth funding from the Support Services Growth Subaccount within the Sales and Use Tax Growth Account to pay the costs of extending aid pursuant to this section.

(B) If the assessment pursuant to subparagraph (A) shows that the statewide total costs of extending aid pursuant to this section, excluding costs incurred pursuant to Section 10103.5, are fully funded by the amount of savings in Kin-GAP assistance grant expenditures realized by the counties from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385) and the amount of funding specifically included in the Protective Services Subaccount within the Support Services Account within the Local Revenue Fund 2011 plus any associated growth

funding from the Support Services Growth Subaccount within the Sales and Use Tax Growth Account to pay the costs of extending aid pursuant to this section, the Department of Finance shall certify that fact, in writing, and shall post the certification on its internet website, at which time subparagraph (A) of paragraph (3) shall no longer be implemented.

(h) It is the intent of the Legislature that a county currently participating in the Child Welfare Demonstration Capped Allocation Project not be adversely impacted by the department's exercise of its option to extend foster care benefits pursuant to Section 673(a)(4) and Section 675(8) of Title 42 of the United States Code in the federal Social Security Act, as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). Therefore, the department shall negotiate with the United States Department of Health and Human Services on behalf of those counties that are currently participating in the demonstration project to ensure that those counties receive reimbursement for these new programs outside of the provisions of those counties' waiver under Subtitle IV-E (commencing with Section 470) of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.).

(i) The department, on or before July 1, 2013, shall develop regulations to implement this section in consultation with concerned stakeholders, including, but not limited to, representatives of the Legislature, the County Welfare Directors Association of California, the Chief Probation Officers of California, the Judicial Council, representatives of Indian tribes, the California Youth Connection, former foster youth, child advocacy organizations, labor organizations, juvenile justice advocacy organizations, foster caregiver organizations, and researchers. In the development of these regulations, the department shall consider its Manual of Policy and Procedures, Division 30, Chapter 30-912, 913, 916, and 917, as guidelines for developing regulations that are appropriate for young adults who can exercise incremental responsibility concurrently with their growth and development. The department, in its consultation with stakeholders, shall take into consideration the impact to the statewide child welfare information system and required modifications needed to accommodate eligibility determination under this section, benefit issuance, case management across counties, and recognition of the legal status of nonminor dependents as adults, as well as changes to data tracking and reporting requirements as required by the Child Welfare System Improvement and Accountability Act as specified in Section 10601.2, and federal outcome measures as required by the federal John H. Chafee Foster Care Independence Program (42 U.S.C. Sec. 677(f)). In addition, the department, in its consultation with stakeholders, shall define the supervised independent living setting, which shall include, but not be limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings, and define how those settings meet health and safety standards suitable for nonminors. The department, in its consultation with stakeholders, shall define the six-month certification of the conditions of eligibility pursuant to subdivision (b) to be consistent with the flexibility provided by

federal policy guidance, to ensure that there are ample supports for a nonminor to achieve the goals of the nonminor's transition independent living case plan. The department, in its consultation with stakeholders, shall ensure that notices of action and other forms created to inform the nonminor of due process rights and how to access them shall be developed, using language consistent with the special needs of the nonminor dependent population.

(j) Notwithstanding 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 shall prepare for implementation of the applicable provisions of this section by publishing, after consultation with the stakeholders listed in subdivision (i), all-county letters or similar instructions from the director by October 1, 2011, to be effective January 1, 2012. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of the emergency regulations and one readoption of the emergency regulations are deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations are exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

SEC. 45. Section 11403.2 of the Welfare and Institutions Code is amended to read:

11403.2. (a) The following persons are eligible for transitional housing provided pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4:

(1) A foster child at least 16 years of age and not more than 18 years of age, and, on or after January 1, 2012, any nonminor dependent, as defined in subdivision (v) of Section 11400, who is eligible for AFDC-FC benefits as described in Section 11401. A foster child under 18 years of age shall be eligible for placement in the program certified as a "Transitional Housing Placement program for minor foster children" pursuant to paragraph (1) of subdivision (a) of Section 16522.1. A nonminor dependent shall be eligible for placement in the program certified as a "Transitional Housing Placement program for nonminor dependents" pursuant to paragraph (2) of subdivision (a) of Section 16522.1.

(2) A former foster youth as defined in paragraph (2) of subdivision (c) of Section 50807 of the Health and Safety Code, who is 18 to 24 years of age, inclusive, who has exited from the foster care system on or after their 18th birthday and elects to participate in Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400, if the former foster youth has not received services under this paragraph for more than a total of 36 months, whether or not consecutive. If the person participating in a Transitional Housing Program-Plus is not receiving aid under Section

11403.1, they, as a condition of participation, shall enter into, and execute the provisions of, a transitional independent living plan that shall be mutually agreed upon, and annually reviewed, by the former foster youth and the applicable county welfare or probation department or independent living program coordinator. The person participating under this paragraph shall inform the county of any changes to conditions specified in the agreed-upon plan that affect eligibility, including changes in address, living circumstances, and the educational or training program.

(b) Payment on behalf of an eligible person receiving transitional housing services pursuant to paragraph (1) of subdivision (a) shall be made to the transitional housing placement provider pursuant to the conditions and limitations set forth in Section 11403.3. Notwithstanding Section 11403.3, the department, in consultation with concerned stakeholders, including, but not limited to, representatives of the Legislature, the County Welfare Directors Association of California, the Chief Probation Officers of California, the Judicial Council, representatives of Indian tribes, the California Youth Connection, former foster youth, child advocacy organizations, labor organizations, juvenile justice advocacy organizations, foster caregiver organizations, researchers, and transitional housing placement providers, shall convene a workgroup to establish a new rate structure for the Title IV-E funded Transitional Housing Placement program for nonminor dependents placement option for nonminor dependents. The workgroup shall also consider application of this new rate structure to the Transitional Housing Program-Plus, as described in paragraph (2) of subdivision (a) of Section 11403.3. In developing the new rate structure pursuant to this subdivision, the department shall consider the average rates in effect and being paid by counties to current transitional housing placement providers.

(c) The Legislature finds and declares that this subdivision was added in 2015 to clearly codify the requirement of existing law regarding the payment made on behalf of an eligible person receiving transitional housing services. The workgroup described in subdivision (b) recommended, and the department subsequently implemented, an annual adjustment to the payment made on behalf of an eligible person receiving transitional housing services. This annual adjustment has been, and shall continue to be, equal to the California Necessities Index applicable to each fiscal year. The Legislature hereby declares that its intent remains in making this annual adjustment to support the care and supervision, including needed services and supports, for nonminor dependents who are receiving transitional housing services through the Transitional Housing Placement program for nonminor dependents.

SEC. 46. Section 11450 of the Welfare and Institutions Code, as amended by Section 21 of Chapter 696 of the Statutes of 2021, is amended to read:

11450. (a) (1) (A) Aid shall be paid for each needy family, which shall include all eligible brothers and sisters of each eligible applicant or recipient child and the parents of the children, but shall not include unborn children, or recipients of aid under Chapter 3 (commencing with Section 12000),

qualified for aid under this chapter. In determining the amount of aid paid, and notwithstanding the minimum basic standards of adequate care specified in Section 11452, the family's income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1, determined for the prospective semiannual period pursuant to Sections 11265.1, 11265.2, and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number of eligible needy persons in the same home	Maximum aid
1	$ 326
2	535
3	663
4	788
5	899
6	1,010
7	1,109
8	1,209
9	1,306
10 or more	1,403

(B) If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of former Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) (A) Until the date that paragraph (2) is effective, if the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant child who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid

to one person, as specified in subdivision (a), if the pregnant child and the child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this paragraph.

(B) Notwithstanding subparagraph (A), and until the date that paragraph (2) is effective, if the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant person for the month in which the birth is anticipated and for the six-month period immediately prior to the month in which the birth is anticipated, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the pregnant person and child, if born, would have qualified for aid under this chapter. Verification of pregnancy is required as a condition of eligibility for aid under this paragraph.

(C) A pregnant person may provide verification of pregnancy as required in subparagraphs (A) or (B) by means of a sworn statement or, if necessary, a verbal attestation. Medical verification of pregnancy shall be submitted within 30 working days following submission of the sworn statement or verbal attestation for benefits to continue. If the applicant fails to submit medical verification of pregnancy within 30 working days, the county human services agency shall continue aid when the applicant presents evidence of good-faith efforts to comply with this requirement.

(D) Subparagraph (A) shall apply only when the Cal-Learn Program is operative.

(2) (A) Notwithstanding paragraph (1), if the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant person as of the date of the application for aid, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the pregnant person or the child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this paragraph.

(B) A pregnant person may provide verification of pregnancy as required in subparagraph (A) by means of a sworn statement or, if necessary, a verbal attestation. Medical verification of pregnancy shall be submitted within 30 working days following submission of the sworn statement or verbal attestation for benefits to continue. If the applicant fails to submit medical verification of pregnancy within 30 working days, the county human services agency shall continue aid when the applicant presents evidence of good-faith efforts to comply with this requirement.

(C) (i) A person who receives aid pursuant to this paragraph shall report to the county, orally or in writing, within 30 days following the end of their pregnancy.

(ii) Aid for persons under this paragraph shall discontinue at the end of the month following the month in which the person reports the end of their pregnancy to the county human services agency.

(iii) Prior to discontinuing aid for a person under this paragraph due to the end of their pregnancy, the county human services agency shall provide information about, and referral to, mental health services, including, but not

limited to, services provided by the county human services agency, when appropriate.

(D) This paragraph shall take effect on July 1, 2022, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this paragraph, whichever date is later.

(c) (1) The amount of forty-seven dollars ($47) per month shall be paid to a pregnant person qualified for aid under subdivision (a) or (b) to meet the special needs resulting from pregnancy if the pregnant person and child, if born, would have qualified for aid under this chapter. The county human services agency shall require a pregnant person to provide medical verification of pregnancy. The county human services agency shall refer all recipients of aid under this subdivision to a local provider of the California Special Supplemental Nutrition Program for Women, Infants, and Children. If that payment to a pregnant person qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision do not apply to a person eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the pregnant person and child, if born, would have qualified for aid under this chapter.

(2) A pregnant person may provide the verification of pregnancy required by paragraph (1) by means of a sworn statement or, if necessary, a verbal attestation. Medical verification of pregnancy shall be submitted within 30 working days following submission of the sworn statement or verbal attestation for the pregnancy special need benefit to continue. If the pregnant person fails to submit medical verification of pregnancy within 30 working days, the county human services agency shall continue the benefit when the applicant presents evidence of good faith efforts to comply with this requirement.

(3) Beginning May 1, 2022, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this paragraph, the special needs payment described in paragraph (1) shall be one hundred dollars ($100) per month.

(4) Beginning July 1, 2022, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this paragraph, the special needs payment described in this subdivision shall discontinue at the end of the month following the month in which a person reports the end of their pregnancy to the county human services agency.

(d) For children receiving AFDC-FC under this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month that, if added to the child’s income, is equal to the rate specified in Section 11460, 11461, 11462, or 11463. In addition, the child is eligible for special needs, as specified in departmental regulations.

(e) In addition to the amounts payable under subdivision (a) and former Section 11453.1, a family is entitled to receive an allowance for recurring special needs not common to a majority of recipients. These recurring special needs include, but are not limited to, special diets upon the recommendation of a physician for circumstances other than pregnancy, and unusual costs of transportation, laundry, housekeeping services, telephone, and utilities. The recurring special needs allowance for each family per month shall not exceed that amount resulting from multiplying the sum of ten dollars ($10) by the number of recipients in the family who are eligible for assistance.

(f) After a family has used all available liquid resources, both exempt and nonexempt, in excess of one hundred dollars ($100), with the exception of funds deposited in a restricted account described in subdivision (a) of Section 11155.2, the family is also entitled to receive an allowance for nonrecurring special needs.

(1) An allowance for nonrecurring special needs shall be granted for replacement of clothing and household equipment and for emergency housing needs other than those needs addressed by paragraph (2). These needs shall be caused by sudden and unusual circumstances beyond the control of the needy family. The department shall establish the allowance for each of the nonrecurring special needs items. The sum of all nonrecurring special needs provided by this subdivision shall not exceed six hundred dollars ($600) per event.

(2) (A) (i) Homeless assistance is available to a homeless family seeking shelter when the family is eligible for aid under this chapter.

(ii) Homeless assistance for temporary shelter is also available to homeless families that are apparently eligible for aid under this chapter. Apparent eligibility exists when evidence presented by the applicant, or that is otherwise available to the county welfare department, and the information provided on the application documents indicate that there would be eligibility for aid under this chapter if the evidence and information were verified. However, an alien applicant who does not provide verification of their eligible alien status is not apparently eligible for purposes of this section.

(iii) Homeless assistance for temporary shelter is also available to homeless families that would be eligible for aid under this chapter but for the fact that the only child or children in the family are in out-of-home placement pursuant to an order of the dependency court, if the family is receiving reunification services and the county determines that homeless assistance is necessary for reunification to occur.

(B) A family is considered homeless, for the purpose of this section, when the family lacks a fixed and regular nighttime residence, the family has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or the family is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A family is also considered homeless for the purpose of this section if the family has received a notice to pay rent or quit. The family shall demonstrate that the eviction is the result of a verified financial hardship as a result of

extraordinary circumstances beyond their control, and not other lease or rental violations, and that the family is experiencing a financial crisis that may result in homelessness if preventive assistance is not provided.

(3) (A) (i) A nonrecurring special needs benefit of eighty-five dollars ($85) a day shall be available to families of up to four members for the costs of temporary shelter, subject to the requirements of this paragraph. The fifth and additional members of the family shall each receive fifteen dollars ($15) per day, up to a daily maximum of one hundred forty-five dollars ($145). County welfare departments may increase the daily amount available for temporary shelter as necessary to secure the additional bedspace needed by the family.

(ii) This special needs benefit shall be granted or denied immediately upon the family's application for homeless assistance, and benefits shall be available for up to three working days. The county welfare department shall verify the family's homelessness within the first three working days. If the family meets the criteria of questionable homelessness established by the department, the county welfare department shall refer the family to its early fraud prevention and detection unit, if the county has such a unit, for assistance in the verification of homelessness within this period.

(iii) After homelessness has been verified, the three-day limit shall be extended for a period of time that, when added to the initial benefits provided, does not exceed a total of 16 calendar days. This extension of benefits shall be done in increments of one week, and shall be based upon searching for permanent housing, which shall be documented on a housing search form, good cause, or other circumstances defined by the department. Documentation of a housing search is required for the initial extension of benefits beyond the three-day limit and on a weekly basis thereafter if the family is receiving temporary shelter benefits. Good cause shall include, but is not limited to, situations in which the county welfare department has determined that the family, to the extent it is capable, has made a good faith but unsuccessful effort to secure permanent housing while receiving temporary shelter benefits or that the family is homeless as a direct and primary result of a state or federally declared natural disaster.

(iv) Notwithstanding clauses (ii) and (iii), the county may waive the three-day limit and may provide benefits in increments of more than one week for a family that becomes homeless as a direct and primary result of a state or federally declared natural disaster.

(B) (i) A nonrecurring special needs benefit for permanent housing assistance is available to pay for last month's rent and security deposits if these payments are reasonable conditions of securing a residence, or to pay for up to two months of rent arrearages, if these payments are a reasonable condition of preventing eviction.

(ii) The last month's rent or monthly arrearage portion of the payment shall meet both of the following requirements:

(I) It shall not exceed 80 percent of the family's total monthly household income without the value of CalFresh benefits or special needs benefit for a family of that size.

(II) It shall only be made to families that have found permanent housing costing no more than 80 percent of the family's total monthly household income without the value of CalFresh benefits or special needs benefit for a family of that size.

(iii) However, if the county welfare department determines that a family intends to reside with individuals who will be sharing housing costs, the county welfare department shall, in appropriate circumstances, set aside the condition specified in subclause (II) of clause (ii).

(C) The nonrecurring special needs benefit for permanent housing assistance is also available to cover the standard costs of deposits for utilities that are necessary for the health and safety of the family.

(D) A payment for, or denial of, permanent housing assistance shall be issued no later than one working day from the time that a family presents evidence of the availability of permanent housing. If an applicant family provides evidence of the availability of permanent housing before the county welfare department has established eligibility for aid under this chapter, the county welfare department shall complete the eligibility determination so that the payment for, or denial of, permanent housing assistance is issued within one working day from the submission of evidence of the availability of permanent housing, unless the family has failed to provide all of the verification necessary to establish eligibility for aid under this chapter.

(E) (i) Except as provided in clauses (ii) and (iii), eligibility for the temporary shelter assistance and the permanent housing assistance pursuant to this paragraph is limited to 16 cumulative calendar days of temporary assistance and one payment of permanent assistance every 12 months. A person who applies for homeless assistance benefits shall be informed that, with certain exceptions, the temporary shelter benefit is limited to a maximum of 16 calendar days for that 12-month period.

(ii) (I) A family that becomes homeless as a direct and primary result of a state or federally declared natural disaster is eligible for temporary and permanent homeless assistance.

(II) If there is a state or federally declared disaster in a county, the county human services agency shall coordinate with public and private disaster response organizations and agencies to identify and inform recipients of their eligibility for temporary and permanent homeless housing assistance available pursuant to subclause (I).

(iii) A family is eligible for temporary and permanent homeless assistance if homelessness is a direct result of domestic violence by a spouse, partner, or roommate; physical or mental illness that is medically verified that shall not include a diagnosis of alcoholism, drug addiction, or psychological stress; or the uninhabitability of the former residence caused by sudden and unusual circumstances beyond the control of the family, including natural catastrophe, fire, or condemnation. These circumstances shall be verified by a third-party governmental or private health and human services agency, except that domestic violence may also be verified by a sworn statement by the victim, as provided under Section 11495.25. Homeless assistance payments based on these specific circumstances may not be received more

often than once in any 12-month period. In addition, if the domestic violence is verified by a sworn statement by the victim, the homeless assistance payments shall be limited to two periods of not more than 16 cumulative calendar days of temporary assistance and two payments of permanent assistance. A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph for a second time in a 24-month period participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits. The county welfare department shall immediately inform recipients who verify domestic violence by a sworn statement of the availability of domestic violence counseling and services, and refer those recipients to services upon request.

(iv) If a county requires a recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan pursuant to clause (iii), the plan shall include the provision of domestic violence services, if appropriate.

(v) If a recipient seeking homeless assistance based on domestic violence pursuant to clause (iii) has previously received homeless avoidance services based on domestic violence, the county shall review whether services were offered to the recipient and consider what additional services would assist the recipient in leaving the domestic violence situation.

(vi) The county welfare department shall report necessary data to the department through a statewide homeless assistance payment indicator system, as requested by the department, regarding all recipients of aid under this paragraph.

(F) The county welfare departments, and all other entities participating in the costs of the CalWORKs program, have the right in their share to any refunds resulting from payment of the permanent housing. However, if an emergency requires the family to move within the 12-month period specified in subparagraph (E), the family shall be allowed to use any refunds received from its deposits to meet the costs of moving to another residence.

(G) Payments to providers for temporary shelter and permanent housing and utilities shall be made on behalf of families requesting these payments.

(H) The daily amount for the temporary shelter special needs benefit for homeless assistance may be increased if authorized by the current year's Budget Act by specifying a different daily allowance and appropriating the funds therefor.

(I) A payment shall not be made pursuant to this paragraph unless the provider of housing is any of the following:

(i) A commercial establishment.

(ii) A shelter.

(iii) A person with whom, or an establishment with which, the family requesting assistance has executed a valid lease, sublease, or shared housing agreement.

(J) (i) Commencing July 1, 2018, a CalWORKs applicant who provides a sworn statement of past or present domestic abuse and who is fleeing their abuser is deemed to be homeless and is eligible for temporary homeless

assistance under clause (i) of subparagraph (A) and under subparagraph (E), notwithstanding any income and assets attributable to the alleged abuser.

(ii) The homeless assistance payments issued under this subparagraph shall be granted immediately after the family's application, and benefits shall be available in increments of 16 days of temporary shelter assistance pursuant to clause (i) of subparagraph (A). The homeless assistance payments shall be limited to two periods of not more than 16 cumulative calendar days each of temporary assistance within a lifetime. The homeless assistance payments issued under this subparagraph shall be in addition to other payments for which the CalWORKs applicant, if the applicant becomes a CalWORKs recipient, may later qualify under this subdivision.

(iii) For purposes of this subparagraph, the housing search documentation described in clause (iii) of subparagraph (A) shall be required only upon issuance of an immediate need payment pursuant to Section 11266 or the issuance of benefits for the month of application.

(g) The department shall establish rules and regulations ensuring the uniform statewide application of this section.

(h) The department shall notify all applicants and recipients of aid through the standardized application form that these benefits are available and shall provide an opportunity for recipients to apply for the funds quickly and efficiently.

(i) The department shall work with county human services agencies, the County Welfare Directors Association of California, and advocates of CalWORKs recipients to gather information regarding the actual costs of a nightly shelter and best practices for transitioning families from a temporary shelter to a permanent shelter, and to provide that information to the Legislature, to be submitted annually in accordance with Section 9795 of the Government Code.

(j) (1) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a).

(2) The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

(k) For children receiving Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month, which, when added to the child's income, is equal to the rate specified in Sections 11364 and 11387.

(*l*) (1) A county shall implement the semiannual reporting requirements in accordance with Chapter 501 of the Statutes of 2011 no later than October 1, 2013.

(2) Upon completion of the implementation described in paragraph (1), each county shall provide a certificate to the director certifying that semiannual reporting has been implemented in the county.

(3) Upon filing the certificate described in paragraph (2), a county shall comply with the semiannual reporting provisions of this section.

(m) This section shall become operative on January 1, 2020, or when the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

(n) This section shall become inoperative on July 1, 2021, or on the date the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 11450, as added by Section 2 of the act that added this subdivision, whichever date is later, and is repealed on January 1 of the following year.

SEC. 47. Section 11450 of the Welfare and Institutions Code, as amended by Section 22 of Chapter 696 of the Statutes of 2021, is amended to read:

11450. (a) (1) (A) Aid shall be paid for each needy family, which shall include all eligible brothers and sisters of each eligible applicant or recipient child and the parents of the children, but shall not include unborn children, or recipients of aid under Chapter 3 (commencing with Section 12000), qualified for aid under this chapter. In determining the amount of aid paid, and notwithstanding the minimum basic standards of adequate care specified in Section 11452, the family's income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1, determined for the prospective semiannual period pursuant to Sections 11265.1, 11265.2, and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), and (f):

Number of eligible needy persons in the same home	Maximum aid
1	$ 326
2	535
3	663
4	788
5	899
6	1,010
7	1,109
8	1,209
9	1,306
10 or more	1,403

(B) If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount

equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base for calculating any cost-of-living increases for any fiscal year thereafter. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of former Section 11453.05, and no further reduction shall be made pursuant to that section.

(b) (1) (A) Until the date that paragraph (2) is effective, if the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant child who is 18 years of age or younger at any time after verification of pregnancy, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the pregnant child and the child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this paragraph.

(B) Notwithstanding subparagraph (A), and until the date that paragraph (2) is effective, if the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant person for the month in which the birth is anticipated and for the six-month period immediately prior to the month in which the birth is anticipated, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the pregnant person and child, if born, would have qualified for aid under this chapter. Verification of pregnancy is required as a condition of eligibility for aid under this paragraph.

(C) Subparagraph (A) shall apply only when the Cal-Learn Program is operative.

(2) (A) Notwithstanding paragraph (1), if the family does not include a needy child qualified for aid under this chapter, aid shall be paid to a pregnant person as of the date of the application for aid, in the amount that would otherwise be paid to one person, as specified in subdivision (a), if the pregnant person or the child, if born, would have qualified for aid under this chapter. Verification of pregnancy shall be required as a condition of eligibility for aid under this paragraph.

(B) A pregnant person may provide verification of pregnancy as required in subparagraph (A) by means of a sworn statement or, if necessary, a verbal attestation. Medical verification of pregnancy shall be submitted within 30 working days following submission of the sworn statement or verbal attestation for benefits to continue. If the applicant fails to submit medical verification of pregnancy within 30 working days, the county human services agency shall continue aid when the applicant presents evidence of good-faith efforts to comply with this requirement.

(C) (i) A person who receives aid pursuant to this paragraph shall report to the county, orally or in writing, within 30 days following the end of their pregnancy.

(ii) Aid for persons under this paragraph shall discontinue at the end of the month following the month in which the person reports the end of their pregnancy to the county human services agency.

(iii) Prior to discontinuing aid for a person under this paragraph due to the end of their pregnancy, the county human services agency shall provide information about, and referral to, mental health services, including, but not limited to, services provided by the county human services agency, when appropriate.

(D) This paragraph shall take effect on July 1, 2022, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this paragraph, whichever date is later.

(c) (1) The amount of forty-seven dollars ($47) per month shall be paid to a pregnant person qualified for aid under subdivision (a) or (b) to meet the special needs resulting from pregnancy if the pregnant person and child, if born, would have qualified for aid under this chapter. The county human services agency shall require a pregnant person to provide medical verification of pregnancy. The county human services agency shall refer all recipients of aid under this subdivision to a local provider of the California Special Supplemental Nutrition Program for Women, Infants, and Children. If that payment to a pregnant person qualified for aid under subdivision (a) is considered income under federal law in the first five months of pregnancy, payments under this subdivision do not apply to a person eligible under subdivision (a), except for the month in which birth is anticipated and for the three-month period immediately prior to the month in which delivery is anticipated, if the pregnant person and child, if born, would have qualified for aid under this chapter.

(2) A pregnant person may provide the verification of pregnancy required by paragraph (1) by means of a sworn statement or, if necessary, a verbal attestation. Medical verification of pregnancy shall be submitted within 30 working days following submission of the sworn statement or verbal attestation for the pregnancy special need benefit to continue. If the pregnant person fails to submit medical verification of pregnancy within 30 working days, the county human services agency shall continue the benefit when the applicant presents evidence of good faith efforts to comply with this requirement.

(3) Beginning May 1, 2022, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this paragraph, the special needs payment described in paragraph (1) shall be one hundred dollars ($100) per month.

(4) Beginning July 1, 2022, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this paragraph, the

special needs payment described in this subdivision shall discontinue at the end of the month following the month in which a person reports the end of their pregnancy to the county human services agency.

(d) For children receiving AFDC-FC under this chapter, there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month that, if added to the child's income, is equal to the rate specified in Section 11460, 11461, 11462, 11462.1, or 11463. In addition, the child is eligible for special needs, as specified in departmental regulations.

(e) In addition to the amounts payable under subdivision (a) and former Section 11453.1, a family is entitled to receive an allowance for recurring special needs not common to a majority of recipients. These recurring special needs include, but are not limited to, special diets upon the recommendation of a physician for circumstances other than pregnancy, and unusual costs of transportation, laundry, housekeeping services, telephone, and utilities. The recurring special needs allowance for each family per month shall not exceed that amount resulting from multiplying the sum of ten dollars ($10) by the number of recipients in the family who are eligible for assistance.

(f) (1) After a family has used all available liquid resources, both exempt and nonexempt, in excess of one hundred dollars ($100), with the exception of funds deposited in a restricted account described in subdivision (a) of Section 11155.2, the family is also entitled to receive an allowance for nonrecurring special needs. This paragraph does not apply to the allowance for nonrecurring special needs for homeless assistance pursuant to subparagraph (A) of paragraph (3).

(2) An allowance for nonrecurring special needs shall be granted for replacement of clothing and household equipment and for emergency housing needs other than those needs addressed by subparagraph (A) of paragraph (3). These needs shall be caused by sudden and unusual circumstances beyond the control of the needy family. The department shall establish the allowance for each of the nonrecurring special needs items. The sum of all nonrecurring special needs provided by this subdivision shall not exceed six hundred dollars ($600) per event.

(3) (A) (i) An allowance for nonrecurring special needs for homeless assistance is available to a homeless family seeking shelter when the family is eligible for aid under this chapter.

(ii) Homeless assistance for temporary shelter is also available to homeless families that are apparently eligible for aid under this chapter. Apparent eligibility exists when evidence presented by the applicant, or that is otherwise available to the county welfare department, and the information provided on the application documents indicate that there would be eligibility for aid under this chapter if the evidence and information were verified. However, an alien applicant who does not provide verification of their eligible alien status is not apparently eligible for purposes of this section.

(iii) Homeless assistance for temporary shelter is also available to homeless families that would be eligible for aid under this chapter but for the fact that the only child or children in the family are in out-of-home

placement pursuant to an order of the dependency court, if the family is receiving reunification services and the county determines that homeless assistance is necessary for reunification to occur.

(B) A family is considered homeless, for the purpose of this section, when the family lacks a fixed and regular nighttime residence, the family has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, or the family is residing in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A family is also considered homeless for the purpose of this section if the family has received a notice to pay rent or quit.

(4) (A) (i) A nonrecurring special needs benefit of eighty-five dollars ($85) a day shall be available to families of up to four members for the costs of temporary shelter, subject to the requirements of this paragraph. The fifth and additional members of the family shall each receive fifteen dollars ($15) per day, up to a daily maximum of one hundred forty-five dollars ($145). County welfare departments may increase the daily amount available for temporary shelter as necessary to secure the additional bedspace needed by the family.

(ii) This special needs benefit shall be granted or denied the same day as the family's application for homeless assistance, and benefits shall be available for up to three working days. Upon applying for homeless assistance, the family shall provide a sworn statement that the family is homeless. If the family meets the criteria of questionable homelessness, which means that there is reason to suspect that the family has permanent housing, the county human services agency shall refer the family to its early fraud prevention and detection unit, if the county has such a unit, for assistance in the verification of homelessness within this period.

(iii) After homelessness has been verified, the three-day limit shall be extended for a period of time that, when added to the initial benefits provided, does not exceed a total of 16 calendar days. This extension of benefits shall be done in increments of one week, and shall be based upon searching for permanent housing, which shall be documented on a housing search form, good cause, or other circumstances defined by the department. Documentation of a housing search is required for the initial extension of benefits beyond the three-day limit and on a weekly basis thereafter if the family is receiving temporary shelter benefits. Good cause shall include, but is not limited to, situations in which the county welfare department has determined that the family, to the extent it is capable, has made a good faith but unsuccessful effort to secure permanent housing while receiving temporary shelter benefits or that the family is homeless as a direct and primary result of a state or federally declared disaster.

(iv) Notwithstanding clauses (ii) and (iii), the county may waive the three-day limit and may provide benefits in increments of more than one week for a family that becomes homeless as a direct and primary result of a state or federally declared disaster.

(B) (i) A nonrecurring special needs benefit for permanent housing assistance is available to pay for last month's rent and security deposits if these payments are conditions of securing a residence, or to pay for up to two months of rent arrearages, if these payments are a reasonable condition of preventing eviction.

(ii) The last month's rent or monthly arrearage portion of the payment shall meet both of the following requirements:

(I) It shall not exceed 80 percent of the family's total monthly household income without the value of CalFresh benefits or special needs benefit for a family of that size.

(II) It shall only be made to families that have found permanent housing costing no more than 80 percent of the family's total monthly household income without the value of CalFresh benefits or special needs benefit for a family of that size.

(iii) However, if the county welfare department determines that a family intends to reside with individuals who will be sharing housing costs, the county welfare department shall, in appropriate circumstances, set aside the condition specified in subclause (II) of clause (ii).

(C) The nonrecurring special needs benefit for permanent housing assistance is also available to cover the standard costs of deposits for utilities that are necessary for the health and safety of the family.

(D) A payment for, or denial of, permanent housing assistance shall be issued no later than one working day from the time that a family presents evidence of the availability of permanent housing. If an applicant family provides evidence of the availability of permanent housing before the county welfare department has established eligibility for aid under this chapter, the county welfare department shall complete the eligibility determination so that the payment for, or denial of, permanent housing assistance is issued within one working day from the submission of evidence of the availability of permanent housing, unless the family has failed to provide all of the verification necessary to establish eligibility for aid under this chapter.

(E) (i) Except as provided in clauses (ii) and (iii), eligibility for the temporary shelter assistance and the permanent housing assistance pursuant to this paragraph is limited to the number of days allowable under subparagraph (A) for temporary shelter assistance and one payment of permanent housing assistance every 12 months. A person who applies for homeless assistance benefits shall be informed that, with certain exceptions, the temporary shelter benefit is limited to the number of days allowable under subparagraph (A) for the 12-month period.

(ii) (I) A family that becomes homeless as a direct and primary result of a state or federally declared disaster is eligible for homeless assistance.

(II) If there is a state or federally declared disaster in a county, the county human services agency shall coordinate with public and private disaster response organizations and agencies to identify and inform recipients of their eligibility for homeless assistance available pursuant to subclause (H).

(iii) A family is eligible for homeless assistance if homelessness is a direct result of domestic violence by a spouse, partner, or roommate; physical

or mental illness that is medically verified that shall not include a diagnosis of alcoholism, drug addiction, or psychological stress; or the uninhabitability of the former residence caused by sudden and unusual circumstances beyond the control of the family, including natural catastrophe, fire, or condemnation. These circumstances shall be verified by a third-party governmental or private health and human services agency, except that domestic violence may also be verified by a sworn statement by the victim, as provided under Section 11495.25. Homeless assistance payments based on these specific circumstances may not be received more often than once in any 12-month period. In addition, if the domestic violence is verified by a sworn statement by the victim, the homeless assistance payments shall be limited to two periods of not more than 16 cumulative calendar days of temporary shelter assistance and two payments of permanent housing assistance. A county may require that a recipient of homeless assistance benefits who qualifies under this paragraph for a second time in a 24-month period participate in a homelessness avoidance case plan as a condition of eligibility for homeless assistance benefits. The county welfare department shall immediately inform recipients who verify domestic violence by a sworn statement of the availability of domestic violence counseling and services, and refer those recipients to services upon request.

(iv) If a county requires a recipient who verifies domestic violence by a sworn statement to participate in a homelessness avoidance case plan pursuant to clause (iii), the plan shall include the provision of domestic violence services, if appropriate.

(v) If a recipient seeking homeless assistance based on domestic violence pursuant to clause (iii) has previously received homeless avoidance services based on domestic violence, the county shall review whether services were offered to the recipient and consider what additional services would assist the recipient in leaving the domestic violence situation.

(vi) The county welfare department shall report necessary data to the department through a statewide homeless assistance payment indicator system, as requested by the department, regarding all recipients of aid under this paragraph.

(F) Payments to providers for temporary shelter and permanent housing and utilities shall be made on behalf of families requesting these payments.

(G) The daily amount for the temporary shelter special needs benefit for homeless assistance may be increased if authorized by the current year's Budget Act by specifying a different daily allowance and appropriating the funds therefor.

(H) A payment shall not be made pursuant to this paragraph unless the provider of housing is any of the following:

(i) A commercial establishment.

(ii) A shelter.

(iii) A person with whom, or an establishment with which, the family requesting assistance has executed a valid lease, sublease, or shared housing agreement.

(I) (i) Commencing July 1, 2018, a CalWORKs applicant who provides a sworn statement of past or present domestic abuse and who is fleeing their abuser is deemed to be homeless and is eligible for temporary shelter assistance under clause (i) of subparagraph (A) and under subparagraph (E), notwithstanding any income and assets attributable to the alleged abuser.

(ii) The homeless assistance payments issued under this subparagraph shall be granted the same day as the family's application, and benefits shall be available in increments of 16 days of temporary shelter assistance pursuant to clause (i) of subparagraph (A). The homeless assistance payments shall be limited to two periods of not more than 16 cumulative calendar days each of temporary shelter assistance within the applicant's lifetime. The second 16-day period shall continue to be available when the applicant becomes a CalWORKs recipient during the first 16-day period. The homeless assistance payments issued under this subparagraph shall be in addition to other payments for which the CalWORKs applicant, if the applicant becomes a CalWORKs recipient, may later qualify under this subdivision.

(iii) For purposes of this subparagraph, the housing search documentation described in clause (iii) of subparagraph (A) shall be required only upon issuance of an immediate need payment pursuant to Section 11266 or the issuance of benefits for the month of application.

(g) The department shall establish rules and regulations ensuring the uniform statewide application of this section.

(h) The department shall notify all applicants and recipients of aid through the standardized application form that these benefits are available and shall provide an opportunity for recipients to apply for the funds quickly and efficiently.

(i) The department shall work with county human services agencies, the County Welfare Directors Association of California, and advocates of CalWORKs recipients to gather information regarding the actual costs of a nightly shelter and best practices for transitioning families from a temporary shelter to permanent housing, and to provide that information to the Legislature, to be submitted annually in accordance with Section 9795 of the Government Code.

(j) (1) Except for the purposes of Section 15200, the amounts payable to recipients pursuant to Section 11453.1 shall not constitute part of the payment schedule set forth in subdivision (a).

(2) The amounts payable to recipients pursuant to Section 11453.1 shall not constitute income to recipients of aid under this section.

(k) For children receiving Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), there shall be paid, exclusive of any amount considered exempt as income, an amount of aid each month, which, when added to the child's income, is equal to the rate specified in Sections 11364 and 11387.

(*l*) (1) A county shall implement the semiannual reporting requirements in accordance with Chapter 501 of the Statutes of 2011 no later than October 1, 2013.

(2) Upon completion of the implementation described in paragraph (1), each county shall provide a certificate to the director certifying that semiannual reporting has been implemented in the county.

(3) Upon filing the certificate described in paragraph (2), a county shall comply with the semiannual reporting provisions of this section.

(m) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer this section by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(2) The department shall adopt emergency regulations no later than 18 months following the completion of all necessary automation to implement this section. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, an emergency regulation previously adopted under this section.

(3) The initial adoption of emergency regulations pursuant to this section and one readoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(n) This section shall become operative on July 1, 2021, or on the date the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever date is later.

(o) Notwithstanding subdivision (n), the individual changes imposed by the act adding this section that result in a cost shall become operative only if necessary funds are appropriated for these changes in the annual Budget Act or another statute for these purposes.

SEC. 48. Section 11450.025 of the Welfare and Institutions Code is amended to read:

11450.025. (a) (1) Notwithstanding any other law, effective on March 1, 2014, the maximum aid payments in effect on July 1, 2012, as specified in subdivision (b) of Section 11450.02, shall be increased by 5 percent.

(2) Effective April 1, 2015, the maximum aid payments in effect on July 1, 2014, as specified in paragraph (1), shall be increased by 5 percent.

(3) Effective October 1, 2016, the maximum aid payments in effect on July 1, 2016, as specified in paragraph (2), shall be increased by 1.43 percent.

(4) (A) Effective January 1, 2017, households eligible for aid under this chapter shall receive an increased aid payment consistent with the repeal

of former Section 11450.04, as it read on January 1, 2016, known as the "maximum family grant rule."

(B) In recognition of the increased cost of aid payments resulting from that repeal, moneys deposited into the Child Poverty and Family Supplemental Support Subaccount shall be allocated to counties pursuant to Section 17601.50 as follows:

(i) One hundred seven million forty-seven thousand dollars ($107,047,000) for January 1, 2017, to June 30, 2017, inclusive.

(ii) Two hundred twenty-three million four hundred fifty-four thousand dollars ($223,454,000) for the 2017–18 fiscal year and for every fiscal year thereafter.

(5) Effective October 1, 2021, the maximum aid payments in effect on July 1, 2021, as specified in paragraph (3), shall be increased by 5.3 percent.

(6) Effective October 1, 2022, the maximum aid payments in effect on July 1, 2022, as specified in paragraph (5), shall be increased by 11 percent.

(b) Commencing in 2014 and annually thereafter, on or before January 10 and on or before May 14, the Director of Finance shall do all of the following:

(1) Estimate the amount of growth revenues pursuant to subdivision (f) of Section 17606.10 that will be deposited in the Child Poverty and Family Supplemental Support Subaccount of the Local Revenue Fund for the current fiscal year and the following fiscal year and the amounts in the subaccount carried over from prior fiscal years.

(2) For the current fiscal year and the following fiscal year, determine the total cost of providing the increases described in subdivision (a), as well as any other increase in the maximum aid payments subsequently provided only under this section, after adjusting for updated projections of CalWORKs costs associated with caseload changes, as reflected in the local assistance subvention estimates prepared by the State Department of Social Services and released with the annual Governor's Budget and subsequent May Revision update.

(3) If the amount estimated in paragraph (1) plus the amount projected to be deposited for the current fiscal year into the Child Poverty and Family Supplemental Support Subaccount pursuant to subparagraph (3) of subdivision (e) of Section 17600.15 is greater than the amount determined in paragraph (2), the difference shall be used to calculate the percentage increase to the CalWORKs maximum aid payment standards that could be fully funded on an ongoing basis beginning the following fiscal year.

(4) If the amount estimated in paragraph (1) plus the amount projected to be deposited for the current fiscal year into the Child Poverty and Family Supplemental Support Subaccount pursuant to subparagraph (3) of subdivision (e) of Section 17600.15 is equal to or less than the amount determined in paragraph (2), no additional increase to the CalWORKs maximum aid payment standards shall be provided in the following fiscal year in accordance with this section.

(5) (A) Commencing with the 2014–15 fiscal year and for all fiscal years thereafter, if changes to the estimated amounts determined in paragraphs

(1) or (2), or both, as of the May Revision, are enacted as part of the final budget, the Director of Finance shall repeat, using the same methodology used in the May Revision, the calculations described in paragraphs (3) and (4) using the revenue projections and grant costs assumed in the enacted budget.

(B) If a calculation is required pursuant to subparagraph (A), the Department of Finance shall report the result of this calculation to the appropriate policy and fiscal committees of the Legislature upon enactment of the Budget Act.

(c) An increase in maximum aid payments calculated pursuant to paragraph (3) of subdivision (b), or pursuant to paragraph (5) of subdivision (b) if applicable, shall become effective on October 1 of the following fiscal year.

(d) (1) An increase in maximum aid payments provided in accordance with this section shall be funded with growth revenues from the Child Poverty and Family Supplemental Support Subaccount in accordance with paragraph (3) of subdivision (e) of Section 17600.15 and subdivision (f) of Section 17606.10, to the extent funds are available in that subaccount.

(2) If funds received by the Child Poverty and Family Supplemental Support Subaccount in a particular fiscal year are insufficient to fully fund any increases to maximum aid payments made pursuant to this section, the remaining cost for that fiscal year will be addressed through existing provisional authority included in the annual Budget Act. Additional increases to the maximum aid payments shall not be provided until and unless the ongoing cumulative costs of all prior increases provided pursuant to this section are fully funded by the Child Poverty and Family Supplemental Support Subaccount.

(e) Notwithstanding Section 15200, counties shall not be required to contribute a share of the costs to cover the increases to maximum aid payments made pursuant to this section.

SEC. 49. Section 11450.027 is added to the Welfare and Institutions Code, to read:

11450.027. (a) It is the intent of the Legislature that, upon an appropriation in the annual Budget Act, maximum aid payments in the CalWORKs program are sufficient to ensure that no child lives in deep poverty. As stated in Section 11450.022, it is the intent of the Legislature to increase CalWORKs maximum aid payments until the maximum aid payment levels reach 50 percent of the federal poverty level for the family size that is one greater than the assistance unit, accounting for families with an unaided family member and when children in these families receive a proportionally reduced grant. It is further the intent of the Legislature that, upon an appropriation in the annual Budget Act, maximum aid payments increase in accordance with the growth of the federal poverty level to continue to ensure that no child lives in deep poverty. For purposes of this subdivision, “deep poverty” means at or below 50 percent of the federal poverty level.

(b) Notwithstanding any other law, effective October 1, 2022, and through September 30, 2024, the maximum aid payments described in paragraph (1) of subdivision (a) of Section 11450, in effect on July 1, 2022, as specified in Section 11450.025, shall be increased by 10 percent in addition to the 11-percent increase specified in paragraph (6) of subdivision (a) of Section 11450.025.

(c) Effective October 1, 2024, the maximum aid payments in effect on July 1, 2024, shall be increased subject to an appropriation for this purpose in the Budget Act of 2024.

(d) Commencing on January 1, 2023, and annually thereafter, on or before January 10, the State Department of Social Services shall provide a display in writing to the appropriate policy and fiscal committees of the Legislature, and on the department's internet website, showing the CalWORKs maximum aid payment amounts compared to 50 percent of the federal poverty level.

SEC. 50. 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 living placement, as defined in subdivision (w) of Section 11400, or a nonrelated legal guardian receiving the basic rate. The increased rate shall not be used to compute the monthly amount that may be paid to licensed foster family agencies for the placement of children in certified foster homes.

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

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

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

(2) (A) Any county that, as of the 1991–92 fiscal year, receives state participation for a basic rate that exceeds the amount set forth in the schedule

of basic rates in subdivision (a) shall receive an increase each year in state participation for that basic rate of one-half of the percentage adjustments specified in paragraph (1) until the difference between the county's adjusted state participation level for its basic rate and the adjusted schedule of basic rates is eliminated.

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

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

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

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

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

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

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

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

that in the use of these funds, federal financial participation shall be claimed whenever possible.

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

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

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

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

(f) (1) As used in this section, "clothing allowance" means the amount paid by a county, at the county's option, in addition to the basic rate for the provision of additional clothing for a child, including, but not limited to, an initial supply of clothing and school or other uniforms. The frequency and level of funding shall be based on the needs of the child, as determined by the county.

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

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

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

(2) Commencing July 1, 2011, the basic rate set forth in this subdivision shall be annually adjusted on July 1 by the annual percentage change in the

California Necessities Index applicable to the calendar year within which each July 1 occurs.

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

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

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

(iii) 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.

(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.

(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.

SEC. 51. Section 11461.36 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal

or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

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

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

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

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

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

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

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

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

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

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

(i) On a monthly basis, the county has documented good cause for delay in approving the resource family application that is outside the direct control of the county due to processing background check clearances or exemptions or medical examinations, delays in home or grounds improvements that are outside the control of the family or county, completion of specialized or

individualized training required of the family that are beyond the basic resource family approval requirements, delays related to changes in the home environment resulting in the need for a new assessment, delays related to the time commitments required of the caregiver as a result of the child's placement into foster care, delays as a result of the applicant exercising due process rights, or delays that are based on the needs of the family.

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

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

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

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

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

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

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

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

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

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

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct

control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) The child resides in California.

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

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

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

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

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

(m) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through an all-county letter or similar instructions, which shall include instructions regarding the eligibility standards for emergency assistance until regulations are adopted.

SEC. 52. Section 11461.6 of the Welfare and Institutions Code is amended to read:

11461.6. (a) The Emergency Child Care Bridge Program for Foster Children is hereby established, to be implemented at the discretion of each county, for the purpose of stabilizing foster children with families at the time of placement by providing a time-limited payment or voucher for childcare following the child's placement, or for a child whose parent is in foster care, and by providing the family with a childcare navigator to assist the family in accessing long-term subsidized childcare.

(b) The Emergency Child Care Bridge Program for Foster Children shall be administered by county welfare departments that choose to participate in the program.

(c) (1) As determined by the county welfare department, and consistent with guidance issued by the State Department of Social Services, counties

may establish local priorities and may either provide payment directly to the family or childcare provider, or contract with a local alternative payment program to distribute vouchers for childcare.

(2) Counties that elect to provide payment directly to a family or childcare provider shall pay commensurate with the regional market rates, as described in Section 10374.5.

(3) For counties that elect to contract with a local alternative payment agency, as described in Section 10225, to distribute childcare vouchers, the vouchers shall be in an amount commensurate with the regional market rates, as described in Section 10374.5, and the contract shall not displace, or result in the reduction of, an existing contract with a current local alternative payment program.

(d) (1) Participating county welfare departments shall determine eligibility of a child for the Emergency Child Care Bridge Program for Foster Children using the criteria outlined in paragraphs (2) and (3).

(2) Family placements eligible to receive payment or a voucher for childcare include both of the following:

(A) Approved resource families, as described in Section 16519.5 of this code and Section 1517 of the Health and Safety Code, and families that have a child placed with them in an emergency or for a compelling reason, as described in Section 16519.5.

(B) Parents under the jurisdiction of the juvenile court, including, but not limited to, nonminor dependent parents.

(3) A participating county welfare department may provide a payment or voucher if work or school responsibilities preclude resource families from providing care when the child for whom they have care and responsibility is not in school or for periods when the family, as described in paragraph (2), is required to participate, without the child, in activities associated with parenting a child that are beyond the scope of ordinary parental duties, including, but not limited to, attendance at administrative or judicial reviews, case conferences, and family training.

(e) Each child receiving a monthly childcare payment or voucher shall be provided with a childcare navigator, pursuant to paragraph (5) of subdivision (a) of Section 10219, who shall work directly with the child's family, social worker, and the child and family team to assist in accessing childcare at the time of placement as well as long-term, subsidized childcare for the child, as necessary.

(f) Each child receiving a monthly childcare payment or voucher shall be eligible to receive the payment or voucher for up to six months. If the child and family access long-term, subsidized childcare prior to the end of the six-month period covered by the payment or voucher, eligibility for the monthly payment or voucher shall terminate upon enrollment in long-term, subsidized childcare.

(g) (1) Eligibility for the monthly payment or voucher may be extended beyond the initial six-month period for an additional six-month period, not to exceed 12 months in total, at the discretion of the county welfare

department, if the child and family have been unable to access long-term, subsidized childcare during the initial six-month period.

(2) Notwithstanding paragraph (1), the county welfare department may extend eligibility for the monthly payment or voucher beyond 12 months based on a compelling reason that may include, but is not limited to, the inability of the foster child to successfully transition to other subsidized childcare, the loss of the payment or voucher would jeopardize a successful reunification or permanency plan, or other reasons authorized pursuant to guidance issued by the department, with input from stakeholders. This paragraph shall become operative September 1, 2022.

(h) The department shall seek all federal approvals necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act in order to maximize state and local funding for childcare.

(i) This section shall not be interpreted to create an entitlement to a childcare payment or voucher.

(j) The program established pursuant to this section is intended to complement county child welfare agency efforts to recruit, retain, and support resource families as described in Section 16003.5, and any funding provided to counties pursuant to this section shall supplement those county activities to support the goals of Chapter 773 of the Statutes of 2015 and Chapter 612 of the Statutes of 2016.

SEC. 53. Section 11462 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Staff training.

(5) Health and Safety Code requirements.

(6) Accreditation that includes:

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

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

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

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

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

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

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

(1) (A) Initial interim rates developed pursuant to this section shall be effective January 1, 2017, through December 31, 2024.

(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.

(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.

SEC. 54. Section 11462.01 of the Welfare and Institutions Code is amended to read:

11462.01. (a) (1) If a program will admit Medi-Cal beneficiaries, no later than 12 months following the date of initial licensure, a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 of this code and paragraph (18) of subdivision (a) of Section 1502

of the Health and Safety Code, shall obtain a contract, subject to an agreement on rates and terms and conditions, with a county mental health plan to provide specialty mental health services and demonstrate the ability to meet the therapeutic needs of each child, as identified in any of the following:

(A) A mental health assessment.

(B) The child's case plan.

(C) The child's needs and services plan.

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

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

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

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

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

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

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

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

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

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

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

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

(A) A commercially sexually exploited child.

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

(C) A juvenile sex offender.

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

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

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

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

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

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

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

(f) All short-term residential therapeutic programs shall maintain the level of care and services necessary to meet the needs, including the assessed needs and child-specific goals identified by a qualified individual pursuant to subdivision (g) of Section 4096, as applicable, of the children and youth in their care and shall maintain and have in good standing the appropriate mental health program approval. If a program will admit Medi-Cal beneficiaries, the short-term residential therapeutic program shall obtain a certification to provide Medi-Cal specialty mental health services issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated mental health program approval

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

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

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

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

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

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

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

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

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

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

(3) (A) Nothing in subdivisions (a) to (g), inclusive, or this subdivision shall prevent an emergency placement of a child or youth into a certified short-term residential therapeutic program prior to the determination by the

interagency placement committee, but only if a licensed mental health professional, as defined in subdivision (j) of Section 4096, has made a written determination within 72 hours of the child's or youth's placement, that the child or youth requires the level of services and supervision provided by the short-term residential therapeutic program in order to meet their behavioral or therapeutic needs. If the short-term residential therapeutic program serves children placed by county child welfare agencies and children placed by probation departments, the interagency placement committee shall also ensure the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

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

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

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

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

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

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

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

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

(k) The department shall not establish a rate for a short-term residential therapeutic program unless the provider submits a recommendation from the host county or the primary placing county that the program is needed and that the provider is willing and capable of operating the program at the level sought. For purposes of this subdivision, "host county," and "primary placing county," mean the same as defined in the department's AFDC-FC ratesetting regulations.

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

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

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

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

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

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

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

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

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

(3) Referral to an appropriate placement.

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

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

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

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

SEC. 55. Section 11463 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Staff training.

(7) Health and Safety Code requirements.

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

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

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

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

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

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

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

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

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

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

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

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

(1) (A) Initial interim rates developed pursuant to this section shall be effective January 1, 2017, through December 31, 2024.

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

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

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

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

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

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

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

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

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

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

(C) In addition to the basic rate described in this paragraph, the department shall develop foster family agency rates that consider specialized

programs to serve children with specific needs, including, but not limited to, all of the following:

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

(ii) Specialized health care needs.

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

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

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

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

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

SEC. 56. Section 11466.36 of the Welfare and Institutions Code is amended to read:

11466.36. (a) The department may terminate a program rate if any of the following conditions are met:

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

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

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

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

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

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

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

SEC. 57. Section 12201.06 of the Welfare and Institutions Code is amended to read:

12201.06. (a) Commencing January 1, 2017, the amount of aid paid pursuant to this article, in effect on December 31, 2016, less the federal benefit portion received under Part A of Title XVI of the federal Social Security Act, shall be increased by 2.76 percent.

(b) (1) Commencing January 1, 2022, the amount of aid paid pursuant to this article, in effect on December 31, 2021, less the federal benefit portion received under Part A of Title XVI of the federal Social Security Act, shall be increased by a percent increase, as determined by the State Department of Social Services and the Department of Finance that can be accomplished with two hundred ninety-one million two hundred and eighty-seven thousand dollars ($291,287,000).

(2) The State Department of Social Services and the Department of Finance shall provide a notice to the Assembly and Senate Health and Human Services budget subcommittees, Assembly and Senate Human Services policy committees, and the Legislative Analyst's Office of the final percent increase effectuated by the appropriation included in the Budget Act of 2021 for the purposes of implementing paragraph (1) 30 days prior to notifying the federal Social Security Administration to operationalize the grant increase in this subdivision.

(3) Subject to an appropriation in the Budget Act of 2022, commencing January 1, 2023, the amount of aid paid pursuant to this article, in effect on December 31, 2022, less the federal benefit portion received under Part A of Title XVI of the federal Social Security Act, shall be increased by a percent increase, as determined by the State Department of Social Services and the Department of Finance.

(4) The State Department of Social Services and the Department of Finance shall provide a notice to the Assembly and Senate Health and Human Services budget subcommittees, Assembly and Senate Human Services policy committees, and the Legislative Analyst's Office of the final percent increase effectuated by the appropriation included in the Budget Act of 2022 for the purposes of implementing paragraph (3) 30 days before notifying the federal Social Security Administration to operationalize the grant increase in this subdivision.

SEC. 58. Section 12300.6 is added to the Welfare and Institutions Code, to read:

12300.6. (a) Effective no sooner than October 1, 2022, and no later than 60 days after the date of the final all-county letter, a county or a public authority, as established pursuant to Section 12301.6, in collaboration with the applicable county, shall administer a backup provider system for in-home

supportive services and waiver personal care services providers in compliance with the requirements of this section and Section 12300.5.

(b) Under the backup provider system, a recipient shall be eligible to receive temporary in-home supportive services or waiver personal care services from a backup provider as set forth in this section if both of the following conditions are met:

(1) The recipient has an urgent need for backup supportive services due to a need for personal care services that cannot be met by an existing provider, or because they are transitioning to home-based care and do not yet have an identified provider.

(2) The recipient's health and safety will be at risk if they do not receive their regularly scheduled in-home supportive services or waiver personal care services such that it may result in the need for emergency services or out-of-home placement if backup supportive services are not provided.

(c) (1) The maximum total of hours received under the backup provider system shall not exceed 80 hours per state fiscal year for each eligible recipient. Exceptions to this 80-hour limit may be granted on an as-needed basis for severely impaired recipients, but shall not exceed 160 hours each state fiscal year. Exceptions shall only be granted if funding for the exception is appropriated in the annual Budget Act.

(2) All service hours received under the backup provider system shall count toward the recipient's total monthly authorized in-home supportive services or waiver personal care services hours, and shall not impact a recipient's authorized monthly hours, or the maximum number of hours allowed under Section 12303.4 and subdivision (g) of Section 14132.95.

(3) If a recipient has two or more regular providers, on each occasion a recipient has a need for backup supportive services as specified in this section, an exception from an applicable provider workweek limitation set forth in this article may be authorized for one of the regular providers, as authorized pursuant to subparagraph (C) of paragraph (1) of subdivision (b) of Section 12301.1, in lieu of finding a backup provider.

(d) The requirements established pursuant to this section shall not restrict or interfere with the right of a recipient to hire, terminate, and supervise their backup provider. If a recipient chooses not to use, or terminates, the backup provider referred to them by the county or public authority, it becomes the responsibility of the recipient to find and hire their own backup provider.

(e) To be eligible to provide authorized backup in-home supportive services or waiver personal care services and receive payment as a backup provider pursuant to this section, a backup provider shall meet all of the following requirements:

(1) The person shall not have been convicted of an offense specified in Section 12305.81 or 12305.87 within the past 10 years.

(2) The person shall have met all requirements of provider enrollment, as specified in Section 12301.24 and subdivision (a) of Section 12305.81.

(3) The person shall be enrolled as a provider through the county or public authority and meet all applicable local requirements to provide emergency backup care.

(f) Subject to an appropriation in the annual Budget Act, backup providers shall be paid a wage that is two dollars ($2) above the current county or public authority locally negotiated wage rate for a provider of in-home supportive services and waiver personal care services.

(g) The backup provider system shall be operated, at a minimum, by the county or public authority during normal county or public authority operating hours Monday through Friday, excluding holidays.

(h) In operating the backup provider system, counties and public authorities shall only be responsible for the following:

(1) Recruiting, enrolling, and making reasonable efforts to identify and recruit available providers, to the extent possible.

(2) Responding to recipient requests for backup care.

(3) Referring recipients to one or more backup providers, if available and if consistent with the recipient's preferences and needs. This section does not require a county or public authority to ensure the provision of backup services in the event the county or the public authority is unable to locate an available provider for referral.

(4) Entering information as required under this section in the Case Management Information and Payrolling System for purposes of tracking and payments to providers.

(i) Counties, public authorities, and the state shall be immune from liability resulting from a backup provider's untimely response to a request for provider backup services, subject to applicable legal limits, including federal and state protections against discrimination.

(j) (1) 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 all-county letters or similar instructions until regulations are adopted. The all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(2) The state shall seek any federal approvals it deems necessary to implement this section. This section shall be implemented only to the extent that any necessary federal approvals are obtained and federal financial participation under the Medi-Cal program is available and is not otherwise jeopardized.

SEC. 59. Section 12301.24 of the Welfare and Institutions Code, as amended by Section 70 of Chapter 11 of the Statutes of 2020, is amended to read:

12301.24. (a) All prospective providers shall complete an in-person provider orientation at the time of enrollment, as developed by the department, in consultation with counties, which shall include, but is not limited to, all of the following:

(1) The requirements to be an eligible IHSS provider.

(2) A description of the IHSS program.

(3) The rules, regulations, and provider-related processes and procedures, including timesheets.

(4) The consequences of committing fraud in the IHSS program.

(5) The Medi-Cal toll-free telephone fraud hotline and internet website for reporting suspected fraud or abuse in the provision or receipt of supportive services.

(6) The applicable federal and state requirements regarding minimum wage and overtime pay, including paid travel time and wait time, and the requirements of Section 12300.4.

(b) In order to complete provider enrollment, at the conclusion of the provider orientation, all applicants shall sign a statement specifying that the provider agrees to all of the following:

(1) The prospective provider will provide to a recipient the authorized services.

(2) The prospective provider has received a demonstration of, and understands, timesheet requirements, including content, signature, and fingerprinting, when implemented.

(3) The prospective provider shall cooperate with state or county staff to provide any information necessary for assessment or evaluation of a case.

(4) The prospective provider understands and agrees to program expectations and is aware of the measures that the state or county may take to enforce program integrity.

(5) The prospective provider has attended the provider orientation and understands that failure to comply with program rules and requirements may result in the provider being terminated from providing services through the IHSS program.

(c) The county shall indefinitely retain this statement in the provider's file. Refusal of the provider to sign the statement described in subdivision (b) shall result in the provider being ineligible to receive payment for the provision of services and participate as a provider in the IHSS program.

(d) All of the following shall apply to the provider orientation described in subdivision (a):

(1) (A) The orientation shall be an onsite orientation that all prospective providers shall attend in person.

(B) (i) If the state or local public health agency issues an order limiting the size of gatherings, a county may hold a series of smaller in-person orientations that meet the same criteria specified in this section. A county is not required to hold an orientation in which prospective providers attend in person if the state or local health agency issues an order that prevents the in-person orientation from occurring.

(ii) If an orientation is not required to be held in person pursuant to clause (i), the county shall hold an orientation that is in person within 30 calendar days of the date that the public health order restrictions are lifted. Counties or IHSS public authorities may provide a written attestation to the recognized employee organization if public health conditions cause staffing or facility

challenges that cause delays, and such an attestation will result in a one-time extension of 15 calendar days for the return to in-person orientations.

(C) The requirement for the orientation to be held in person and prospective providers to attend the orientation in person shall not apply if parties to a collective bargaining agreement expressly agree to waive that requirement and have a negotiated alternative method for the provision of the orientation.

(2) Prospective providers may attend the onsite orientation only after completing the application for the IHSS provider enrollment process described in subdivision (a) of Section 12305.81.

(3) Any oral presentation and written materials presented at the orientation shall be translated into all IHSS threshold languages in the county.

(4) (A) Representatives of the recognized employee organization in the county shall be permitted to make a presentation of up to 30 minutes at the beginning of the orientation. Prior to implementing the orientation requirements set forth in this subdivision, counties shall provide at least the level of access to, and the ability to make presentations at, provider orientations that they allowed the recognized employee organization in the county as of September 1, 2014. Counties shall not discourage prospective providers from attending, participating, or listening to the orientation presentation of the recognized employee organization. Prospective providers may, by their own accord, choose not to participate in the recognized employee organization presentation.

(B) Prior to scheduling a provider orientation, the county shall provide the recognized employee organization in the county with not less than 10 days advance notice of the planned date, time, and location of the orientation. If, within 3 business days of receiving that notice, the recognized employee organization notifies the county of its unavailability for the planned orientation, the county shall make reasonable efforts to schedule the orientation so the recognized employee organization can attend, so long as rescheduling the orientation does not delay provider enrollment by more than 10 business days. The requirement to make reasonable efforts to reschedule may be waived, as necessary, due to a natural disaster or other declared state of emergency, or by mutual agreement between the county and the recognized employee organization.

(C) Prior to the orientation, the recognized employee organization shall be provided with the information described in subdivision (b) of Section 6253.2 of the Government Code for prospective providers.

(e) To the extent that the orientation is modified from an onsite and in-person orientation, as required by paragraph (1) of subdivision (d), the recognized employee organization in the county shall be provided with the same right to make a presentation, the same advance notice of scheduling, and the same information regarding the applicants, providers, or prospective providers who will attend the orientation, as the organization would receive for an onsite orientation.

(f) A claim may be brought before the Public Employment Relations Board for an alleged violation of Section 3550 of the Government Code if

the county has not complied with the requirements of this section within 30 days of being notified by the recognized employee organization.

(g) This section shall remain in effect only until January 1, 2023, and as of that date is repealed.

SEC. 60. Section 12301.24 of the Welfare and Institutions Code, as amended by Section 438 of Chapter 615 of the Statutes of 2021, is amended to read:

12301.24. (a) All prospective providers shall complete an in-person provider orientation at the time of enrollment, as developed by the department, in consultation with counties, which shall include, but is not limited to, all of the following:

(1) The requirements to be an eligible IHSS provider.

(2) A description of the IHSS program.

(3) The rules, regulations, and provider-related processes and procedures, including timesheets.

(4) The consequences of committing fraud in the IHSS program.

(5) The Medi-Cal toll-free telephone fraud hotline and internet website for reporting suspected fraud or abuse in the provision or receipt of supportive services.

(6) The applicable federal and state requirements regarding minimum wage and overtime pay, including paid travel time and wait time, and the requirements of Section 12300.4.

(b) In order to complete provider enrollment, at the conclusion of the provider orientation, all applicants shall sign a statement specifying that the provider agrees to all of the following:

(1) The prospective provider will provide to a recipient the authorized services.

(2) The prospective provider has received a demonstration of, and understands, timesheet requirements, including content, signature, and fingerprinting, when implemented.

(3) The prospective provider shall cooperate with state or county staff to provide any information necessary for assessment or evaluation of a case.

(4) The prospective provider understands and agrees to program expectations and is aware of the measures that the state or county may take to enforce program integrity.

(5) The prospective provider has attended the provider orientation and understands that failure to comply with program rules and requirements may result in the provider being terminated from providing services through the IHSS program.

(c) The county shall indefinitely retain this statement in the provider's file. Refusal of the provider to sign the statement described in subdivision (b) shall result in the provider being ineligible to receive payment for the provision of services and participate as a provider in the IHSS program.

(d) All of the following shall apply to the provider orientation described in subdivision (a):

(1) (A) The orientation shall be an onsite orientation that all prospective providers shall attend in person.

(B) (i) If the state or local public health agency issues an order limiting the size of gatherings, a county may hold a series of smaller in-person orientations that meet the same criteria specified in this section. A county is not required to hold an orientation in which prospective providers attend in person if the state or local health agency issues an order that prevents the in-person orientation from occurring.

(ii) If an orientation is not required to be held in person pursuant to clause (i), the county shall hold an orientation that is in person within 30 calendar days of the date that the public health order restrictions are lifted. Counties or IHSS public authorities may provide a written attestation to the recognized employee organization if public health conditions cause staffing or facility challenges that cause delays, and such an attestation will result in a one-time extension of 15 calendar days for the return to in-person orientations.

(C) The requirement for the orientation to be held in person and prospective providers to attend the orientation in person shall not apply if parties to a collective bargaining agreement expressly agree to waive that requirement and have a negotiated alternative method for the provision of the orientation.

(2) Prospective providers may attend the onsite orientation only after completing the application for the IHSS provider enrollment process described in subdivision (a) of Section 12305.81.

(3) Any oral presentation and written materials presented at the orientation shall be translated into all IHSS threshold languages in the county.

(4) (A) Representatives of the recognized employee organization in the county shall be permitted to make a presentation of up to 30 minutes at the beginning of the orientation. Prior to implementing the orientation requirements set forth in this subdivision, counties shall provide at least the level of access to, and the ability to make presentations at, provider orientations that they allowed the recognized employee organization in the county as of September 1, 2014. Counties shall not discourage prospective providers from attending, participating, or listening to the orientation presentation of the recognized employee organization. Prospective providers may, by their own accord, choose not to participate in the recognized employee organization presentation.

(B) Prior to scheduling a provider orientation, the county shall provide the recognized employee organization in the county with not less than 10 days advance notice of the planned date, time, and location of the orientation. If, within 3 business days of receiving that notice, the recognized employee organization notifies the county of its unavailability for the planned orientation, the county shall make reasonable efforts to schedule the orientation so the recognized employee organization can attend, so long as rescheduling the orientation does not delay provider enrollment by more than 10 business days. The requirement to make reasonable efforts to reschedule may be waived, as necessary, due to a natural disaster or other declared state of emergency, or by mutual agreement between the county and the recognized employee organization.

(C) Prior to the orientation, the recognized employee organization shall be provided with the information described in subdivision (b) of Section 7926.300 of the Government Code for prospective providers.

(e) To the extent that the orientation is modified from an onsite and in-person orientation, as required by paragraph (1) of subdivision (d), the recognized employee organization in the county shall be provided with the same right to make a presentation, the same advance notice of scheduling, and the same information regarding the applicants, providers, or prospective providers who will attend the orientation, as the organization would receive for an onsite orientation.

(f) A claim may be brought before the Public Employment Relations Board for an alleged violation of Section 3550 of the Government Code if the county has not complied with the requirements of this section within 30 days of being notified by the recognized employee organization.

(g) This section shall become operative on January 1, 2023.

SEC. 61. Section 12301.61 of the Welfare and Institutions Code is amended to read:

12301.61. (a) On or after October 1, 2021, if a public authority or nonprofit consortium established pursuant to Section 12301.6, acting as the employer of record, and the employee organization have not reached an agreement on a bargaining contract with in-home supportive services workers, either party may request mediation, pursuant to Section 3505.2 of the Government Code, which shall be mandatory. If the parties fail to agree on a mediator, the Public Employment Relations Board shall appoint one from the pool described in subdivision (c). The mediation shall be held no more than 15 business days from the date requested by either party.

(b) If the parties are unable to effect settlement through mediation, as described in subdivision (a), the parties shall submit their differences to factfinding, pursuant to Sections 3505 and 3505.4 of the Government Code. Alternatively, if both parties agree, the parties may bypass the mediation process in subdivision (a) and move directly to factfinding.

(1) The factfinding panel shall make findings of fact and recommend terms of settlement, which shall be advisory only, within 30 days after the panel is appointed by the Public Employment Relations Board.

(2) Within 15 days after the factfinding panel has released its findings of fact and recommended settlement terms, either party may request postfactfinding mediation consistent with Section 3505.2 of the Government Code, which shall be mandatory. If the parties fail to agree on a mediator, the Public Employment Relations Board shall appoint one from the pool described in subdivision (c).

(3) If either party elects postfactfinding mediation, the findings of fact and recommended settlement terms shall not be made public until the mediation has concluded.

(4) Mediation shall be held no more than 15 days from the date requested, and may include, at the mediator’s discretion, the factfinding panel and representatives of both parties. The director, or the director’s designee, shall be available to provide information and expertise, as necessary.

(5) The county board of supervisors shall hold a public hearing within 30 days of the factfinding panel's public release of its findings of fact and recommended settlement terms.

(c) The Public Employment Relations Board shall designate a pool of no more than five qualified individuals to serve as mediators or on a factfinding panel. The pool shall consist of individuals with relevant subject matter expertise. The board shall select individuals for the pool in consultation with the department and the affected employers and employee organizations. Priority shall be given to individuals with knowledge of the In-Home Supportive Services program. The board may designate the mediator to serve as the neutral member of the factfinding panel.

(d) The costs for the services of the factfinding panel and the mediator shall be equally divided between the parties, and shall include per diem fees, if any, and actual and necessary travel and subsistence expenses.

(e) If no individual is available to serve as a mediator or factfinder within the timelines specified in this section, the timelines shall be extended until the next mediator or factfinder is available.

(f) A county shall be subject to a one-time withholding of 1991 Realignment funds pursuant to a schedule developed by the Department of Finance and provided to the Controller if all of the following conditions are met:

(1) The parties have completed the process described in subdivisions (a) to (c), inclusive.

(2) The factfinding panel has issued findings of fact and recommended settlement terms that are more favorable to the employee organization than those proposed by the employer of record described in subdivision (a).

(3) The parties do not reach a collective bargaining agreement within 90 days after the release of the factfinding panel's recommended settlement terms described in paragraph (2). The parties shall make every good faith effort to reach an alternative mutually accepted agreement within this timeframe.

(4) The collective bargaining agreement for IHSS providers in the county has expired.

(g) (1) On and after July 1, 2021, a county that has not reached an agreement after the release of the factfinding panel's recommended settlement terms released prior to June 30, 2021, shall have 90 days to reach an agreement with the employee organization. If an agreement is not reached within 90 days, the withholding described in subdivision (f) shall occur on October 1, 2021.

(2) This subdivision shall become inoperative on August 1, 2022.

(h) The Public Employment Relations Board shall provide written notification to the county and the employee organization within 15 days of determining that the county is subject to a withholding pursuant to subdivision (f). The board shall also notify the Department of Finance and the State Controller of the withholding assessment.

(i) The amount of the 1991 Realignment funding withholding pursuant to subdivision (f) shall be equivalent to 7 percent of the county's 2020–21

fiscal year IHSS Maintenance of Effort requirement, as reported by the department, prior to applying any offsets pursuant to Section 12306.17.

SEC. 62. Section 13753 of the Welfare and Institutions Code is amended to read:

13753. When a foster youth who is receiving SSI payments is approaching their 18th birthday, the county shall do all of the following:

(a) Provide information to the youth regarding the federal requirement that the youth establish continuing disability as an adult, if necessary, in order for SSI benefits to continue beyond their 18th birthday.

(b) Provide information to the youth regarding the process for becoming their own payee, or designating an appropriate representative payee if benefits continue beyond their 18th birthday, and regarding any SSI benefits that have accumulated on the youth's behalf.

(c) Assist the youth, as appropriate, in fulfilling the requirements of subdivisions (a) and (b).

(d) This section shall remain in effect only until January 1, 2023, or 30 days after the department issues the necessary all-county letters and informing materials to county placing agencies, whichever is later.

SEC. 63. Section 13753 is added to the Welfare and Institutions Code, to read:

13753. (a) When a foster youth is receiving SSI payments, the county shall do all of the following at least six months before the youth's 18th birthday:

(1) Provide information to the youth regarding the federal requirement that the youth establish continuing disability as an adult, if necessary, in order for SSI benefits to continue beyond their 18th birthday.

(2) Provide information to the youth regarding the process for becoming their own payee and steps necessary to maintain the SSI benefits, or designating an appropriate representative payee if benefits continue beyond their 18th birthday, and regarding any SSI benefits that have accumulated on their behalf. The county shall also provide information about the effect, if any, the youth's foster care benefits may have on the amount of the youth's SSI payments.

(3) Assist the youth, as appropriate, in fulfilling the requirements of paragraphs (1) and (2).

(b) Upon the youth attaining 18 years of age, if the youth elects to remain in foster care as a nonminor dependent, the county shall carry out the requirements of subdivision (c) of Section 13754.

(c) The department shall disseminate information to counties to support implementation of this section and shall distribute these materials to county placing agencies prior to implementation of this section.

(d) This section shall become operative as of January 1, 2023, or 30 days after the department issues the necessary all-county letters and informing materials to county placing agencies, whichever is later.

SEC. 64. Section 13754 of the Welfare and Institutions Code is amended to read:

13754. (a) It is the intent of the Legislature that nothing in this section shall be interpreted to preclude a nonminor dependent from accessing the same benefits, services, and supports, and exercise the same choices available to all dependents. It is further the intent of the Legislature that nonminor dependents who receive federal Supplemental Security Income benefits can serve as their own payee, if it is determined that the nonminor dependent satisfies the criteria established by the Social Security Administration, and should be assisted in receiving direct payment by the county child welfare department. It is further the intent of the Legislature that individuals who have had their eligibility for federal Supplemental Security Income benefits established pursuant to Section 13757 be able to maintain that eligibility even when they remain in the state's care as a nonminor dependent. In order to facilitate this, it is the intent of the Legislature that the county child welfare agency ensure that the youth receives an SSI payment during at least one month of each 12-month period while the youth is a nonminor dependent. It is further the intent of the Legislature that the county child welfare agency supplement the SSI payment that a youth receives during this one-month period with nonfederal AFDC-FC benefits.

(b) (1) The county shall apply to be appointed representative payee on behalf of a child beneficiary in its custody when no other appropriate party is available to serve.

(2) When a child beneficiary reaches 18 years of age and elects to remain in the custody of the county as a nonminor dependent, the county shall provide information to the youth regarding the process for becoming their own payee and shall assist the youth in becoming their own payee pursuant to Section 13753, unless becoming their own payee is contrary to the best interests of the youth. In the event that a youth is unable to serve as their own payee after attaining 18 years of age, the county shall assist the youth in finding and designating an appropriate representative payee.

(c) In its capacity as representative payee, the county shall do all of the following:

(1) Establish a no-cost, interest-bearing maintenance account for each child in the department's custody for whom the department serves as representative payee. Interest earned shall be credited to the account. The county shall keep an itemized current account, in the manner required by federal law, of all income and expense items for each child's maintenance account.

(2) Establish procedures for disbursing money from the accounts, including disbursing the net balance to the beneficiary upon release from care. The county shall use social security and SSI/SSP benefits only for the following purposes:

(A) For the use and benefit of the child.

(B) For purposes determined by the county to be in the child's best interest.

(3) Establish and maintain a dedicated account in a financial institution for past-due monthly benefits that exceed six times the maximum monthly benefit payable, in accordance with federal law. The representative payee

may deposit into the account established under this section any other funds representing past due benefits to the eligible individual, provided that the amount of the past due benefits is equal to or exceeds the maximum monthly benefit payable. Funds from the dedicated account shall not be used for basic maintenance costs. The use of funds from the dedicated account must be for the benefit of the child and are limited to expenditures for the following purposes:

(A) Medical treatment.

(B) Education or job skills training.

(C) Personal needs assistance.

(D) Special equipment.

(E) Housing modification.

(F) Therapy or rehabilitation.

(G) Other items or services, deemed appropriate by the Social Security Administration.

(d) 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.

(e) This section shall remain in effect only until January 1, 2023, or 30 days after the department issues the necessary all-county letters and informing materials to county placing agencies, whichever is later.

SEC. 65. Section 13754 is added to the Welfare and Institutions Code, to read:

13754. (a) It is the intent of the Legislature that this section shall not be interpreted to preclude a nonminor dependent from accessing the same benefits, services, and supports, and exercise the same choices available to all dependents. It is further the intent of the Legislature that nonminor dependents who receive federal Supplemental Security Income benefits can serve as their own payee, if it is determined that the nonminor dependent satisfies the criteria established by the Social Security Administration, and should be assisted in receiving direct payment by the county placing agency. It is further the intent of the Legislature that individuals who have had their eligibility for federal Supplemental Security Income benefits established pursuant to Section 13757 be able to maintain that eligibility even when they remain in the state's care as a nonminor dependent. In order to facilitate this, it is the intent of the Legislature that the county placing agency ensure that the youth receives an SSI payment during at least one month of each 12-month period while the youth is a nonminor dependent. It is further the intent of the Legislature that the county placing agency supplement the SSI payment that a youth receives during this one-month period with nonfederal AFDC-FC benefits.

(b) The county shall apply to be appointed representative payee on behalf of a child beneficiary in its custody when no other appropriate party is available to serve.

(c) In consultation with the nonminor dependent, the county shall identify an appropriate representative payee, which may include the nonminor

dependent, a trusted adult, or the county. For a nonminor dependent who is receiving federal Supplemental Security Income payments, the county shall do both of the following:

(1) (A) If the nonminor dependent requests a representative payee that is not the county, the county shall assist the nonminor dependent in requesting a change of payee to the Social Security Administration. The county shall assist the nonminor dependent or the nonminor dependent's representative payee in communicating any changes in the nonminor dependent's foster care case to the Social Security Administration if those changes would affect the nonminor dependent's eligibility for, or the amount of, SSI benefits.

(B) The county shall assist the nonminor dependent in taking the necessary steps to establish continuing disability as an adult, including, but not limited to, steps the nonminor dependent will need to take to gather and submit relevant records to the Social Security Administration and requesting an appeal, as needed. The county shall provide the nonminor dependent with any information maintained in the nonminor dependent's case file that may assist them in establishing and maintaining SSI benefits, upon request of the nonminor dependent. The county shall also provide information to the nonminor dependent on how to access any known legal representation and advocacy organizations or entities for further assistance and, if the nonminor dependent requests to obtain an SSI advocate, shall assist the nonminor dependent in communicating and coordinating with that SSI advocate.

(2) If the nonminor dependent selects the county as their representative payee, the county shall follow the procedures described in Section 13757 to maintain eligibility for SSI payments. The county shall advise the nonminor dependent on an annual basis of the nonminor dependent's right to request a different representative payee and document in the nonminor dependent's transitional independent living case plan steps the nonminor dependent can take to become their own payee by 21 years of age. If the nonminor dependent exits care prior to attaining 21 years of age, the county shall provide information to the nonminor dependent of the steps the nonminor dependent will need to take to submit a change of payee request to the Social Security Administration and shall provide the necessary assistance to ensure that the nonminor dependent receives SSI payments as soon as possible after exiting care.

(3) To support nonminor dependents in establishing and maintaining SSI eligibility pursuant to this subdivision, the county may contract with legal services organizations or other entities to provide extended legal representation on behalf of children or nonminor dependents in foster care.

(d) In its capacity as representative payee, the county shall do all of the following:

(1) Establish a no-cost, interest-bearing maintenance account for each child in the department's custody, and nonminor dependent in the department's placement and care responsibility, for whom the department serves as representative payee. Interest earned shall be credited to the

account. The county shall keep an itemized current account, in the manner required by federal law, of all income and expense items for each child's and nonminor dependent's maintenance account.

(2) Establish procedures for disbursing money from the accounts, including disbursing the net balance to the beneficiary upon release from care. The county shall use social security and SSI/SSP benefits only for the following purposes:

(A) For the use and benefit of the child or nonminor dependent.

(B) For purposes determined by the county to be in the child's or nonminor's best interest.

(3) Establish and maintain a dedicated account in a financial institution for past-due monthly benefits that exceed six times the maximum monthly benefit payable, in accordance with federal law. The representative payee may deposit into the account established under this section any other funds representing past due benefits to the eligible individual, provided that the amount of the past due benefits is equal to or exceeds the maximum monthly benefit payable. Funds from the dedicated account shall not be used for basic maintenance costs. The use of funds from the dedicated account must be for the benefit of the child and are limited to expenditures for the following purposes:

(A) Medical treatment.

(B) Education or job skills training.

(C) Personal needs assistance.

(D) Special equipment.

(E) Housing modification.

(F) Therapy or rehabilitation.

(G) Other items or services, deemed appropriate by the Social Security Administration.

(e) 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.

(f) This section shall become operative as of January 1, 2023, or 30 days after the department issues the necessary all-county letters and informing materials to county placing agencies, whichever is later.

SEC. 66. Section 13757 of the Welfare and Institutions Code is amended to read:

13757. (a) (1) Subject to paragraph (2), every youth who is in foster care and nearing emancipation shall be screened by the county for potential eligibility for the federal Supplemental Security Income (SSI) program utilizing the best practice guidelines developed pursuant to Section 13752.

(2) The screening required in paragraph (1) shall only occur when the foster youth is at least 16 years and six months of age and not older than 17 years and six months of age. An application shall be submitted to the federal Social Security Administration on behalf of a youth who is screened as being likely to be eligible for federal Supplemental Security Income benefits. To the extent possible, the application shall be timed to allow for a

determination of eligibility by the Social Security Administration prior to the youth's emancipation from care including, if appropriate, the suspension of Supplemental Security Income benefits for no more than 12 months.

(b) In carrying out the requirements of subdivision (a) for a youth receiving federally funded AFDC-FC benefits, the county shall, if necessary, forego federally funded AFDC-FC and instead use nonfederal AFDC-FC resources to fund the placement in the month of application or in the month after making an application, and to subsequently reclaim federally funded AFDC-FC, in order to ensure that the youth meets all of the SSI eligibility requirements in a single month while the application is pending, as provided by federal law and regulation. Notwithstanding subdivision (a) of Section 11402, this section shall apply to a foster youth regardless of their federal AFDC-FC eligibility.

(c) When a nonminor dependent has been approved for SSI payments pursuant to this section but is receiving a federally funded AFDC-FC benefit in an amount that exceeds the SSI payment, causing the SSI payment to be placed in suspense, the county child welfare agency shall, during at least one month of every 12-month period, beginning with the date that the SSI benefit is placed in suspense, forego the federally funded AFDC-FC benefit and instead use nonfederal AFDC-FC resources to supplement the SSI benefit that the youth receives during that month. The county shall inform the Social Security Administration that the youth is not receiving any federal financial participation during that month in order to permit the nonminor dependent to receive an SSI benefit during a single month of every 12-month period. The county shall subsequently reclaim the federally funded AFDC-FC benefit in the following month.

(d) 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.

(e) This section shall remain in effect only until January 1, 2023, or 30 days after the department issues the necessary all-county letters and informing materials to county placing agencies, whichever is later.

SEC. 67. Section 13757 is added to the Welfare and Institutions Code, to read:

13757. (a) (1) Subject to paragraph (2), every youth over 16 years of age who is in foster care under the supervision of the county child welfare department, juvenile probation department, or tribal organization, if the tribal organization requests the screening from the county, shall be screened by the county for potential eligibility for the federal Supplemental Security Income (SSI) program utilizing the best practice guidelines developed pursuant to Section 13752.

(2) The screening required in paragraph (1) shall occur when the foster youth is at least 16 years of age and not older than 17 years of age. This does not preclude counties from screening youth for eligibility prior to the youth attaining 16 years of age. An application shall be submitted to the federal Social Security Administration on behalf of any youth who is

screened as being likely to be eligible for federal Supplemental Security Income benefits. To the extent possible, the application shall be timed to allow for a determination of eligibility by the Social Security Administration before the youth's 18th birthday.

(3) The screening required in paragraph (1) shall occur for a nonminor dependent if any of the following are true:

(A) The nonminor dependent was not screened before the youth's 18th birthday as required in paragraph (2).

(B) The nonminor dependent has had a change of circumstance, including a medical condition that is expected to last more than one year.

(C) The nonminor dependent has been approved for regional center services since the last screening.

(D) The nonminor dependent, their court-appointed attorney, or a member of their child and family team requests screening.

(E) The juvenile court orders the county to screen the nonminor dependent.

(F) The county determines the screening is appropriate based on the nonminor dependent having a physical or mental impairment that limits their ability to work.

(4) An application shall be submitted to the federal Social Security Administration on behalf of any nonminor dependent who is screened as being likely to be eligible for federal Supplemental Security Income benefits and consents to the application.

(b) In carrying out the requirements of subdivision (a) for a youth receiving federally funded AFDC-FC benefits, the county shall, if necessary, forego federally funded AFDC-FC and instead use nonfederal AFDC-FC resources to fund the placement in the month of application or in the month after making an application, and to subsequently reclaim federally funded AFDC-FC, in order to ensure that the youth meets all of the SSI eligibility requirements in a single month while the application is pending, as provided by federal law and regulation. Notwithstanding subdivision (a) of Section 11402, this section shall apply to a foster youth regardless of their federal AFDC-FC eligibility.

(c) For foster youth whose SSI applications are denied, the county placing agency shall file, or cause to be filed, a request for reconsideration with the federal Social Security Administration. If the request for reconsideration is denied, then the county shall subsequently file an appeal to the federal Social Security Administration and, if necessary, file an appeal to the Appeals Council of the federal Social Security Administration. The county is not required to file a request for reconsideration or an appeal if the county does not possess the information or evidence to support an appeal after making efforts to acquire that information, or other reasons that shall be documented in the case plan.

(d) The assistance by the county, as the authorized representative, or by any other entity on behalf of the nonminor dependent, provided pursuant to subdivisions (a) and (c) shall adhere to the guidelines of the Social Security Administration, as specified in Section 416.1540 of Title 20 of the

Code of Federal Regulations, which includes, but is not limited to, gathering and submitting relevant records to the Social Security Administration, notifying the youth of any denials or terminations of aid, and assisting with timely requesting an appeal, as needed. The county may contract with legal services organizations or other entities, or may partner with other county agencies, to fulfill these duties.

(e) (1) When a nonminor dependent has been approved for SSI payments pursuant to this section, but is receiving a federally funded AFDC-FC benefit in an amount that exceeds the SSI payment, causing the SSI payment to be placed in suspense, the county placing agency shall, during at least one month of every 12-month period, beginning with the date that the SSI benefit is placed in suspense, forego the federally funded AFDC-FC benefit and instead use nonfederal AFDC-FC resources to supplement the SSI benefit that the youth receives during that month. The county shall subsequently reclaim the federally funded AFDC-FC benefit in the following month.

(2) If the county is the nonminor dependent's representative payee, the county shall inform the Social Security Administration that the youth is not receiving any federal financial participation during that month in order to permit the nonminor dependent to receive an SSI benefit during a single month of every 12-month period.

(3) If the county is not the nonminor dependent's representative payee, then for the period that the nonminor dependent remains in foster care, in order to permit the nonminor dependent to receive an SSI benefit during a single month every 12-month period, the county shall assist the nonminor dependent or the nonminor dependent's representative payee in providing this information to the Social Security Administration and keeping track of the number of months that the nonminor dependent's SSI payment has been placed in suspense.

(f) 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.

(g) This section shall become operative as of January 1, 2023, or 30 days after the department issues the necessary all-county letters and informing materials to county placing agencies, whichever is later.

SEC. 68. Section 15768 is added to the Welfare and Institutions Code, to read:

15768. (a) The department shall select and award grants to private nonprofit or public entities for the purpose of establishing a statewide multipurpose adult protective services workforce development and training program in accordance with this section.

(b) The purpose of the workforce development and training program is to develop and implement statewide coordinated training and workforce development activities designed specifically to meet the needs of county adult protective services social workers assigned to provide intake and intervention services to elderly and dependent adults who may be subjected to neglect, abuse, or exploitation, or who are unable to protect their own

interest. In addition, the program shall provide training for persons defined as mandated reporters pursuant to Article 3 (commencing with Section 15630) of Chapter 11. The program shall provide the services required in this section to the extent possible within the total allocation. If allocations are insufficient, the department, in consultation with the County Welfare Directors Association of California, shall prioritize the efforts of the program, giving primary attention to the most urgently needed services.

(c) The workforce development and training activities provided pursuant to this section shall include initial and ongoing training for social workers, supervisors, and managers related to the provision of investigation and case management services outlined in subdivision (d) of Section 15763.

(d) The workforce development and training activities provided pursuant to this section shall include content specific to nationally recognized competencies for adult protective services, and shall include, but not be limited to, all of the following:

(1) Core training for adult protective services social workers.

(2) Ongoing and advanced training for adult protective services social workers.

(3) Core, ongoing, and advanced training for adult protective services supervisors.

(4) Core, ongoing, and advanced training for adult protective services managers.

(5) Training and support for Master or Bachelor of Social Work students to receive specialized curricula aimed at increasing their competence in working with elderly and dependent adults in adult protective services settings.

(e) To the extent that funding is appropriated by the Legislature or provided through other sources, the department may enter into agreements with other public or private entities for the provision of workforce development and training activities for individuals, other than those working in the adult protective services program, who are serving victims of elder and dependent adult abuse and neglect. This includes, but is not limited to, individuals working in the offices of public administrators, public guardians, or public conservators.

(f) Implementation of this section is subject to an appropriation of sufficient funding from state or federal sources for the purpose of this section.

SEC. 69. Section 16001 of the Welfare and Institutions Code is amended to read:

16001. (a) The State Department of Social Services shall provide technical assistance to encourage and facilitate the county placement agency's evaluation of placement needs and the development of needed placement resources and programs. County placement agencies shall, on a regular basis, conduct an evaluation of the county's placement resources and programs in relation to the needs of children and nonminor dependents placed in out-of-home care. County placement agencies shall examine the adequacy of existing placement resources and programs and identify the

type of additional placement resources and programs needed. The county placement agency shall specifically examine both of the following:

(1) Placements that are out of county and shall determine the reason the placement was necessary, and identify the additional placement resources and programs that need to be developed and available to allow a child to remain within the county and as close as possible to their home.

(2) The county's ability to meet the emergency housing needs of nonminor dependents in order to ensure that all nonminor dependents have access to immediate housing upon reentering foster care or for periods of transition between placements.

(b) The department shall also support the development and operation of a consortia of county placement agencies on a regional basis for the purpose of developing specialized programs serving a multicounty area.

(c) The reason for each out-of-county and out-of-state placement shall be included in the statewide child welfare information system, and the State Department of Social Services shall utilize that data to evaluate out-of-county and out-of-state placements and to assist in the identification of resource and placement needs.

(d) It is the intent of the Legislature that the State Department of Social Services review the out-of-state placement of children to determine the reason for out-of-state placement. The department shall make the information available to the Legislature upon request.

SEC. 70. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

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

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

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

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

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

(4) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that reasonable services will be offered to a parent who is incarcerated in a county jail or state prison, detained by the United States Department of Homeland Security, or deported to their country of origin, the case plan shall include information, to the extent possible, about a parent's incarceration in a county jail or the state prison, detention by the United States Department of Homeland Security, or deportation during the time that a minor child of that parent is involved in dependency care.

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

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

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

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

(2) If a short-term residential therapeutic program placement is selected for a child or nonminor dependent, the case plan shall indicate the needs, including the needs as identified by the qualified individual pursuant to subdivision (g) of Section 4096, of the child or nonminor dependent that necessitate this placement, the plan for transitioning the child or nonminor dependent to a less restrictive environment, and the projected timeline by which the child or nonminor dependent will be transitioned to a less restrictive environment, and the plan for aftercare services for at least six months postdischarge to a family-based setting, as required by Section 4096.6. The six months postdischarge requirement is inapplicable to the Medi-Cal component of the aftercare services, which shall be provided for the length of time the child needs specialty mental health services based on

medical necessity criteria and other state and federal requirements. This section of the case plan shall be reviewed and updated at least semiannually.

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

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

(ii) Child and family teams shall be provided written or electronic information developed by the department describing services and activities, including specialized permanency services, shown to be effective in achieving and sustaining permanency for all children, youth, and nonminor dependents.

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

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

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

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

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

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

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

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

(E) When the child or nonminor dependent has been placed in a short-term residential therapeutic program or a community treatment facility, as applicable, for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a child who has not attained 13 years of age, for more than 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 subdivision (*l*) of Section 366.1, subdivision (k) of Section 366.3, or paragraph (4) of subdivision (b) of Section 366.31, as applicable.

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

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

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

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

(3) On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits and who is up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to successful adulthood. If admission to, or continuation in, a group home or short-term residential therapeutic program placement is being considered for a nonminor dependent, the group home or short-term residential therapeutic program placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home or short-term residential therapeutic program placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to successful adulthood. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive family setting that promotes normal childhood experiences, including a target date for discharge from the group home or short-term residential therapeutic program placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home or short-term residential therapeutic program placement remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to successful adulthood. The group home or short-term residential therapeutic program placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home or short-term

residential therapeutic program placement is likely to remain in group home or short-term residential therapeutic program placement on their 18th birthday, in order to expedite the transition to a less restrictive family setting that promotes normal childhood experiences, if the child becomes a nonminor dependent. The case planning process shall include informing the youth of all of the options, including, but not limited to, admission to or continuation in a group home or short-term residential therapeutic program placement.

(4) Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains their 19th birthday, whichever is earlier, continuation in or admission to a group home placement is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

(5) In addition to the requirements of paragraphs (1) to (4), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

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

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

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

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

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

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

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

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

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

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

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

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

(A) The death of an immediate relative.

(B) The birth of a sibling.

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

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

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

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

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide

immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

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

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

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

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

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

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the

child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21, 366.22, or 366.25 of this code as evidence.

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

(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. When appropriate, for a nonminor dependent, the transitional independent living case plan, as described in subdivision (y) of Section 11400, shall include the TILP, a written description of the programs and services that will help the nonminor dependent, consistent with their best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living placement as defined in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec. 675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 of the federal Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care, and information regarding the advance health care directive form. Information provided regarding health insurance options shall include verification that the eligible

youth or nonminor dependent is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth's social worker or probation officer to ensure that the eligible youth or nonminor dependent is transitioned into the Medi-Cal program for former foster youth upon case closure with no interruption in coverage and with no new application being required, as provided in Section 14005.28.

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

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

(18) For youth in foster care 14 years of age or older and nonminor dependents, the case plan shall include both of the following:

(A) A document that describes the youth's rights with respect to education, health, visitation, and court participation, the right to be annually provided with copies of their credit reports at no cost while in foster care pursuant to Section 10618.6, and the right to stay safe and avoid exploitation.

(B) A signed acknowledgment by the youth that they have been provided a copy of the document and that the rights described in the document have been explained to the youth in an age-appropriate manner.

(19) The case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, shall document the services provided to address that issue.

(20) For a youth in foster care 10 years of age or older who is in junior high, middle, or high school, or a nonminor dependent enrolled in high school, the case plan shall be reviewed annually, and updated as needed, to indicate that the case management worker has verified that the youth or nonminor dependent received comprehensive sexual health education that meets the requirements established in Chapter 5.6 (commencing with Section

51930) of Part 28 of Division 4 of Title 2 of the Education Code, through the school system. The case plan shall document either of the following:

(A) For a youth in junior high or middle school, either that the youth has already received this instruction during junior high or middle school, or how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the dependency court during this timeframe.

(B) For a youth or nonminor dependent in high school, either that the youth or nonminor dependent already received this instruction during high school, or how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the dependency court during this timeframe.

(21) (A) For a youth in foster care 10 years of age or older or a nonminor dependent, the case plan shall be updated annually to indicate that the case management worker has done all of the following:

(i) Informed the youth or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(ii) Informed the youth or nonminor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health 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.

(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 relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker or probation officer shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, or may seek that information from the child and family team, as appropriate. The social worker or probation officer shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services. The nonminor dependent's caregiver shall be provided with a copy of the nonminor's TILP.

(*l*) Each county shall ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care during a federal fiscal year is not less than 95 percent of the total number of those visits that would occur if each child were visited once every month while in care and that the majority of the visits occur in the residence of the child. The county child welfare and probation departments shall comply with data reporting requirements that the department deems necessary to comply with the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288) and the federal Child and Family Services Improvement and Innovation Act (Public Law 112-34).

(m) The implementation and operation of the amendments to subdivision (i) enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

SEC. 71. Section 16501.35 of the Welfare and Institutions Code is amended to read:

16501.35. (a) On or before September 29, 2016, county child welfare agencies and probation departments shall implement policies and procedures that require social workers and probation officers to do all of the following:

(1) Identify children receiving child welfare services, including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code, who are, or are at risk of becoming, victims of commercial sexual exploitation.

(2) Document individuals identified pursuant to paragraph (1) in the statewide child welfare information system and any other agency record as determined by the county.

(3) Determine appropriate services for the child or youth identified pursuant to paragraph (1).

(4) Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in paragraph (1).

(b) County child welfare agencies and probation departments shall develop and implement specific protocols to expeditiously locate any child missing from foster care. At a minimum, these policies shall do all of the following:

(1) Describe the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from care, including, but not limited to, the timeframe for reporting missing youth, the individuals or entities entitled to notice that a youth is missing, any required initial and ongoing efforts to locate youth, and plans to return youth to placement.

(2) Require the social worker or probation officer to do all of the following:

(A) Determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care.

(B) Respond to factors identified in paragraph (2) in subsequent placements, to the extent possible.

(C) Determine the child's or nonminor dependent's experiences while absent from care.

(D) Determine whether the child or nonminor dependent is a possible victim of commercial sexual exploitation.

(E) Document the activities and information described in subparagraphs (A) to (D), inclusive, for federal reporting purposes, consistent with instructions from the department.

(c) In consultation with stakeholders, including, but not limited to, the County Welfare Directors Association of California, the Chief Probation Officers of California, former foster youth, and child advocacy organizations, the department shall, no later than January 1, 2020, develop model policies, procedures, and protocols to assist the counties to comply with this section. In addition, the department shall consult with the California Department of Education, the State Department of Health Care Services, state and local law enforcement, and agencies with experience serving children and youth at risk of commercial sexual exploitation in the development of the model policies and procedures described in subdivision (a).

(d) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section through all-county letters or similar instructions until regulations are adopted.

SEC. 72. Section 16501.45 of the Welfare and Institutions Code is amended to read:

16501.45. (a) To ensure compliance with federal reporting requirements, including those of Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, the State Department of Social Services shall ensure that the statewide child welfare information system is capable of collecting all of the following information:

(1) The number of dependent children or wards in foster care who were victims of commercial sexual exploitation before entering foster care.

(2) The number of dependent children or wards in foster care who became victims of commercial sexual exploitation while in foster care.

(3) The number of dependent children or wards in foster care who go missing, run away, or are otherwise absent from care and were commercially sexually exploited during the time away from placement.

(4) The number of dependent children or wards in foster care who are at risk of becoming victims of commercial sexual exploitation.

(5) For children in foster care placed in group homes or short-term residential treatment centers, the data identified in Section 679b(a)(7)(A) of Title 42 of the United States Code.

(6) Data regarding children and nonminor dependents in foster care who are pregnant or parenting, as required by Section 679b(a)(7)(B) of Title 42 of the United States Code.

(b) County social workers and probation officers shall collect the data identified in subdivision (a) consistent with data entry instructions provided by the department.

(c) Upon the request of the department, a county child welfare agency, county probation department, or entity operating a program pursuant to an agreement with the department under Section 10553.1, shall provide additional information or data necessary for the department to comply with federal reporting requirements.

SEC. 73. Section 16501.5 of the Welfare and Institutions Code is amended to read:

16501.5. (a) In order to protect children and effectively administer and evaluate California's Child Welfare Services and Foster Care programs, the department shall implement a single statewide Child Welfare Services Case Management System no later than July 1, 1993.

(b) It is the intent of the Legislature in developing and implementing a statewide Child Welfare Services Case Management System to minimize the administrative and systems barriers that inhibit the effective provision of services to children and families by applying current technology to the systems that support the provision and management of child welfare services. Therefore, it is the intent of the Legislature that the Child Welfare Services Case Management System achieve all of the following:

(1) Provide child welfare services workers with immediate access to child and family specific information in order to make appropriate and expeditious case decisions.

(2) Provide child welfare services workers with the case management information needed to effectively and efficiently manage their caseloads and take appropriate and timely case management actions.

(3) Provide state and county child welfare services management with the information needed to monitor and evaluate the accomplishment of child welfare services tasks and goals.

(4) Provide all child welfare services agencies with a common database and definition of information from which to evaluate the child welfare services programs in terms of the following:

(A) Effectiveness in meeting statutory and regulatory mandates, goals, and objectives of the programs.

(B) Effectiveness in meeting the needs of the families and children serviced by the program.

(C) Projecting and planning for the future needs of the families and children served by the program.

(5) Meeting federal statistical reporting requirements with a minimum of duplication of effort.

(6) Consolidate the collection and reporting of information for those programs that are closely related to child welfare services, including foster care and emergency assistance.

(7) Utilize the child welfare services functionality defined in current and planned automated systems as the foundation for the development of the technical requirements for the Child Welfare Services Case Management System.

(c) It is the intent of the Legislature that the Child Welfare Services Case Management System shall provide the required comprehensive and detailed individual county data needed by the department to implement and monitor the performance standards system.

(d) Counties shall fully utilize the functionality provided by the replacement statewide child welfare information system when it has been implemented statewide.

SEC. 74. Section 16501.6 of the Welfare and Institutions Code is amended to read:

16501.6. (a) It is the intent of the Legislature for the State Department of Social Services to enhance the statewide child welfare information system to include information concerning the level of care required, educational accomplishments, and health history of children placed in foster care. If appropriate, this enhancement could be made after the system is operational statewide as required in Section 16501.5.

(b) The department shall conduct a study to examine the most efficient methods of collecting and maintaining all of the following data for each child in foster care:

(1) The names and addresses of the child's health and educational providers.

(2) The child's grade level performance.

(3) The child's school record.

(4) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.

(5) A record of the child's immunizations.

(6) The child's known medical problems.

(7) The child's medications.

(8) Any other relevant level of care, health, and education information concerning the child as determined appropriate by the department.

(c) In conducting its study, the department shall, as required, examine county health passport systems for possible replication on a statewide basis and consult with other state departments, county associations, and provider groups.

(d) By February 15, 1992, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on the results of its study. The department shall include the following in its report:

(1) Recommendations for coordinating data collection among local child health and disability prevention programs, other health care providers, county welfare departments, schools, and other agencies providing services for foster children.

(2) Recommendations for the interfacing with any alternative system recommended pursuant to paragraph (1) with the mental health assessment required by Section 5407, and with other requirements of law.

(e) The report required by subdivision (d) shall address the feasibility, timeframe, and estimated costs of doing either of the following:

(1) Incorporating the data specified in subdivision (b) in the statewide child welfare information system.

(2) Implementing an alternative system that is more appropriate for the collection and maintenance of the data specified in subdivision (b).

SEC. 75. Section 16501.95 of the Welfare and Institutions Code is amended to read:

16501.95. (a) The State Department of Social Services shall determine which entities meet the definition of a "child welfare contributing agency," as defined in Section 1355.51 of Title 45 of the Code of Federal Regulations.

(b) The department shall develop and issue written directives for child welfare contributing agencies to submit data to the applicable statewide child welfare information system. These directives shall address all of the following:

(1) Identification of which entities meet the definition of a child welfare contributing agency, as defined in federal regulations.

(2) The data that a child welfare contributing agency shall provide.

(3) The method in which a child welfare contributing agency shall provide data, which shall include either of the following:

(A) Direct data entry into the statewide child welfare information system.

(B) A bidirectional data exchange between the information systems maintained by the child welfare contributing agency and the statewide child welfare information system.

(4) A timeline for providing the specified data in the required manner.

(c) In accordance with the written directives of the department, a child welfare contributing agency shall provide child welfare services data that is collected as a result of fulfilling their contracts or agreements with the

department or a county child welfare department, to the statewide child welfare information system.

(d) Notwithstanding any other law, until regulations are adopted, the department may issue written directives by provider bulletins or all-county letters, as applicable. These written directives shall have the same force and effect as regulations. The written directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 76. Section 16523.58 of the Welfare and Institutions Code is amended to read:

16523.58. System Changes. Pursuant to existing reporting requirements on the replacement statewide child welfare information system, Child Welfare Services – California Automated Response and Engagement System (CWS-CARES), the updates described in Section 16523.5 shall include a status update on the automation changes to the existing statewide child welfare information system, Child Welfare Services/Case Management System (CWS/CMS) and licensing systems needed to support CCR implementation, including, but not limited to, support for Child and Adolescent Needs and Strengths (CANS), the RFA process, LOCP, and other programmatic elements.

SEC. 77. Section 16524.9 of the Welfare and Institutions Code is amended to read:

16524.9. (a) The State Department of Social Services, in consultation with the County Welfare Directors Association, shall ensure that the statewide child welfare information system is capable of collecting data concerning children who are commercially sexually exploited, including children who are referred to the child abuse hotline and children currently served by county child welfare and probation departments who are subsequently identified as victims of commercial sexual exploitation.

(b) The department shall disseminate any necessary instructions on data entry to the county child welfare and probation department staff.

(c) The department shall implement this section no later than June 1, 2018.

SEC. 78. Section 16587 of the Welfare and Institutions Code is amended to read:

16587. (a) A county may elect to provide the prevention services under this chapter by providing a written plan to the State Department of Social Services, in accordance with instructions issued by the department. A county shall promptly notify the department of any changes to the written plan, including, but not limited to, an elimination or reduction of services. During the first year of implementation, a county may elect to provide the prevention services under this chapter by providing a written notice to the department while the county continues to develop its written plan. The county shall consult with other relevant county agencies that serve families and children, Indian tribes, local community representatives, caseworkers, and individuals

and families with lived experience with the child welfare system in the development and ongoing implementation of the plan.

(b) The department shall consult with Indian tribes on the development of the statewide prevention plan, associated allocation policies, and procedures for an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 to elect to provide the prevention services under this chapter.

(c) (1) A county or Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 that elects to provide prevention services under this chapter may provide those services for all of the following:

(A) A child who is a candidate for foster care

(B) A child or nonminor dependent in foster care who is a pregnant or parenting foster youth.

(C) The parents or kin caregivers of a child described in this paragraph.

(2) (A) Prevention services under this chapter may be provided for a period of up to 12 months.

(B) Prevention services under this chapter may be provided for additional 12-month periods, including contiguous 12-month periods, on a case-by-case basis, when a county or tribal caseworker determines and documents in the candidate for foster care or pregnant or parenting foster youth's prevention plan that they continue to meet the requirements to receive prevention services as a candidate for foster care, or pregnant or parenting foster youth.

(C) Nothing in this subdivision shall be construed to alter or limit the time period for services provided under the Medi-Cal program to a Medi-Cal beneficiary, which shall be based on medical necessity.

(3) When a county knows or has reason to know a child is an Indian child, as defined in Section 224.1, the county shall provide prevention services under this chapter in a manner consistent with active efforts, as described in subdivision (f) of Section 224.1.

(d) A Title IV-E agency that elects to provide the prevention services under this chapter shall be responsible for:

(1) (A) Determining whether a child is a candidate for foster care and eligible for prevention services based upon an in-person assessment, or an alternative assessment methodology approved by the State Department of Social Services.

(B) Identifying whether a child or nonminor dependent in foster care is a pregnant or parenting foster youth who will receive prevention services. A candidacy assessment and determination are not required for a pregnant or parenting foster youth to receive prevention services.

(2) Documenting the determination described in subparagraph (1) in the child or youth's prevention plan.

(3) Inquiring whether a child who is being assessed as a candidate for foster care and for prevention services under this chapter is or may be an Indian child in accordance with Section 224.2. When the county knows or has reason to know the child is an Indian child, as defined in Section 224.1, the county shall provide written notification to the tribe inviting the child's

tribe to partner with the county agency in the initial and ongoing assessments of the child and family and the development and implementation of the written prevention plan.

(4) (A) Developing and implementing a written prevention plan for the child or youth using a model approved by the department.

(B) In the case of a child who is a candidate for foster care, the prevention plan shall identify the foster care prevention strategy for the child and list the services or programs to be provided to, or on behalf of, the child, including the services or programs to be provided to the child's parent or kin caregiver.

(C) In the case of a pregnant or parenting foster youth, the prevention plan shall list the services or programs to be provided to, or on behalf of, the youth to meet their individual needs, strengthen their ability to parent, describe the parenting support strategy to promote the health and development of, and prevent foster care for, any child born to the youth, and be included in the youth's existing case plan.

(D) In the case of an Indian child, the development and implementation of the written prevention plan shall be in partnership with the Indian child's tribe.

(5) Documenting all prevention services cases under this chapter in accordance with instructions issued by the department to county Title IV-E agencies.

(6) Ensuring that prevention services are provided using a trauma-informed approach, including an approach informed by historical and multigenerational trauma.

(7) Monitoring the safety of a candidate for foster care or pregnant or parenting foster youth receiving prevention services under this chapter, which shall include in-person contact with the child or youth by the caseworker to ensure the child's or youth's ongoing safety, as specified in the written prevention plan.

(8) Conducting periodic risk assessments for the child or youth while prevention services are being provided. The caseworker shall reexamine the prevention plan if they determine the risk of the child or youth entering foster care remains high despite the provision of prevention services. In the case of an Indian child, the assessments and any reexamination of the prevention plan shall be conducted in partnership with the Indian child's tribe.

(9) Collecting and reporting any information or data necessary to the department for federal financial participation, federal reporting, or evaluation of the services provided, including, but not limited to, child-specific information and expenditure data.

(10) Continuously monitoring the implementation and provision of services provided under this chapter to ensure fidelity to the practice model, determine outcomes achieved, and determine how information learned from monitoring will be used to refine and improve practices, using a continuous quality improvement framework developed in accordance with instructions issued by the department to county Title IV-E agencies. Outcomes achieved

shall include, but are not limited to, measures examining the equitable implementation and provision of services, as well as equitable distribution of outcomes.

(11) (A) Conducting or contracting for a well-designed and rigorous evaluation of each prevention service provided under this chapter, as coordinated by the department and in accordance with instructions issued by the department to county Title IV-E agencies. An evaluation shall examine the effectiveness of each service in improving outcomes for children and families across diverse groups receiving each service. The department shall consult with the State Department of Health Care Services on any instructions to counties that involve an evaluation of a prevention service that is paid for by Medi-Cal.

(B) This paragraph shall not apply to a prevention service for which the state has received a federal waiver of the evaluation requirements pursuant to Section 471(e)(5) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(5)).

(C) Subject to the availability of state or other funds, the department may conduct or contract for a well-designed and rigorous evaluation of a prevention service as described in subparagraph (A). A Title IV-E agency's participation in an evaluation of a prevention service by the department shall satisfy the agency's responsibility under this paragraph.

(e) A Title IV-E agency may contract with another agency or community-based organization to perform the activities described in paragraphs (4) through (8), inclusive, of subdivision (d) in accordance with guidelines and instructions issued by the department. The county shall be responsible for supervising and ensuring appropriate performance of these activities. A county may work with one or more other counties utilizing the same prevention service to conduct a joint evaluation that meets the requirements of this section.

(f) A parent, caregiver, child, or youth's nonparticipation in or noncompletion of offered prevention services, in and of itself, shall not be prima facie evidence that the child comes within Section 300 or prima facie evidence of substantial danger.

SEC. 79. Section 16589 of the Welfare and Institutions Code is amended to read:

16589. (a) The State Department of Social Services shall have oversight of the Family First Prevention Services program established under this chapter. The department shall consult with the State Department of Health Care Services on any letters or instructions for the Family First Prevention Services program that intersect with services under the Medi-Cal program. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this chapter by means of all-county letters or similar written instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

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

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

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

SEC. 80. Section 18358.30 of the Welfare and Institutions Code is amended to read:

18358.30. (a) Rates for foster family agency programs participating under this chapter shall be exempt from the current AFDC-FC foster family agency ratesetting system.

(b) Rates for foster family agency programs participating under this chapter shall be set according to the appropriate service and rate level based on the level of services provided to the eligible child and the certified foster family. For an eligible child placed from a group home program, the service and rate level shall not exceed the rate paid for group home placement. For an eligible child assessed by the county interagency review team or county placing agency as at imminent risk of group home placement or psychiatric hospitalization, the appropriate service and rate level for the child shall be determined by the interagency review team or county placing agency at time of placement. In all of the service and rate levels, the foster family agency programs shall:

(1) Provide social work services with average caseloads not to exceed eight children per worker, except that social worker average caseloads for children in Service and Rate Level E shall not exceed 12 children per worker.

(2) Pay an amount not less than two thousand one hundred dollars ($2,100) per child per month to the certified foster parent or parents.

(3) Perform activities necessary for the administration of the programs, including, but not limited to, training, recruitment, certification, and monitoring of the certified foster parents.

(4) (A) (i) Provide a minimum average range of service per month for children in each service and rate level in a participating foster family agency, represented by paid employee hours incurred by the participating foster family agency, by the in-home support counselor to the eligible child and the certified foster parents depending on the needs of the child and according to the following schedule:

Service and Rate Level	In-Home Support Counselor Hours Per Month
A	98-114 hours
B	81-97 hours
C	64-80 hours
D	47-63 hours

(ii) Children placed at Service and Rate Level E shall receive behavior deescalation and other support services on a flexible, as needed, basis from an in-home support counselor. The foster family agency shall provide one full-time in-home support counselor for every 20 children placed at this level.

(B) (i) For the interim period beginning July 1, 2012, through December 31, 2016, inclusive, only the following modified service and rate levels to support modified in-home support counselor hours per month shall apply:

Service and Rate Level	In-Home Support Counselor Hours Per Month
Level I	81-114 hours
Level II	47-80 hours
Level III	Less than 47 hours

(ii) Children placed at Service and Rate Level III shall receive behavior deescalation and other support services on a flexible, as needed, basis from an in-home support counselor. The foster family agency shall provide one full-time in-home support counselor for every 20 children placed at this level.

(C) When the interagency review team or county placing agency and the foster family agency agree that alternative services are in the best interests of the child, the foster family agency may provide or arrange for services and supports allowable under California’s foster care program in lieu of in-home support services required by subparagraphs (A) and (B). These

services and supports may include, but need not be limited to, activities in the Multidimensional Treatment Foster Care (MTFC) program.

(c) The department or placing county, or both, may review the level of services provided by the foster family agency program. If the level of services actually provided are less than those required by subdivision (b) for the child's service and rate level, the rate shall be adjusted to reflect the level of service actually provided, and an overpayment may be established and recovered by the department.

(d) (1) On and after July 1, 1998, the standard rate schedule of service and rate levels shall be:

Service and Rate Level	Fiscal Year 1998-99 Standard Rate
A	$3,957
B	$3,628
C	$3,290
D	$2,970
E	$2,639

(2) For the interim period beginning July 1, 2012, through December 31, 2016, inclusive, only the following modified service and rate levels to support the modified standard rate schedule shall apply:

Service and Rate Level	Standard Rate
Level I	$5,581
Level II	$4,798
Level III	$4,034

(3) (A) On and after July 1, 1999, the standardized schedule of rates shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar. The resultant amounts shall constitute the new standardized rate schedule, subject to further adjustment pursuant to subparagraph (B), for foster family agency programs participating under this chapter.

(B) In addition to the adjustment in subparagraph (A), commencing January 1, 2000, the standardized schedule of rates shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new standardized rate schedule for foster family agency programs participating under this chapter.

(4) (A) Beginning with the 2000–01 fiscal year, the standardized schedule of rates shall be adjusted annually by an amount equal to the California Necessities Index computed pursuant to Section 11453, subject to the availability of funds. The resultant amounts, rounded to the nearest dollar,

shall constitute the new standard rate schedule for foster family agency programs participating under this chapter.

(B) Effective October 1, 2009, the rates identified in this subdivision shall be reduced by 10 percent. The resulting amounts shall constitute the new standardized schedule of rates.

(5) Notwithstanding paragraphs (3) and (4), the rate identified in paragraph (2) of subdivision (b) shall be adjusted on July 1, 2013, and each July 1 thereafter through July 1, 2016, inclusive, by an amount equal to the California Necessities Index computed pursuant to Section 11453.

(e) (1) Rates for foster family agency programs participating under paragraph (1) of subdivision (d) shall not exceed Service and Rate Level A at any time during an eligible child's placement. An eligible child may be initially placed in a participating intensive foster care program at any one of the five Service and Rate Levels A to E, inclusive, and thereafter placed at any level, either higher or lower, not to exceed a total of six months at any level other than Service and Rate Level E, unless it is determined to be in the best interests of the child by the child's county interagency review team or county placing agency and the child's certified foster parents. The child's county interagency placement review team or county placement agency may, through a formal review of the child's placement, extend the placement of an eligible child in a service and rate level higher than Service and Rate Level E for additional periods of up to six months each.

(2) Rates for foster family agency programs participating under paragraph (2) of subdivision (d) shall not exceed Service and Rate Level I at any time during an eligible child's placement. An eligible child may be initially placed in a participating intensive foster care program at any one of the three Service and Rate Levels I to III, inclusive, and thereafter placed at any level, either higher or lower, not to exceed a total of six months at any level other than Service and Rate Level III, unless it is determined to be in the best interests of the child by the child's county interagency review team or county placing agency, foster family agency, and the child's certified foster parents. The child's county interagency placement review team or county placement agency, through a formal review of the child's placement, may extend the placement of an eligible child in a service and rate level higher than Service and Rate Level III for additional periods of up to six months each.

(f) It is the intent of the Legislature that the rate paid to participating foster family agency programs shall decrease as the child's need for services from the foster family agency decreases. The foster family agency shall notify the placing county and the department of the reduced services and the pilot classification model, and the rate shall be reduced accordingly.

(g) It is the intent of the Legislature to prohibit any duplication of public funding. Therefore, social worker services, payments to certified foster parents, administrative activities, and the services of in-home support counselors that are funded by another public source shall not be counted in determining whether the foster family agency program has met its obligations to provide the items listed in paragraphs (1), (2), (3), and (4) of subdivision

(b). The department shall work with other potentially affected state departments to ensure that duplication of payment or services does not occur.

(h) It is the intent of the Legislature that the State Department of Social Services and the State Department of Health Care Services, in collaboration with county placing agencies and ITFC providers and other stakeholders, develop and implement an integrated system that provides for the appropriate level of placement and care, support services, and mental health treatment services to foster children served in these programs.

(i) Beginning in the 2011–12 fiscal year, and for 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.

(j) Notwithstanding subdivisions (d) and (e), the department shall implement a new interim rate structure for the period beginning January 1, 2017, to December 31, 2024, inclusive. The rate shall reflect the appropriate level of placement and address the need for specialized health care, support services, and mental health treatment services for foster children served in these programs.

SEC. 81. Section 18900.8 of the Welfare and Institutions Code is amended to read:

18900.8. The State Department of Social Services shall work with representatives of county human services agencies and the County Welfare Directors Association of California to update the budgeting methodology used to determine the annual funding for county administration of the CalFresh program beginning with the 2023–24 fiscal year. As part of the process of updating the budgeting methodology, the ongoing workload and costs to counties of expanding the CalFresh program to recipients of Supplemental Security Income and State Supplementary Payment Program benefits shall be examined, and legislative staff, advocates, and organizations that represent county workers shall be consulted.

SEC. 82. Section 18926.8 is added to the Welfare and Institutions Code, to read:

18926.8. (a) There is hereby established in the State Treasury the CalFresh E&T Workers' Compensation Fund for the purpose of paying workers' compensation claims resulting from CalFresh recipients' participation in the CalFresh E&T program. Notwithstanding Section 13340 of the Government Code, funds deposited and maintained under this section are continuously appropriated, without regard to fiscal years, to the State Department of Social Services for the payment of workers' compensation claims to CalFresh E&T participants.

(b) Notwithstanding any other law, income generated from the Surplus Money Investment Fund during any fiscal year shall be credited to the CalFresh E&T Workers' Compensation Fund.

(c) In the event of an amendment to the law requiring abolition of the fund, all remaining funds shall be returned to the Food and Nutrition Service of the United States Department of Agriculture.

SEC. 83. Section 18928.5 is added to the Welfare and Institutions Code, to read:

18928.5. (a) No later than January 1, 2024, to assist in monitoring information about access to the CalFresh program by students enrolled in an institution of higher education, the department shall publish data specific to students' receipt of CalFresh benefits on the department's existing CalFresh Data Dashboard.

(b) The data shall include metrics about student applications, demographics, and exemptions as available through existing data sources, and shall exclude any personally identifiable information.

(c) The department shall update the dashboard over time as additional data become available about the population described in subdivision (a).

(d) For purposes of this section, "enrolled in an institution of higher education" has the same meaning as set forth in Section 273.5 of Title 7 of the Code of Federal Regulations.

SEC. 84. Section 18930 of the Welfare and Institutions Code, as added by Section 87 of Chapter 85 of the Statutes of 2021, is amended to read:

18930. (a) There is hereby created the California Food Assistance Program (CFAP).

(b) CFAP shall utilize existing CalFresh and electronic benefits transfer system infrastructure to the extent permissible by federal law.

(c) The State Department of Social Services shall use state funds appropriated for CFAP to provide nutrition benefits to households that are ineligible for CalFresh benefits solely due to their immigration status. In accordance with Section 1621(d) of Title 8 of the United States Code, this chapter provides benefits for undocumented persons.

(1) Subject to an appropriation in the annual Budget Act for the express purpose of this paragraph, an individual 55 years of age or older shall be eligible for the program established in subdivision (a) if the individual's immigration status is the sole basis for their ineligibility for CalFresh benefits.

(2) Except as provided in paragraphs (3), (4), and (5) and Section 18930.5, noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person's immigration status meets the eligibility criteria of the federal Supplemental Nutrition Assistance Program in effect on August 21, 1996, but the person is not eligible for federal Supplemental Nutrition Assistance Program benefits solely due to the person's immigration status under Public Law 104-193 and any subsequent amendments thereto.

(3) Noncitizens of the United States shall be eligible for the program established pursuant to subdivision (a) if the person is a battered immigrant spouse or child or the parent or child of the battered immigrant, as described in Section 1641(c) of Title 8 of the United States Code, as amended by Section 5571 of Public Law 105-33, or if the person is a Cuban or Haitian entrant as described in Section 501(e) of the federal Refugee Education Assistance Act of 1980 (Public Law 96-422).

(4) An applicant who is otherwise eligible for the program but who entered the United States on or after August 22, 1996, shall be eligible for aid under this chapter if the applicant is sponsored and one of the following apply:

(A) The sponsor has died.

(B) The sponsor is disabled, as defined in subparagraph (A) of paragraph (3) of subdivision (b) of Section 11320.3.

(C) The applicant, after entry into the United States, is a victim of abuse by the sponsor or the spouse of the sponsor if the spouse is living with the sponsor.

(5) An applicant who is otherwise eligible for the program but who entered the United States on or after August 22, 1996, who does not meet one of the conditions of paragraph (4), shall be eligible for aid under this chapter beginning on October 1, 1999.

(6) The applicant shall be required to provide verification that one of the conditions of subparagraph (A), (B), or (C) of paragraph (4) has been met.

(7) For purposes of subparagraph (C) of paragraph (4), abuse shall be defined in the same manner as provided in Section 11495.1 and Section 11495.12. A sworn statement of abuse by a victim, or the representative of the victim if the victim is not able to competently swear, shall be sufficient to establish abuse if one or more additional items of evidence of abuse are also provided. Additional evidence may include, but is not limited to, the following:

(A) Police, government agency, or court records or files.

(B) Documentation from a domestic violence program, legal, clinical, medical, or other professional from whom the applicant or recipient has sought assistance in dealing with abuse.

(C) A statement from any other individual with knowledge of the circumstances that provided the basis for the claim.

(D) Physical evidence of abuse.

(8) If the victim cannot provide additional evidence of abuse, then the sworn statement shall be sufficient if the county makes a determination documented in writing in the case file that the applicant is credible.

(d) (1) The amount of nutrition benefits provided to each CFAP household shall be identical to the amount that would otherwise be provided to a household eligible for CalFresh benefits.

(2) The benefit amount for a CFAP recipient who is an excluded member of a CalFresh household shall be limited to the amount that the recipient would have received as their share of a CalFresh household benefit, had they not been excluded due to their immigration status.

(3) To the extent permissible under federal law, the delivery of CFAP nutrition benefits shall be identical to the delivery of CalFresh benefits to eligible CalFresh households.

(e) (1) To the extent allowed by federal law, the income, resources, and deductible expenses of those persons described in subdivision (c) shall be excluded when calculating CalFresh benefits under Chapter 10 (commencing with Section 18900).

(2) No household shall receive more CalFresh benefits under this section than it would if no household member was rendered ineligible pursuant to Title IV of Public Law 104-193 and any subsequent amendments thereto.

(f) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer this section through all-county letters or similar instructions without taking regulatory action until final regulations are adopted, but no later than 18 months after the date upon which this subdivision becomes operative.

(g) This section shall become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section.

SEC. 85. Section 18930.5 of the Welfare and Institutions Code is amended to read:

18930.5. (a) As a condition of eligibility for assistance under this chapter:

(1) A recipient who is also receiving aid under Chapter 2 (commencing with Section 11200) of Part 3 shall be required to satisfactorily participate in welfare-to-work activities in accordance with the recipient's welfare-to-work plan developed pursuant to Section 11325.21.

(2) A recipient who is not receiving aid under Chapter 2 shall be required to meet the work requirement under the federal Supplemental Nutrition Assistance Program, as specified in Section 2015(o) of Title 7 of the United States Code.

(b) This section shall become inoperative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement Section 18930.5, as added by the act that added this subdivision, and, as of January 1 of the following year, is repealed.

SEC. 86. Section 18930.5 is added to the Welfare and Institutions Code, to read:

18930.5. (a) A recipient of benefits under this chapter shall not be required to meet the work requirement under the federal Supplemental Nutrition Assistance Program, as specified in Section 2015(o) of Title 7 of the United States Code, or any work registration requirements.

(b) An applicant who states that they do not have a social security number shall not be required to present a social security number in order to receive benefits under this chapter.

(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 State Department of Social Services may implement and administer this section through all-county letters or similar instructions without taking regulatory action until final regulations are adopted, which shall be no later than 18 months after the date upon which this subdivision becomes operative.

(d) This section shall become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement this section.

SEC. 87. Chapter 10.2 (commencing with Section 18936) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

Chapter 10.2. Tribal Nutrition Assistance

18936. (a) It is the intent of the Legislature to provide supplemental nutrition benefits to households that are ineligible for CalFresh benefits solely because they receive United States Department of Agriculture (USDA) foods through the federal Food Distribution Program on Indian Reservations (FDPIR) when the federal program benefits are less than those provided by the CalFresh program.

(b) The Tribal Nutrition Assistance Program is hereby established, to be administered by the State Department of Social Services.

(c) Subject to an appropriation in the annual Budget Act, the department shall, at its discretion, award grants to eligible tribes and tribal organizations for the purpose of addressing food insecurity and inequities between CalFresh benefits, as described in Chapter 10 (commencing with Section 18900), and the federal Food Distribution Program on Indian Reservations, as described in Section 253.1 of Title 7 of the Code of Federal Regulations.

(d) The department shall develop grant eligibility standards and grant rules regarding approved services and assistance in government-to-government consultation with tribes.

(e) The department shall begin awarding grants no later than July 1, 2023.

(f) Contracts or grants awarded pursuant to this chapter are exempt from the requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, the Public Contract Code, and the State Contracting Manual, and are not subject to the approval of the Department of General Services.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer this act without adopting regulations.

SEC. 88. Section 18995 of the Welfare and Institutions Code is amended to read:

18995. (a) The State Emergency Food Assistance Program, which is administered by the State Department of Social Services, shall be renamed as the "CalFood Program." The CalFood Program shall provide food and funding for the provision of emergency food to food banks established pursuant to the federal Emergency Food Assistance Program (7 C.F.R. Parts 250 and 251) whose ongoing primary function is to facilitate the distribution of food to low-income households.

(b) (1) The CalFood Account is hereby established in the Emergency Food for Families Voluntary Tax Contribution Fund established pursuant to Section 18852 of the Revenue and Taxation Code, and may receive federal funds and voluntary donations or contributions.

(2) Notwithstanding Section 18853 of the Revenue and Taxation Code, the following shall apply:

(A) (i) All moneys received by the CalFood Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to the CalFood Program and, excluding those contributions made pursuant to Section 18851 of the Revenue and Taxation Code and funds received through Parts 250 and 251 of Title 7 of the Code of Federal Regulations, shall be used for the purchase, storage, and transportation of food grown or produced in California.

(ii) The percentage of storage and transportation expenditures compared to the CalFood Program fund's annual budget may be increased from their levels in the 2021–22 fiscal year after a determination by the department in consultation with food bank stakeholders to reflect the true costs to acquire, store, and distribute foods purchased through the CalFood Program. The department shall report to the Joint Legislative Budget Committee on any changes to the rate and the supporting methodology.

(B) Notwithstanding subparagraph (A), funds received by the CalFood Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to the CalFood Program as described in subparagraph (A), and shall, in part, be used to pay for the department's administrative costs associated with the administration of the CalFood Program.

(c) (1) The Public Higher Education Pantry Assistance Program Account is hereby established in the Emergency Food for Families Voluntary Tax Contribution Fund established pursuant to Section 18852 of the Revenue and Taxation Code.

(2) Notwithstanding Section 18853 of the Revenue and Taxation Code, funds in the Public Higher Education Pantry Assistance Program Account shall, upon appropriation by the Legislature, be allocated to the State Department of Social Services for allocation to food banks established pursuant to Parts 250 and 251 of Title 7 of the Code of Federal Regulations that meet both of the following criteria:

(A) The primary function of the food bank is the distribution of food to low-income households.

(B) The food bank has identified specific costs associated with supporting on-campus pantry and hunger relief efforts serving low-income students.

SEC. 89. Section 18997.2 is added to the Welfare and Institutions Code, to read:

18997.2. (a) The department may establish an appropriate method, process, and structure for grant management, fiscal accountability, payments to guaranteed income pilot participants, and technical assistance and supports for grantees that ensure transparency and accountability in the use of state funds. The department may, at its discretion, contract with one or more

entities, including, but not limited to, community development financial intermediaries, state financial entities, or community-based organizations, for these purposes.

(b) The department may, at its discretion, contract with a third-party vendor for the purpose of developing a benefits counseling tool or informational materials for use by grantees to assist in meeting the requirements of paragraph (2) of subdivision (b) of Section 18997.

(c) The department may, at its discretion, require grantees to use a specified third-party vendor for purposes of administering grantees' pilots and to meet the requirements of this chapter.

SEC. 90. Section 18997.3 is added to the Welfare and Institutions Code, to read:

18997.3. Notwithstanding any other law, the department may accept and, subject to an appropriation for this purpose, expend funds from nongovernmental sources for any grant or contract described in this chapter.

SEC. 91. Section 18997.2 of the Welfare and Institutions Code is amended and renumbered to read:

18997.4. This chapter shall become inoperative on July 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 92. Section 135 of Chapter 27 of the Statutes of 2019, as amended by Section 27 of Chapter 104 of the Statutes of 2020, is amended to read:

Sec. 135. (a) Notwithstanding any other law, contracts or grants identified in subdivision (b), necessary for the State Department of Social Services to implement or evaluate the continuum of care reform as provided by Chapter 773 of the Statutes of 2015, Chapter 612 of the Statutes of 2016, Chapter 732 of the Statutes of 2017, and Chapter 910 of the Statutes of 2018, are exempt from all of the following:

(1) The personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(2) The Public Contract Code and the State Contracting Manual.

(3) Review by either the Department of General Services or the Department of Technology.

(b) This section applies to contracts or grants that do any of the following:

(1) Provide workforce training and certification to state or county staff on the use of a Child and Adolescent Needs and Strengths (CANS) assessment tool and the use of this assessment tool within a child and family team.

(2) Develop or provide training and technical assistance to foster care providers, including short-term residential therapeutic program providers, foster family agencies, and their staff, related to continuum of care reform requirements and core program competencies.

(3) Develop or provide training and technical assistance to county child welfare and probation departments related to the implementation of the continuum of care reform.

(4) Perform an evaluation of the level of care rate setting methodology, as required by Section 11461.2 of the Welfare and Institutions Code.

(5) Consult with the Praed Foundation to evaluate the use of a CANS assessment tool to inform the level of care rate setting system.

(6) Consult with the Praed Foundation and the Mental Health Data Alliance as necessary to inform the development of a CANS assessment tool functionalities within the child welfare services digital system.

(c) This section shall become inoperative on July 1, 2025, and, as of January 1, 2026, is repealed.

SEC. 93. (a) The Legislature finds and declares that the people of California have benefited from the establishment of a Foster Youth Ombudsperson pursuant to Section 16160 of the Welfare and Institutions Code, a long-term care ombudsperson pursuant to Section 9710 of the Welfare and Institutions Code, and a childcare ombudsperson program pursuant to Section 1596.872a of the Health and Safety Code.

(b) The Legislature further finds it is essential to maintain the nonpartisan nature, integrity, and impartiality of ombudsperson functions and services.

(c) It is the intent of the Legislature to provide similar protections for youth in juvenile justice facilities by clarifying and defining the role of the Office of Youth and Community Restoration ombudsperson program within the California Health and Human Services Agency.

SEC. 94. The Legislature finds and declares that Section 29 of this act, which adds Section 2200.2 of the Welfare and Institutions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect youth involved in the juvenile justice system and encourage candor during investigations, the Legislature finds it necessary to keep confidential records obtained during an investigation that would otherwise be made public record.

SEC. 95. (a) For the purposes of complying with Section 41 of the Revenue and Taxation Code, with respect to Section 17131.19 of the Revenue and Taxation Code, as added by this act, the Legislature finds and declares that the purpose of the exclusion allowed by Section 17131.19 of the Revenue and Taxation Code is to provide financial relief to California residents, including, in particular, low-income residents, to alleviate, in part, the adverse impacts of the economic disruptions and hardships resulting from the COVID-19 emergency.

(b) (1) For the purpose of this section, "act" means the Low Income Household Water Assistance Program (LIHWAP) as described in Section 12087.3 of the Government Code.

(2) In order to provide information on the exclusion allowed by Section 17131.19 of the Revenue and Taxation Code, the Department of Community Services and Development shall prepare a written report that includes the number of low-income households receiving a LIHWAP benefit as provided in accordance with the act.

SEC. 96. The State Department of Social Services shall calculate and track what the payment levels and associated General Fund costs, as set forth in Section 12200 of the Welfare and Institutions Code, would have been if annual state cost-of-living adjustments had been provided annually, beginning on January 1, 2009, and each year thereafter. The annual state cost-of-living adjustment calculations shall be based on the California Necessities Index and be applied only to the state portion of the grant. This information shall be provided by the department at the same time as the Governor's Budget, in writing to the appropriate policy and fiscal committees of the Legislature, and on the department's internet website, commencing January 10, 2023, and annually thereafter.

SEC. 97. (a) (1) The State Department of Social Services shall adopt regulations necessary to implement this act.

(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 State Department of Social Services may implement and administer Section 1530.90 of the Health and Safety Code and the changes made by this act to Sections 319, 319.3, 358.1, 361.22, 366, 366.1, 366.3, 366.31, 636, 706.5, 706.6, 727.12, 727.2, 4094, 4094.2, 4094.5, 4096, 4096.6, 11461.6, 11461.36, 11462, 11462.01, 11466.36, 13753, 13754, 13757, and 16501.1 of the Welfare and Institutions Code through all-county letters or similar instructions without taking regulatory action until final regulations are adopted, but not later than 18 months after the date upon which this paragraph becomes operative.

(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 and administer Section 18928.5 of the Welfare and Institutions Code through all-county letters or similar instructions, which shall have the same force and effect as regulations, until regulations are adopted.

(b) (1) The State Department of Health Care Services shall adopt regulations necessary to implement this act.

(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 State Department of Health Care Services may implement and administer the changes made by this act to Sections 4094, 4094.5, 4094.7, 4095, and 4096 of the Welfare and Institutions Code through all-county letters or similar instructions without taking regulatory action until final regulations are adopted, but not later than 18 months after the date upon which this paragraph becomes operative.

(c) The provisions amended or added by this act that impact the Medi-Cal program shall be implemented only if, and to the extent that, federal financial participation, as provided under the Medi-Cal program, is not jeopardized, and all necessary federal approvals have been obtained.

SEC. 98. To the extent that this act has an overall effect of increasing certain costs already borne by a local agency for programs or levels of

service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain other costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

SEC. 99. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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