Assembly Bill No. 161

CHAPTER 46

An act to repeal Sections 17561 and 17706 of the Family Code, to amend Section 1505 of the Health and Safety Code, to amend Section 11166 of the Penal Code, to amend Sections 706.6, 727.32, 4094.2, 8257, 10072, 11322.64, 11364, 11375, 11387, 11390, 11402, 11405, 11450.025, 11450.027, 11460, 11461, 11461.3, 11461.36, 11461.4, 11462, 11462.01, 11463, 11464, 11466, 11466.01, 11466.1, 11466.36, 11467, 11469, 12201, 15204.35, 15771, 16121, 16501, 16501.1, 16519.5, 16523.1, 16546.5, 16588, 16589, 18254, 18900.8, 18901.25, 18936, 18997.4, 18999.4, and 18999.97 of, to amend and repeal Sections 11461.2, 11462.03, 11467.2, 11468.6, and 18930.5 of, to amend, repeal, and add Section 18999.1 of, to add Sections 827.14, 10545, 10546, 12306.19, 18358.38, 18360.36, and 18932.1 to, to add Chapter 6.5 (commencing with Section 16560) to Part 4 of, and Chapter 14.6 (commencing with Section 18995.1) to Part 6 of, Division 9 of, to repeal Section 16567 of, and to repeal Chapters 6.2 and 6.3 of Part 6 of Division 9 of, the Welfare and Institutions Code, and to amend Section 135 of Chapter 27 of the Statutes of 2019, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor July 2, 2024. Filed with Secretary of State July 2, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 161, Committee on Budget. Human services.

(1) Existing law establishes the Department of Child Support Services within the California Health and Human Services Agency, which administers all services and performs all functions necessary to establish, collect, and distribute child support. Prior state law required the department to procure, develop, implement, and maintain a single statewide automated child support system referred to as the California Child Support Automation System.

Existing law requires the Office of the Chief Information Officer and the Department of Child Support Services to jointly produce an annual report, to be submitted on March 1, to the appropriate policy and fiscal committees of the Legislature on the ongoing implementation of the California Child Support Automation System, as specified.

This bill would delete this reporting requirement.

(2) Under existing law, the parents of a minor child are responsible for supporting the child. Existing law requires each county to maintain a local child support agency that is responsible for establishing, modifying, and enforcing child support obligations, including medical support, enforcing spousal support orders, and determining paternity, as specified.

Existing law establishes within the state's child support program a quality assurance and performance improvement program. Existing law provides that the 10 counties with the best performance standards shall receive an additional 5% of the state's share of those counties' collections that are used to reduce or repay aid that is paid under the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Existing law requires these additional funds received by a county to be used for specified child support-related activities. Existing law suspends the payment of this additional 5% for the 2002–03 to 2022–23 fiscal years, inclusive.

This bill would repeal the provision that provides additional funds to the 10 counties with the best performance standards and the suspension for the 2002–03 to 2022–23 fiscal years, inclusive.

(3) 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 department to also establish the California Food Assistance Program (CFAP) to provide nutrition benefits to households that are ineligible for CalFresh benefits solely due to their immigration status, as specified. Existing law requires that CFAP benefits be equivalent to SNAP benefits.

Existing law requires that current and future CalFresh benefits be reduced in order to recover an overissuance caused by intentional program violation, fraud, or inadvertent household error. Existing law sets forth certain procedures and criteria for a county when establishing a claim for recovery of that overissuance of CalFresh benefits.

This bill would require the state to retain a portion of any collected overissuance claims on CFAP benefits, with that portion being the same percentage as the state and the United States Department of Agriculture would have retained, combined, if the overissuance claims had been collected under the CalFresh program. Under the bill, any remaining portion of the recovered overissuance claims would be distributed by the department to the counties based on the amount of the overissuance claims recovered by the counties. The bill would make these provisions operative when related provisions become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System can perform the necessary automation to implement the expansion of CFAP eligibility to individuals 55 years of age or older. To the extent that the bill would create new duties for counties relating to the procedures for CFAP overissuance claims, the bill would impose a state-mandated local program.

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. Existing law, to become operative on the date that the department notifies the Legislature that the Statewide Automated Welfare System has been updated to perform the necessary

automation, instead prohibits a recipient of CFAP benefits from being required to meet the SNAP work requirement.

This bill would repeal work requirements for a CFAP recipient. 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. This bill would, commencing the date that the department notifies the Legislature that the Statewide Automated Welfare System (SAWS) has been updated to perform the necessary automation, also prohibit a recipient of CFAP benefits from being required meet SNAP disqualification requirements.

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.

Existing law establishes the Tribal Nutrition Assistance Program, administered by the State Department of Social Services, with the intent to provide supplemental nutrition benefits to households that are ineligible for CalFresh benefits solely because they receive food through the FDPIR when their FDPIR benefits are less than those provided by CalFresh. Subject to an appropriation in the annual Budget Act, existing law requires the department to award grants to eligible tribes and tribal organizations to address food insecurity and inequities between CalFresh benefits and FDPIR.

This bill would delete the above-described program intent and would instead require the department, subject to an appropriation in the annual Budget Act, to award grants to eligible tribes and tribal organizations to address food insecurity and inequities within California.

Existing law, until July 1, 2025, requires the State Department of Social Services to create the Safe Drinking Water Supplemental Benefit Pilot Program to provide time-limited additional CalFresh nutrition benefits to residents of prioritized disadvantaged communities that are served by public water systems that consistently fail to meet primary drinking water standards.

The bill would instead make the above provisions inoperative upon the expiration of allocated funding for the pilot program or September 30, 2025, whichever is later.

(4) Existing law establishes the 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 generally requires a recipient of CalWORKs benefits to participate in welfare-to-work activities, including subsidized employment, as a condition of eligibility for aid. Existing law requires the State Department of Social Services, in consultation with the County Welfare Directors Association of California, to develop an allocation methodology to distribute additional funding for expanded subsidized employment programs for CalWORKs recipients, as specified, and requires a county that accepts funding from this allocation to, among other things, submit to the department a plan regarding how it intends to utilize the allocated funding.

This bill would instead require a participating county, beginning January 1, 2025, or 4 months after the department issues guidance, as specified, whichever is later, to submit to the department, at least once every 2 years, a plan or an amendment to a plan that specifies how the county intends to utilize the allocated funding and to prioritize subsidized employment placements that offer opportunities for participants to obtain skills and experiences in their fields of interest. The bill would also require counties to submit a confirmation of no change if the county has no changes to an existing plan or amendment. The bill would also require the department, beginning April 1, 2025, to include specified information related to the subsidized employment programs described above in the CalWORKs Annual Summary.

Existing law establishes maximum aid grant amounts to be provided to each family receiving aid under CalWORKs. Existing law, commencing on October 1, 2023, increases the maximum aid payments in effect on July 1, 2023, by 3.6%.

This bill would, commencing on October 1, 2024, increase the maximum aid payments in effect on July 1, 2024, by 0.3%. Because moneys from the General Fund are continuously appropriated to defray a portion of county costs under the CalWORKs program, this bill would make an appropriation for the maximum aid payment increases.

Existing law states legislative intent to increase CalWORKs maximum aid payments until the maximum aid payment levels reach 50% of the federal poverty level for the family size that is one greater than the assistance unit, as specified. Existing law requires the State Department of Social Services to annually 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% of the federal poverty level for the family size that is one greater than the assistance unit.

This bill would instead require the written display described above to show the CalWORKs maximum aid payment amounts compared to the federal poverty level for the family size that is one greater than the assistance unit.

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 develop recommendations for revising the methodology used for development of the CalWORKs single allocation annual budget, as well as to update the budgeting methodology used to determine the annual funding for county administration of the CalFresh program. Under existing law, the number of hours per case per month of case work time budgeted for intensive cases under the employment services component of the CalWORKs single allocation is incrementally increased, as specified, and is 10 hours for the 2024–25 fiscal year, subject to a specified appropriation.

Effective July 1, 2024, this bill would maintain the number of hours per case per month of case work time budgeted for intensive cases at a minimum

of 8.75 hours and, subject to an appropriation by the Legislature, would increase those hours to no more than 10 hours per case per month. The bill would require the department to consult with legislative staff, representatives of county human services agencies and the County Welfare Directors Association of California, advocate representatives, and labor organizations to implement provisions relating to budgeting for the CalWORKs single allocation and county administration of the CalFresh program.

(5) Existing law generally provides for the placement of foster youth in various placement settings. Existing law requires the State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, to implement a unified, family friendly, and child-centered resource family approval process. Existing law requires the resource family approval process to include, among other things, a home environment assessment, a permanency assessment, and a written report, as specified. For specified emergency placements, existing law requires the home environment assessment and written report to be completed within 90 days of a child's placement, unless good cause exists. For placements made for compelling reasons prior to the completion of a permanency assessment, existing law requires the home assessment and written report to be completed within 90 days of placement, unless good cause exists. For specified placements with a relative or nonrelative extended family member, existing law requires the home environment assessment, permanency assessment, and written report to be completed within 90 days of placement, unless good cause exists. Existing law also requires counties to provide the department with quarterly reports on the number of families for whom certain requirements have not been completed by the 90-day deadline and to summarize the reasons for these delays.

This bill would instead extend the deadline by which these requirements must be completed to 120 days.

(6) 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 120 days, whichever occurs first. Existing law makes 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, providing the department with a monthly list of the resource family applications that have been pending for more than 90 days, as specified.

This bill would instead require the county to provide a monthly list of resource family applications that have been pending for more than 120 days.

(7) 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, administered by the State Department of Social Services. Existing law establishes a schedule of basic rates to be paid for the care and supervision of each foster child. Existing law authorizes a county to 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.

Existing law requires, upon a tribe's request, the department to enter into an agreement with a tribe regarding the care and custody of Indian children, as specified. Under existing law, a tribe that is party to an agreement under these provisions is eligible to receive allocations of child welfare service funds, as specified. Existing law requires the agreement to ensure that a tribe claims and uses all eligible federal funding available under Title IV-E of the federal Social Security Act.

This bill would authorize a tribe that has entered into an agreement, as described above, to have a ratesetting system for specialized care. The bill would update a cross-reference to the methodology used to adjust the specialized care increment.

This bill would also establish a new, Tiered Rate Structure, as specified, upon which the per child per month rate for every child in foster care would be based. The Tiered Rate Structure would be based on the use of the Integrated Practice-Child and Adolescent Needs and Strengths (IP-CANS) assessment tool, as defined. The Tiered Rate Structure would include 3 components, including an amount paid to the foster care provider for care and supervision of the child, as defined, a strengths building allocation to provide for a child's strengths building objectives, as identified by the IP-CANS, and an immediate needs allocation to provide for the child's immediate needs, and would establish 3 payment tiers, as specified. The bill would require the 3 components of the Tiered Rate Structure to become operative on July 1, 2027, or the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement the Tiered Rate Structure, whichever is later. The bill would prescribe various duties of county placing agencies relating to the implementation of the Tiered Rate Structure, including, but not limited to, ensuring completion of IP-CANS assessments for every child and nonminor dependent placed in foster care under the care, custody, and control of the placing agency.

The bill would establish the Immediate Needs Program, to provide an array of integrated services and supports based on the immediate needs, as defined, of children who fall into Tier 2 or Tier 3 of the Tiered Rate Structure, pursuant to the IP-CANS assessment. The bill would require the

immediate needs allocation for a child to be based on their tier, as determined by the IP-CANS. The bill would specify the department's duties with respect to the Immediate Needs Program, including, but not limited to, overseeing placement agencies in administering the program and developing a certification process for immediate needs providers, as specified. The bill also would require the department to, in consultation with specified entities, to establish statewide minimum standards for the program and providers, and to issue guidance to implement those standards. The bill would establish the Strengths Building and Child and Family Determination Program that, beginning on the implementation date of the Tiered Rate Structure, would be available to every child in foster care whose tier has been determined as part of the Tiered Rate Structure. The bill would require a child and family team, as defined, to perform specified child and family determination functions. The bill would specify the authority and duties of the department and placement agencies under the Strengths Building and Child and Family Determination Program.

Existing law lists the settings eligible to receive the specialized care increment, including a licensed foster family home or resource family, approved home of a relative, or approved home of a nonrelative extended family member, as specified.

This bill would clarify that a tribally approved home is included in that list of eligible settings.

Existing law requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Existing law requires the case plan to be based on an assessment of the circumstances that required child welfare services intervention, as specified, and to include prescribed components.

This bill, on and after the implementation date of the new Tiered Rate Structure, would require the case plan to include the child's or nonminor's most recent IP-CANS assessment and tier, and information relating to the child's or nonminor's immediate needs allocation plan and strengths building spending plan and spending plan report, as specified.

Existing law requires the department to develop an intensive services foster care program to serve children with specific needs, including intensive treatment and behavioral needs and specialized health care needs, whose needs for safety, permanency, and well-being require specially trained resource parents and intensive professional and paraprofessional services and supports in order to remain in a home-based setting or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center. Existing law also requires the department to implement intensive treatment foster care programs for eligible children in any participating county that applies for and receives the department's approval for an intensive treatment foster care program rate, as specified.

This bill would make those programs inoperative on July 1, 2028, or 24 months after the effective date of the Tiered Rate Structure, and would repeal them as of the January 1 following their inoperative dates.

The bill would make various conforming changes to existing provisions to require implementation of the new Tiered Rate Structure for specified placements, and would delete obsolete statutory language and make other conforming changes relating to foster care rates and placements. The bill would require the department to provide updates to the Legislature on key stages of planning, preparation, and implementation efforts and outcomes associated with the Tiered Rate Structure, as specified. By increasing duties of county social workers and placing agencies implementing the new foster care rate structure, the bill would impose a state-mandated local program.

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

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

(9) Existing law establishes the State Department of Social Services in the California Health and Human Services Agency. Under existing law, the State Department of Social Services administers a food assistance program that provides food and funding to food banks whose primary function is to facilitate the distribution of food to low-income households.

This bill would, subject to appropriation, require the State Department of Social Services to administer another food assistance program, the State Emergency Food Bank Reserve Program, to provide food and funding for the provision of emergency food and related costs to food banks serving low-income Californians to prevent hunger during natural or human-made disasters, as prescribed, and would define "food banks" to mean participating providers operating in California under the federal Emergency Food Assistance Program or the federal Commodity Supplemental Food Program, members of the nonprofit organization Feeding America that are based in California, and members of the California Association of Food Banks.

Existing law requires the State Department of Social Services, subject to an appropriation in the annual Budget Act, to administer the California Guaranteed Income Pilot Program to provide grants to eligible entities for the purpose of administering pilot programs and projects that provide a guaranteed income to participants. Existing law requires the department to review and evaluate the pilot programs and projects funded to determine the economic impact of the programs and projects and their impact on the outcomes of individuals who receive guaranteed income payments, as specified. Existing law makes these provisions inoperative on July 1, 2026, and repeals these provisions on January 1, 2027.

This bill would extend the inoperative date of these provisions to January 1, 2028, and would repeal these provisions on January 1, 2029.

(10) Existing law establishes the Community Care Expansion Program, under the administration of the State Department of Social Services. Under the program, subject to appropriation by the Legislature, the department awards grants to qualified grantees to administer projects for the acquisition, construction, or rehabilitation of property to be operated as residential adult and senior care facilities, or to promote the sustainability of existing licensed residential adult and senior care facilities through the provision of capitalized operating subsidy reserves. Existing law defines "capitalized operating subsidy reserve" to mean an interest bearing account maintained by the qualified grantee, the residential adult or senior care facility, or a third-party entity and created to cover potential or projected operating deficits on a facility that is deed restricted to provide licensed residential care for at least the term of the reserve.

This bill would authorize the department, in its discretion, to accept a capitalized operating subsidy reserve that is restricted by a legally enforceable agreement to provide residential care as an alternative to a deed restriction.

(11) Existing law, subject to an appropriation of state funds, establishes the Excellence in Family Finding, Engagement, and Support Program, administered by the State Department of Social Services. Existing law requires the department, in consultation with specified entities, to develop an allocation methodology for counties that elect to receive funds under the program to be used to supplement, but not supplant, funds for existing family finding and engagement programs. Existing law requires family-finding workers be assigned to family-finding responsibilities full time, but

authorizes those workers to be employed by either the county or a nonprofit community based organization with which the county has contracted for this purpose.

This bill would authorize a participating county or tribe without a family-finding worker assigned full time to family-finding responsibilities due to an insufficient caseload, as determined by the department, to submit a written request, including specified information, to the department for authorization to use funding to pay for the portion of a family-finding worker's time dedicated to family-finding activities.

(12) Existing law, the Child Abuse and Neglect Reporting Act, establishes procedures for the reporting and investigation of suspected child abuse or neglect. The act requires certain professionals, including specified health practitioners and social workers, known as "mandated reporters," to report known or reasonably suspected child abuse or neglect to a local law enforcement agency or a county welfare or probation department, as specified. Existing law requires, when a child or youth receiving child welfare services is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation and is missing or has been abducted, the county probation or welfare department to immediately 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 (NCMEC).

This bill would specify the contents of the report made by the county probation or welfare department when reporting to law enforcement pursuant to these provisions, including, among other things, a description of the child's or youth's physical features. The bill would require the county probation or welfare department to maintain regular communication with law enforcement agencies and the NCMEC in efforts to provide a safe recovery of the missing or abducted child or youth. By imposing additional duties on local entities, this bill would impose a state-mandated local program.

Existing law generally provides for the confidentiality of information regarding a minor in proceedings in the juvenile court and related court proceedings and limits access to juvenile case files. Existing law authorizes only certain individuals to inspect a juvenile case file, including, among others, the minor, the minor's parents or guardian, and the attorneys for the parties. Existing law makes it a misdemeanor to disseminate information obtained pursuant to these provisions, as specified.

This bill would authorize a county welfare or probation department to disseminate information from a juvenile case file to the NCMEC as necessary for the county welfare or probation department to carry out its duties required under provisions requiring communication between law enforcement and the NCMEC regarding missing or abducted children or youth believed to be the victims of, or at risk of being the victims of, commercial sexual exploitation. By expanding the scope of a crime, this bill would impose a state-mandated local program.

(13) Existing law provides for 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.

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, with an annual cost-of-living adjustment, effective January 1 of each year. 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 pass along of any cost-of-living increase in the federal SSI benefits. Existing law continuously appropriates funds for the implementation of SSP.

This bill would, on or before January 10, 2025, and annually thereafter, require the department to provide a display in writing and on its internet website, as specified. The bill would require the department to update the display at the annual May Revision.

(14) Existing law establishes the federally funded and state-funded Kinship Guardianship Assistance Payment Program (Kin-GAP), which provides aid on behalf of eligible children who are placed in the home of a relative guardian. Existing law limits the cash savings of a child or nonminor in receipt of Kin-Gap benefits to $10,000, and requires that the child or nonminor have earned income disregarded.

This bill would remove that cash savings limitation, and would instead require that income or property received after the beginning date of receipt of Kin-GAP benefits be disregarded. The bill would make these amendments operative on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation.

(15) 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 in order to permit them to remain in their own homes. Existing law requires the state and counties to share the annual cost of providing IHSS pursuant to a specified cost ratio, and requires all counties to have a rebased County IHSS Maintenance of Effort (MOE). Existing law requires the state to pay 100% of the allowable nonfederal share of county administration and public authority administration costs for each county, until the county's share of the appropriated General Fund moneys for administration is exhausted, upon which time, the county is required to pay 100% of the remaining nonfederal share of county administration and public authority administration costs. Existing law requires the department to consult with the California State Association of Counties, the County Welfare Directors Association of California, and the California Association of Public Authorities to determine the county-by-county distribution of the amount

of General Fund moneys appropriated in the annual Budget Act for county administration and public authority administration.

This bill would require the department to review the budgeting methodology used to determine the annual funding for county administration of the IHSS program and examine the ongoing workload and administrative costs to counties as part of the review beginning with the 2025–26 fiscal year and every 3rd fiscal year thereafter. The bill would also require the department to provide information to the appropriate legislative budget committees regarding this review and how it may impact county administrative costs.

(16) Existing law provides for the establishment of a statewide electronic benefits transfer (EBT) system, administered by the State Department of Social Services, for the purpose of providing financial and food assistance benefits. Existing law provides that a recipient shall not incur any loss of cash benefits that are taken by an unauthorized withdrawal, removal, or use of benefits that does not occur by the use of a physical EBT card issued to the recipient or authorized third party, as specified, and requires the prompt replacement of the taken benefits, as specified.

This bill, notwithstanding any other law or guidance, would additionally prohibit a recipient of nutrition benefits, as defined, from incurring any loss of nutrition benefits taken by an unauthorized contact, withdrawal, removal, or use of the benefits that does not occur by the use of a physical electronic benefits transfer card issued to the recipient or authorized third party to directly access the benefits. The bill would require the State Department of Social Services to establish a protocol to use state funds to replace nutrition benefits taken under those circumstances. The bill would authorize the department to issue an all-county letter or similar instructions to implement and amend the requirements and protocols to replace the nutrition benefits, pending the adoption of regulations by June 30, 2026. The bill would require counties to replace eligible, electronically stolen benefits as soon as administratively feasible, but no more than 10 business days following the receipt of the replacement request. By imposing new duties on counties administering nutrition assistance programs, the bill would impose a state-mandated local program.

(17) Existing law establishes various programs, including the Housing and Disability Income Advocacy Program, the Bringing Families Home Program, and the Home Safe Program, administered by the State Department of Social Services, to provide certain homelessness- or housing-related assistance or supports to eligible individuals through grant awards to counties or tribes. Under existing law, grantees under those 3 programs are required to match the funding on a dollar-for-dollar basis but are exempt from that requirement during specified multiyear periods.

This bill would remove the requirement for fund matching by grantees under the Housing and Disability Income Advocacy Program commencing July 1, 2024, would extend the exemption by 2 years for the Bringing Families Home Program, and would extend the exemption by one year for the Home Safe Program.

For purposes of the Housing and Disability Income Advocacy Program, the bill would, commencing July 1, 2024, restructure an existing related provision to specify that the annual ongoing appropriation of funds under the program, subject to an appropriation, is defined as a $25,000,000 General Fund appropriation.

Existing law, under that same program, requires a grantee, with the assistance of the department, to seek reimbursement of funds used for housing assistance, general assistance, or general relief from the federal Commissioner of Social Security pursuant to an interim assistance reimbursement agreement, to be expended on additional housing assistance, but waives the requirement to seek reimbursement of funds through June 30, 2025.

This bill would extend that waiver through June 30, 2026.

(18) Existing law provides for allocation of federal funds through the federal Temporary Assistance for Need Families (TANF) block grant program to eligible states. Existing law establishes the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which, through a combination of state and county funds and federal funds received through the TANF program, each county provides cash assistance and other benefits to qualified low-income families.

Existing federal law, the Fiscal Responsibility Act of 2023 (federal act), among other provisions, requires the United States Secretary of Health and Human Services (Secretary) to carry out a pilot program to provide grants to 5 states for a fiscal year to negotiate performance benchmarks for work and family outcomes for recipients of TANF and qualified state expenditures. The federal act requires the Secretary and a participating state to agree to a required level of performance on those benchmarks. The federal act also requires the state and the Secretary to enter into a plan to achieve the required level of performance if the state fails to meet that benchmark for 2 successive fiscal years. The federal act requires the pilot to be in effect for 6 fiscal years, with one year to establish benchmark data and negotiate targets and 5 years to measure performance against the targets, as prescribed.

This bill would require the State Department of Social Services, after consulting with specified stakeholders and staff, to apply to the Secretary to participate in the Pilot Projects for Promoting Accountability by Measuring Work Outcomes program. The bill would state the Legislature's intent to continue to reimagine CalWORKs, and would authorize the department to consider certain reforms, including repealing the federal work participation rate penalty passthrough.

(19) Existing law requires the Governor to establish the Interagency Council on Homelessness and requires the council to, among other things, identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California and create a data system, known as the Homeless Data Integration System, to collect local data through Homeless Management Information Systems with the ultimate goal of matching data on homelessness to programs impacting homeless recipients of state programs. Existing law prohibits a state public agency from

disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains except under specific circumstances. Existing law also exempts health information and personally identifying information in the Homeless Data Integration System from public inspection or disclosure under the California Public Records Act. Existing law authorizes council staff to share Homeless Data Integration System data with a state agency or department that is a member of the council.

This bill would instead require, upon request, council staff to share personally identifiable, individual-level Homeless Data Integration System data with an agency or department that is a member of the council, as specified. The bill would require the State Department of Social Services, upon access to the data, development of a match and analysis methodology, the successful match of data, and a methodologically feasible approach, to capture this point-in-time data and trends on an annual basis and disclose the data, as specified.

(20) 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 a specified reason.

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.

(21) 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. Section 17561 of the Family Code is repealed.

SEC. 2. Section 17706 of the Family Code is repealed.

SEC. 3. Section 1505 of the Health and Safety Code is amended to read:

1505. This chapter does not apply to any of the following:

(a) A health facility, as defined by Section 1250.

(b) A clinic, as defined by Section 1200.

(c) A juvenile placement facility approved by the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, or any juvenile hall operated by a county.

(d) A place in which a juvenile is judicially placed pursuant to subdivision (a) of Section 727 of the Welfare and Institutions Code.

(e) A child day care facility, as defined in Section 1596.750.

(f) (1) A facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend solely

upon prayer or spiritual means for healing in the practice of the religion of the church or denomination.

(2) A private alternative boarding school or private alternative outdoor program, as defined in subdivision (a) of Section 1502, that uses prayer or spiritual means as a component of its programming or services in addition to behavioral-based services is subject to licensure under this chapter.

(g) A school dormitory or similar facility determined by the department, except a private alternative boarding school or private alternative outdoor program, as defined in subdivision (a) of Section 1502.

(h) A house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, provided that no resident thereof requires any element of care, as determined by the department.

(i) A recovery house or other similar facility that provides group living arrangements for adults recovering from alcoholism or drug addiction and that does not provide care or supervision.

(j) An alcoholism or drug abuse recovery or treatment facility as defined in Section 11834.02.

(k) An arrangement for the receiving and care of persons by a relative or an arrangement for the receiving and care of persons from only one family by a close friend of the parent, guardian, or conservator, if the arrangement is not for financial profit and occurs only occasionally and irregularly, as defined by regulations of the department. For purposes of this chapter, arrangements for the receiving and care of persons by a relative include relatives of the child for the purpose of keeping sibling groups together.

(*l*) (1) A home of a relative caregiver of children who are placed by a juvenile court, supervised by the county welfare or probation department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.

(2) A home of a nonrelative extended family member, as described in Section 362.7 of the Welfare and Institutions Code, providing care to children who are placed by a juvenile court, supervised by the county welfare or probation department, and the placement of whom is approved according to subdivision (d) of Section 309 of the Welfare and Institutions Code.

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

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

(5) A Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, that serves only eligible former foster youth over 18 years of age who have exited from the

foster care system on or after their 18th birthday, and that has obtained certification from the applicable county in accordance with subdivision (c) of Section 16522 of the Welfare and Institutions Code.

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

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

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

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

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

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

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

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

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

(p) (1) (A) Housing occupied by elderly or disabled persons, or both, that is initially approved and operated under a regulatory agreement pursuant to Section 202 of Public Law 86-372 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625 (42 U.S.C. Sec. 8013), or that receives mortgage assistance pursuant to Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or whose mortgage is insured pursuant to Section 221d(3) of Public Law 87-70 (12 U.S.C. Sec. 1715*l*), where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

(B) Housing that qualifies for a low-income housing credit pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42) or that is subject to the requirements for rental dwellings for low-income families pursuant to Section 8 of Public Law 93-383 (42 U.S.C. Sec. 1437f), and that is occupied

by elderly or disabled persons, or both, where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

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

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

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

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

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

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

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

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

(x) Any similar facility determined by the department.

SEC. 4. 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 by fax or electronic transmission, 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 reasonably 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 reasonably 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 reasonably 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 knowledge of or reasonably suspected 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 reasonably 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 by fax or electronic transmission 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) (A) 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 (NCMEC).

(B) The report submitted by the county probation or welfare department to law enforcement agencies and NCMEC shall include, where reasonably possible, all of the following:

(i) A photo of the missing or abducted child or youth.

(ii) A description of the child's or youth's physical features, such as height, weight, sex, ethnicity, race, hair color, and eye color.

(iii) Endangerment information, such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked, and other health or risk factors, to the extent such information is released in compliance with other applicable laws.

(iv) Information about whether the child or youth is or may be an Indian child, as defined in Section 224.1 of the Welfare and Institutions Code, including the name of the child's tribe.

(C) For each child or youth described in this paragraph, the county probation or welfare department shall maintain regular communication with law enforcement agencies, including tribal law enforcement agencies in the case of an Indian child, and NCMEC in efforts to provide a safe recovery of the missing or abducted child or youth, including by sharing information pertaining to the child's or youth's recovery and circumstances related to the recovery.

(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 reasonably 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 reasonably 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 by fax or electronic transmission 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. 5. Section 706.6 of the Welfare and Institutions Code is amended to read:

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

reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

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

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

(c) A case plan prepared as required by Section 706.5 shall be submitted to the court. It shall either be attached to the social study or incorporated as a separate section within the social study. The case plan shall include, but not be limited to, the following information:

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

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

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

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

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

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

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

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

(A) The probation department.

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

(C) The minor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) When an out-of-state residential facility placement is recommended or made, the case plan shall comply with Section 727.1 of this code and Section 7911.1 of the Family Code. In addition, the case plan shall include documentation that the county placing agency has satisfied Section 16010.9.

The case plan also shall address what in-state services or facilities were used or considered and why they were not recommended.

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

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

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

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

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

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

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

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

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

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

(A) The minor's tier, if applicable, as determined by the IP-CANS assessment for purposes of the Tiered Rate Structure under subdivision (h) of Section 11461.

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

(C) The strengths building activities the minor is engaged in, or desires to be engaged in, a brief description of the strengths building goals identified in the IP-CANS, and the Spending Plan Report, as defined in subdivision (c) of Section 16565, for a minor eligible for the Strengths Building Child and Family Determination Program established in Section 16565.

(d) The following shall apply:

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

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

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

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

(D) Group care placements in the following order:

(i) Short-term residential therapeutic programs.

(ii) Group homes vendored by a regional center.

(iii) Community treatment facilities.

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

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

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

(B) On and after October 1, 2021, within 30 days of the minor's placement in a short-term residential therapeutic program, and, on and after

July 1, 2022, within 30 days of the minor's placement in a community treatment facility, the case plan shall document all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 6. Section 727.32 of the Welfare and Institutions Code is amended to read:

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

(b) For the purposes of this section, 15 out of the 22 months shall be calculated from the "date entered foster care," as defined in paragraph (4) of subdivision (d) of Section 727.4. When a minor experiences multiple exits from and entries into foster care during the 22-month period, the 15 months shall be calculated by adding together the total number of months the minor spent in foster care in the past 22 months. However, trial home visits and runaway episodes should not be included in calculating 15 months in foster care.

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

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

SEC. 7. Section 827.14 is added to the Welfare and Institutions Code, to read:

827.14. Notwithstanding Section 827, a county welfare or probation department may disseminate information from the juvenile case file to the National Center for Missing and Exploited Children as necessary for the county welfare or probation department to carry out its duties required by paragraph (3) of subdivision (j) of Section 11166 of the Penal Code.

SEC. 8. Section 4094.2 of the Welfare and Institutions Code is amended to read:

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

(b) Each agency operating a community treatment facility program shall negotiate a final budget with the local mental health department in the county

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

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

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

(B) Beginning July 1, 2027, or the date specified in paragraph (9) of subdivision (h) of Section 11461, in accordance with the schedules provided in paragraph (4) of subdivision (h) of Section 11461 and Sections 16562 and 16565, whichever is later, the rate paid on behalf of a child or nonminor dependent placed in a community treatment facility shall be equivalent to the Tiered Rate Structure described in paragraphs (1) to (3), inclusive, of subdivision (e) of Section 11462.

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

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

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

community treatment facilities are eligible to receive under the foster care program and the existing programs for mental health services.

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

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

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

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

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

(j) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement, interpret, or make specific changes made to this section by the act that added this subdivision through and by means of all-county letters or similar written directives, which shall be exempt

from submission to or review by the Office of Administrative Law. These all-county letters or similar written directives shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2030.

SEC. 9. Section 8257 of the Welfare and Institutions Code is amended to read:

8257. (a) The Governor shall create an Interagency Council on Homelessness.

(b) The council shall have all of the following goals:

(1) To oversee implementation of this chapter.

(2) To identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California.

(3) To create partnerships among state agencies and departments, local government agencies, participants in the United States Department of Housing and Urban Development's Continuum of Care Program, federal agencies, the United States Interagency Council on Homelessness, nonprofit entities working to end homelessness, homeless services providers, and the private sector, for the purpose of arriving at specific strategies to end homelessness.

(4) To promote systems integration to increase efficiency and effectiveness while focusing on designing systems to address the needs of people experiencing homelessness, including unaccompanied youth under 25 years of age.

(5) To coordinate existing funding and applications for competitive funding. Any action taken pursuant to this paragraph shall not restructure or change any existing allocations or allocation formulas.

(6) To make policy and procedural recommendations to legislators and other governmental entities.

(7) To identify and seek funding opportunities for state entities that have programs to end homelessness, including, but not limited to, federal and philanthropic funding opportunities, and to facilitate and coordinate those state entities' efforts to obtain that funding.

(8) To broker agreements between state agencies and departments and between state agencies and departments and local jurisdictions to align and coordinate resources, reduce administrative burdens of accessing existing resources, and foster common applications for services, operating, and capital funding.

(9) To serve as a statewide facilitator, coordinator, and policy development resource on ending homelessness in California.

(10) To report to the Governor, federal Cabinet members, and the Legislature on homelessness and work to reduce homelessness.

(11) To ensure accountability and results in meeting the strategies and goals of the council.

(12) To identify and implement strategies to fight homelessness in small communities and rural areas.

(13) To create a statewide data system or warehouse, which shall be known as the Homeless Data Integration System, that collects local data

through Homeless Management Information Systems, with the ultimate goal of matching data on homelessness to programs impacting homeless recipients of state programs, such as the Medi-Cal program (Chapter 7 (commencing with Section 14000) of Part 3 of Division 9) and CalWORKs (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9). Upon creation of the Homeless Data Integration System, all continuums of care, as defined in Section 578.3 of Title 24 of the Code of Federal Regulations, that are operating in California shall provide collected data elements, including, but not limited to, health information, in a manner consistent with federal law, to the Homeless Data Integration System.

(A) Council staff shall specify the form and substance of the required data elements.

(B) Council staff may, as required by operational necessity, and in accordance with paragraph (8) of subdivision (d) of Section 8256, amend or modify data elements, disclosure formats, or disclosure frequency.

(C) (i) To further the efforts to improve the public health, safety, and welfare of people experiencing homelessness in the state, council staff may collect data from the continuums of care as provided in this paragraph.

(ii) Council staff shall, upon request, share personally identifiable, individual-level data from the Homeless Data Integration System with an agency or department that is a member of the council for purposes of measuring housing instability and examining the effectiveness of, and need for, housing and homelessness programs and other antipoverty programs among Californians.

(iii) Data disclosed pursuant to this subparagraph shall be in compliance with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(D) Any health information or personal identifying information provided to, or maintained within, the Homeless Data Integration System shall not be subject to public inspection or disclosure under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(E) For purposes of this paragraph, “health information” includes “protected health information,” as defined in Section 160.103 of Title 45 of the Code of Federal Regulations, and “medical information,” as defined in subdivision (j) of Section 56.05 of the Civil Code.

(14) To set goals to prevent and end homelessness among California’s youth.

(15) To improve the safety, health, and welfare of young people experiencing homelessness in the state.

(16) To increase system integration and coordinating efforts to prevent homelessness among youth who are currently or formerly involved in the child welfare system or the juvenile justice system.

(17) To lead efforts to coordinate a spectrum of funding, policy, and practice efforts related to young people experiencing homelessness.

(18) To identify best practices to ensure homeless minors who may have experienced maltreatment, as described in Section 300, are appropriately referred to, or have the ability to self-refer to, the child welfare system.

(19) To collect, compile, and make available to the public financial data provided to the council from all state-funded homelessness programs.

(c) (1) The council shall consist of the following members:

(A) The Secretary of Business, Consumer Services, and Housing and the Secretary of California Health and Human Services Agency, who both shall serve as cochairs of the council.

(B) The Director of Transportation.

(C) The Director of Housing and Community Development.

(D) The Director of Social Services.

(E) The Director of the California Housing Finance Agency.

(F) The Director or the State Medicaid Director of Health Care Services.

(G) The Secretary of Veterans Affairs.

(H) The Secretary of the Department of Corrections and Rehabilitation.

(I) The Executive Director of the California Tax Credit Allocation Committee in the Treasurer's office.

(J) The State Public Health Officer.

(K) The Director of the California Department of Aging.

(L) The Director of Rehabilitation.

(M) The Director of State Hospitals.

(N) The executive director of the California Workforce Development Board.

(O) The Director of the Office of Emergency Services.

(P) A representative from the State Department of Education, who shall be appointed by the Superintendent of Public Instruction.

(Q) A representative of the state public higher education system who shall be from one of the following:

(i) The California Community Colleges.

(ii) The University of California.

(iii) The California State University.

(2) The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one member to the council from two different stakeholder organizations.

(3) The council may, at its discretion, invite stakeholders, individuals who have experienced homelessness, members of philanthropic communities, and experts to participate in meetings or provide information to the council.

(4) The council shall hold public meetings at least once every quarter.

(d) The council shall regularly seek guidance from and, at least twice a year, meet with an advisory committee. Notwithstanding Section 11123.5 of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), all members of the advisory committee may participate remotely in advisory committee meetings, including meetings held with the council, and no members are required to be present at the designated primary physical meeting location. The cochairs of the council shall appoint members to this

advisory committee that reflects racial and gender diversity, and shall include the following:

(1) A survivor of gender-based violence who formerly experienced homelessness.

(2) Representatives of local agencies or organizations that participate in the United States Department of Housing and Urban Development's Continuum of Care Program.

(3) Stakeholders with expertise in solutions to homelessness and best practices from other states.

(4) Representatives of committees on African Americans, youth, and survivors of gender-based violence.

(5) A current or formerly homeless person who lives in California.

(6) A current or formerly homeless youth who lives in California.

(7) A current or formerly homeless person with a developmental disability.

(8) This advisory committee shall designate one of the above-described members to participate in every quarterly council meeting to provide a report to the council on advisory committee activities.

(e) Within existing funding, the council may establish working groups, task forces, or other structures from within its membership or with outside members to assist it in its work. Working groups, task forces, or other structures established by the council shall determine their own meeting schedules.

(f) Upon request of the council, a state agency or department that administers one or more state homelessness programs, including, but not limited to, an agency or department represented on the council pursuant to subdivision (c), the agency or department shall be required to do both of the following:

(1) Participate in council workgroups, task forces, or other similar administrative structures.

(2) Provide to the council any relevant information regarding those state homelessness programs.

(g) (1) The members of the council, advisory committee, or working groups who are or have been homeless may receive per diem and reimbursement for travel or other expenses as follows:

(A) A member of the council who is or has been homeless shall receive a per diem of one hundred dollars ($100) for each day during which that member is engaged in the performance of official duties and shall also be reimbursed for travel and other expenses necessarily incurred in the performance of official duties.

(B) A member of the advisory committee who is or has been homeless shall receive a per diem of one hundred dollars ($100) for each day during which that member is engaged in the performance of official duties and shall also be reimbursed for travel and other expenses necessarily incurred in the performance of official duties.

(C) A member of a working group, as defined and managed by council staff, who is or has been homeless shall receive a per diem of one hundred

dollars ($100) for each day during which that member is engaged in the performance of official duties and shall also be reimbursed for travel and other expenses necessarily incurred in the performance of official duties.

(2) (A) A per diem or reimbursement request pursuant to paragraph (1) is subject to funding availability.

(B) Notwithstanding any other law, assistance provided pursuant to this subdivision shall not be deemed to be income for purposes of the Personal Income Tax Law (Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code) or used to determine eligibility for any state program or local program financed wholly or in part by state funds.

(3) (A) For purposes of complying with paragraphs (1) and (2) of subdivision (a) of Section 41 of the Revenue and Taxation Code, as it pertains to this subdivision, the Legislature finds and declares as follows:

(i) The specific goals, purposes, and objectives that the exemptions created by subparagraph (B) of paragraph (2) are as follows:

(I) The objective is to facilitate the participation of individuals with lived experience in order to include valuable insight from those lived experiences in shaping policy recommendations.

(II) The goal is to prevent members with lived homelessness experience from incurring tax liability because of their participation.

(III) The purpose is to enable participants with lived homelessness experience to receive the full benefit of their per diem and reimbursements.

(ii) The performance indicators the Legislature can use to determine if the exemption is achieving the goals, purposes, and objectives stated in clause (i) shall be as follows:

(I) Whether the council, advisory committee, or working group members with lived homelessness experience incur any tax liability because of their participation on the committee.

(II) The number of people with lived homelessness experience who serve on the council, advisory committee, and working groups.

(B) (i) For purposes of complying with paragraph (3) of subdivision (a) of Section 41 of the Revenue and Taxation Code, as it pertains to this subdivision, the Legislative Analyst's Office shall deliver to the Legislature on or before April 1 of each year a written report that includes both of the following:

(I) The estimated aggregate tax liability incurred by council, advisory committee, or working group members with lived homelessness experience because of their participation on the committee.

(II) The estimated number of people with lived homelessness experience who serve on the council, advisory committee, or working groups that excluded qualified amounts from gross income as described in paragraph (1).

(ii) A report submitted pursuant to this subparagraph shall be submitted in compliance with Section 9795 of the Government Code.

(iii) The reporting requirement pursuant to this subparagraph shall become inoperative on April 1, 2028, pursuant to Section 10231.5 of the Government Code.

(4) For purposes of this subdivision, "the performance of official duties" includes, but is not limited to, attending a council, advisory, or working group meeting and reviewing agenda materials for no more than one day in preparation for each council, advisory, or working group meeting.

(h) The appointed members of the council or committees, as described in this section, shall serve at the pleasure of their appointing authority.

(i) The Business, Consumer Services, and Housing Agency shall provide staff for the council.

(j) The members of the council may enter into memoranda of understanding with other members of the council to achieve the goals set forth in this chapter, as necessary, in order to facilitate communication and cooperation between the entities the members of the council represent.

(k) There shall be an executive officer of the council under the direction of the Secretary of Business, Consumer Services, and Housing.

(*l*) The council shall be under the direction of the executive officer and staffed by employees of the Business, Consumer Services, and Housing Agency.

SEC. 10. Section 10072 of the Welfare and Institutions Code is amended to read:

10072. The electronic benefits transfer system required by this chapter shall be designed to do, but not be limited to, all of the following:

(a) To the extent permitted by federal law and the rules of the program providing the benefits, recipients who are required to receive their benefits using an electronic benefits transfer system shall be permitted to gain access to the benefits in any part of the state where electronic benefits transfers are accepted. All electronic benefits transfer systems in this state shall be designed to allow recipients to gain access to their benefits by using every other electronic benefits transfer system.

(b) To the maximum extent feasible, electronic benefits transfer systems shall be designed to be compatible with the electronic benefits transfer systems in other states.

(c) All reasonable measures shall be taken in order to ensure that recipients have access to electronically issued benefits through systems, including, but not limited to, automated teller machines, point-of-sale devices, or other devices that accept electronic benefits transfer transactions. Benefits provided under Chapter 2 (commencing with Section 11200) of Part 3 shall be staggered over a period of three calendar days, unless a county requests a waiver from the department and the waiver is approved, or in cases of hardship pursuant to subdivision (p).

(d) The system shall provide for reasonable access to benefits to recipients who demonstrate an inability to use an electronic benefits transfer card or other aspect of the system because of disability, language, lack of access, or other barrier. These alternative methods shall conform to the requirements of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101, et seq.), including reasonable accommodations for recipients who, because of physical or mental disabilities, are unable to operate or otherwise make effective use of the electronic benefits transfer system.

(e) The system shall permit a recipient the option to choose a personal identification number, also known as a "PIN" number, to assist the recipient to remember their number in order to allow access to benefits. Whenever an institution, authorized representative, or other third party not part of the recipient household or assistance unit has been issued an electronic benefits transfer card, either in lieu of, or in addition to, the recipient, the third party shall have a separate card and personal identification number. At the option of the recipient, they may designate whether restrictions apply to the third party's access to the recipient's benefits. At the option of the recipient head of household or assistance unit, the county shall provide one electronic benefits transfer card to each adult member to enable them to access benefits.

(f) The system shall have a 24-hour per day toll-free telephone hotline for the reporting of lost or stolen cards that will provide recipients, at no additional cost to the recipient, with information on how to have the card and personal identification number replaced, and that will allow an authorized representative or head of household to access, over the telephone, the transaction history detail for at least the last 10 transactions and to request that the transaction history detail for at least the past two months be sent by mail.

(g) The system shall have an internet website that will provide recipients, at no additional cost to the recipient, with information on how to have the card and personal identification number replaced, and that will allow an authorized representative or head of household to view the transaction history detail for at least the last 10 transactions and to request that the transaction history detail for at least the past two months be sent by mail.

(h) In addition to the ability to receive transaction history detail pursuant to subdivisions (f) and (g), a county human services agency shall make available to an authorized representative or head of household, at no additional cost to the authorized representative or head of household, all electronic benefit transaction history details that are available to the county human services agency within 10 business days after a request has been received by the agency.

(i) (1) A recipient shall not incur any loss of electronic benefits after reporting that their electronic benefits transfer card or personal identification number has been lost or stolen. The system shall provide for the prompt replacement of lost or stolen electronic benefits transfer cards and personal identification numbers. Electronic benefits for which the case was determined eligible and that were not withdrawn by transactions using an authorized personal identification number for the account shall also be promptly replaced.

(2) (A) Except as provided in subparagraph (B), a recipient shall not incur any loss of cash benefits that are taken by an unauthorized contact, withdrawal, removal, or use of benefits, including, but not limited to, use that results from an unauthorized solicitation, request, or representation that does not occur by the use of a physical electronic benefits transfer card issued to the recipient or authorized third party to directly access the benefits. Benefits taken as described in this subparagraph shall be promptly replaced

in accordance with the protocol established by the department pursuant to paragraph (3).

(B) If a recipient knowingly provides their electronic benefits transfer card number and personal identification number to an unauthorized third party that the recipient mistakenly believes to be the contracted electronic benefits transfer vendor, an approved retailer, or a governmental entity, any benefits taken as described in subparagraph (A) shall be promptly replaced in accordance with the protocol established by the department pursuant to paragraph (3), but not more than one time in a 36-month period.

(3) The State Department of Social Services shall establish a protocol for recipients to report electronic theft of cash benefits that minimizes the burden on recipients, ensures prompt replacement of benefits in order to minimize the harm to recipients, and ensures program integrity. This protocol may include the automatic replacement of benefits without the need for recipient reporting and verification.

(4) (A) Notwithstanding paragraphs (2) and (3), the State Department of Social Services may issue mass reimbursements to recipients for the loss of cash benefits if the department finds that the benefits of multiple recipients were taken by an unauthorized withdrawal, removal, or use of benefits in which the recipients' electronic benefits transfer card numbers or personal identification numbers were obtained by means of a data breach.

(B) A mass reimbursement made pursuant to subparagraph (A) requires the approval of the Department of Finance with notice given to the Joint Legislative Budget Committee.

(5) (A) Notwithstanding any other law or guidance, and except as provided in this paragraph, a recipient shall not incur any loss of nutrition benefits taken by an unauthorized contact, withdrawal, removal, or use of the benefits, including, but not limited to, use that results from an unauthorized solicitation, request, or representation that does not occur by the use of a physical electronic benefits transfer card issued to the recipient or authorized third party to directly access the benefits.

(B) The State Department of Social Services shall establish a protocol to use state funds to replace nutrition benefits taken as described in subparagraph (A) in accordance with the following limitations:

(i) A maximum of two months' worth of benefits shall be replaced at one time.

(ii) A household shall not receive more than two replacements per federal fiscal year.

(iii) A household shall have 90 days from the date of theft to request replacement of the electronically stolen benefits.

(C) If, at any time, a federally funded replacement is available for any nutrition benefit listed in subparagraph (D), this paragraph shall be inoperative with regard to that specific benefit.

(D) For the purposes of this section, "nutrition benefits" means CalFresh, Disaster CalFresh, and benefits previously replaced due to household misfortune under Chapter 10 (commencing with Section 18900) of, and

California Food Assistance Program (CFAP) nutrition benefits under Chapter 10.1 (commencing with Section 18930) of, Part 6.

(E) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may issue an all-county letter or similar instructions to implement and amend the requirements and protocols described in this paragraph, pending the adoption of regulations for this purpose, which shall occur no later than June 30, 2026.

(F) A county shall replace eligible, electronically stolen benefits as soon as administratively feasible, but no more than 10 business days following the receipt of the replacement request. A county shall prioritize the replacement of electronically stolen nutrition benefits in accordance with Sections 10000 and 18900.

(j) Electronic benefits transfer system consumers shall be informed on how to use electronic benefits transfer cards, how to protect their cards from misuse, and where consumers can use their cards to withdraw benefits without incurring a fee, charge, or surcharge.

(k) The electronic benefits transfer system shall be designed to inform recipients when the electronic benefits transfer system does not function or is expected not to function for more than a one-hour period between 6 a.m. and midnight during any 24-hour period. This information shall be made available in the recipient's preferred language if the electronic benefits transfer system vendor contract provides for services in that language.

(*l*) Procedures shall be developed for error resolution.

(m) A fee shall not be charged by the state, a county, or an electronic benefits processor certified by the state to retailers participating in the electronic benefits transfer system.

(n) Except for CalFresh transactions, a recipient may be charged a fee, not to exceed the amount allowed by applicable state and federal law and customarily charged to other customers, for cash withdrawal transactions that exceed four per month.

(o) The electronic benefits transfer system shall be designed to ensure that recipients of benefits under Chapter 2 (commencing with Section 11200) of Part 3 have access to using or withdrawing benefits with minimal fees or charges, including an opportunity to access benefits with no fee or charges.

(p) A county shall exempt an individual from the three-day staggering requirement under subdivision (c) on a case-by-case basis for hardship. Hardship includes, but is not limited to, the incurrence of late charges on an individual's housing payments.

(q) A county shall use information provided by the department to inform recipients of benefits under Chapter 2 (commencing with Section 11200) of Part 3 of all of the following:

(1) The methods of electronic delivery of benefits available, including distribution of benefits through the electronic benefits transfer system or direct deposit pursuant to Section 11006.2.

(2) Applicable fees and charges, including surcharges, consumer and privacy protections, and liability for theft associated with the electronic benefits transfer system.

(3) How to avoid fees and charges, including opting for delivery of benefits by direct deposit and using the electronic benefits transfer card solely at surcharge free locations.

(4) Where to withdraw benefits without a surcharge when using the electronic benefits transfer system.

(5) That a recipient may authorize any available method of electronic delivery of benefits and instructions regarding how the recipient may select or change their preferred method of electronic delivery of benefits and that the recipient shall be given the opportunity to select the method prior to the first payment.

(6) That a recipient may be entitled to an alternative method of delivery if the recipient demonstrates an inability to use an electronic benefits transfer card or other aspect of the system because of disability, language, lack of access, or other barrier pursuant to subdivision (d) and instructions regarding how to determine whether the recipient qualifies for an alternative method of delivery.

(7) That a recipient may be entitled to an exemption from the three-day staggering requirement under subdivision (c) on a case-by-case basis for hardship pursuant to subdivision (p) and instructions regarding how to determine whether the recipient qualifies for the exemption.

(r) A county is in compliance with subdivision (q) if it provides the recipient a copy of the information developed by the department. A county may provide a recipient information, in addition to the copy of the information developed by the department, pursuant to subdivision (q), either verbally or in writing, if the county determines the additional information will benefit the recipient's understanding of the information provided.

SEC. 11. Section 10545 is added to the Welfare and Institutions Code, to read:

10545. (a) The Legislature finds and declares that the direction outlined in the Pilot Projects for Promoting Accountability by Measuring Work Outcomes program pursuant to Section 302 of the federal Fiscal Responsibility Act of 2023 (Public law 118-5; 42 U.S.C. Sec. 611(e)) calls for "innovations that re-envision employment and training opportunities as aligned with family goals," and recognizes that "family well-being occurs when all family members are safe, healthy, and have chances for educational advancement and economic mobility."

(b) The State Department of Social Services shall apply to the United States Secretary of Health and Human Services to participate in the Pilot Projects for Promoting Accountability by Measuring Work Outcomes program pursuant to Section 302 of the federal Fiscal Responsibility Act of 2023 (Public law 118-5; 42 U.S.C. Sec. 611 (e)).

(c) The intent of the Legislature is to continue to reimagine CalWORKs into a trauma-informed, family-centered program that maximizes family and child well-being while building meaningful pathways out of poverty.

(d) To meet the goals of subdivision (c), the department may consider the following reforms: modify the existing welfare-to-work process to be family centered; align sanctions to the minimum federal requirements; and repeal the federal work participation rate penalty passthrough.

(e) The reforms pursuant to subdivision (d) may be as considered part of the department's application to the United States Secretary of Health and Human Services to participate in the Pilot Projects for Promoting Accountability by Measuring Work Outcomes program pursuant to Section 302 of the federal Fiscal Responsibility Act of 2023 (Public law 118-5; 42 U.S.C. Sec. 611(e)) or as statewide initiatives that the department pursues. The department shall provide to the Legislature a set of any necessary statutory changes no later than January 10, 2025, in order to align state policy to the goals of the federal pilot program, including comprehensive cost estimates by policy change as described in subdivision (d), or other changes as part of the application, for the 2025–26 fiscal year and ongoing.

(f) In implementing this section, the department shall consult legislative staff, representatives of county human services agencies, the County Welfare Directors Association of California, advocate representatives, and labor organizations that represent county workers.

SEC. 12. Section 10546 is added to the Welfare and Institutions Code, to read:

10546. It is the intent of the Legislature for clause (ii) of subparagraph (C) of paragraph (13) of subdivision (b) of Section 8257 to measure point-in-time data and trends of homelessness, housing instability, and utilization of housing services among individuals and families in programs administered by the State Department of Social Services, including, but not limited to, the CalWORKs program. Upon access to the data, development of a match and analysis methodology, the successful match of data, and a methodologically feasible approach, the department shall capture this point-in-time data and trends on an annual basis and disclose the data in compliance with the Information Practices Act of 1977.

SEC. 13. Section 11322.64 of the Welfare and Institutions Code is amended to read:

11322.64. (a) (1) The department, in consultation with the County Welfare Directors Association of California, shall develop an allocation methodology to distribute additional funding for expanded subsidized employment programs for CalWORKs recipients, or individuals described in Section 11320.15 who have exceeded the time limits specified in subdivision (a) of Section 11454.

(2) Funds allocated pursuant to this section may be utilized to cover all expenditures related to the operational costs of the expanded subsidized employment program, including the cost of overseeing the program, developing work sites, and providing training to participants, as well as wage and nonwage costs.

(3) The department, in consultation with the County Welfare Directors Association of California, shall determine the amount or proportion of funding allocated pursuant to this section that may be utilized for operational

costs, consistent with the number of employment slots anticipated to be created and the funding provided.

(b) Funds allocated for expanded subsidized employment shall be in addition to, and independent of, the county allocations made pursuant to Section 15204.2.

(c) (1) A county that accepts additional funding for expanded subsidized employment in accordance with this section shall continue to expend no less than the aggregate amount of funding received by the county pursuant to Section 15204.2 that the county expended on subsidized employment in the 2012–13 fiscal year pursuant to Section 11322.63, as that section read on June 30, 2016.

(2) This subdivision shall not apply for any fiscal year in which the total CalWORKs caseload is projected by the department to increase by more than 5 percent of the total actual CalWORKs caseload in the 2012–13 fiscal year.

(d) (1) Each participating county shall submit to the department, at least once every two years, a plan or an amendment to an existing plan that specifies how the county intends to carry out all of the following:

(A) Utilize the funds allocated pursuant to this section.

(B) Prioritize subsidized employment placements that offer opportunities for participants to obtain skills and experiences in their fields of interest.

(2) If a county has no changes to an existing plan or amendment to report to the department pursuant to paragraph (1), the county shall submit a confirmation of no change to the department.

(3) Participating counties shall submit the plans described in paragraph (1) beginning January 1, 2025, or four months after the department issues guidance on how to implement this subdivision, whichever is later.

(e) (1) Participation in subsidized employment pursuant to this section shall be limited to a maximum of six months for each participant.

(2) Notwithstanding paragraph (1), a county may extend participation beyond the six-month limitation described in paragraph (1) for up to an additional three months at a time, to a maximum of no more than 12 total months. Extensions may be granted pursuant to this paragraph if the county determines that the additional time will increase the likelihood of either of the following:

(A) The participant obtaining unsubsidized employment with the participating employer.

(B) The participant obtaining specific skills and experiences relevant for unsubsidized employment in a particular field.

(f) A county may continue to provide subsidized employment funded under this section to individuals who become ineligible for CalWORKs benefits in accordance with Section 11323.25.

(g) A county may use existing funds provided under this section to provide employment services for noncustodial parents of children receiving benefits under the CalWORKs program.

(h) Upon application for CalWORKs assistance after a participant's subsidized employment ends, if an assistance unit is otherwise eligible

within three calendar months of the date that subsidized employment ended, the income exemption requirements contained in Section 11451.5 and the work requirements contained in subdivision (c) of Section 11201 shall apply. If aid is restored after the expiration of that three-month period, the income exemption requirements contained in Section 11450.12 and the work requirements contained in subdivision (b) of Section 11201 shall apply.

(i) Beginning April 1, 2025, the department shall include all of the following information for the prior fiscal year regarding the implementation of this section in the CalWORKs Annual Summary to the extent the data is available and reportable:

(1) The number of CalWORKs participants who participated in subsidized employment for at least three months, by county, and a complete list of participating employers, by county.

(2) The number of CalWORKs participants described in paragraph (1) who obtained unsubsidized employment in the quarter following the end of the subsidy, by county, based on wage data and supplemental records available to the Employment Development Department.

(3) The average earnings of the CalWORKs participants described in paragraph (1) in the quarter prior to their participation in the program, to the extent the data is available. The data required by this paragraph shall be broken down by county and by industry sector. The industry sector data shall also be further broken down by county.

(4) The average earnings of the CalWORKs participants described in paragraph (1) in the quarter following the end of the subsidy, to the extent the data is available. The data required by this paragraph shall be broken down by county and by industry sector. The industry sector data shall also be further broken down by county.

(j) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific the changes made by the act that added this subdivision through all-county letters without taking regulatory action.

SEC. 14. Section 11364 of the Welfare and Institutions Code is amended to read:

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

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

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

in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child.

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

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

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

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

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

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

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

(1) For cases in which the dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to subdivision (d) of Section 728, concurrently or subsequently to establishment of the guardianship, on or before June 30, 2011, or the date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William

Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, the rate paid shall not exceed the basic foster care maintenance payment rate structure in effect prior to the effective date specified in the order described in this paragraph.

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

(3) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on or after January 1, 2017, and before July 1, 2027, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, as applicable, the rate paid shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463.

(4) (A) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on and after July 1, 2027, or the date specified in paragraph (9) of subdivision (h) of Section 11461, the rate paid shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, unless the conditions of subparagraph (B) apply.

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

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

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

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

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

(e) The county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement

pursuant to Section 10553.1 shall provide the relative guardian with information, in writing, on the availability of the Kin-GAP program with an explanation of the difference between these benefits and Adoption Assistance Program benefits and AFDC-FC benefits. The agency shall also provide the relative guardian with information on the availability of mental health services through the Medi-Cal program or other programs.

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

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

SEC. 15. Section 11375 of the Welfare and Institutions Code is amended to read:

11375. (a) Both of the following shall apply to any child or nonminor in receipt of state-funded Kin-GAP benefits:

(1) The child or nonminor is eligible to request and receive independent living services pursuant to Section 10609.3.

(2) Income or property received after the beginning date of receipt of Kin-GAP benefits shall be disregarded.

(b) Amendments made to this section by the act that added this subdivision shall become operative on the date that the department notifies the Legislature that the California Statewide Automated Welfare System (CalSAWS) can perform the necessary automation to implement the amendments.

SEC. 16. Section 11387 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on or after January 1, 2017, and before July 1, 2027, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, as applicable, the rate paid shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463.

(4) (A) For cases in which dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to Section 728, concurrently or subsequently to establishment of the guardianship, on and after July 1, 2027, or the date specified in paragraph (9) of subdivision (h) of Section 11461, the rate paid shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, unless the conditions of subparagraph (B) apply.

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

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

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

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

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

(e) The county child welfare agency or probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 shall provide the relative guardian with information, in writing, on the availability of the federal Kin-GAP

program with an explanation of the difference between these benefits and Adoption Assistance Program benefits and AFDC-FC benefits. The agency shall also provide the relative guardian with information on the availability of mental health services through the Medi-Cal program or other programs.

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

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

SEC. 17. Section 11390 of the Welfare and Institutions Code is amended to read:

11390. (a) A person who is a kinship guardian under this article, and who has met the requirements of Section 361.4, is exempt from identity verification requirements for the CalWORKs program. A guardian who is also an applicant for, or a recipient of, benefits under the CalWORKs program shall comply with the identity verification requirements for the CalWORKs program, as those statutory and regulatory requirements existed on October 1, 2018.

(b) Any exemptions exercised pursuant to this section shall be implemented in accordance with Section 11393.

(c) Income to the child, including the Kin-GAP payment, shall not be considered income to the kinship guardian for purposes of determining the kinship guardian's eligibility for any other aid program, unless required by federal law as a condition of the receipt of federal financial participation.

(d) Each county that formally had court-ordered jurisdiction under Section 300 or Section 601 or 602 over a child receiving benefits under the Kin-GAP Program shall be responsible for paying the child's aid regardless of where the child actually resides.

(e) Notwithstanding any other law, when a child receiving benefits under the AFDC-FC program becomes eligible for benefits under the Kin-GAP Program during any month, the child shall continue to receive benefits under the AFDC-FC program, as appropriate, through the day that the juvenile court dismisses the dependency or terminates the wardship, and Kin-GAP payments shall begin the day following the day that the juvenile court dismisses the dependency or terminates the wardship.

(f) Both of the following shall apply to any child or nonminor in receipt of Kin-GAP benefits:

(1) The child or nonminor is eligible to request and receive independent living services pursuant to Section 10609.3.

(2) Income or property received after the beginning date of receipt of Kin-GAP benefits shall be disregarded.

(g) Amendments made to this section by the act that added this subdivision shall become operative on the date that the department notifies the Legislature that the California Statewide Automated Welfare System

(CalSAWS) can perform the necessary automation to implement the amendments.

SEC. 18. Section 11402 of the Welfare and Institutions Code is amended to read:

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

(a) Before January 1, 2021:

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

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

(3) The licensed family home of a nonrelative.

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

(1) The caregiver is a nonrelative.

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

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

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

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

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

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

(h) An out-of-state residential facility that meets the statutory requirements for placing a child or youth in an out-of-state residential facility, provided that the placement worker documents that the requirements of Section 7911.1 of the Family Code have been met, including, but not limited to, the child-specific certification of the facility by the department.

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

(j) A community care facility licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and vendored by a regional center pursuant to Section 56004 of Title 17 of the California Code of Regulations, unless the facility is a group home for children with

special health care needs, as defined in paragraph (2) of subdivision (a) of Section 4684.50 of this code.

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

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

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

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

SEC. 19. Section 11405 of the Welfare and Institutions Code is amended to read:

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

(1) Developing a written assessment of the child's needs.

(2) Updating the assessment no less frequently than once every six months.

(3) Carrying out the case plan developed by the county.

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

(1) Develop a written assessment of the child's needs.

(2) Update those assessments no less frequently than once every six months.

(3) Develop a case plan that specifies how the problems identified in the assessment are to be addressed.

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

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

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

(e) (1) On and after January 1, 2012, a nonminor youth whose nonrelated guardianship was ordered in juvenile court pursuant to Section 360 or 366.26, and whose dependency was dismissed, shall remain eligible for AFDC-FC

benefits until the youth attains 19 years of age, effective January 1, 2013, until the youth attains 20 years of age, and effective January 1, 2014, until the youth attains 21 years of age, provided that the youth enters into a mutual agreement with the agency responsible for their guardianship, and the youth is meeting the conditions of eligibility, as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

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

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

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

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

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

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

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

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

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

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

(3) For cases in which guardianship has been established by the juvenile court on or after January 1, 2017, and before July 1, 2027, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, the AFDC-FC payments described in this section shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463.

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

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

(5) For cases in which guardianship has been established in the probate court on or after January 1, 2017, the AFDC-FC payments described in this section shall not exceed the basic level rate of the home-based family care rate structure in effect on June 30, 2027.

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

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

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

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

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

SEC. 20. 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.

(7) Effective October 1, 2023, the maximum aid payments in effect on July 1, 2023, as specified in paragraph (6), shall be increased by 3.6 percent.

(8) Effective October 1, 2024, the maximum aid payments in effect on July 1, 2024, as specified in paragraph (7), shall be increased by 0.3 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. 21. Section 11450.027 of the Welfare and Institutions Code is amended 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, 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) 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 the federal poverty level for the family size that is one greater than the assistance unit.

SEC. 22. Section 11460 of the Welfare and Institutions Code is amended to read:

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

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

(3) (A) In addition to administering the state system of rates described in paragraph (1) of subdivision (a), at the request of and in consultation with a county, the department shall have the authority to develop, implement, and approve alternative funding models and set individualized rates for innovative AFDC-FC programs or models of care and services that are consistent with statewide licensing and program requirements and that provide children with service alternatives to residential care, enhance the ability of children to remain in the least restrictive, most family-like setting

possible, and promote services that address the needs and strengths of individual children and their families.

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

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

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

(D) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this paragraph by means of all-county letters or similar written directives, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar written directives shall have the same force and effect as regulations until the adoption of regulations, no later than January 1, 2030.

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

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

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

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

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

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

SEC. 23. 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 rates set forth in subdivisions (g) and (h). Notwithstanding subdivision (g), the specialized care increment shall not be paid to a nonminor dependent placed in a supervised independent living placement as defined in subdivision (w) of Section 11400. A county or tribe that has entered into a Title IV-E intergovernmental agreement pursuant to Section 10553.1 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 or tribe that has entered into a Title IV-E intergovernmental agreement pursuant to Section 10553.1 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 or tribe's specialized care information, including the criteria and methodology used for compliance with state and federal law, and to require changes if necessary to conform to state and federal law.

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

(3) Upon a request by a county or tribe that has entered into a Title IV-E intergovernmental agreement pursuant to Section 10553.1 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 subdivision (g).

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

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

(g) (1) Notwithstanding subdivisions (a) to (d), inclusive, for a child, or on and after January 1, 2012, a nonminor dependent, placed in a licensed foster family home or with a resource family, or placed in a tribally approved home as defined in Section 224.1, or placed in an approved home of a relative or the approved home of a nonrelative extended family member as described in Section 362.7, or placed on and after January 1, 2012, in a supervised independent living placement, as defined in subdivision (w) of Section 11400, the per child per month basic rate in the following schedule shall be in effect for the period commencing July 1, 2011, or the date specified in the final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association v. William Lightbourne, et al. (U.S. Dist. Ct. C 07-08056 WHA), whichever is earlier, through June 30, 2012:

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

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

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

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

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

(iii) Unless the Tiered Rate Structure established in subdivision (h) applies to a child or nonminor dependent, a certified family home of a foster family agency shall be paid the basic rate set forth in this paragraph only through December 31, 2028, or 24 months from the date required under paragraph (9) of subdivision (h), whichever is later.

(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, 2029, or 24 months from the date required under paragraph (9) of subdivision (h) of Section 11461, whichever is later.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Tier 1: $1788

Tier 2: $3490

Tier 3: $6296 [Ages 0-5]

Tier 3+: $6296 [Ages 6+]

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

(A) For new entries into foster care, beginning on the date required by paragraph (9), a rate of two thousand five hundred dollars ($2500) for the Care and Supervision component, as set forth in paragraph (3), shall be paid pending completion of the IP-CANS assessment to determine the child's tier or for the first 60 days after the child enters foster care, as defined in written guidance to be provided by the department. This rate shall be referred to as the "entry rate" and, beginning July 1, 2028, 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. Upon the completion of the IP-CANS assessment, the rate shall be paid as set forth in paragraph (3).

(B) For all other children in foster care placement on July 1, 2027, the rate for the Care and Supervision component as set forth in paragraph (3) shall be paid consistent with the child's tier as determined by the child's IP-CANS assessment, pursuant to a schedule to be determined by the department, and developed in collaboration with county placing agencies, tribes, and stakeholders, but in no case later than January 1, 2029, or 24 months from the date required under paragraph (9), whichever is later.

(5) Beginning July 1, 2028, and on July 1 of each fiscal year thereafter, the rate set forth in paragraph (3) shall be annually adjusted by the annual percentage change in the California Necessities Index applicable to the calendar year within which each July 1 occurs.

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

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

(B) The rate paid for a nonminor dependent placed in a setting described in subdivision (w) of Section 11400 shall be the rate set forth in paragraphs

(4) and (5) of subdivision (g). Beginning July 1, 2027, or on the date required under paragraph (9), whichever is later, the rate paid shall consist of the sum of the following:

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

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

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

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

(D) Notwithstanding any other law, children and nonminor dependents who are both regional center consumers and recipients of Aid to Families With Dependent Children-Foster Care (AFDC-FC), the Approved Relative Caregiver Funding Program (ARC), the Kinship Guardianship Assistance Payment Program (Kin-GAP), or the Adoption Assistance Program (AAP) shall be assessed for the dual agency rate and supplement, if applicable, according to subdivisions (c) or (d) of Section 11464, subdivision (b) of Section 11461.3, subdivision (g) of Section 11364, or subdivision (c) of Section 16121, as applicable, and shall also be separately assessed for the tiered rate described in paragraph (3), plus any applicable county specialized care increment, and receive the rate that is higher. Notwithstanding the higher applicable rate received, regional centers shall separately purchase or secure services contained in the child's or nonminor dependent's Individualized Family Services Plan (IFSP) or Individual Program (IPP) pursuant to Section 4684.

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

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

(9) The three components of the Tiered Rate Structure described in paragraph (2) shall become operative on July 1, 2027, or the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement the Tiered Rate Structure, whichever is later.

(10) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this subdivision by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2030.

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

SEC. 24. Section 11461.2 of the Welfare and Institutions Code is amended to read:

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

(b) The State Department of Social Services shall establish, in consultation with county welfare departments and other stakeholders, as appropriate, a working group to develop recommended revisions to the current ratesetting system, services, and programs serving children and families in the continuum of AFDC-FC eligible placement settings including, at a minimum, all programs provided by foster family agencies and group homes including those providing residentially based services, as defined in paragraph (1) of subdivision (a) of Section 18987.71.

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

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

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

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

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

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

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

(e) (1) The workgroup shall develop the content, format, and data sources for reports to be posted by the department on a public internet website

describing the outcomes achieved by providers with foster care rates set by the department.

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

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

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

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

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

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

SEC. 25. Section 11461.3 of the Welfare and Institutions Code is amended to read:

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

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

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

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

probation department is responsible for the placement and care of the child or nonminor dependent.

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

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

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

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

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

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

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

(g) Prior to referral of any individual or recipient, or that person’s case, to the local child support agency for child support services pursuant to Section 17415 of the Family Code, the county human services agency shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims good cause exception at any subsequent time to the county human services agency or the local child support agency, the local child support agency shall suspend child support services until the county social services agency determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the local child support agency shall suspend child support services until the applicant or recipient requests their resumption, and shall take other measures that are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant’s or

recipient's family grant shall be reduced by 25 percent for the time the failure to cooperate lasts.

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

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

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

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

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

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

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

(C) All other eligibility conditions are met.

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

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

Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

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

SEC. 26. 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 120 days, the reasons for the delays, and documentation supporting the good cause determination.

(f) On and after the date required by paragraph (9) of subdivision (h) of Section 11461, and notwithstanding the rate described in subdivisions (b) and (*l*), the rate paid to an emergency caregiver on behalf of a child or nonminor dependent placed with the emergency caregiver shall be equivalent to, and paid in the same manner as, the rate developed pursuant to the Tiered Rate Structure, as established in paragraph (4) of subdivision (h) of Section 11461.

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

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

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

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

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

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

(j) (1) The department shall monitor the implementation of this section, including, but not limited to, tracking the usage and duration of Emergency Assistance Program payments made pursuant to this section and evaluating the duration of time a child or nonminor dependent is in a home pending resource family approval.

(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. 27. Section 11461.4 of the Welfare and Institutions Code is amended to read:

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

(b) (1) In return for the care and supervision of a child placed with an approved relative caregiver, a participating tribe shall pay the approved relative caregiver a per child per month rate that, when added to the tribal Temporary Aid to Needy Families (tribal TANF) benefit received by the approved relative caregiver on behalf of the child, shall equal the rate established for the child's assessed level of care, as set forth in subdivision (g) of Section 11461 and in Section 11463, or, on and after the date required by paragraph (9) of subdivision (h) of Section 11461, the rate developed pursuant to the Tiered Rate Structure, as established in subdivision (h) of Section 11461, as applicable.

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

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

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

(C) The child resides within California.

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

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

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

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

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

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

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

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

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

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

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

(1) The tribe's applicable per-child tribal TANF grant.

(2) General Fund resources specified in the annual Budget Act.

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

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

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

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

SEC. 28. 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) Unless the Tiered Rate Structure established in subdivision (h) of Section 11461 applies to a child or nonminor dependent, initial interim rates developed pursuant to this section shall be effective January 1, 2017, to December 31, 2028, inclusive, or 24 months from the date required by paragraph (9) of subdivision (h) of Section 11461, whichever is later.

(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, 2029, inclusive, or 24 months after the date required by paragraph (9) of subdivision (h) of Section 11461, whichever is later.

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

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

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

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

(3) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the initial interim rates, provisional rates, and probationary rates and the manner in which they are determined shall be set forth in written directives until regulations are adopted.

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

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

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

Tier 1: $1610

Tier 2: $2634

Tier 3: $2634 [Ages 0-5]

Tier 3+: $7213 [Ages 6+]

(3) Beginning July 1, 2028, and on July 1 of each fiscal year thereafter, the rate set forth in paragraph (2), shall be adjusted by the annual percentage change in the California Necessities Index applicable to the calendar year within which each July 1 occurs.

(4) In addition to the care and supervision rate, provided a short-term residential therapeutic program is certified by the department as an immediate needs provider, a presumption exists that the placing agency will contract with the short-term therapeutic residential program to provide services and supports using the Immediate Needs Funding for a child who is eligible for the Immediate Needs Program established in Section 16562,

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

(5) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this subdivision by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2030.

SEC. 29. 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.

(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. 30. Section 11462.03 of the Welfare and Institutions Code is amended to read:

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

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

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

SEC. 31. 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) Unless the Tiered Rate Structure established in subdivision (h) of Section 11461 applies to a child or nonminor dependent, initial interim rates developed pursuant to this section shall be effective January 1, 2017, to December 31, 2028, inclusive, or 24 months from the date required under paragraph (9) of subdivision (h) of Section 11461, whichever is later.

(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, 2029, or 24 months from the date required under paragraph (9) of subdivision (h) of Section 11461, whichever is later.

(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) 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.

(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 subparagraph (A) of paragraph (3) of subdivision (c), be 4.15 percent higher than the rates paid to foster family agencies in the 2018–19 fiscal year.

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

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

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

Tier 1: $1610

Tier 2: $2634

Tier 3: $2634 [Ages 0-5]

Tier 3+: $7213 [Ages 6+]

(3) The rate set forth in paragraph (2) beginning July 1, 2028, and each fiscal year thereafter, 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.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this subdivision by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2030.

SEC. 32. Section 11464 of the Welfare and Institutions Code is amended to read:

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

(1) Children who are consumers of regional center services and also receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC), Approved Relative Caregiver Funding Program (ARC) payments, Kinship Guardianship Assistance Payment (Kin-GAP) benefits, or Adoption Assistance Program (AAP) benefits have special needs that can require care

and supervision beyond that typically provided to children in foster care. Clarifying the roles of the child welfare and developmental disabilities services systems will ensure that these children receive the services and supports they need in a timely manner and encourage the successful adoption of these children, where appropriate.

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

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

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

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

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

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

(i) Severe impairment in physical coordination and mobility.

(ii) Severe deficits in self-help skills.

(iii) Severely disruptive or self-injurious behavior.

(iv) A severe medical condition.

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

(C) When assessing a request for the supplement, the county shall seek information from the consumer's regional center to assist in the assessment. The county shall issue a determination of eligibility for the supplement within 90 days of receipt of the request. The county shall report to the State Department of Social Services the number and level of rate supplements issued pursuant to this paragraph.

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

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

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

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

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

(3) Beginning with the 2011–12 fiscal year, the rates in paragraph (1) of subdivision (c) and paragraph (1) of subdivision (d) shall be adjusted annually on July 1 by the percentage change in the California Necessities Index applicable to the calendar year within which each July 1 occurs. A county shall not be reimbursed for any increase in this rate that exceeds the adjustments made in accordance with this methodology.

(f) (1) The AFDC-FC rates paid on behalf of a regional center consumer who is a recipient of AFDC-FC prior to July 1, 2007, shall remain in effect unless a change in the placement warrants redetermination of the rate or if the child is no longer AFDC-FC eligible. However, AFDC-FC rates paid on behalf of these children that are lower than the rates specified in paragraph

(1) of subdivision (c) or paragraph (1) of subdivision (d), respectively, shall be increased as appropriate to the amount set forth in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d), effective July 1, 2007, and shall remain in effect unless a change in the placement or a change in AFDC-FC eligibility of the child warrants redetermination of the rate.

(2) For a child who is receiving AFDC-FC benefits or for whom a foster care eligibility determination is pending, and for whom an eligibility determination for regional center services pursuant to subdivision (a) of Section 4512 is pending or approved, and for whom, prior to July 1, 2007, a State Department of Developmental Services facility rate determination request has been made and is pending, the rate shall be the State Department of Developmental Services facility rate determined by the regional center through an individualized assessment, or the rate established in paragraph (1) of subdivision (c), whichever is greater. The rate shall remain in effect until the child is no longer eligible to receive AFDC-FC, or, if still AFDC-FC eligible, is found ineligible for regional center services as an individual described in subdivision (a) of Section 4512. Other than the circumstances described in this section, regional centers shall not establish facility rates for AFDC-FC purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 33. Section 11466 of the Welfare and Institutions Code is amended to read:

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

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

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

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

(d) "Fiscal audit" means an audit conducted by the department pursuant to Part 200 (commencing with Section 200.0) of Chapter II of Subtitle A of Title 2 of the Code of Federal Regulations, as implemented by the United States Department of Health and Human Services in Part 75 (commencing

with Section 75.1) of Subchapter A of Subtitle A of Title 45 of the Code of Federal Regulations, including uniform administrative requirements, cost principles, and audit requirements, as specifically implemented in Section 75.106 of Title 45 of the Code of Federal Regulations.

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

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

SEC. 34. Section 11466.01 of the Welfare and Institutions Code is amended to read:

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

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

(2) A new foster family agency provider.

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

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

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

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

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

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

(4) Any violations of state or federal law.

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

(e) In determining whether, at the end of the provisional rate period or thereafter, to grant a rate and whether to impose or continue, and upon what conditions to impose or continue, a probationary rate the department shall consider the factors specified in subdivision (c).

(f) The department shall establish an administrative review process for determinations, including denial, rate reduction, probation, and termination of the provisional and probationary rates. This process shall include a departmental review, corrective action, and a protest with the department. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division

3 of Title 2 of the Government Code), this process shall be disseminated by written directive pending the promulgation of regulations.

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

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

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

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

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

SEC. 35. Section 11466.1 of the Welfare and Institutions Code is amended to read:

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

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

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

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

(B) Based on reliable evidence, the department has a valid basis for believing that proceedings have been, or will shortly be, instituted against a provider in a state or federal court for purposes of determining whether the provider is insolvent or bankrupt under appropriate state or federal law.

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

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

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

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

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

(e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific Sections 11466 to 11469.3, inclusive, as those sections read on the effective date of the act that added this subdivision, by means of all-county letters or similar written directives, which shall be exempt from submission to or review by the Office of Administrative Law. The all-county letters or similar written directives shall have the same force and effect as regulations until the adoption of regulations, no later than January 1, 2030.

SEC. 36. Section 11466.36 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

(c) A provider who disagrees with the department's determination under this section may request an appeal pursuant to Section 11466.6.

SEC. 37. Section 11467 of the Welfare and Institutions Code is amended to read:

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

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

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

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), until the enactment of applicable state law, or October 1, 2015, whichever is earlier, the department may implement the changes made pursuant to this section through all-county letters, or similar instructions from the director.

SEC. 38. Section 11467.2 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

SEC. 39. Section 11468.6 of the Welfare and Institutions Code is amended to read:

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

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

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

to conduct the informal hearings required by this subdivision during the first year of implementation of this section.

(d) An amended audit report may be issued by the department for the fiscal period or periods for which the proceedings are pending under this section, if at the time of the hearing, the group home provider submits additional documentation or evidence that was not available to the department at the time of the audit. The proceedings shall be suspended for a period not exceeding 120 days while the department completes an amended audit and the provider identifies any additional disputes that result from an amended audit report. Additional audit findings included in an amended audit report may also be included in the proceedings at the request of the provider.

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

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

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

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

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

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

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

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

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

SEC. 40. Section 11469 of the Welfare and Institutions Code is amended to read:

11469. (a) The department shall develop, following consultation with group home providers, the County Welfare Directors Association of California, the Chief Probation Officers of California, the County Behavioral Health Directors Association of California, the State Department of Health

Care Services, and stakeholders, performance standards and outcome measures for determining the effectiveness of the care and supervision, as defined in subdivision (b) of Section 11460, provided by group homes under the AFDC-FC program pursuant to Sections 11460 and 11462. These standards shall be designed to measure group home program performance for the client group that the group home program is designed to serve.

(1) The performance standards and outcome measures shall be designed to measure the performance of group home programs in areas over which the programs have some degree of influence, and in other areas of measurable program performance that the department can demonstrate are areas over which group home programs have meaningful managerial or administrative influence.

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

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

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

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

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

(e) On or before January 1, 2016, the department shall develop, following consultation with the County Welfare Directors Association of California, the Chief Probation Officers of California, the County Behavioral Health Directors Association of California, research entities, foster children, advocates for foster children, foster care provider business entities organized and operated on a nonprofit basis, Indian tribes, and other stakeholders, additional performance standards and outcome measures that require group homes to implement programs and services to minimize law enforcement contacts and delinquency petition filings arising from incidents of allegedly unlawful behavior by minors occurring in group homes or under the supervision of group home staff, including individualized behavior management programs, emergency intervention plans, and conflict resolution processes.

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

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

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

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

SEC. 41. Section 12201 of the Welfare and Institutions Code is amended to read:

12201. (a) Except as provided in subdivision (d), the payment schedules set forth in Section 12200 shall be adjusted annually to reflect any increases or decreases in the cost of living. Except as provided in subdivision (e), (f), or (g), these adjustments shall become effective January 1 of each year. The cost-of-living adjustment shall be based on the changes in the California Necessities Index, which as used in this section shall be the weighted average of changes for food, clothing, fuel, utilities, rent, and transportation for low-income consumers. The computation of annual adjustments in the California Necessities Index shall be made in accordance with the following steps:

(1) The base period expenditure amounts for each expenditure category within the California Necessities Index used to compute the annual grant adjustment are:

Food	$ 3,027
Clothing (apparel and upkeep)	406
Fuel and other utilities	529
Rent, residential	4,883
Transportation	1,757
Total	$10,602

(2) Based on the appropriate components of the Consumer Price Index for All Urban Consumers, as published by the United States Department of Labor, Bureau of Labor Statistics, the percentage change shall be determined

for the 12-month period which ends 12 months prior to the January in which the cost-of-living adjustment will take effect, for each expenditure category specified in paragraph (1) within the following geographical areas: Los Angeles-Long Beach-Anaheim, San Francisco-Oakland, San Diego, and, to the extent statistically valid information is available from the Bureau of Labor Statistics, additional geographical areas within the state which include not less than 80 percent of recipients of aid under this chapter.

(3) Calculate a weighted percentage change for each of the expenditure categories specified in paragraph (1) using the applicable weighting factors for each area used by the Department of Industrial Relations to calculate the California Consumer Price Index (CCPI).

(4) Calculate a category adjustment factor for each expenditure category in paragraph (1) by (1) adding 100 to the applicable weighted percentage change as determined in paragraph (2) and (2) dividing the sum by 100.

(5) Determine the expenditure amounts for the current year by multiplying each expenditure amount determined for the prior year by the applicable category adjustment factor determined in paragraph (4).

(6) Determine the overall adjustment factor by dividing (1) the sum of the expenditure amounts as determined in paragraph (4) for the current year by (2) the sum of the expenditure amounts as determined in paragraph (4) for the prior year.

(b) The overall adjustment factor determined by the preceding computational steps shall be multiplied by the payment schedules established pursuant to Section 12200 as are in effect during the month of December preceding the calendar year in which the adjustments are to occur, and the product rounded to the nearest dollar. The resultant amounts shall constitute the new schedules for the categories given under subdivisions (a), (b), (c), (d), (e), (f), and (g) of Section 12200, and shall be filed with the Secretary of State. The amount as set forth in subdivision (h) of Section 12200 shall be adjusted annually pursuant to this section in the event that the secretary agrees to administer payment under that subdivision. The payment schedule for subdivision (i) of Section 12200 shall be computed as specified, based on the new payment schedules for subdivisions (a), (b), (c), and (d) of Section 12200.

(c) The department shall adjust any amounts of aid under this chapter to ensure that the minimum level required by the Social Security Act in order to maintain eligibility for funds under Title XIX of that act is met.

(d) (1) No adjustment shall be made under this section for the 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 2004, 2006, 2007, 2008, 2009, and 2010 calendar years to reflect any change in the cost of living. Elimination of the cost-of-living adjustment pursuant to this paragraph shall satisfy the requirements of Section 12201.05, and no further reduction shall be made pursuant to that section.

(2) Any cost-of-living adjustment granted under this section for any calendar year shall not include adjustments for any calendar year in which the cost-of-living adjustment was suspended pursuant to paragraph (1).

(e) For the 2003 calendar year, the adjustment required by this section shall become effective June 1, 2003.

(f) For the 2005 calendar year, the adjustment required by this section shall become effective April 1, 2005.

(g) (1) For the 2011 calendar year and each calendar year thereafter, no adjustment shall be made under this section unless otherwise specified by statute.

(2) Notwithstanding paragraph (1), the pass along of federal benefits provided for in Section 12201.05 shall be effective on January 1 of each calendar year.

(h) (1) On or before January 10, 2025, and annually thereafter, the department shall provide a display in writing, in the department's Local Assistance Estimates Binder, and on the department's internet website.

(2) The display shall show both of the following:

(A) The Supplemental Security Income/State Supplementary Payment grant amount for individuals compared to the most updated fair market rent amounts for a studio apartment in each of the 58 counties.

(B) The amount remaining after paying rent and indicate the fair market rent as a percentage of the grant for each county.

(3) The department shall update the display at the annual May Revision.

SEC. 42. Section 12306.19 is added to the Welfare and Institutions Code, to read:

12306.19. (a) The department shall review the budgeting methodology used to determine the annual funding for county administration of the IHSS program and examine the ongoing workload and administrative costs to counties as part of the review beginning with the 2025–26 fiscal year and every third fiscal year thereafter.

(b) The department shall provide information to the appropriate legislative budget committees regarding this review and how it may impact county administrative costs, as part of the budget proposed by either January 10 or May 14 of any year prior to the fiscal year for which this subdivision applies.

(c) In implementing this section, the department shall consult legislative staff, representatives of county human services agencies, the County Welfare Directors Association of California, advocate representatives, and labor organizations that represent county workers.

SEC. 43. Section 15204.35 of the Welfare and Institutions Code is amended to read:

15204.35. (a) The State Department of Social Services shall work with representatives of county human services agencies and the County Welfare Directors Association of California to develop recommendations for revising the methodology used for development of the CalWORKs single allocation annual budget. As part of the process of developing these recommendations, the department shall consult with legislative staff, advocate representatives, and labor organizations that represent county workers.

(b) (1) Recommendations for initial changes to the methodology for development of the CalWORKs single allocation for the 2018–19 fiscal year shall be made to the Legislature by January 10, 2018.

(2) Recommendations for additional changes to the methodology for the 2019–20 and subsequent fiscal years shall be made to the Legislature by October 1, 2018.

(c) The State Department of Social Services shall work with representatives of county human services agencies and the County Welfare Directors Association of California for purposes of continuing to develop the casework metrics used for the budgeting of funding for employment services in the CalWORKs single allocation and to develop the budgeting methodology for welfare-to-work direct services during the 2019–20 fiscal year. As part of the process of developing this budgeting methodology, the department shall consult with legislative staff, advocate representatives, and labor organizations that represent county workers.

(d) The number of hours per case per month of case work time budgeted for intensive cases as defined pursuant to the budget methodology changes for the employment services component of the CalWORKs single allocation developed pursuant to this section shall be incrementally increased for each of the 2021–22 and 2022–23 fiscal years. Effective July 1, 2024, the number of hours per case per month of case work time budgeted for intensive cases shall be maintained at a minimum of 8.75 hours. Subject to an appropriation by the Legislature, the number of hours per case per month of case time budgeted for intensive cases shall be increased to no more than 10 hours.

(e) The State Department of Social Services, in consultation with representatives of county human services agencies and the County Welfare Directors Association of California, shall reconsider the costs of county operations for county administrative costs in the CalWORKs single allocation for the 2024–25 fiscal year and for every third fiscal year thereafter. The State Department of Social Services shall provide information to the legislative budget committees regarding this reconsideration and how it may impact county administrative costs as part of the budget proposed by either January 10 or May 14 of any year prior to the fiscal year for which this provision applies.

(f) In implementing this section, the department shall consult with legislative staff, representatives of county human services agencies and the County Welfare Directors Association of California, advocate representatives, and labor organizations that represent county workers.

SEC. 44. Section 15771 of the Welfare and Institutions Code is amended to read:

15771. (a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the department shall award grants to counties, tribes, or groups of counties or tribes, that provide services to older adults and dependent adults who experience abuse, neglect, self-neglect, or exploitation and otherwise meet the eligibility criteria for adult protective services, for the purpose of providing housing-related supports to eligible individuals.

(b) Notwithstanding subdivision (a), this section does not create an entitlement to housing-related assistance, which is to be provided at the discretion of the grantee as a service to eligible individuals.

(c) (1) It is the intent of the Legislature that housing-related assistance provided pursuant to this chapter utilize evidence-based practices in homeless assistance and prevention, including housing risk screening and assessments, housing first, rapid rehousing, and supportive housing.

(2) Housing-related supports and services available to participating individuals may include, but are not limited to, all of the following:

(A) An assessment of each individual's housing needs, including a plan to assist the individual in meeting those needs, consistent with the case plan, as developed by the adult protective services agency. To the extent feasible, the plan shall be developed in coordination with a multidisciplinary team that may include housing program providers, mental health providers, local law enforcement, legal assistance providers, and others as deemed relevant by the adult protective services agency.

(B) Navigation or search assistance to recruit landlords and assist individuals in locating affordable or subsidized housing.

(C) Enhanced case management, including motivational interviewing and trauma-informed care, to help the individual recover from elder abuse, neglect, or financial exploitation.

(D) Housing-related financial assistance, including rental assistance, security deposit assistance, utility payments, moving cost assistance, and interim housing assistance while housing navigators are actively seeking permanent housing options for the individual.

(E) Housing stabilization services, including ongoing landlord engagement, case management, public systems assistance, legal services, tenant education, eviction protection, credit repair assistance, life skills training, heavy cleaning, and conflict mediation with landlords, neighbors, and families.

(F) If the individual requires supportive housing, referral to the local homeless continuum of care for long-term services promoting housing stability.

(G) Referrals and coordination of services to access mental or behavioral health assistance, as necessary or appropriate.

(d) The department shall provide grants to counties and tribes according to criteria and procedures developed by the department, in consultation with the County Welfare Directors Association of California, tribes, the California Elder Justice Coalition, and the California Commission on Aging. These criteria shall include, but are not limited to, all of the following:

(1) Eligible sources of funds and in-kind contributions to match the grant, as described in paragraph (1) of subdivision (e).

(2) The proportion of funding to be expended on reasonable and appropriate administrative activities, in order to minimize overhead and maximize services.

(3) Tracking and reporting procedures for the program, which shall be conducted as a condition of receiving funds, including, but not limited to, collecting disaggregated data on all of the following:

(A) The number of people determined eligible for the program.

(B) The number of people receiving assistance from the program and the duration of that assistance.

(C) The types of housing assistance received by recipients.

(D) The housing status six months and one year after receiving assistance from the program.

(E) The number of substantiated adult protective services reports six months and one year after receiving assistance from the program.

(e) Grants shall be subject to all of the following requirements:

(1) (A) Except as otherwise provided in subparagraph (B), grantees shall match the funding on a dollar-for-dollar basis, which may be met by cash or in-kind contributions.

(B) Between July 1, 2021, and June 30, 2026, grantees that receive state funds under this chapter shall not be required to match any funding provided during that period.

(2) Grantees shall demonstrate the extent to which they will attempt to leverage county mental health services funds for participating individuals, and any barriers to leveraging these funds.

(3) Grantees shall agree to actively cooperate with tracking, reporting, and evaluation efforts.

(4) Grantees shall coordinate with the local homeless continuum of care network.

(f) Funding pursuant to this section shall supplement, and not supplant, the level of county or tribal funding spent on these purposes in the 2017–18 fiscal year.

(g) Utilizing the funds appropriated for purposes of this chapter, the department shall, in consultation with the County Welfare Directors Association of California, tribes, the California Elder Justice Coalition, and the California Commission on Aging, enter into a contract with an independent evaluation and research agency to evaluate the impacts of the program, which may include, but are not limited to, the following:

(1) The likelihood of future homelessness and housing instability among recipients.

(2) The likelihood of future instances of abuse and neglect among recipients.

(3) Program costs and benefits.

(h) This chapter shall not be construed to require a tribe, or tribal entity or agency, to comply with Chapter 13 (commencing with Section 15750) of this part, including, but not limited to, the requirement to establish a county adult protective services system or an emergency response adult protective services program.

(i) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this chapter through all-county letters without taking regulatory action.

SEC. 45. Section 16121 of the Welfare and Institutions Code is amended to read:

16121. (a) (1) For initial adoption assistance agreements executed on October 1, 1992, to December 31, 2007, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2007, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(2) For initial adoption assistance agreements executed from January 1, 2008, to December 31, 2009, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2009, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(3) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on January 1, 2010, to June 30, 2011, inclusive, or the effective date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al., (U.S. Dist. Ct. No. C 07-08056 WHA), whichever is earlier, where the adoption is finalized on or before June 30, 2011, or the date specified in that order, whichever is earlier, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstance of the adopting parents, but that amount shall not exceed the basic foster care maintenance payment rate structure in effect on June 30, 2011, or the date immediately before the date specified in the order described in this paragraph, whichever is earlier, and any applicable specialized care increment, that the child would have received while placed in a licensed or approved family home. Adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(4) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after July 1, 2011, or the effective date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, where the adoption is finalized on or after July 1, 2011, or the effective date of that order, whichever is earlier, and before December 31, 2016, and for initial adoption assistance agreements executed before July 1, 2011, or the date specified in that order, whichever is earlier, where the adoption is finalized on or after the earlier of July 1, 2011, or that specified date, and before December 31, 2016, the adoptive family shall be paid an amount of aid based on the child's needs otherwise

covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the basic foster family home rate structure effective and available as of December 31, 2016, plus any applicable specialized care increment. These adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(5) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after January 1, 2017, and before July 1, 2027, or the effective date specified in paragraph (9) of subdivision (h) of Section 11461, as applicable, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463, inclusive of any level of care determination, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.

(6) (A) For initial adoption assistance agreements executed on and after the date specified in paragraph (9) of subdivision (h) of Section 11461, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed Tier 1 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.

(B) Notwithstanding subparagraph (A), the department shall issue written guidance regarding the specific conditions under which an adoptive family may be paid an amount of aid based on the child's needs that exceeds Tier 1, but shall not exceed Tier 2, of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, plus any applicable specialized care increment.

(b) Payment may be made on behalf of an otherwise eligible child in a state-approved group home, short-term residential therapeutic program, or residential care treatment facility if the department or county responsible for determining payment has confirmed that the placement is necessary for the temporary resolution of mental or emotional problems related to a condition that existed before the adoptive placement. Out-of-home in-state placements shall be in accordance with the applicable provisions of Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and other applicable statutes and regulations governing eligibility for AFDC-FC payments for placements in in-state facilities. If the placement is out-of-state, the facility must be eligible for Title IV-E funded placements in the state in which it is situated. The Adoption Assistance Program (AAP) rate paid on behalf of the child shall not exceed the rate paid for a short-term residential therapeutic program. The designation of the placement facility

shall be made after consultation with the family by the department or county welfare agency responsible for determining the Adoption Assistance Program eligibility and authorizing financial aid. Group home, short-term residential therapeutic program, or residential placement shall only be made as part of a plan for return of the child to the adoptive family, that shall actively participate in the plan. Adoption Assistance Program benefits may be authorized for payment for an eligible child's group home, short-term residential therapeutic program, or residential treatment facility placement if the placement is justified by a specific episode or condition and does not exceed an 18-month cumulative period of time. After an initial authorized group home, short-term residential therapeutic program, or residential treatment facility placement, subsequent authorizations for payment for a group home, short-term residential therapeutic program, or residential treatment facility placement may be based on an eligible child's subsequent specific episodes or conditions.

(c) (1) Payments on behalf of a child who is a recipient of AAP benefits who is also a consumer of regional center services shall be based on the rates established by the State Department of Social Services pursuant to Section 11464 and subject to the process described in paragraph (1) of subdivision (d) of Section 16119.

(2) (A) Except as provided for in subparagraph (B), this subdivision shall apply to adoption assistance agreements signed on or after July 1, 2007.

(B) Rates paid on behalf of regional center consumers who are recipients of AAP benefits and for whom an adoption assistance agreement was executed before July 1, 2007, shall remain in effect, and may only be changed in accordance with Section 16119.

(i) If the rates paid pursuant to adoption assistance agreements executed before July 1, 2007, are lower than the rates specified in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, respectively, those rates shall be increased, as appropriate and in accordance with Section 16119, to the amount set forth in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, effective July 1, 2007. Once set, the rates shall remain in effect and may only be changed in accordance with Section 16119.

(ii) For purposes of this clause, for a child who is a recipient of AAP benefits or for whom the execution of an AAP agreement is pending, and who has been deemed eligible for or has sought an eligibility determination for regional center services pursuant to subdivision (a) of Section 4512, and for whom a determination of eligibility for those regional center services has been made, and for whom, before July 1, 2007, a maximum rate determination has been requested and is pending, the rate shall be determined through an individualized assessment and pursuant to subparagraph (C) of paragraph (1) of subdivision (c) of Section 35333 of Title 22 of the California Code of Regulations as in effect on January 1, 2007, or the rate established in subdivision (b) of Section 11464, whichever is greater. Once the rate has been set, it shall remain in effect and may only be changed in accordance

with Section 16119. Other than the circumstances described in this clause, regional centers shall not make maximum rate benefit determinations for the AAP.

(3) Regional centers shall separately purchase or secure the services contained in the child's IFSP or IPP, pursuant to Section 4684.

(4) Regulations adopted by the department pursuant to this subdivision shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. The regulations authorized by this paragraph shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(d) (1) In the event that a family signs an adoption assistance agreement where a cash benefit is not awarded, the adopting family shall be otherwise eligible to receive Medi-Cal benefits for the child if it is determined that the benefits are needed pursuant to this chapter.

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

(e) Subdivisions (a), (b), and (d) shall apply only to adoption assistance agreements signed on or after October 1, 1992. An adoption assistance agreement executed before October 1, 1992, shall continue to be paid in accordance with the terms of that agreement, and shall not be eligible for any increase in the basic foster care maintenance rate structure that occurred after December 31, 2007.

(f) This section shall supersede the requirements of subparagraph (C) of paragraph (1) of Section 35333 of Title 22 of the California Code of Regulations.

(g) The adoption assistance payment rate structure identified in subdivisions (a) and (e) shall be adjusted by the percentage changes in the California Necessities Index, beginning with the 2011–12 fiscal year, and shall not require a reassessment.

SEC. 46. Section 16501 of the Welfare and Institutions Code is amended to read:

16501. (a) (1) As used in this chapter, "child welfare services" means public social services that are directed toward the accomplishment of any or all of the following purposes:

(A) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children.

(B) Preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children.

(C) Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems,

and preventing breakup of the family where the prevention of child removal is desirable and possible.

(D) Restoring to their families children who have been removed, by the provision of services to the child and the families.

(E) Identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate.

(F) Ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

(2) "Child welfare services" also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. The child welfare services provided on behalf of each child represent a continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services. The individual child's case plan is the guiding principle in the provision of these services. The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever comes first.

(3) "Child welfare services" are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services consistent with paragraph (1) of subdivision (d) of Section 16501.1. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

(4) "Child and family team" means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. The child and family team shall have the same meaning as the "family and permanency team," as described in Section 675a(c)(1)(B)(ii) of Title 42 of the United States Code.

(A) The activities of the team shall include, but not be limited to, all of the following:

(i) Providing input into the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant.

(ii) Providing input into the placement decision made by the placing agency and the services to be provided in order to support the child or youth.

(iii) On and after October 1, 2021, for a child placed into a short-term residential therapeutic program, providing input into all of the following:

(I) Required determinations by a qualified individual pursuant to subdivision (g) of Section 4096.

(II) Required components of the case plan, including those specified in subparagraph (C) of paragraph (2) of subdivision (d) of Section 16501.1.

(III) Development of the plan for family-based aftercare services described in Section 4096.6.

(iv) Providing input to the placing agency in developing the Immediate Needs Plan for using the Immediate Needs Funding for each child in the Immediate Needs Program established by Section 16562.

(v) Supporting the child and family, as desired by the child and family, by discussing options for goods, services, activities, and supports for the Strengths Building Spending Plan consistent with the Strengths Building Program as described in Section 16565.

(vi) Supporting the child and family with resolving disputes that may arise regarding the selection of goods, services, activities and supports for the Strengths Building Spending Plan under the Strengths Building Program established in Section 16565, as needed.

(B) (i) The child and family team process shall engage the child or youth, the child's family, and other people important to the family or to the child or youth in meeting the objectives set forth in subparagraph (A). The child and family team shall also include representatives who provide formal supports to the child or youth and family when appropriate, including, but not limited to, all of the following:

(I) The caregiver.

(II) The placing agency caseworker.

(III) A representative from a foster family agency or short-term residential therapeutic program with which a child or youth is placed.

(IV) A county mental health representative.

(V) A representative from the regional center if the child is eligible for regional center services.

(VI) The child or youth's Court-Appointed Special Advocate, if one has been appointed, unless the child or youth objects.

(VII) A representative of the child or youth's tribe or Indian custodian, as applicable.

(ii) As appropriate, the child and family team also may include other formal supports, such as substance use disorder treatment professionals and educational professionals, providing services to the child or youth and family. For purposes of this definition, the child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child or youth and family. If placement into a short-term residential therapeutic program or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional. Any party to the child's case who is represented by an attorney may consult with their attorney regarding this process. The child or youth and their family may request specific persons to be included on the child and family team. Nothing shall preclude another agency serving the child or youth from convening a team in collaboration with the placing agency.

(5) "Child and family team meeting" means a convening of all or some members of the child and family team. A child and family team meeting may be requested by any member of the child and family team.

(A) Upon the scheduling of a child and family team meeting, a notification shall be provided to the child or youth, their parent or guardian, and the caregiver.

(B) The occurrence of the child and family team meeting shall be documented in the court report that is prepared pursuant to Section 358.1 or 366.1.

(C) (i) The child's court-appointed educational rights holder, if someone other than the parent, guardian, or caregiver, shall be invited to the child and family team meeting if either of the following applies:

(I) The child and family team will develop and implement a placement preservation strategy pursuant to Section 16010.7.

(II) The child and family team will discuss a placement change.

(ii) The child and family team shall discuss if remaining in the school of origin is in the child's best interest.

(iii) Pursuant to, and in accordance with, Section 48853.5 of the Education Code, if the child's educational rights holder determines that remaining in, or returning to, the child's school of origin is in the child's best interest, the child and family team, in consultation with the foster care educational liaison, shall determine an appropriate transportation plan for the child to attend their school of origin and any available extracurricular activities.

(6) Child welfare services may include, but are not limited to, a range of service-funded activities, including case management, counseling, emergency shelter care, emergency in-home caretakers, temporary in-home caretakers, respite care, therapeutic day services, teaching and demonstrating homemakers, parenting training, substance abuse testing, transportation, and specialized permanency services. These service-funded activities shall be available to children and their families in all phases of the child welfare program in accordance with the child's case plan and departmental regulations. Funding for services is limited to the amount appropriated in the annual Budget Act and other available county funds.

(7) Service-funded activities to be provided may be determined by each county, based upon individual child and family needs as reflected in the service plan.

(8) As used in this chapter, "emergency shelter care" means emergency shelter provided to children who have been removed pursuant to Section 300 from their parent or parents or their guardian or guardians. The department may establish, by regulation, the time periods for which emergency shelter care shall be funded. For the purposes of this paragraph, "emergency shelter care" may include "transitional shelter care facilities" as defined in paragraph (11) of subdivision (a) of Section 1502 of the Health and Safety Code.

(9) As used in this chapter, "specialized permanency services" means services to assist a child or nonminor dependent whose case plan is for permanent placement or supportive transition to adulthood in achieving a

permanent family through reunification, adoption, legal guardianship, or other lifelong connection to caring adults, including at least one adult who will provide a permanent, parent-like relationship for the child or nonminor dependent. Specialized permanency services are designed for and with the child to address the child's history of trauma, separation, and loss. "Specialized permanency services" may include all of the following:

(A) Medically necessary mental health services, if the medical necessity criteria for Medi-Cal specialty mental health services, as described in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations, is met, as needed to ameliorate impairments in significant areas of life functioning that may reduce the likelihood of the child or nonminor dependent achieving a permanent family, and may include other services designed to address the child's or nonminor dependent's history of trauma, grief, loss, stigma, and rejection that reduce the likelihood of the child or nonminor dependent achieving a permanent family.

(B) Permanency support core services, as appropriate to achieve, stabilize, and sustain the child or nonminor dependent in a permanent family.

(C) Services designed to prepare the identified permanent family to meet the child's or nonminor dependent's needs, set appropriate expectations before and after permanency is achieved, and stabilize the placement.

(b) As used in this chapter, "respite care" means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month pending the development of policies and regulations in consultation with county placing agencies and stakeholders. This care may be provided to the child's parents or guardians. This care shall not be limited by regulation to care over 24 hours. These services shall not be provided for the purpose of routine, ongoing childcare.

(c) The county shall provide child welfare services as needed pursuant to an approved service plan and in accordance with regulations promulgated, in consultation with the counties, by the department. Counties may contract for service-funded activities, as defined in paragraph (1) of subdivision (a). Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.

(d) This chapter shall not be construed to affect duties that are delegated to probation officers pursuant to Sections 601 and 654.

(e) A county may utilize volunteer individuals to supplement professional child welfare services by providing ancillary support services in accordance with regulations adopted by the State Department of Social Services.

(f) As used in this chapter, emergency response services consist of a response system providing in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation, as required by Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of investigation pursuant to Section 11166 of the Penal Code and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in their own

home or to protect the safety of the child. County welfare departments shall respond to any report of imminent danger to a child immediately and all other reports within 10 calendar days. An in-person response is not required when the county welfare department, based upon an evaluation of risk, determines that an in-person response is not appropriate. This evaluation includes collateral contacts, a review of previous referrals, and other relevant information, as indicated.

(g) As used in this chapter, family maintenance services are activities designed to provide in-home protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families.

(h) As used in this chapter, family reunification services are activities designed to provide time-limited foster care services to prevent or remedy neglect, abuse, or exploitation, when the child cannot safely remain at home, and needs temporary foster care, while services are provided to reunite the family.

(i) (1) As used in this chapter, permanent placement services are activities designed to provide an alternate permanent family structure for children who, because of abuse, neglect, or exploitation, cannot safely remain at home and who are unlikely to ever return home. These services shall be provided on behalf of children for whom there has been a judicial determination of a permanent plan for adoption, legal guardianship, placement with a fit and willing relative, or continued foster care placement, and, as needed, shall include supportive transition services to nonminor dependents, as described in subdivision (v) of Section 11400.

(2) For purposes of this section, "another planned permanent living arrangement" means a permanent plan ordered by the court for a child 16 years of age or older or a nonminor dependent, when there is a compelling reason or reasons to determine that it is not in the best interest of the child or nonminor dependent to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, or be placed with a fit and willing relative. Placement in a group home, or, on and after January 1, 2017, a short-term residential therapeutic program, shall not be the identified permanent plan for any child or nonminor dependent.

(j) As used in this chapter, family preservation services include those services specified in Section 16500.5 to avoid or limit out-of-home placement of children, and may include those services specified in that section to place children in the least restrictive environment possible.

(k) (1) (A) In any county electing to implement this subdivision, all county welfare department employees who have frequent and routine contact with children shall, by February 1, 1997, and all welfare department employees who are expected to have frequent and routine contact with children and who are hired on or after January 1, 1996, and all such employees whose duties change after January 1, 1996, to include frequent and routine contact with children, shall, if the employees provide services to children who are alleged victims of abuse, neglect, or exploitation, sign a declaration under penalty of perjury regarding any prior criminal

conviction, and shall provide a set of fingerprints to the county welfare director.

(B) The county welfare director shall secure from the Department of Justice a criminal record to determine whether the employee has ever been convicted of a crime other than a minor traffic violation. The Department of Justice shall deliver the criminal record to the county welfare director.

(C) If it is found that the employee has been convicted of a crime, other than a minor traffic violation, the county welfare director shall determine whether there is substantial and convincing evidence to support a reasonable belief that the employee is of good character so as to justify frequent and routine contact with children.

(D) An exemption shall not be granted pursuant to subparagraph (C) if the person has been convicted of a sex offense against a minor, or has been convicted of an offense specified in Section 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in paragraph (1) of Section 273a of, or subdivision (a) or (b) of Section 368 of, the Penal Code, or has been convicted of an offense specified in subdivision (c) of Section 667.5 of the Penal Code. The county welfare director shall suspend such a person from any duties involving frequent and routine contact with children.

(E) Notwithstanding subparagraph (D), the county welfare director may grant an exemption if the employee or prospective employee, who was convicted of a crime against an individual specified in paragraph (1) or (7) of subdivision (c) of Section 667.5 of the Penal Code, has been rehabilitated as provided in Section 4852.03 of the Penal Code and has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years and has the recommendation of the district attorney representing the employee's or prospective employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the county welfare director may give the employee or prospective employee an opportunity to explain the conviction and shall consider that explanation in the evaluation of the criminal conviction record.

(F) If criminal record information has not been recorded, the county welfare director shall cause a statement of that fact to be included in that person's personnel file.

(2) For purposes of this subdivision, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that the county welfare director is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this subdivision, the record of a conviction, or a copy thereof certified by the

clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

(*l*) (1) Consistent with Section 675a(c)(1)(D) of Title 42 of the United States Code, "qualified individual" means a trained professional or licensed clinician responsible for conducting the determination described in subdivision (g) of Section 4096 and determining the most effective and appropriate placement for a child. In the case of an Indian child, as defined in Section 224.1, a person may be designated by the child's tribe as the qualified individual pursuant to this subdivision and as defined in subdivision (c) of Section 224.6. In the absence of that designation, the qualified individual shall have specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(2) Except as provided in paragraph (3), the qualified individual shall not be an employee of the IV-E agency and shall not be connected to, or affiliated with, any placement setting in which the IV-E agency places children.

(3) (A) The department shall seek approval from the Secretary of the United States Department of Health and Human Services for authorization to permit employees of the IV-E agency or an individual connected to, or affiliated with, a placement setting to serve as the qualified individual who conducts the assessment described in subdivision (g) of Section 4096. A request for approval shall describe the process through which the department may certify that an employee of a Title IV-E agency, or individual connected to or affiliated with a placement setting, and designated as a qualified individual will maintain objectivity in conducting the assessment and determination of the most effective and appropriate placement for a child or nonminor dependent.

(B) Any process developed pursuant to subparagraph (A) shall be developed jointly with the State Department of Health Care Services and in consultation with the State Department of Developmental Services, the State Department of Education, county child welfare, probation, and behavioral health agencies, and other interested stakeholders.

(C) If approval is granted, the department and the State Department of Health Care services shall issue joint instructions to counties regarding the process for the department to approve a joint request and plan submitted to the department by a county placing agency and behavioral health plan to permit an individual who is an employee of a Title IV-E agency or connected to, or affiliated with, a IV-E placement setting to serve as a qualified individual.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this subdivision by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall

have the same force and effect as regulations until the adoption of regulations.

SEC. 47. 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, the Integrated Practice-Child and Adolescent Needs and Strengths (IP-CANS) assessment, and the input from the child and family team.

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

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

(4) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that reasonable services will be offered to a parent who is incarcerated in a county jail or state prison, detained by the United States Department of Homeland Security, or deported to their country of origin, the case plan shall include information, to the extent possible, about a parent's incarceration in a county jail or the state prison, detention by the United States Department of Homeland Security, or deportation during the time that a minor child of that parent is involved in dependency care.

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

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

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

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

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

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

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

(ii) Child and family teams shall be provided written or electronic information developed by the department describing services and activities, including specialized permanency services, shown to be effective in achieving and sustaining permanency for all children, youth, and nonminor dependents.

(C) On and after October 1, 2021, within 30 days of placement in a short-term residential therapeutic program, and, on and after July 1, 2022,

within 30 days of placement in a community treatment facility, the case plan shall document all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits and who is up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to successful adulthood. If admission to, or continuation in, a group home or short-term residential therapeutic program placement is being considered for a nonminor dependent, the group home or short-term residential therapeutic program placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home or short-term residential therapeutic program placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to successful adulthood. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive family setting that promotes normal childhood experiences, including a target date for discharge from the group home or short-term residential therapeutic program placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home or short-term residential therapeutic program placement remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to successful adulthood. The group home or short-term residential therapeutic program placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home or short-term residential therapeutic program placement is likely to remain in group home or short-term residential therapeutic program placement on their 18th birthday, in order to expedite the transition to a less restrictive family setting that promotes normal childhood experiences, if the child becomes a nonminor dependent. The case planning process shall include informing the youth of all of the options, including, but not limited to, admission to or continuation in a group home or short-term residential therapeutic program placement.

(4) Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains their 19th birthday, whichever is earlier, continuation in or admission to a group home placement is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as

described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

(5) In addition to the requirements of paragraphs (1) to (4), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

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

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

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

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

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

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

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

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

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

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

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

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within

the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

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

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

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

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

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

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

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

(10) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency

if efforts to reunify fail. The plan shall also consider in-state and out-of-state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

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

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

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

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

(B) For a child who receives a copy of the case plan pursuant to subparagraph (A) and who speaks a primary language other than English, the case plan shall be translated and provided to the child in their primary language.

(14) The case plan shall be included in the court report, and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for

that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(15) (A) If the case plan has as its goal for the child a permanent plan of adoption, legal guardianship, or another planned permanent living arrangement, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, or a legal guardian, and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. Regardless of whether the child has been freed for adoption, documentation shall include a description of any barriers to achieving legal permanence and the steps the agency will take to address those barriers. If a child has been in care for three years or more, the documentation shall include a description of the specialized permanency services used or, if specialized permanency services have not been used, a statement explaining why the agency chose not to provide these services. If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

(B) Specific elements of specialized permanency services may be included in the case plan as needed to meet the permanency needs of the individual child or nonminor dependent.

(C) When the child is 16 years of age or older and is in another planned permanent living arrangement, the case plan shall identify the intensive and ongoing efforts to return the child to the home of the parent, place the child for adoption, place the child for tribal customary adoption in the case of an Indian child, establish a legal guardianship, or place the child nonminor dependent with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the child.

(16) (A) (i) For a child who is 14 or 15 years of age, the case plan shall include a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood. The description may be included in the document described in subparagraph (A) of paragraph (18).

(ii) When appropriate, for a child who is 16 years of age or older and, commencing January 1, 2012, for a nonminor dependent, the case plan shall include the transitional independent living plan (TILP), a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood, and, in addition, whether the youth has an in-progress application pending for Title XVI Supplemental Security Income benefits

or for special immigrant juvenile status or other applicable application for legal residency and an active dependency case is required for that application. For a child who speaks a primary language other than English, the TILP shall be translated into their primary language. When appropriate, for a nonminor dependent, the transitional independent living case plan, as described in subdivision (y) of Section 11400, shall include the TILP, a written description of the programs and services that will help the nonminor dependent, consistent with their best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living placement as defined in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

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

(C) For youth 14 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining their reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the

consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

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

(18) For youth in foster care 14 years of age or older and nonminor dependents, the case plan shall include both of the following:

(A) A document that describes the youth's rights with respect to education, health, visitation, and court participation, the right to be annually provided with copies of their credit reports at no cost while in foster care pursuant to Section 10618.6, and the right to stay safe and avoid exploitation.

(B) A signed acknowledgment by the youth that they have been provided a copy of the document and that the rights described in the document have been explained to the youth in an age-appropriate manner.

(19) The case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, shall document the services provided to address that issue.

(20) For a youth in foster care 10 years of age or older who is in junior high, middle, or high school, or a nonminor dependent enrolled in high school, the case plan shall be reviewed annually, and updated as needed, to indicate that the case management worker has verified that the youth or nonminor dependent received comprehensive sexual health education that meets the requirements established in Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code, through the school system. The case plan shall document either of the following:

(A) For a youth in junior high or middle school, either that the youth has already received this instruction during junior high or middle school, or how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the dependency court during this timeframe.

(B) For a youth or nonminor dependent in high school, either that the youth or nonminor dependent already received this instruction during high school, or how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the dependency court during this timeframe.

(21) (A) For a youth in foster care 10 years of age or older or a nonminor dependent, the case plan shall be updated annually to indicate that the case management worker has done all of the following:

(i) Informed the youth or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(ii) Informed the youth or nonminor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health care services and their confidentiality rights regarding those services.

(iii) Informed the youth or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(B) This paragraph shall not be construed to affect any applicable confidentiality law.

(22) For a child who is 16 years of age or older and for a nonminor dependent, the case plan shall identify the person or persons, who may include the child's high school counselor, Court-Appointed Special Advocate, guardian, or other adult, who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education. If, at any point in the future, the child or nonminor dependent expresses that they wish to pursue postsecondary education, the case plan shall be updated to identify an adult individual responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid.

(23) On and after the date required by paragraph (9) of subdivision (h) of Section 11461, the case plan shall include all of the following:

(A) The child's or nonminor dependent's tier, as determined by the IP-CANS assessment for purposes of the Tiered Rate Structure pursuant to subdivision (h) of Section 11461.

(B) If applicable, the plan to meet the child or nonminor dependent's immediate needs, as defined in paragraph (2) of subdivision (c) of Section 16562, using funding made available for that purpose.

(C) The strengths building activities that the child or nonminor dependant is engaged in, or desires to be engaged in, as defined in Section 16565, for a child or nonminor dependent eligible for the Strengths Building Child and Family Determination Program established in Section 16565 and the spending plan report, as provided by the spending plan manager.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not

require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and their siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services/Case Management System (CWS/CMS) is implemented on a statewide basis.

(j) When a child is 10 years of age or older and has been in out-of-home placement for six months or longer, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationships with those individuals, provided that those relationships are in the best interest of the child. The social worker or probation officer shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, or may seek that information from the child and family team, as appropriate. The social worker or probation officer shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services. The nonminor dependent's caregiver shall be provided with a copy of the nonminor's TILP.

(*l*) Each county shall ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care during a federal fiscal year is not less than 95 percent of the total number of those visits that would occur if each child were visited once every month while in care and that the majority of the visits occur in the residence of the child. The county child welfare and probation departments shall comply with data reporting requirements that the department deems necessary to comply with the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288) and the federal Child and Family Services Improvement and Innovation Act (Public Law 112-34).

(m) The implementation and operation of the amendments to subdivision (i) enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

SEC. 48. Section 16519.5 of the Welfare and Institutions Code is amended to read:

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

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial

development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association of California. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

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

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

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

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

(C) Entering into terms and conditions for early implementation participation in the program by counties.

(4) Counties participating in the early implementation of the program shall be responsible for all of the following:

(A) Submitting an implementation plan.

(B) Entering into terms and conditions for early implementation participation in the program.

(C) Consulting with the county probation department in the development of the implementation plan.

(D) Training appropriate staff.

(E) Accepting applications from resource families within the timeframes established by the department.

(5) (A) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to statewide implementation of the program shall not be considered part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

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

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

(7) This subdivision is inoperative on January 1, 2017.

(c) (1) For purposes of this article, “resource family” means an individual or family that has successfully met both the home environment assessment

standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian. A resource family shall demonstrate all of the following:

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

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

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

(D) The financial ability within the household to ensure the stability and financial security of the family. This requirement may be waived for relative and nonrelative extended family member resource families on a case-by-case basis. For purposes of this subparagraph, there is no minimum income requirement and an applicant who will rely on the funding described in subdivision (*l*) to meet additional household expenses incurred due to the placement of a child shall not, for this reason, be denied approval as a resource family.

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

(F) An ability and willingness to meet the needs of the child regardless of the child's sexual orientation, gender identity, or gender expression, and that, should difficulties around these issues arise, a willingness to obtain resources offered by the county or foster family agency or other available resources to meet those needs.

(2) For purposes of this article, and unless otherwise specified, references to a "child" include a "nonminor dependent" and "nonminor former dependent or ward," as defined in subdivision (v) and paragraph (1) of subdivision (aa) of Section 11400.

(3) There is no fundamental right to approval as a resource family. Emergency placement of a child pursuant to Section 309, 319, 361.45, or 727.05, or with a resource family applicant pursuant to subdivision (e), does not entitle an applicant to approval as a resource family.

(4) (A) A resource family shall be considered eligible to provide foster care for children in out-of-home placement and approved for adoption and guardianship.

(B) (i) Notwithstanding subparagraph (A), a county may approve a resource family to care for a specific child, as specified in the written directives or regulations adopted pursuant to this section. Child-specific approval shall be considered if the applicant is a relative or nonrelative extended family member who has an established and significant relationship

with a child or a child is already placed in the home of the relative or nonrelative extended family member pursuant to subdivision (e) or Section 309, 319, 361.45, or 727.05.

(ii) When child-specific approval is granted to a relative who has received a criminal records exemption pursuant to clause (iv) of subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the child's placement shall be funded pursuant to Section 11461.3 and the relative shall not be eligible for federal financial participation while the child is placed with them.

(iii) In the case of an Indian child for whom the child's tribe is not exercising its right to approve a home, the county shall apply the prevailing social and cultural standards of the Indian community to resource family approval for that child, as required by subdivision (f) of Section 361.31 and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.). The department shall engage in the tribal consultation process and develop regulations to implement this clause. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this clause through all-county letters or other similar instruction, and provide guidance to counties regarding consistent implementation of this clause.

(5) For purposes of this article, "resource family approval" means that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of a foster family home license issued pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, a certificate of approval issued by a licensed foster family agency, as described in subdivision (b) of Section 1506 of the Health and Safety Code, relative or nonrelative extended family member approval, guardianship approval, and the adoption home study approval.

(6) Approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family or with a relative or nonrelative extended family member. Approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family.

(7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the county shall, consistent with Sections 1520.3 and 1558.1 of the Health and Safety Code, cease any further review of an application if the applicant has had a previous application denial by the department or a county within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or a county within the preceding two years.

(B) Notwithstanding subparagraph (A), the county may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances and conditions that either have been corrected or are no longer in existence. If an individual was excluded from a resource family home or facility licensed by the

department, the county shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to subdivision (g) of Section 16519.6 of this code or pursuant to Section 1569.53, subdivision (h) of Section 1558, subdivision (h) of Section 1569.58, or subdivision (h) of Section 1596.8897, of the Health and Safety Code.

(C) (i) The county may cease any further review of an application if, after written notice to the applicant, the applicant fails to complete an application without good faith effort and within 30 days of the date of the notice, as specified in the written directives or regulations adopted pursuant to this section.

(ii) Clause (i) does not apply if a child is placed with the applicant pursuant to Section 309, 361.45, 727.05, or paragraph (1) of subdivision (e) of Section 16519.5.

(D) The cessation of an application review pursuant to this paragraph does not constitute a denial of the application for purposes of this section or any other law.

(E) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in this section, and, as applicable, Chapter 6.3 (commencing with Section 18360) of Part 6, to maintain approval. A resource family shall comply with the written directives or regulations adopted pursuant to this section and applicable laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or a probation department pursuant to this section or by a foster family agency pursuant to Section 1517 of the Health and Safety Code.

(10) A resource family shall not be licensed to operate a residential facility, as defined in Section 1502 of the Health and Safety Code, a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or a residential care facility for persons with chronic life-threatening illnesses, as defined in Section 1568.01 of the Health and Safety Code, on the same premises used as the residence of the resource family.

(11) (A) An applicant who withdraws an application prior to its approval or denial may resubmit the application within 12 months of the withdrawal.

(B) This paragraph does not preclude a county from requiring an applicant to complete an application activity, even if that activity was previously completed.

(d) (1) The department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

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

(A) (i) (I) A criminal record clearance of each applicant and all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in subdivision (b) of Section 1522 of the Health and Safety Code, pursuant to Section 8712 of the Family Code, utilizing a check of the Child Abuse Central Index pursuant to Section 1522.1 of the Health and Safety Code, and receipt of a fingerprint-based state and federal criminal offender record information search response. The criminal history information shall include subsequent notifications pursuant to Section 11105.2 of the Penal Code.

(II) Consideration of any substantiated allegations of child abuse or neglect against the applicant and any other adult residing in, or regularly present in, the home pursuant to Section 1522.1 of the Health and Safety Code.

(III) If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, home approval shall be denied unless the person has received a criminal records exemption pursuant to clause (iv) of subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code. If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (B) or (D) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the home shall not be approved unless a criminal record exemption has been granted pursuant to subclause (IV).

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

(V) If it is determined, on the basis of the fingerprint images and related information submitted to the Department of Justice, that subsequent to obtaining a criminal record clearance or exemption from disqualification, the person has been convicted of, or is awaiting trial for, a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a, 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the department or county shall notify the resource family to act immediately to remove or bar the person from entering the resource family's home. The department or county, as applicable, may subsequently grant an exemption

from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. If the conviction or arrest was for another crime, the resource family shall, upon notification by the department or county, act immediately to either remove or bar the person from entering the resource family's home, or require the person to seek an exemption from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. The department or county, as applicable, shall determine if the person shall be allowed to remain in the home until a decision on the exemption from disqualification is rendered.

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

(iii) For private foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized, but the Department of Justice shall disseminate a fitness determination resulting from the federal criminal offender record information search.

(B) A home and grounds evaluation to ensure the health and safety of children.

(C) In addition to the foregoing requirements, the resource family home environment assessment standards shall require the following:

(i) That the applicant demonstrates an understanding of the rights of children in care and the applicant's responsibility to safeguard those rights.

(ii) That the total number of children residing in the home of a resource family shall be no more than the total number of children the resource family can properly care for, regardless of status, and shall not exceed six children, unless exceptional circumstances that are documented in the foster child's case file exist to permit a resource family to care for more children, including, but not limited to, the need to place siblings together, consistent with Section 16002.

(iii) That the applicant understands the applicant's responsibilities with respect to acting as a reasonable and prudent parent, and maintaining the least restrictive environment that serves the needs of the child.

(3) The resource family permanency assessment standards shall include, but not be limited to, all of the following:

(A) Caregiver training, as described in subdivisions (g) and (h).

(B) A family evaluation, which shall include, but not be limited to, interviews of an applicant to assess the applicant's personal history, family dynamic, and need for support or resources, and a risk assessment.

(i) When the applicant is a relative or nonrelative extended family member to an identified child, the family evaluation shall consider the nature of the relationship between the relative or nonrelative extended family member and the child. The relative or nonrelative extended family member's expressed desire to only care for a specific child or children shall not be a reason to deny the approval.

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

(iii) A county may review and discuss data contained in the statewide child welfare database with an applicant for purposes of conducting a family evaluation, as specified in the written directives or regulations adopted pursuant to this section.

(C) Completion of any other activities that relate to the ability of an applicant or a resource family to achieve permanency with a child.

(4) (A) For a child placed on an emergency basis pursuant to Section 309, 361.45, or 727.05, the home environment assessment, the permanency assessment, and the written report shall be completed within 120 days of the placement, unless good cause exists based upon the needs of the child.

(B) If additional time is needed to complete the home environment assessment or the permanency assessment, the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of those assessments.

(C) The county shall report to the department, on a quarterly basis, the number of families with emergency placements whose home environment assessment or permanency assessment goes beyond 120 days and summarize the reasons for these delays.

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

(A) The permanency assessment and the written report described in paragraph (5) of subdivision (g) shall be completed within 120 days of the child's placement in the home, unless good cause exists.

(B) If additional time is needed to comply with subparagraph (A), the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.

(C) The county shall report to the department, on a quarterly basis, the number of applicants for whom the requirements of subparagraph (A) exceed 120 days and summarize the reasons for these delays.

(2) The home environment and permanency assessments, and the written report described in paragraph (5) of subdivision (g), shall be completed within 120 days of a child's placement with a relative or nonrelative extended family member pursuant to Section 309, 361.45, or 727.05, unless good cause exists.

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

(4) A child placed pursuant to this subdivision shall be afforded all the rights set forth in Section 16001.9.

(5) This section does not limit the county's authority to inspect the home of a resource family applicant as often as necessary to ensure the quality of care provided.

(6) This subdivision does not limit the county's obligation under law to assess and give placement consideration to relatives and nonrelative extended

family members and to place a child pursuant to Section 309, 361.3, 361.45, 706.6, or 727.1.

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

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

(B) Adopting, amending, or repealing, in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, any reasonable rules, regulations, and standards that may be necessary or proper to carry out the purposes and intent of this article and to enable the department to exercise the powers and perform the duties conferred upon it by this section, consistent with the laws of this state.

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

(3) Adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families. The department shall permit counties to maintain documentation relating to the resource family approval process in an electronic format.

(4) Adopting core competencies for county staff to participate in the assessment and evaluation of an applicant or resource family.

(5) Requiring counties to monitor county-approved resource families, including, but not limited to, both of the following:

(A) Investigating complaints regarding resource families.

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

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

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

(B) Reviewing an adequate number of county-approved resource families in each county to ensure that approval standards are being properly applied.

(i) The review shall include case file documentation and may include onsite inspection of individual resource families.

(ii) The review shall occur on a biennial basis and more frequently if the department becomes aware that a county is experiencing a disproportionate number of complaints against individual resource family homes.

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

(D) Investigating unresolved complaints against counties.

(E) Requiring corrective action of counties that are not in full compliance with this section.

(7) Excluding a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard for any of the reasons specified in Section 16519.61.

(8) Implementing due process procedures, including, but not limited to, all of the following:

(A) Providing a statewide fair hearing process for application denials, rescissions of approval, exclusion actions, or criminal record exemption denials or rescissions by a county or the department.

(B) Providing an excluded individual with due process pursuant to Section 16519.6.

(C) Amending the department's applicable state hearing procedures and regulations or using the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), when applicable, as necessary for the administration of the program.

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

(1) Submitting an implementation plan and consulting with the county probation department in the development of the implementation plan.

(2) Complying with the written directives or regulations adopted pursuant to this section.

(3) Implementing the requirements for resource family approval and utilizing standardized documentation established by the department. A county may maintain documentation relating to the resource family approval process in an electronic format.

(4) Training appropriate staff, including ensuring staff have the education and experience or core competencies necessary to participate in the assessment and evaluation of an applicant or resource family.

(5) (A) Taking the following actions, as applicable, for any of the reasons specified in Section 16519.61:

(i) (I) Approving or denying resource family applications, including preparing a written report that evaluates an applicant's capacity to foster, adopt, and provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

(II) The applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

(ii) Rescinding approvals of resource families.

(iii) When applicable, referring a case to the department for an action to exclude a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard.

(iv) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing when, in the opinion of the county, urgent action is needed to protect a child from physical or mental abuse,

abandonment, or any other substantial threat to health or safety. The county shall serve the resource family with the temporary suspension order and a copy of available discovery in the possession of the county, including, but not limited to, affidavits, declarations, names of witnesses, and other evidence upon which the county relied in issuing the temporary suspension order. The temporary suspension order shall be served upon the resource family with a notice of action, and if the matter is to be heard before the Office of Administrative Hearings, an accusation. The temporary suspension order shall list the effective date on the order.

(v) Granting, denying, or rescinding criminal record exemptions.

(B) Providing a resource family parent, applicant, or individual who is the subject of a criminal record exemption denial or rescission with due process pursuant to Section 16519.6.

(C) Notifying the department of any decisions denying an application for resource family approval, rescinding the approval of a resource family, or denying or rescinding a criminal record exemption and, if applicable, notifying the department of the results of an administrative action.

(6) (A) Updating resource family approval biennially and as necessary to address any changes that have occurred in the resource family's circumstances, including, but not limited to, moving to a new home location or commencing operation of a family daycare home, as defined in Section 1596.78 of the Health and Safety Code.

(B) A county shall conduct an announced inspection of a resource family home during the biennial update, and as necessary to address any changes specified in subparagraph (A), in order to ensure that the resource family is conforming to all applicable laws and the written directives or regulations adopted pursuant to this section.

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

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

(B) Requiring resource families to meet the approval standards set forth in this section and to comply with the written directives or regulations adopted pursuant to this section, other applicable laws, and corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed, as specified in the plan, the county may rescind the resource family approval.

(C) Requiring resource families to report any incidents consistent with the reporting requirements pursuant to the written directives or regulations adopted pursuant to this section.

(D) Inspecting resource family homes as often as necessary to ensure the quality of care provided.

(8) (A) Investigating all complaints against a resource family and taking action as necessary, including, but not limited to, investigating any incidents reported about a resource family indicating that the approval standard is not being maintained and inspecting the resource family home.

(B) The child's social worker shall not conduct the investigation into the complaint received concerning a family providing services pursuant to the standards required by subdivision (d). To the extent that adequate resources are available, complaints shall be investigated by a worker who did not conduct the home environment assessment or family evaluation or prepare the written report determining approval of the resource family.

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

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

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

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

(11) Submitting information and data that the department determines is necessary to study, monitor, and prepare the update specified in paragraph (7) of subdivision (f).

(12) Ensuring resource family applicants and resource families have the necessary knowledge, skills, and abilities to support children of all races, ethnic group identifications, ancestries, national origins, colors, religions, sexes, sexual orientations, gender identities, mental or physical disabilities, or HIV statuses in foster care by completing caregiver training. The training should include a curriculum that supports the role of a resource family in parenting vulnerable children and should be ongoing in order to provide resource families with information on trauma-informed practices and requirements and other topics within the foster care system.

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

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

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

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

(D) Health issues in foster care.

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

(F) The rights of a child in foster care and the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry,

national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

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

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school.

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

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

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

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

(M) A resource family's responsibility to act as a reasonable and prudent parent, as described in subdivision (c) of Section 1522.44 of the Health and Safety Code, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

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

(O) The information described in subdivision (i) of Section 16521.5. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5.

(P) Information on providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking. For purposes of this subparagraph, "information" may include, but not be limited to, informational pamphlets addressing the identification of victims of commercial sexual exploitation and child labor trafficking and the provision of existing resources, including crisis hotline numbers, survivor and caregiver supports, and contact information for law enforcement entities.

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

(15) (A) (i) Ensuring that resource families complete cardiopulmonary resuscitation (CPR) training and first aid training, or demonstrate equivalent certification, no later than 90 days following resource family approval.

(ii) A resource family parent who has a certificate of completion for Basic Life Support (BLS) for health care professionals, or Pediatric Advanced Life Support (PALS), or a higher standard of training that certifies CPR, and for whom the certification is currently active, is exempt from completing the resource family approval CPR training requirement as described in clause (i), upon demonstrating proof of certification of completion and until the date the certification expires.

(iii) A resource family parent who has active and unrestricted licensure as a health care professional, issued by the Department of Consumer Affairs or the Emergency Medical Services Authority, is exempt from completing the resource family approval first aid training requirement as described in clause (i), upon demonstrating proof of active and unrestricted licensure and until the date the licensure expires.

(B) (i) Ensuring that resource families, prior to expiration of the CPR and first aid certificates, obtain training to remain certified in CPR and first aid, or demonstrate equivalent certification, and submit copies of the certificates verifying completion of the training.

(ii) Clause (i) does not apply to first aid training for a resource family parent who is exempt from the first aid training requirement pursuant to clause (iii) of subparagraph (A).

(16) (A) Ensuring that resource families that care for children who are 10 years of age or older attend, within 12 months of approval as a resource family, a training on understanding how to use best practices for providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking. This training shall be survivor informed, culturally relevant and appropriate, and address issues relating to stigma. The training required by this subparagraph shall address all of the following topics:

(i) Recognizing indicators of commercial sexual exploitation and child labor trafficking.

(ii) Harm reduction.

(iii) Trauma-informed care.

(iv) Available county and state resources.

(v) Perspectives of individuals or families who have experiences with commercial sexual exploitation and child labor trafficking.

(B) The information provided in subparagraph (P) of paragraph (13) shall also be provided during the training described in this paragraph.

(C) After completing the training required by subparagraph (A), a resource family shall not be required to attend training relating to children who have been commercially sexually exploited or who have been victims of child labor trafficking, except as required pursuant to subdivision (h).

(D) This section does not prevent an entity from providing the training specified in this paragraph in person, virtually, by recorded means, or by any other available means.

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

(1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children and children who have been victims of child labor trafficking.

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

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

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

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

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

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

(i) This section does not preclude a county from requiring training in excess of the requirements in this section.

(j) (1) Resource families who move home locations shall retain their resource family status pending the outcome of the update conducted pursuant to paragraph (6) of subdivision (g).

(2) (A) If a resource family moves from one county to another county, the department, or the county to which a resource family has moved, shall submit a written request to the Department of Justice to transfer the individual's subsequent arrest notification, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(3) Subject to the requirements in paragraph (1), the resource family shall continue to be approved for guardianship and adoption. This subdivision shall not limit a county, foster family agency, or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or family evaluation.

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

(*l*) A child placed with a resource family is eligible for the resource family basic rate, pursuant to Sections 11460, 11461, 11461.3, and 11463, at the child's assessed level of care.

(m) Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.

(n) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child

Abuse Central Index searches, processing, or responses, as specified in this section.

(o) Except as provided, resource families shall be exempt from both of the following:

(1) Licensure requirements established pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code) and all regulations promulgated to implement the act.

(2) Relative and nonrelative extended family member approval requirements as those approval requirements existed prior to January 1, 2017.

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

(2) (A) (i) On and after January 1, 2017, a county to which the department has delegated its licensing authority pursuant to Section 1511 of the Health and Safety Code shall approve resource families in lieu of licensing foster family homes.

(ii) Notwithstanding clause (i), the existing licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in subparagraph (C), until the license is revoked or forfeited by operation of law pursuant to Section 1517.1 of the Health and Safety Code.

(B) (i) On and after January 1, 2017, a county shall approve resource families in lieu of approving relative and nonrelative extended family members.

(ii) Notwithstanding clause (i), the existing approval and oversight processes shall continue to be administered for relatives and nonrelative extended family members approved prior to January 1, 2017, or as specified in subparagraph (C), until the approval is revoked or forfeited by operation of law pursuant to this section.

(C) Notwithstanding subparagraph (D), a county shall approve or deny all applications for foster family home licenses and requests for relative or nonrelative extended family member approvals received on or before December 31, 2016, in accordance with Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or provisions providing for the approval of relatives or nonrelative extended family members, as applicable.

(D) On and after January 1, 2017, a county shall not accept applications for foster family home licenses or requests to approve relatives or nonrelative extended family members.

(3) No later than July 1, 2019, each county shall provide the following information to all licensed foster family homes and approved relatives and nonrelative extended family members licensed or approved by the county:

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

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2020.

(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law, as specified in paragraph (8).

(4) The following applies to all licensed foster family homes and approved relative and nonrelative extended family members:

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

(B) A licensed foster family home or an approved relative or nonrelative extended family member who had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(C) A licensed foster family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

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

(6) (A) In order to approve a licensed foster family home or approved relative or nonrelative extended family member as a resource family pursuant to paragraph (4), a county shall submit a written request to the Department of Justice to transfer any subsequent arrest and Child Abuse Central Index notifications, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(7) An individual who is a member of a resource family approved pursuant to subparagraph (B) or (C) of paragraph (4) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(8) All foster family licenses and approvals of relatives and nonrelative extended family members shall be forfeited by operation of law on December 31, 2020, except as provided in this paragraph or Section 1524 of the Health and Safety Code:

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

(B) For foster family home licensees and approved relatives or nonrelative extended family members who have a pending resource family application on December 31, 2020, the foster family home license or relative and nonrelative extended family member approval shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture

by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A foster family home license shall be forfeited by operation of law, pursuant to Section 1517.1 of the Health and Safety Code, upon approval as a resource family.

(D) Approval as a relative or nonrelative extended family member shall be forfeited by operation of law upon approval as a resource family.

(q) On and after January 1, 2017, all licensed foster family agencies shall approve resource families in lieu of certifying foster homes, as set forth in Section 1517 of the Health and Safety Code.

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

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

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

(3) This section does not limit the authority of the department to inspect, evaluate, or investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to Article 5 (commencing with Section 1550) of Chapter 3 of Division 2 of the Health and Safety Code, or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

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

(5) This subdivision is inoperative on January 1, 2017.

(s) The department or a county is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties, as provided in this section or subdivision (e) of Section 1522 of the Health and Safety Code.

(t) A resource family approved pursuant to this section shall forfeit its approval concurrent with resource family approval by a foster family agency.

SEC. 49. Section 16523.1 of the Welfare and Institutions Code is amended to read:

16523.1. (a) To the extent funds are appropriated in the annual Budget Act, the department shall award program funds to counties and tribal governments for the purpose of providing housing-related supports to eligible families experiencing homelessness if that homelessness prevents reunification between an eligible family and a child receiving child welfare services, or where lack of housing prevents a parent or guardian from addressing issues that could lead to foster care placement.

(b) Notwithstanding subdivision (a), this section does not create an entitlement to housing-related assistance, which is intended to be provided at the discretion of the county or tribe as a service to eligible families.

(c) (1) It is the intent of the Legislature that housing-related assistance provided pursuant to this article utilize evidence-based models, including evidence-based practices in rapid rehousing and supportive housing.

(2) Housing-related supports available to participating families shall include, but not be limited to, the following:

(A) An assessment of each family's housing and service needs, including a plan to assist them in meeting those needs, using an assessment tool developed in the local community or an assessment tool used in other jurisdictions.

(B) Housing navigation or search assistance to recruit landlords, and assist families in locating housing affordable to the family.

(C) The use of evidence-based models, such as motivational interviewing and trauma-informed care, to build relationships with a parent or guardian.

(D) Housing-related financial assistance, including rental assistance, security deposit assistance, utility payments, moving cost assistance, and interim housing assistance while housing navigators are actively seeking permanent housing options for the family.

(E) (i) Housing stabilization services, including ongoing tenant engagement, case management, public systems assistance, legal services, credit repair assistance, life skills training, and conflict mediation with landlords and neighbors.

(ii) Services provided pursuant to clause (i) shall be provided with input from the family, based on the needs of the family, and in coordination with other services being provided by child welfare services or tribes, family resource centers, family courts, and other services.

(F) If the family requires supportive housing, long-term housing through tenant or project-based rental assistance or operating subsidies and services promoting housing stability, subject to available funding pursuant to subdivision (a).

(d) The department shall award program funds to county child welfare agencies and tribes according to criteria developed by the department, in consultation with the County Welfare Directors Association of California, the Corporation for Supportive Housing, and Housing California, subject to all of the following requirements:

(1) (A) Except as otherwise provided in subparagraph (B), a county or tribe that receives state funds under this program shall match that funding on a dollar-by-dollar basis. The county or tribal funds used for this purpose shall supplement, not supplant, county or tribal funding already intended for these purposes.

(B) Between July 1, 2021, and June 30, 2027, a county or tribe that receives state funds under this article shall not be required to match any funding provided during that period.

(2) A county or tribe that receives state funds under this program shall partner with a local homeless continuum of care that participates in a

homeless services coordinated entry and assessment system, as required by the United States Department of Housing and Urban Development.

(3) A county or tribe that receives state funds under the program shall utilize a cross-agency liaison to coordinate activities under the program with the homeless continuum of care and the county child welfare or tribal agency, including housing-related and child welfare services for families.

(e) The department, in consultation with Housing California, the Corporation for Supportive Housing, and the County Welfare Directors Association of California, shall develop all of the following:

(1) The criteria by which counties and tribal governments may be awarded funds to provide housing-related assistance to eligible families pursuant to this article.

(2) The proportion of program funding to be expended on reasonable and appropriate administrative activities to minimize overhead and maximize services.

(3) Eligible sources of funds for a county's or tribe's matching contribution.

(4) Tracking and reporting procedures for the program.

(5) A process for evaluating program data.

SEC. 50. Section 16546.5 of the Welfare and Institutions Code is amended to read:

16546.5. (a) Subject to an appropriation of state funds, there is hereby established the Excellence in Family Finding, Engagement, and Support Program. This program shall be administered by the State Department of Social Services.

(b) In administering the program, the department shall do all of the following:

(1) Develop, in consultation with the County Welfare Directors Association of California and the Chief Probation Officers of California, an allocation methodology for counties that elect to receive funds under this section.

(2) On or before March 1, 2023, make funds available to participating counties according to the allocation methodology developed pursuant to paragraph (1).

(c) (1) A county may elect to participate in the program by submitting a written notice to the department in accordance with instructions issued by the department.

(2) A county that elects to participate in the program shall provide a match of local funds, which may include in-kind contributions of services or other resources from the county or community-based organizations, equal to one-half of all state funds provided to the county under the program.

(d) (1) The department shall consult with Indian tribes to develop an allocation methodology and procedures for program participation for Indian tribes, consortia of tribes, or tribal organizations, as defined in Section 137.10 of Title 42 of the Code of Federal Regulations.

(2) An Indian tribe, consortia of tribes, or tribal organization, as defined in Section 137.10 of Title 42 of the Code of Federal Regulations, that enters

into an agreement with the department pursuant to Section 10553.1 of this code or Section 1919 of Title 25 of the United States Code shall, in accordance with the agreement, be eligible to receive allocations of funds under this section.

(e) Funds allocated under this section and the local match described in paragraph (2) of subdivision (c) shall be used for specialized permanency work, including culturally responsive, family-centered, and trauma-informed family finding and engagement services. Services shall focus on establishing and maintaining permanent connections for foster children. Funded activities shall include any or all of the following:

(1) Training of staff on family finding and engagement practices and models.

(2) Staffing and tools to identify, locate, and engage persons related to the child by blood or marriage, identification and engagement of other family-like relationships, and in the case of an Indian child, to make active efforts to engage with the tribe to determine the child's extended family members, as defined in Section 224.1. This may include use of internet and social media tools, genograms, database searches, and other technological tools to support family finding.

(3) Outreach and engagement of the child and family team members and all other current and prior service providers, case managers, and other connections to the foster child, to identify and engage possible family and family-like connections.

(4) Plan development and case management for the child, family, and family-like connections to identify and address any barriers to establishing or reestablishing positive, loving, and supportive relationships. Counties and participating tribes shall engage children continuously in plan development, case planning, and services of importance to the child.

(5) Implementation of model programs, strategies, or promising practices identified by the department in consultation with tribes, the County Welfare Directors Association of California, the Chief Probation Officers of California, and child and youth advocacy organizations. The model programs, strategies, or promising practices include, but are not limited to, model programs, strategies, or promising practices that focus on up front family finding and engagement and that focus on family finding and engagement techniques to find permanent families and relationships for foster children who have been in out-of-home foster care for 24 months or longer, who are not living with a relative, for whom reunification is no longer in the case plan, and who have not been placed with a family who is in the process of adopting them or assuming guardianship over them.

(f) A participating county may elect to contract with a nonprofit community-based organization to provide the services described in this section.

(g) A participating county or contracted nonprofit community-based organization shall employ family-finding workers who have experience or training in family-finding strategies or practice, which may include lived experience.

(h) (1) Family-finding workers shall be assigned to family-finding responsibilities full time but may be employed by either the participating county or a nonprofit community-based organization with which the participating county has contracted for this purpose.

(2) Notwithstanding paragraph (1), a participating county or tribe without a family-finding worker assigned full time to family-finding responsibilities due to an insufficient caseload, as determined by the department, may submit a written request to the department for authorization to use funding to pay for the portion of a family-finding worker's time dedicated to family-finding activities. The request shall be submitted in a manner to be prescribed by the department and shall include, at a minimum, the following information:

(A) Caseload information to support the assertion of an insufficient caseload for the worker to be assigned full time to family-finding responsibilities.

(B) The proportion of the family-finding worker's time assigned to family-finding responsibilities.

(i) A county shall provide information to the department on which of the activities specified in paragraphs (1) to (5), inclusive, of subdivision (e) the participating county has performed.

SEC. 51. Chapter 6.5 (commencing with Section 16560) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

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

16560. (a) The Legislature finds and declares all of the following:

(1) The Continuum of Care Reform (CCR) was enacted to improve California's child welfare system and its outcomes through, in part, the selection and use of comprehensive initial child assessments.

(2) In 2018, the department selected the Child and Adolescent Needs and Strengths (CANS) assessment tool as the evidence-based, functional assessment tool as part of the implementation of the CCR. Pursuant to Section 16523.55, the requirement under Section 16523.5 for quarterly updates to the Legislature by the department on the implementation of the CCR has included a requirement for status updates on the utilization of the CANS assessment tool.

(3) The Legislature supports the use of a standardized CANS assessment tool completed to fidelity to guide case management and to identify trauma-informed services and supports tailored to meet the individual needs of children in foster care, with the goal of obtaining permanency and stability for every child and nonminor dependent.

(4) The Legislature further supports a trauma-informed approach to using the CANS assessment tool to reduce the number and duplication of assessments of youth.

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

(1) ”Child” means a person, including an Indian child as described in subdivision (a) of Section 224.1, who is under 18 years of age and placed into foster care by a placing agency.

(2) ”Integrated Practice-Child and Adolescent Needs and Strengths” or ”IP-CANS” shall have the same meaning as the IP-CANS, described in subparagraph (A) of paragraph (1) of subdivision (h) of Section 11461.

(3) “Nonminor dependent” has the same meaning as a nonminor dependent in subdivision (v) of Section 11400.

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

(c) On and after the date required by paragraph (9) of subdivision (h) of Section 11461, all placing agencies shall ensure completion of IP-CANS assessments for every child and nonminor dependent placed in foster care under the care, custody, and control of the placing agency. In the case of an Indian child, the IP-CANS assessment shall ensure a representative of the child’s tribe is offered an opportunity to provide input.

(1) The placing agency shall ensure completion of an initial IP-CANS assessment, informed by members of the Child and Family Team, including the child or nonminor dependent, family, and, in the case of an Indian child, the child’s tribe, within sixty (60) days of the child entering foster care as defined in written guidance to be provided by the department, no later than January 1, 2026.

(2) The placing agency shall ensure completion of a new IP-CANS assessment, informed by members of the Child and Family Team, including the child or nonminor dependent, family, and, in the case of an Indian child, the child’s tribe, at a minimum, every six months after the initial IP-CANS assessment, and more frequently to address the needs or changing circumstances of the child or nonminor dependent as directed in written guidance to be provided by the department, no later than January 1, 2026.

(3) The IP-CANS assessments shall identify determine the child’s or nonminor dependent’s tier for purposes of the Tiered Rate Structure established in subdivision (h) of Section 11461.

(d) (1) The department shall engage with a working group regarding guidelines and standards on the use of the IP-CANS that shall include, but not be limited to, all of the following:

(A) Outcome measures, tools, training, coaching, and other supports necessary to ensure the IP-CANS assessments are completed to fidelity.

(B) The timing and use of the IP-CANS assessments in determining a child’s or nonminor dependent’s tier in the Tiered Rate Structure.

(C) The conditions that trigger the completion of an updated or new IP-CANS assessment.

(D) The impact of changes in the child’s or nonminor dependent’s tier as determined by subsequent IP-CANS assessments, including the timing of changes in the components of the Tiered Rate Structure based on changes in the child’s or nonminor dependent’s tier and exceptions which will apply in order to support placement in a family home.

(2) Not later than January 1, 2025, the department shall issue guidance and instructions for this subdivision to placing agencies regarding implementation by July 1, 2025, of the guidelines and standards developed pursuant to this subdivision.

(e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this chapter by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations until the adoption of regulations no later than January 1, 2030.

16562. The Legislature finds and declares the following:

(a) (1) A coordinated, timely, and trauma-informed system of care is essential to meet the needs of children and nonminor dependents in foster care who have experienced trauma.

(2) The use of standardized, validated functional assessment tools reveal that some children and nonminor dependents have immediate needs that may become increasingly complex if intervention is delayed or if the need is left unattended.

(3) Investing in the provision of services to children and nonminor dependents in foster care by identifying and addressing immediate needs ensures that even those children and nonminor dependents with the highest level of need can be supported in every setting and, whenever possible, in the home of a relative, nonrelative extended family member or, in the case of an Indian child, an extended family member, as described in Section 224.1.

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

(5) Immediate needs should be addressed in a way that is culturally responsive, family centered, and permanency focused, and, for an Indian child, supports engagement with the child's tribe in ensuring the array of integrated services and supports are informed by the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(6) Meeting the immediate needs of children and nonminor dependents in foster care using a coordinated, timely, and trauma-informed system of care requires partnerships between caregivers, community-based service providers, and county and tribal placing agencies responsible for providing care and supervision to children and nonminor dependents and supports and services to children, nonminor dependents, and their families.

(7) It is therefore the intent of the Legislature in enacting this chapter to identify and address the immediate needs of children and nonminor dependents in foster care, as identified through a standardized validated functional assessment tool informed by the child and family team.

(b) The Immediate Needs Program is hereby established. Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, the Immediate Needs Program shall be available to every child and nonminor dependent in foster care who, upon completion of the IP-CANS, is determined to be in Tier 2, Tier 3, or Tier 3+ as part of the Tiered Rate Structure established in subdivision (h) of Section 11461. The Immediate Needs Program shall not apply to nonminor dependents placed in a setting described in subdivision (w) of Section 11400.

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

(1) "Immediate Needs Program" means a program that provides an array of integrated services and supports, consistent with guidance established by the department, based on the immediate needs of eligible children who fall into Tier 2, Tier 3, or Tier 3+ of the Tiered Rate Structure established in subdivision (h) of Section 11461 and identified through the use of the IP-CANS assessment tool. For an Indian child, the program shall support engagement with the child's tribe by ensuring that the array of integrated services and supports provided shall be informed by prevailing social and cultural conditions and way of life of the Indian child's tribe and shall be provided consistent with active efforts as described in subdivision (f) of Section 224.1.

(2) "Immediate needs" means the circumstances identified by the child's or nonminor dependent's IP-CANS assessment that interfere with the child's or nonminor dependent's age and developmentally-appropriate behavioral or emotional functioning or otherwise currently impact the child or nonminor dependent that can be treated or addressed through the provision of services and supports.

(3) "Immediate Needs Funding" means the amount of funding available as a component of the Tiered Rate Structure established in subparagraph (C) of paragraph (2) of subdivision (h) of Section 11461, and set forth in subparagraph (B) of paragraph (1) of subdivision (d), based on the child's or nonminor dependent's tier, as determined by the IP-CANS assessment. The Immediate Needs Funding shall not be used to supplant existing state or county funds utilized for the provision of Medi-Cal services, except as provided in in subdivision (h), subject to clause (iii) of subparagraph (C) of paragraph (1) of that subdivision.

(4) "Immediate Needs Program Plan" means the plan that includes all the requirements of subparagraph (B) of paragraph (2) of subdivision (d) and is submitted to the department for approval.

(5) "Immediate needs provider" means a placing agency, or a provider with whom the placing agency or the department contracts to provide immediate needs services and supports. Immediate needs providers shall be certified by the department to provide services and supports consistent with the standards of care framework adopted pursuant to subdivision (e).

For an Indian child, the immediate needs provider shall have specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(d) The purpose of the Immediate Needs Program is to provide an array of integrated services and supports tailored to meet the immediate needs of a child or nonminor dependent as identified by their IP-CANS as efficiently and effectively as reasonably possible. Under the Immediate Needs Program:

(1) (A) Each placing agency shall be provided funding to support the Immediate Needs Program. The department shall utilize a reconciliation process to adjust biannual funding as needed to ensure the placing agency has sufficient funding to provide for the immediate needs of each eligible child or nonminor dependent.

(B) Immediate Needs Funding shall be available per child per month for each eligible child or nonminor dependent described in subdivision (b) based on the child's or nonminor dependent's tier, as determined by the results of the child's or nonminor dependent's IP-CANS assessment, according to the following tiered rate schedule:

Tier 1: $0

Tier 2: $1000

Tier 3: $1500 [Ages 0-5]

Tier 3+: $4100 [Ages 6+]

(C) Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, for new entries into foster care, and for all other children and nonminor dependents in foster care placements on July 1, 2027, including children and nonminor dependents placed in a setting described in subdivision (d) of Section 11402, the Immediate Needs Funding shall be available for each eligible child or nonminor dependent described in subdivision (b), consistent with the child's or nonminor dependent's tier, as determined by the IP-CANS assessment, pursuant to a schedule to be determined by the department.

(2) Placing agencies shall do all of the following:

(A) Provide for the immediate needs of children and nonminor dependents in Tier 2, Tier 3, and Tier 3+ as identified by the IP-CANS using the immediate needs allocation set forth in subparagraph (B) of paragraph (1) of subdivision (d). A description of the immediate needs and how the funding will be used to meet the immediate needs shall be included in the child's or nonminor dependent's case plan.

(B) Ensure the caregiver of a home-based setting, including, but not limited to, a tribally approved home, has relevant, specialized training necessary for the purpose of preparing the family to meet the needs of an individual child or nonminor dependent in Tier 2, Tier 3, or Tier 3+ who is or will be placed in the home. Immediate Needs Funding may be used for this purpose but shall not supplant existing funding for training caregivers.

(C) When appropriate based on the IP-CANS assessment, the Immediate Needs Funding may be used for the child or nonminor dependent in a manner that supports reunification efforts. The Immediate Needs Funding shall not

supplant existing funding used by placing agencies to provide reunification services.

(D) Ensure the caregiver has the capability, willingness, and ability to meet the specific immediate needs of the child or nonminor dependent placed in the home, including by assessing the risk and compatibility of placing the child or nonminor dependent with any other children or nonminor dependents in the home and the ability of the caregiver to provide care and support for all the children or nonminor dependents in the home consistent with guidance to be issued by the department.

(E) In consultation with the local interagency leadership team established pursuant to Section 16521.6, which shall include the engagement and coordination of federally recognized tribes, the placing agency and the mental health plan shall submit to the department an Immediate Needs Program plan for approval that includes all of the following:

(i) How the placing agency will use the Immediate Needs Funding in a manner that provides, arranges for, or ensures the provision of, an array of immediate needs services and supports for individual children and nonminor dependents who are determined to be in Tier 2, Tier 3, or Tier 3+ of the Tiered Rate Structure, and, for an Indian child, how the services and supports will be conducted in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and provided consistent with active efforts, as described in subdivision (f) of Section 224.1.

(ii) How the placing agency will ensure the services provided pursuant to the Immediate Needs Program plan or, alternatively, any immediate needs providers with whom the placing agency contracts, will meet the standards of care framework established by the department in the guidelines provided under paragraph (2) of subdivision (e).

(iii) How the placing agency will ensure an adequate supply of certified immediate needs providers for children and nonminor dependents in the Immediate Needs Program, including an adequate supply of certified immediate needs provider for Indian children in the program who have specialized knowledge of, training in, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(iv) An agreement by the placing agency to provide data requested by the department related to children and nonminor dependents in foster care in Tier 2, Tier 3, and Tier 3+, as determined by the IP-CANS assessments.

(F) Become a certified immediate needs provider if the placing agency opts to directly provide for the immediate needs of children and nonminor dependents placed into foster care by using the Immediate Needs Funding.

(G) Use only immediate needs providers certified by the department, using contracts that are consistent with model contracts developed by the department.

(H) For a short-term therapeutic residential program or community treatment facility certified by the department as an immediate needs provider, contract with the short-term residential therapeutic residential program or the community treatment facility where a child or nonminor dependent in

the Immediate Needs Program is placed, unless the placing agency determines it is in the best interest of the child or nonminor dependent to receive services and supports from another certified immediate needs provider.

(I) For a foster family agency certified by the department as an Immediate Needs Provider, contract with the foster family agency with which a child or nonminor dependent in the Immediate Needs Program is placed, unless the placing agency determines it is in the best interest of the child or nonminor dependent to receive services and supports from another certified Immediate Needs Provider.

(J) Facilitate the child and family team to obtain input on the development of an Immediate Needs Plan and incorporate the Immediate Needs Plan as part of the child's or nonminor dependent's case plan, as applicable, and the state's child welfare information system.

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

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

(1) Oversight of the placing agencies in administering the Immediate Needs Program, including the placing agency's use of the placing agency funding for the program, the Immediate Needs Funding, and the progress and success of the program in meeting the immediate needs of children in foster care.

(2) Development of a standards of care framework for the Immediate Needs Program developed in consultation with persons and entities described in subdivision (f), that immediate needs providers shall be subject to regarding the services and supports to be provided to meet a child's or nonminor dependent's immediate needs as identified in the IP-CANS assessment for each child or nonminor dependent who falls into Tiers 2, Tier 3, or Tier 3+.

(3) Development of a process by which an immediate needs provider shall be certified by the department to provide services consistent with the standards of care framework developed pursuant to paragraph (2). The certification for immediate needs providers for Indian children shall include requirements, developed through consultation with tribes, for specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(4) Provision of technical assistance to support placing agencies in developing and maintaining an adequate array of certified immediate needs providers.

(5) Development of model contracts that align with the standards of care framework and with which all placing agency contracts with immediate needs providers shall be consistent.

(6) Development of written guidance and technical support for placing agencies to support both of the following:

(A) Regional contracts with immediate needs providers to ensure an adequate supply of providers who are certified and able to meet the standards of care framework.

(B) Agreements between placing agencies to administer the Immediate Needs Program, or for building a consortium of placing agencies to jointly administer the Immediate Needs Program.

(7) Development of informational materials for placing agencies to provide to children, nonminor dependents, families, and caregivers, about the Immediate Needs Program. Information shall be provided in plain language, in alternative formats and alternative modes of communication and provide language access as required by state and federal law.

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

(9) Development of guidelines and training on funding resources and claiming by placing agencies and immediate needs providers, including, but not limited to, controls and documentation to determine when federal financial participation may be available if all state and federal requirements are met.

(10) Development of policies and procedures for statewide collection of data and outcome measures, including requirements for the placing agencies and immediate needs providers to submit needed data and reports.

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

(12) Development, in collaboration with the State Department of Health Care Services and other entities specified in subdivision (f), of guidance on the implementation of the Immediate Needs Program, including, but not limited to, guidance on implementation of high-fidelity wraparound services. This guidance shall also address reducing administrative and programmatic burdens and duplication and promote consistent procedures statewide.

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

(g) The department shall consult with an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 for the purpose of the implementation of this section by the Indian tribe, consortium of tribes, or tribal organization.

(h) (1) (A) The State Department of Health Care Services shall implement a case rate or other type of reimbursement for high-fidelity

wraparound services, which is a Medi-Cal specialty mental health service for members under 21 years of age, and seek any necessary federal Medicaid approvals. This paragraph shall be implemented only if, and to the extent that, federal financial participation under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.) is available and all necessary federal approvals have been obtained.

(B) All children and nonminor dependents in foster care who meet the criteria to participate in the Immediate Needs Program specified in subdivision (b) and are under 21 years of age are eligible to receive high-fidelity wraparound services, consistent with state and federal Medicaid policies, as a component of the Immediate Needs Program. Placing agencies and mental health plans shall coordinate referrals for high-fidelity wraparound services and mental health plans shall provide or arrange for the provision of these services consistent with the terms of their Medi-Cal contracts.

(C) (i) Upon the Immediate Needs Program taking effect pursuant to subdivision (b), a portion of the Immediate Needs Funding shall be used as the non-federal share of Medi-Cal covered high-fidelity wraparound services provided to children and nonminor dependents in foster care who meet the criteria to participate in the Immediate Needs Program specified in subdivision (b), consistent with guidance provided by the departments.

(ii) Counties may use additional or other allowable sources of funds towards the nonfederal share of Medi-Cal covered high-fidelity wraparound services if Immediate Needs Funds are insufficient.

(iii) State and county sources of funds that were not expended because Immediate Needs Funds were used for the nonfederal share of Medi-Cal covered high-fidelity wraparound services should be used for services to children and nonminor dependents in foster care who meet the criteria to participate in the Immediate Needs Program.

(D) This paragraph does not relieve mental health plans of the obligation to provide all medically necessary specialty mental health services.

(2) Federal financial participation under the Medi-Cal program shall only be available for services and supports provided under the Immediate Needs Program if all state and federal requirements are met and the service is medically necessary.

(A) 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.

(B) Medi-Cal services shall only be claimed to the extent medical assistance federal financial participation is available and is not otherwise jeopardized.

(3) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may implement, interpret, or make specific this section concerning the provision of Medi-Cal services by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

(i) (1) The department has authority to receive the Immediate Needs Funding on behalf of the placing agency and use the funding to award contracts for the purpose of implementing and maintaining the Immediate Needs Program under either of the following circumstances:

(A) Pursuant to a voluntary agreement reached between the department and a placing agency.

(B) If the department, pursuant to the conditions, policies, and procedures established under paragraph (11) of subdivision (e), determines a placing agency has failed to adequately administer the Immediate Needs Program or meet the immediate needs of children or nonminor dependents for whom it is responsible based on the standard of care framework established in paragraph (2) of subdivision (e).

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

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

(j) Placing agencies shall have authority to enter into voluntary agreements with other placing agencies to administer their Immediate Needs Program, and to form a consortium of placing agencies to jointly administer the Immediate Needs Program, provided there is compliance with the written guidance and technical support provided by the department pursuant to paragraphs (6) and (7) of subdivision (e).

16563. (a) If there is a child eligible for Tier 2 of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, living in a resource family home, no more than a total of three children in foster care may be placed in that resource family home, including the child receiving the Tier 2 rate.

(b) If there is a child eligible for Tier 3 or Tier 3+ of the Care and Supervision component of the Tiered Rate Structure, as described in subdivision (h) of Section 11461, living in a resource family home, no more than a total of two children in foster care may be placed in that resource family home, including the child eligible for Tier 3 or Tier 3+ .

(c) A county placing agency may approve placements for additional children in foster care that would result in the placement of more than three children in foster care in a home where a child eligible for Tier 2 is placed or more than two eligible children in a home where a child eligible for Tier 3 or Tier 3+ is placed in compelling circumstances, including in order to accommodate a preexisting relationship, to place a sibling group together, or to accommodate the extraordinary needs of a specific child that the resource family has a unique ability to meet. A shortage of approved resource family homes shall not be a compelling circumstance absent other factors.

(d) Approval for additional children in foster care to be placed in the home shall be determined to be in the best interest of all children in the home and shall come from the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all of the county placing agencies with children placed or proposed to be placed in the home.

16565. (a) The Legislature finds and declares the following:

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

(2) Research also shows that positive childhood experiences, tailored to a child's or nonminor dependent's strengths, can lessen the impact of ACEs. Through positive childhood experiences, children can develop, build, and nurture strengths and personal autonomy, which may support the successful transition to permanency and successful adulthood.

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

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

(5) It is therefore the intent of the Legislature in enacting this section to create a program to empower the children and nonminor dependents in foster care and their families, with support from the child and family team, to select and make decisions about the goods, services, activities, and supports needed to achieve the strengths building objectives.

(b) The Strengths Building Child and Family Determination Program is hereby established. Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, the Strengths Building Child and Family Determination Program shall be available to every child and nonminor dependent in foster care whose tier has been determined as part of the Tiered Rate Structure established in subdivision (h) of Section 11461, based on the completion of the IP-CANS assessment. In lieu of applying the Strengths Building Child and Family Determination Program to nonminor dependents placed in a setting described in subdivision (w) of Section 11400, an amount equivalent to Tier 1 of the Strengths Building Funding shall be included in

their rate, as described in clause (ii) of subparagraph (B) of paragraph (6) of subdivision (h) of Section 11461.

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

(1) "Child and family determination" means the process established by the department to empower the child or nonminor dependent, in an age and developmentally appropriate manner and the child and family or nonminor dependent to make decisions, informed by the IP-CANS assessment tool about the mix of goods, services, activities, and supports needed to meet the child's or nonminor dependent's strengths building objectives. In the case of an Indian child, the process shall be informed by the prevailing social and cultural conditions and way of life of the Indian child's tribe.

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

(3) "Family" includes the child's parents, guardian, Indian custodian, and relatives, unless a juvenile court has made an order terminating parental rights pursuant to Section 366.26. "Family" also includes resource families or tribally approved homes, and, in the case of an Indian child, a representative of the Indian child s tribe and extended family members, as defined in Section 224.1.

(4) "Spending plan manager" means the entity or entities that contract with the department to manage the Strengths Building Funding on behalf of the child or nonminor dependent. The spending plan manager shall be a partnership, whether general or limited, a corporation, whether for profit or nonprofit, a limited liability company, or an association with a valid tax payer identification number. The department shall prioritize nonprofit entities in developing these contracts.

(5) "Spending plan report" means a report of the information required in subparagraph (B) of paragraph (5) of subdivision (d), prepared by the spending plan manager, regarding the child's or nonminor dependent's Strengths Building Funding.

(6) "Strengths building" means the growth or development of characteristics of a child or nonminor dependent in an environment or through an external factor that provides the individual with meaning and wellbeing through the provision of goods, services, activities, and supports. For an Indian child, the identification of strengths shall be informed by prevailing social and cultural conditions and way of life of the Indian child's tribe.

(7) "Strengths Building Funding" means the per child per month amount paid as a rate component of the Tiered Rate Structure established in subparagraph (B) of paragraph (2) of subdivision (h) of Section 11461, as specified in paragraph (1) of subdivision (d), based on the child s or nonminor dependent's tier, as determined by the IP-CANS assessment.

(8) "Strengths Building Spending Plan" means the plan the child and family develop to use the Strengths Building Funding as provided in subparagraph (A) of paragraph (3) of subdivision (d). In the case of a

nonminor dependent, the Strengths Building Spending Plan means the plan that is developed by the nonminor dependent with appropriate supports selected by the nonminor dependent.

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

(1) Strengths Building Funding shall be available per child per month for each eligible child or nonminor dependent described in subdivision (b) based on the child's or nonminor dependent's tier, according to the following tiered rate schedule:

Tier 1: $ 500

Tier 2: $ 700

Tier 3: $ 900 [Ages 0-5]

Tier 3+: $900 [Ages 6+]

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

(A) Except as provided in subparagraph (B), beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, for new entries into foster care and for all other children or nonminor dependents in foster care placements on July 1, 2027, including children or nonminor dependents placed in a setting described in subdivision (d) of Section 11402, the Strengths Building Funding shall be available consistent with the child's or nonminor dependent's tier, as determined by the IP-CANS assessment, pursuant to a schedule to be determined by the department.

(B) Beginning on the date required by paragraph (9) of subdivision (h) of Section 11461, an amount equivalent to Tier 1 of the Strengths Building Funding shall be available to a nonminor dependent placed in a setting described in subdivision (w) of Section 11400.

(C) The Strengths Building Funding shall be considered to be owned by the state until the spending plan manager pays for goods, services, activities, and supports for the child or nonminor dependent using the funds. The child's or nonminor dependent's Strengths Building Funding shall be used within the fiscal year for which the funding is appropriated. When the child or nonminor dependent exits foster care, including, but not limited to, when the child reunifies with a parent with or without juvenile court supervision, or achieves permanency through adoption, tribal customary adoption, or guardianship, any unused portion of Strengths Building Funding shall be available for use by the child or nonminor dependent through the end of the fiscal year for which the funding was appropriated, and any unused funding may roll forward into the fiscal year immediately following the fiscal year for which the funding was appropriated.

(D) All goods, services, activities, and supports paid for by the spending plan manager using the Strengths Building Funding shall belong to or be provided for the benefit of the child or nonminor dependent, including when the child's or nonminor dependent's placement changes.

(E) Notwithstanding any other law, payments, goods, services, activities and supports made available to a child or nonminor dependent pursuant to

this section shall not be considered income or resources for purposes of determining the individual's eligibility for benefits or assistance under any federal, state or local benefit or assistance program, to the extent permitted by federal law.

(3) The child and family or nonminor dependent, in exercising child and family determination, informed by the child's or nonminor dependent's strengths and needs assessment through the IP-CANS, and, for an Indian child, informed by prevailing social and cultural conditions and way of life of the Indian child's tribe, shall do both of the following:

(A) Develop a Strengths Building Spending Plan for the child or nonminor dependent.

(i) The Strengths Building Spending Plan shall detail the strengths building objectives that are to be achieved through the purchase of child- and family-directed goods, services, activities, and supports using the Strengths Building Funding pursuant to the program standards and guidelines established by the department pursuant to subdivision (e) and, for an Indian child, informed by prevailing social and cultural conditions and way of life of the Indian child's tribe.

(ii) The total amount of the Strengths Building Spending Plan shall not exceed the amount of the Strengths Building Funding for the child's or nonminor dependent's tier.

(iii) The Strengths Building Spending Plan shall not be used to supplant existing funding sources used to secure goods, services, activities, or supports for children or nonminor dependents in foster care.

(B) Choose the goods, services, activities, and supports consistent with the program standards and guidelines developed by the department pursuant to subdivision (e). These goods and services may include, but are not limited to, extracurricular activities and equipment, peer support, educational and post-secondary educational materials and supplies, and goods, services, activities, and supports that are culturally significant to the child or nonminor dependent or that help the child or nonminor dependent feel connected to their family and community of origin, or, in the case of an Indian child, the child's tribe.

(i) The child and family or nonminor dependent's choice of goods, services, activities or supports shall be presumed to be reasonable and appropriate when those choices are consistent with guidance provided by the department describing allowable uses of the Strengths Building Funding and do not otherwise create risk to the child's or nonminor dependent's health, safety, or wellbeing. Strengths Building Funding shall not be used in a manner that would violate any state or federal law or any court order.

(ii) In the case of a child whose permanent plan is reunification, the child shall be empowered, as age and developmentally appropriate, to lead decisionmaking with active support of their parent or parents receiving reunification services. In all other cases, the child shall be empowered, as age and developmentally appropriate, to lead decisionmaking with active support of their caregiver.

(iii) In the case of a nonminor dependent, the nonminor dependent shall be empowered to make decisions to expend Strengths Building Funding in a manner that supports their transition to successful adulthood.

(4) The child and family team shall be responsible for both of the following:

(A) Supporting the child's and family's or nonminor dependent's choices or interests in goods, services, activities, and supports for the Strengths Building Spending Plan and providing support or suggestions in choosing activities to fulfill the strengths building objectives that are consistent with the strengths building objectives identified by the child's or nonminor dependent's IP-CANS assessment and the program standards and guidelines developed by the department pursuant to subdivision (e) and, for an Indian child, informed by prevailing social and cultural conditions and way of life of the Indian child's tribe, and for a child who is 14 years and older, as is age appropriate, and for all nonminor dependents, supporting the child in leading and directing the decisions related to the use of the Strengths Building Funding.

(B) Working with the child and family or nonminor dependent, as applicable, and as desired by the child and family, or nonminor dependent, when goods, services, activities, and supports chosen for the Strengths Building Spending Plan fail to meet the program standards and guidelines developed by the department pursuant to subdivision (e), to help select and find goods, services, activities, and supports that comply with those guidelines and, for an Indian child, are informed by prevailing social and cultural conditions and way of life of the Indian child's tribe.

(5) Each child and nonminor dependent shall have a spending plan manager to assist the child and family and nonminor dependent with managing the Strengths Building Funding consistent with the Strengths Building Spending Plan. The spending plan manager shall do all of the following:

(A) Pay for and, if needed, otherwise enable the procurement of goods, services, activities, and supports for the child or nonminor dependent according to terms of the spending plan manager's contract with the department, the program standards and guidelines developed by the department pursuant to subdivision (e), and any other applicable requirements under state and federal law.

(i) When necessary or appropriate, payments may be made directly to the caregiver, child and family, or a nonminor dependent, according to the terms of the spending plan manager's contract with the department, guidance provided by the department, and applicable federal and state law.

(ii) Payments shall be made timely according to the terms of the Strengths Building Spending Plan to promote the goals and objectives of the Strengths Building Child and Family Determination Program, the terms of the spending plan manager's contract with the department, guidance provided by the department, and applicable federal and state law.

(B) Provide the child, family, nonminor dependent, placing agency, foster family agency, and short-term residential therapeutic program, as applicable,

with a spending plan report, consisting of at least an itemized monthly statement with a description of the goods, services, activities, and supports purchased using the Strengths Building Funding in the previous 30-day period, the amount spent for each good, service, activity, and support in the previous 30-day period, and the amount of funding that remains available under the Strengths Building Spending Plan.

(C) Comply with the duties prescribed in the terms of the contract with the department, including, but not limited to, ensuring the Strengths Building Funding is available to the child or nonminor dependent for its intended use, consistent with the Strengths Building Spending Plan.

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

(1) Oversight of the contract or contracts with spending plan managers for spending plan management services, including the expenditure of the Strengths Building Funding.

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

(A) A standards of care framework for the program, including standards that promote increased child and family determination over decisions about the goods, services, activities, and supports that will best meet the strengths building objectives identified in the child's or nonminor dependent's IP-CANS assessment and, for an Indian child, that are consistent with prevailing social and cultural conditions and way of life of the Indian child's tribe, and that are consistent with active efforts as described in subdivision (f) of Section 224.1.

(B) Comprehensive guidance for child- and family-centered planning that supports the child and family in developing their Strengths Building Spending Plan and, for an Indian child, supports engagement with the child's tribe in ensuring the Strengths Building Spending Plan is informed by prevailing social and cultural conditions and way of life of the Indian child's tribe, and for a child who is 14 years and older, as is age appropriate, and for all nonminor dependents, support the child or nonminor dependent in leading the decisions related to the use of the Strengths Building Spending Plan.

(C) Education or training and informational materials, for the child and family or nonminor dependent, the child and family team, placing agencies, foster family agencies, court-appointed advocates, and the spending plan manager, about the Strengths Building Child and Family Determination Program to ensure understanding of the principles of child and family determination, strengths building, comprehensive child- and family-centered planning, the planning process, self-determination principles in adolescent and young adult development, and the management of budgets, services, and staff and, for an Indian child, understanding of prevailing social and cultural conditions and way of life of the Indian child's tribe. Any materials or information provided for children and nonminor dependents shall be age-appropriate and shall assist in preparing them for the child's and family's or nonminor dependent's development of the Strengths Building Spending Plan.

(D) Guidelines and training on funding resources for spending plan managers and providers of strengths building goods, services, activities, and supports, which shall include, but not be limited to, controls and documentation to determine when federal financial participation may be claimed if all state and federal requirements are met.

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

(F) The qualifications of the entity or entities who are eligible to contract with the department to manage Strengths Building Funding to ensure their ability to effectively serve as a spending plan manager.

(G) A process by which the child and family team, consistent with clause (vi) of subparagraph (A) of paragraph (4) of subdivision (a) of Section 16501, shall assist with the resolution of disputes that may arise regarding the selection of goods, services, activities, and supports for the Strengths Building Spending Plan at the request of any member of the child and family team.

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

(f) The placing agency shall do both of the following:

(1) Document the Strengths Building Spending Plan and the spending manager report in the child's or nonminor dependent's case plan, and the statewide child welfare information system, and provide a copy of the report to members of the child and family team, caregivers, the foster family agency, or short-term residential therapeutic program, if applicable, and for an Indian child, to the Indian child's tribe.

(2) Provide information and support to the child and family or nonminor dependent, upon request, regarding goods, services, activities, and supports available in the community, and, if needed, support the child and family or nonminor dependent in accessing those goods, services, activities, and supports. The placing agency shall inform the child and family or nonminor dependent when the placing agency is legally responsible for covering the cost of goods, services, activities, and supports purchased with Strengths Building Funding and assist the child and family or nonminor dependent in selecting other goods, services, activities, and supports, including those of the nature and scope described in guidance provided by the department, that achieve the strengths building objectives identified in the child's or nonminor dependent's IP-CANS assessment.

(g) The department shall consult with an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the

state pursuant to Section 10553.1 for the purpose of the implementation of this section by the Indian tribe, consortium of tribes, or tribal organization.

(h) The department, as it determines necessary, shall adopt regulations to implement the procedures set forth in this section in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

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

16567. (a) It is the intent of the Legislature to assess the impacts of the Tiered Rate Structure on children, nonminor dependents, families, placing agencies, and providers. This shall be done through the department providing updates on the ongoing implementation status of the Tiered Rate Structure, including, but not limited to, development of associated contracts, guidance, forms, training and status of technology infrastructure necessary to implement the rates structure, and an automation timeline, as specified below.

(b) As required by this section, to the extent reasonably possible, and if the necessary information is provided to the department by its state, county, and provider partners, the department, in collaboration with the State Department of Health Care Services when necessary, shall provide information to the Legislature on key stages of planning, preparation, and implementation efforts and outcomes associated with the Tiered Rate Structure.

(c) The department shall provide the Legislature, no later than January 10, 2026, with an analysis of the identified needs of children and nonminor dependents in Tier 2, Tier 3, and Tier 3+, the types of services necessary to address those needs, reasonable administration and operational activities necessary for providers to address those needs, and a cost analysis of those services. This cost analysis shall be based on engagement with stakeholders, including, but not limited to providers, current and former foster children and nonminor dependents, relative caregivers, resource families, and county child welfare agencies, which shall occur no later than winter of 2024. The analysis shall include the estimated breadth and duration of needed services, any factors related to the need for additional supervision, and other factors. It is the intent of the Legislature in adopting this subdivision that the rates for children and nonminor dependents in all placement settings, including those receiving services from foster family agencies and short-term residential therapeutic programs, be adequate to ensure the availability of services to children and nonminor dependents who need them.

(d) No later than April 30, 2025, the department shall update the Legislature on the planning progress, with trend data, as appropriate, toward the implementation of the Tiered Rate Structure, which shall include a written status update regarding all of the following:

(1) The Care and Supervision component of the Tiered Rate Structure, which shall include the development of criteria and capacity for placing

agencies to timely conduct IP-CANS assessments to fidelity for all children and nonminor dependents in foster care.

(2) The Immediate Needs Program, which shall include an update on working groups to inform the department's guidance regarding the minimum standards for the program and the requirements, standards, and process by which an immediate needs provider shall be certified by the department.

(3) A summary of findings from the CANS workgroup and fidelity of IP-CANS and the IP-CANS and child and family team completion, including IP-CANS and child and family team timeliness, progress towards implementing shared IP-CANS, and trend data.

(4) The Strengths Building Program, which shall include an update on the request for proposal contract development for Strengths Building Program spending plan managers and the development of working groups to inform the department's guidance for the Strengths Building Program. The department shall also provide information, informed by working groups that include foster youth with lived experience, caregivers, placing agencies, tribes, and other advocacy organizations, related to strengths building and outcomes, including, but not limited to:

(A) The process by which children and families or nonminor dependents will be supported to select services that meet program standards and guidelines.

(B) A streamlined referral process to a spending plan manager, the scope of duties of the spending plan manager, and the process by which disputes may be resolved.

(C) A process to resolve disputes over the choice of strengths building activities, and questions about appropriateness of activities.

(5) A written report on all of the following:

(A) The outcome of engagement with counties, tribes, and stakeholders to ensure the latent class analysis and Tiered Rate Structure reflect the needs and supports for children, nonminor dependents, and their caregivers.

(B) Any planned updates to the IP-CANS to ensure the full needs and strengths of children, nonminor dependents, and caregivers are considered in the statistical analysis and rate setting, including for youth in foster care supervised by probation.

(C) How the department and the State Department of Health Care Services will collaborate on use of the IP-CANS assessment tool to minimize duplication of assessments and increase data sharing across local agencies.

(D) Workload and cost impacts to the state and counties.

(e) Beginning October 2025, and on a quarterly basis thereafter until the implementation date of the Tiered Rate Structure, the department shall update the Legislature on the preparation progress toward the implementation of the Tiered Rate Structure, with trend data, as appropriate. The updates provided in April and October shall be in writing. Each update shall include, but need not be limited to, updates from the previous update period and the status of all of the following:

(1) Implementation status of the Immediate Needs Program standards to be developed by the department and the certification of immediate needs providers.

(2) When available, outcome measures for the Immediate Needs Program, including changes in the IP-CANS assessments and tiers for children and nonminor dependents over time.

(3) The status of contracts with Strengths Building Program spending plan managers.

(4) An update on all of the following:

(A) The outcome of engagement with counties, tribes and stakeholders to ensure the latent class analysis and Tiered Rate Structure reflect the needs and supports for children and their caregivers.

(B) Any planned updates to the IP-CANS to ensure the full needs and strengths of children, youth and caregivers are considered in the statistical analysis and rate setting, including for probation youth.

(C) How the department and the State Department of Health Care Services will collaborate on use of the IP-CANS assessment tool to minimize duplication of assessments and increase data sharing across local agencies.

(D) Workload and cost impacts to the state and counties.

(E) Automation activities, milestones met, and updated timelines toward implementation readiness.

(f) Beginning October 2027, and on a quarterly basis thereafter, for 18 months from the implementation date of the Tiered Rate Structure, the department shall update the Legislature on the progress of implementation of the Tiered Rate Structure, with trend data, as appropriate. After 18 months from the implementation date of the Tiered Rate Structure, updates shall be provided only on a biannual basis. Updates provided in April and October shall be in writing. Each update shall include, but need not be limited to, updates from the previous update period and the status of all of the following:

(1) Identified changes to the number of children in Tier 1, Tier 2, Tier 3, and Tier 3+, placed in home-based family settings and congregate care following implementation of the Tiered Rate Structure.

(2) Information regarding the utilization of the Immediate Needs Funding, as well as the percentages of timely completion of IP-CANS, and child and family teams for children and nonminor dependents in foster care.

(3) Information regarding the utilization of Strengths Building Funding, including but not limited to, the timeliness with which funds are disbursed, the types of goods, services, activities, and strengths that foster children and nonminor dependents are participating in, the average cost of services, the amount of funding that remains available at the end of each year, and outcome measures reflecting the degree to which the funds are impacting the strengths of children and nonminor dependents in foster care.

(g) (1) This section shall become inoperative on December 1, 2032, and, as of January 1, 2033, is repealed.

(2) It is the intent of the Legislature to review the need for a possible extension of the inoperative date specified in paragraph (1) as it approaches.

SEC. 52. Section 16588 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

(B) Except as provided in subparagraph (C), counties shall use state funds allocated pursuant to this chapter for the nonfederal share of cost of prevention services, as defined in subdivision (e) of Section 16586, allowable administrative activities performed for the program, and program implementation costs in accordance with written guidance issued by the department. Counties may also use state funds for the cost for any other prevention services offered pursuant to the comprehensive plan described in this subdivision, in accordance with written guidance issued by the department.

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

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

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

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

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

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

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

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

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

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

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

SEC. 53. 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, 2028, unless a later enacted statute, that becomes operative on or before July 1, 2028, deletes or extends the date on which this subdivision becomes inoperative.

SEC. 54. Section 18254 of the Welfare and Institutions Code is amended to read:

18254. (a) Retroactive to January 1, 2017, the rate for wraparound services, under the county optional wraparound services program, shall be equal to the rate for short-term residential therapeutic programs established pursuant to Section 11462, less the cost of any concurrent out-of-home placement.

(b) For each fiscal year, 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.

(c) County and federal foster care funds, to the extent permitted by federal law, shall remain with the administrative authority of the county, which may enter into an interagency agreement to transfer those funds, and shall be used to provide intensive wraparound services.

(d) Costs for the provision of benefits to eligible children, at rates authorized by subdivision (a), through the wraparound services program authorized by this chapter, shall not exceed the costs that otherwise would

have been incurred had the eligible children been placed in a short-term residential therapeutic program.

(e) Commencing July 1, 2017, and each July 1 thereafter, an annual cost-of-living increase shall be applied to the wraparound rate, subject to the availability of county funds, equal to the California Necessities Index used in the preparation of the May Revision for the current fiscal year.

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

(g) Effective on July 1, 2027, or the date required by paragraph (9) of subdivision (h) of Section 11461, whichever is later, the rate for wraparound services, under the county optional wraparound services program, shall be equal to the sum of the Tier 3+ Care and Supervision rate established under paragraph (3) of subdivision (h) of Section 11461 and the Tier 3+ administrative rate established under paragraph (2) of subdivision (e) of Section 11462. All other provisions of this section shall continue to apply.

SEC. 55. Section 18358.38 is added to the Welfare and Institutions Code, to read:

18358.38. This chapter shall become inoperative on July 1, 2028, or 24 months after the effective date specified in paragraph (9) of subdivision (h) of Section 11461, whichever is later, and, as of January 1 of the following year, is repealed.

SEC. 56. Section 18360.36 is added to the Welfare and Institutions Code, to read:

18360.36. This chapter shall become inoperative on July 1, 2028, or 24 months after the effective date specified in paragraph (9) of subdivision (h) of Section 11461, whichever is later, and, as of January 1 of the following year, is repealed.

SEC. 57. Section 18900.8 of the Welfare and Institutions Code is amended to read:

18900.8. (a) 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, including, but not limited to, expanding the CalFresh program to recipients of Supplemental Security Income and State Supplementary Payment Program benefits shall be examined.

(b) The costs of county operations used in the budgeting methodology developed pursuant to subdivision (a) shall be reviewed by the department for the 2027–28 fiscal year and every third fiscal year thereafter. The department shall provide information to the legislative budget committees regarding this review and how it may impact county administrative costs as part of the budget proposed by either January 10 or May 14 of any year prior to the fiscal year for which this provision applies.

(c) In implementing this section, the department shall consult legislative staff, representatives of county human services agencies and the County

Welfare Directors Association of California, advocate representatives, and labor organizations that represent county workers.

SEC. 58. Section 18901.25 of the Welfare and Institutions Code is amended to read:

18901.25. (a) There is hereby created the Safe Drinking Water Supplemental Benefit Pilot Program, a state-funded program to provide additional CalFresh nutrition benefits for interim assistance to purchase safe drinking water in areas where it is necessary.

(b) The State Department of Social Services shall use moneys allocated for this program to provide time-limited additional state-funded nutrition benefits to residents of prioritized disadvantaged communities that are served by public water systems that consistently fail to meet primary drinking water standards, as defined in Section 116275 of the Health and Safety Code. Benefits shall be in addition to benefits provided for pursuant to Article 6 (commencing with Section 11450) of Chapter 2 of Part 3, and shall not be considered as income for any program established in this code.

(c) The department may use its own existing databases and databases from the State Water Resources Control Board to determine which CalFresh households are eligible to receive benefits pursuant to this section. The following households shall receive priority:

(1) CalFresh recipients served by persistently noncompliant public water systems in disadvantaged communities, as defined in Section 79505.5 of the Water Code, as determined by the location of the recipient's residence.

(2) CalFresh recipients in communities deemed eligible for interim emergency drinking water benefits by the State Water Resources Control Board, as determined by the recipient's residence.

(d) Benefits granted pursuant to this section shall be delivered through the electronic benefits transfer (EBT) system created pursuant to Sections 10072 and 10072.2.

(e) The benefits authorized pursuant to this section are not entitlement benefits. A county shall comply with this section only to the extent funding for this purpose is appropriated in the annual Budget Act and available to the county. A county shall not be required to expend county funds for the provision of benefits authorized under this section.

(f) This section shall become inoperative upon the expiration of allocated funding for the pilot program or September 30, 2025, whichever is later.

SEC. 59. Section 18930.5 of the Welfare and Institutions Code, as amended by Section 85 of Chapter 50 of the Statutes of 2022, is amended 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, any work registration requirements, or the requirements of Section 273.11(k) of Title 7 of the Code of Federal Regulations.

(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 Section 18930 as added by Section 87 of Chapter 85 of the Statutes of 2021.

SEC. 60. Section 18930.5 of the Welfare and Institutions Code, as added by Section 86 of Chapter 50 of the Statutes of 2022, is repealed.

SEC. 61. Section 18932.1 is added to the Welfare and Institutions Code, to read:

18932.1. (a) The state shall retain a portion of any collected overissuance claims on benefits issued under this chapter. The portion of the recovered overissuance claims retained by the state shall be the same percentage as the state and the United States Department of Agriculture would have retained, combined, if the overissuance claims had been collected under the CalFresh program. Any remaining portion of the recovered overissuance claims shall be distributed by the department to the counties based on the amount of the overissuance claims recovered by the counties.

(b) This section shall become operative upon Section 18930, as added by Section 87 of Chapter 85 of the Statutes of 2021, becoming operative.

SEC. 62. Section 18936 of the Welfare and Institutions Code is amended to read:

18936. (a) The Tribal Nutrition Assistance Program is hereby established, to be administered by the State Department of Social Services.

(b) 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 within California.

(c) The department shall develop grant eligibility standards and grant rules regarding approved services and assistance in government-to-government consultation with tribes.

(d) The department shall begin awarding grants no later than July 1, 2023.

(e) 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.

(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 act without adopting regulations.

SEC. 63. Chapter 14.6 (commencing with Section 18995.1) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

Chapter 14.6. State Emergency Food Bank Reserve Program

18995.1. (a) (1) Subject to an appropriation for this purpose, the State Department of Social Services shall administer the State Emergency Food Bank Reserve Program to provide food and funding for the provision of emergency food and related costs to food banks serving low-income Californians to prevent hunger during natural or human-made disasters.

(2) For the purposes of this chapter, "food banks" means participating providers operating in California under the federal Emergency Food Assistance Program (Parts 250 and 251 of Title 7 of the Code of Federal Regulations), or the federal Commodity Supplemental Food Program (Parts 247 and 250 of the Code of Federal Regulations), members of the nonprofit organization Feeding America that are based in California, and members of the California Association of Food Banks.

(b) Upon a proclamation or declaration of a disaster or state of emergency by the governing body of a county, city, or city and county, or by an official designated by ordinance adopted by that governing body, the state, or the federal government, the department may distribute funds for the purposes set forth in paragraph (c) of this section. The department shall determine the best method for distribution to ensure the funds are used for the purposes specified in this chapter.

(c) Funds distributed pursuant to this chapter may be used for all of the following purposes:

(1) To purchase and distribute food in eligible communities.

(2) To reimburse food banks for food and the costs associated with the procurement and distribution of food in eligible communities.

(d) Notwithstanding any other law, agreements awarded pursuant to this section shall be 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 shall not be subject to the approval of the Department of General Services.

(e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement, interpret, or make specific this chapter by means of letter or similar instructions without taking any regulatory action.

(f) The Legislature finds and declares that this chapter is a state law that provides assistance and services for undocumented persons within the meaning of Section 1621(d) of Title 8 of the United States Code.

SEC. 64. Section 18997.4 of the Welfare and Institutions Code is amended to read:

18997.4. This chapter shall become inoperative on January 1, 2028, and, as of January 1, 2029, is repealed.

SEC. 65. Section 18999.1 of the Welfare and Institutions Code is amended to read:

18999.1. (a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the State Department of Social Services shall administer the Housing and Disability Income Advocacy Program to provide state funds to participating counties, tribes, or combinations of counties or tribes for the provision of outreach, case management, and advocacy services to individuals as described in Section 18999. Housing assistance shall also be offered to individuals described in subdivision (b) of Section 18999.2.

(b) Funds appropriated for this chapter shall be awarded to grantees by the department according to criteria developed by the department, in consultation with the County Welfare Directors Association of California, tribes, and advocates for clients, subject to the following restrictions:

(1) State funds appropriated for this chapter shall be used only for the purposes specified in this chapter.

(2) (A) Except as specified in subparagraph (B), a grantee shall match state funds received, including any funds from the annual ongoing appropriation of funds for this chapter, which is defined as a twenty-five million dollar ($25,000,000) General Fund appropriation, on a dollar-for-dollar basis. The grantee's matching funds used for this purpose shall supplement, and not supplant, other funding for these purposes.

(B) Notwithstanding subparagraph (A), between July 1, 2021, and June 30, 2025, a grantee that receives state funds under this chapter shall not be required to match any funding for that period that comes from an appropriation that is in excess of the annual ongoing appropriation of funds for this chapter, as defined in subparagraph (A).

(3) A grantee shall, at a minimum, maintain a level of funding for the outreach, active case management, advocacy, and housing assistance services described in this chapter that is at least equal to the total of the amounts expended by the grantee for those services in the 2015–16 fiscal year.

(4) As part of its application to receive state funds under this chapter, a prospective grantee shall identify how it will collaborate locally among, at a minimum, the county departments and tribal entities, as may be appropriate, that are responsible for health, including behavioral health, and human or social services in carrying out the activities required by this chapter. This collaboration shall include, but is not limited to, the sharing of information among these departments or other entities as necessary to carry out the activities required by this chapter.

(c) For purposes of this chapter, "grantee" means a participating county, tribe, or combination of counties or tribes receiving state funds pursuant to this chapter.

(d) (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 the changes made to this section by the act that added this subdivision by means of all-county letters or similar instructions from the department that shall have the same force and effect as regulations until regulations are adopted.

(2) The department shall adopt regulations implementing this chapter no later than July 1, 2024.

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

SEC. 66. Section 18999.1 is added to the Welfare and Institutions Code, to read:

18999.1. (a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the State Department of Social Services shall administer the Housing and Disability Income Advocacy Program to provide state funds to participating counties, tribes, or combinations of counties or tribes for the provision of outreach, case management, and advocacy services to individuals as described in Section 18999. Housing assistance shall also be offered to individuals described in subdivision (b) of Section 18999.2.

(b) Funds appropriated for this chapter shall be awarded to grantees by the department according to criteria developed by the department, in consultation with the County Welfare Directors Association of California, tribes, and advocates for clients, subject to the following restrictions:

(1) State funds appropriated for this chapter shall be used only for the purposes specified in this chapter.

(2) The annual ongoing appropriation of funds for this chapter, subject to an appropriation made by the Legislature, is defined as a twenty-five million dollar ($25,000,000) General Fund appropriation.

(3) A grantee shall, at a minimum, maintain a level of funding for the outreach, active case management, advocacy, and housing assistance services described in this chapter that is at least equal to the total of the amounts expended by the grantee for those services in the 2015–16 fiscal year.

(4) As part of its application to receive state funds under this chapter, a prospective grantee shall identify how it will collaborate locally among, at a minimum, the county departments and tribal entities, as may be appropriate, that are responsible for health, including behavioral health, and human or social services in carrying out the activities required by this chapter. This collaboration shall include, but is not limited to, the sharing of information among these departments or other entities as necessary to carry out the activities required by this chapter.

(c) For purposes of this chapter, “grantee” means a participating county, tribe, or combination of counties or tribes receiving state funds pursuant to this chapter.

(d) (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 the changes made to this section, as amended by Section 3 and added by Section 4 of the act that added subdivision (e), by

means of all-county letters or similar instructions from the department that shall have the same force and effect as regulations until regulations are adopted.

(2) The department shall adopt regulations implementing this chapter no later than July 1, 2024.

(e) This section shall become operative on July 1, 2024.

SEC. 67. Section 18999.4 of the Welfare and Institutions Code is amended to read:

18999.4. (a) (1) Pursuant to Section 18999.1, a grantee shall offer housing assistance to individuals described in subdivision (b) of Section 18999.2 and shall use funds received under this program to establish or expand programs that provide housing assistance, including interim housing, recuperative care, rental subsidies, or, only when necessary, shelters, for clients receiving services under Section 18999.2 during the clients' application periods for disability benefits programs described in that section. The grantee shall make a reasonable effort to place a client who receives subsidies in housing that the client can sustain without a subsidy upon approval of disability benefits, or consider providing limited housing assistance until an alternative subsidy, affordable housing voucher, or other sustainable housing option is secured. Upon approval or denial of disability benefits, where needed, case management staff shall assist in developing a transition plan for housing support.

(2) A client's participation in housing assistance programs or services is voluntary.

(b) To the extent authorized under federal law, a grantee, with the assistance of the department, shall seek reimbursement of funds used for housing assistance, general assistance, or general relief from the federal Commissioner of Social Security pursuant to an interim assistance reimbursement agreement authorized by Section 1631(g) of the federal Social Security Act, and shall expend funds received as reimbursement for housing assistance only on additional housing assistance for clients receiving services under this chapter.

(c) The requirement to seek reimbursement of funds pursuant to subdivision (b) is waived through June 30, 2026.

SEC. 68. Section 18999.97 of the Welfare and Institutions Code is amended to read:

18999.97. (a) The Community Care Expansion Program is hereby established. Under the program, qualified grantees shall administer projects for the acquisition, construction, or rehabilitation of property to be operated as residential adult and senior care facilities, or to promote the sustainability of existing licensed residential adult and senior care facilities through the provision of capitalized operating subsidy reserves.

(b) (1) The department may enter into an agreement with one or more entities to facilitate the grant awards. A contracting entity shall act as a third-party administrator to provide operational services under the contract with the department. The services may include, but are not limited to, all of the following:

(A) Supporting the development of the notice of funding availability.

(B) Developing an online application portal.

(C) Executing contracts.

(D) Processing invoices and making grant payments.

(E) Providing technical assistance via webinars, learning collaboratives, application assistance, and other methods.

(F) Reporting.

(2) Funds appropriated for the purposes of this section shall be awarded, at the discretion of the department, to qualified grantees that include, but are not limited to, counties, tribes, or jointly applying counties and tribes.

(3) Qualified grantees may award grant funds to one or more subgrantees for projects consistent with the requirements of this chapter.

(c) Subject to an appropriation of funds in the annual Budget Act for the following purposes, the department shall award grants for one or both of the following as specified in the annual Budget Act:

(1) To preserve or expand capacity of residential adult and senior care facilities through the acquisition, construction, or rehabilitation of property.

(A) Qualified grantees may also use a portion of grant funds to establish capitalized operating subsidy reserves.

(B) Counties and tribes receiving funds under this paragraph shall provide matching funds or real property.

(C) The department, at its discretion, may award grants in a manner that takes into consideration the prioritization of qualified residents who are experiencing homelessness or who are at risk of homelessness.

(2) To provide capitalized operating subsidy reserves to existing licensed residential adult and senior care facilities that serve at least one qualified resident, in order to avoid the closure of facilities and to increase the acceptance of new qualified residents, consistent with Provision 19 of Item 5180-151-0001 of the Budget Act of 2021 (Ch. 69, Stats. 2021).

(A) The department shall award grants in a manner that prioritizes preserving the placement of qualified residents currently residing within a licensed residential adult or senior care facility that is at risk of closure and facilities with the highest percentage of qualified residents.

(B) As a condition of accepting funds, facilities are required to prioritize applications from prospective qualified residents, including those who are currently or formerly homeless or who are at risk of homelessness.

(C) The department shall report to the Legislature at the midpoint of program implementation and within six months after program completion on outcome monitoring, the use of funds, and the impact on retention of current capacity and additional capacity as a result of receiving operating subsidies. The report shall include data on the capacity of facilities serving individuals with a serious mental illness.

(d) The department shall develop criteria for the program, including, but not limited to, all of the following:

(1) The methodology and distribution of the funds awarded to qualified grantees under paragraphs (1) and (2) of subdivision (c). The department shall consider the distribution of adult and senior care facilities in counties

across the state, the share of the latest homeless point-in-time count across the counties, and the relative cost of construction, acquisition, and rehabilitation between counties. The department shall set aside 8 percent of funds for a competitive program for small counties with a population of less than 200,000, and shall redistribute any unexpended funds.

(2) The proportion of funds that may be expended on capitalized operating subsidy reserves pursuant to subparagraph (A) of paragraph (1) of subdivision (c).

(3) Allowable use of funds awarded under paragraphs (1) and (2) of subdivision (c).

(4) Tracking and reporting procedures.

(e) "Qualified resident" for the purpose of this section means applicants or recipients of the Supplementary Security Income/State Supplemental Program (SSI/SSP) pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code and Chapter 3 (commencing with Section 12000), and applicants or recipients the Cash Assistance Program for Immigrants (CAPI) pursuant to Chapter 10.3 (commencing with Section 18937), who need the care and supervision that is provided by the licensed facility that receives the grant. "Qualified resident" shall not include SSI/SSP or CAPI applicants or recipients who are receiving services through a regional center.

(f) "Capitalized operating subsidy reserve" for the purpose of this section means an interest bearing account maintained by the qualified grantee, the residential adult or senior care facility, or a third-party entity and created to cover potential or projected operating deficits on a facility that provides licensed residential care for at least the term of the reserve, as demonstrated by a deed restriction or, at the discretion of the department, a legally enforceable agreement. The department shall develop guidelines on the qualified grantees' use of capitalized operating subsidy reserves to ensure safeguards for those reserves, based on use in other state programs.

(g) Funds awarded pursuant to this section shall be used to supplement, and not supplant, other funding available from existing local, state, or federal programs or grants with similar purposes.

(h) A qualified grantee or entity operating a program pursuant to this chapter shall be exempt from any data entry or reporting requirements pursuant to Chapter 6.5 (commencing with Section 8255) of Division 8.

(i) Utilizing the funds appropriated for purposes of this section, the department shall, in consultation with legislative staff and relevant stakeholders, enter into a contract with an independent evaluation and research agency to evaluate the impacts of the program, collect data, and provide technical assistance.

(j) For purposes of implementing this section, contracts entered into or amended pursuant to this section shall be exempt from the following:

(1) Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code.

(2) The personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(3) Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and the State Contracting Manual.

(4) Notwithstanding Section 11546 of the Government Code, from review or approval of any division of the Department of Technology, upon approval from the Department of Finance.

(5) From the review or approval of any division of the Department of General Services.

(k) 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 chapter through all-county letters or similar instruction that shall have the same force and effect as regulations.

(*l*) Any project that receives funds pursuant to this section shall be deemed consistent and in conformity with any applicable local plan, standard, or requirement, and any applicable coastal plan, local or otherwise, shall be allowed as a permitted use, within the zone in which the structure is located, shall not be subject to a conditional use permit, discretionary permit, or any other discretionary reviews or approvals, and shall be deemed as a ministerial action under Section 15268 of Title 14 of the California Code of Regulations.

(m) The state shall be immune from any liability resulting from the implementation of this chapter.

SEC. 69. Section 135 of Chapter 27 of the Statutes of 2019, as amended by Section 92 of Chapter 50 of the Statutes of 2022, 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, 2028, and, as of January 1, 2029, is repealed.

SEC. 70. 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.

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. 71. 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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