

**Department of Social Services**

**BUDGET NO. 5180**

**REPORT NO. 1**

**WELFARE AND INSTITUTIONS CODE**

**DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

**PART 2. ADMINISTRATION [10500. - 10985.]**

*( Part 2 added by Stats. 1965, Ch. 1784. )*

**CHAPTER 1. General Provisions [10500. - 10507.]**

*( Chapter 1 added by Stats. 1965, Ch. 1784. )*

**10507.**

- (a) The department shall estimate the costs for county administration of human services programs using county-specific cost factors in the programs’ budgeting methodology.
- (b) County-specific cost factors shall be estimated using a county survey process that requires county certification of reasonable costs, and review by the department to determine that those costs are reasonable and necessary to meet program requirements and objectives.
- (c) No later than November 1, 2006, the department, in consultation with the County Welfare Directors Association, shall develop the survey instrument and process to incorporate actual reasonable county cost factors to administer human services programs. The survey shall include, but shall not be limited to, salaries and benefits, operating support, electronic data processing, staff development, and other costs reasonable and necessary to meet program requirements and objectives. The process shall include an assessment of how state requirements and county operational practices affect the costs of county administration of human services programs.
- (d) Commencing with the May Revision of the 2007–08 budget, and annually thereafter, the department shall identify in its budget documents the estimates developed pursuant to this section and the difference between these estimates and the proposed funding levels.**  
*(Added by Stats. 2006, Ch. 75, Sec. 27.1. Effective July 12, 2006.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1808	Committee on Budget	Human services.	Chaptered 07/12/2006	07/12/2006 - Chaptered by Secretary of State - Chapter 75, Statutes of 2006. 07/12/2006 - Approved by the Governor.	-	Yes	Two Thirds

**COMMENTS/RECOMMENDATIONS:** According to the Department of Social Services, this reporting requirement is of little value since fiscal responsibilities were shifted in the 2011 realignment.

## REPORT NO. 2

### WELFARE AND INSTITUTIONS CODE

#### DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]

*(Division 9 added by Stats. 1965, Ch. 1784. )*

#### PART 4. SERVICES FOR THE CARE OF CHILDREN [16000. - 16583.]

*(Heading of Part 4 amended by Stats. 1978, Ch. 429. )*

#### CHAPTER 2.1. Aid for Adoption of Children [16115. - 16125.]

*(Chapter 2.1 added by Stats. 1968, Ch. 1322. )*

#### 16122.

(a) It is the intent of the Legislature in enacting this chapter to provide children who would otherwise remain in long-term foster care with permanent adoptive homes. It is also the intent of this Legislature to encourage private adoption agencies to continue placing these children, and in so doing, to achieve a substantial savings to the state in foster care costs.

(b) From any funds appropriated for this purpose, the state shall compensate private adoption agencies licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code for costs of placing for adoption children eligible for Adoption Assistance Program benefits pursuant to Section 16120.

These agencies shall be compensated for otherwise unreimbursed costs for the placement of these children in an amount not to exceed a total of three thousand five hundred dollars (\$3,500) per child adopted. Half of the compensation shall be paid at the time the adoptive placement agreement is signed. The remainder shall be paid at the time the adoption petition is granted by the court. Requests for compensation shall conform to claims procedures established by the department. This section shall not be construed to authorize reimbursement to private agencies for intercountry adoption services.

(c) Effective July 1, 1999, the maximum amount of reimbursement pursuant to subdivision (b) shall be five thousand dollars (\$5,000).

(d) Effective February 1, 2008, the maximum amount of reimbursement pursuant to subdivision (b) shall be ten thousand dollars (\$10,000). This rate increase shall apply only to those cases for which the adoptive home study approval occurred on or after July 1, 2007.

*(Amended by Stats. 2012, Ch. 35, Sec. 112. Effective June 27, 2012.)*

\*This reporting language no longer exists.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-194	Lieber	Private adoption agencies: compensation.	Introduced 01/27/2003	02/02/2004 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	No	Majority
AB-1225	Ashburn	Adoptions.	Chaptered 10/10/1999	10/10/1999 - Chaptered by Secretary of State - Chapter 905, Statutes of 1999.	-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1473	Committee on Budget	Child welfare services: realignment.	Amended Senate 06/25/2012	07/02/2012 - Re-referred to Com. on B. & F.R.	Senate-In Committee Process - Budget and Fiscal Review	Yes	Majority
AB-1524		Children: dependency proceedings: adoption.	Chaptered 09/30/1996		-		
AB-1712	Beall	Minors and nonminor dependents: out-of-home placement.	Amended Senate 06/21/2012	07/05/2012 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 4. Noes 0.) (July 3). Re-referred to Com. on APPR.	Senate-In Committee Process - Appropriations	Yes	Two Thirds
SB-84	Committee on Budget and Fiscal Review	Human Services.	Chaptered 08/24/2007	08/24/2007 - Chaptered by Secretary of State. Chapter 177, Statutes of 2007.	Secretary of State-Chaptered	Yes	Two Thirds
SB-1013	Committee on Budget and Fiscal Review	Child welfare services: realignment.	Chaptered 06/27/2012	06/27/2012 - Chaptered by Secretary of State. Chapter 35, Statutes of 2012.	Secretary of State-Chaptered	Yes	Majority

**COMMENTS/RECOMMENDATIONS:**

According to the Department of Social Services, the information contained in this report can be provided by request. No stakeholder groups have requested to retain this report.

## **REPORT NO. 3**

### **SB 84 (Steinberg) Chapter 177, Statutes of 2007**

The amendments made by this act contained in clause (ii) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 1534, paragraph (2) of subdivision (c) of Section 1569.33, paragraph (2) of subdivision (c) of Section 1597.09, and paragraph (2) of subdivision (c) of Section 1597.55a of the Health and Safety Code shall be suspended for the 2007–08 fiscal year. The State Department of Social Services shall submit trailer bill language to the Legislature on or before February 1, 2008, that reflects appropriate indicators to trigger an annual increase in the number of facilities for which the department conducts unannounced visits. The department shall work with legislative staff, the Legislative Analyst’s Office, and interested stakeholders to develop the indicators.

\*This is not a report request, nor does this language exist in code.

#### **COMMENTS/RECOMMENDATIONS:**

According to Assembly Aging and Long Term Care Committee staff, this information is provided regularly at budget hearings. The Legislature may wish to modify the code to *require* the Department to provide this information in future budget proposals.

## **REPORT NO. 4**

### **HEALTH AND SAFETY CODE**

#### **DIVISION 2. LICENSING PROVISIONS [1200. - 1795.]**

*(Division 2 enacted by Stats. 1939, Ch. 60. )*

#### **CHAPTER 3.4. California Child Day Care Act [1596.70. - 1596.895.]**

*(Chapter 3.4 added by Stats. 1984, Ch. 1615, Sec. 9. )*

#### **ARTICLE 2. Administration of Child Day Care Licensing [1596.80. - 1596.879.]**

*( Article 2 added by Stats. 1984, Ch. 1615, Sec. 9. )*

#### **1596.872a.**

(a) The department may establish a child care advocate program. Each regional office, as well as the central office of the department, may have an advocate who has knowledge of state child care laws, regulations, and programs. The advocate's duties shall include, but not be limited to, all of the following:

#### **1596.8716.**

(c) The department shall report to the Legislature and the Governor, on December 31, 1985, and annually thereafter, the number of complaints resolved and referred and any related followup activities, and the number of facilities visited pursuant to subdivision (a).

### **NO RELATED LEGISLATION**

#### **COMMENTS/RECOMMENDATIONS:**

The correct code is noted. According to the Department of Social Services, this information can be provided upon request. No stakeholder groups have asked to retain this report.

## **REPORT NO. 5**

### **PENAL CODE**

#### **PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006. - 14315.]**

*(Part 4 added by Stats. 1953, Ch. 1385. )*

#### **TITLE 1. INVESTIGATION AND CONTROL OF CRIMES AND CRIMINALS [11006. - 11460.]**

*(Title 1 added by Stats. 1953, Ch. 1385. )*

#### **CHAPTER 2. Control of Crimes and Criminals [11150. - 11199.]**

*(Chapter 2 added by Stats. 1953, Ch. 70. )*

#### **ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164. - 11174.3.]**

*(Heading of Article 2.5 amended by Stats. 1987, Ch. 1444, Sec. 1. )*

### **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 his or her professional capacity or within the scope of his or her 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 to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written followup report thereof 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 his or her 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 the purpose of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

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

(3) Any 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, he or she 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 he or she filed the report. A mandated reporter who files a one-time automated written report because he or she 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 Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS 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) On the inoperative date of these provisions, a report shall be submitted to the counties and the Legislature by the Department of Social Services that reflects the data collected from automated one-time reports indicating the reasons stated as to why the automated one-time report was filed in lieu of the initial telephone report.

(5) Nothing in this section shall 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) Any 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 his or her 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 his or her church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of his or her church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to 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 his or her professional capacity or within the scope of his or her employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse 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) Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, videotape, negative, or slide depicting a child under the age of 16 years engaged in an act of

sexual conduct, shall report the instance of suspected child abuse to the law enforcement agency having jurisdiction over the case immediately, or as soon as practicably possible, by telephone and shall prepare and send, fax, or electronically transmit a written report of it with a copy of the film, photograph, videotape, negative, or slide attached within 36 hours of receiving the information concerning the incident. As used in this subdivision, “sexual conduct” means any of the following:

- (1) 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.
- (2) Penetration of the vagina or rectum by any object.
- (3) Masturbation for the purpose of sexual stimulation of the viewer.
- (4) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.
- (5) Exhibition of the genitals, pubic, or rectal areas of any 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, he or she 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 he or she 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 his or her private capacity and not in his or her professional capacity or within the scope of his or her employment.
- (h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.
- (i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article.  
(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose his or her identity to the employer.  
(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.
- (j) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney’s office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child which relates solely to the inability of the parent to provide the child with regular care due to the parent’s substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department



also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

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

*(Amended by Stats. 2010, Ch. 123, Sec. 1. Effective January 1, 2011.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-20	Lieber	Victims of crime.	Chaptered 09/28/2004	09/28/2004 - Chaptered by Secretary of State - Chapter 823, Statutes of 2004. 09/28/2004 - Approved by the Governor.	-		
AB-102	Rod Pacheco	Child abuse reporting: endangerment of child's emotional well-being.	Chaptered 07/31/2001	07/31/2001 - Chaptered by Secretary of State - Chapter 133, Statutes of 2001.	-		
AB-295		Pornography.	Chaptered 09/30/1996		-		
AB-299	Rod Pacheco, Bogh	Reporting requirements.	Chaptered 09/27/2002	09/27/2002 - Chaptered by Secretary of State - Chapter 936, Statutes of 2002.	-		
AB-299	Maze	Mandatory reporting.	Chaptered 07/11/2005	07/11/2005 - Chaptered by Secretary of State - Chapter 42, Statutes of 2005. 07/11/2005 - Approved by the Governor.	-	No	Majority
AB-525	Chu	Child abuse reporting.	Chaptered 09/29/2006	09/29/2006 - Chaptered by Secretary of State - Chapter 701,	-	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				Statutes of 2006. 09/29/2006 - Approved by the Governor.			
AB-673	Hayashi	Child abuse or neglect: mandated reports.	Chaptered 10/10/2007	10/10/2007 - Chaptered by Secretary of State - Chapter 393, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
AB-776	Chu	Child abuse reporting.	Chaptered 10/07/2005	10/07/2005 - Chaptered by Secretary of State - Chapter 713, Statutes of 2005. 10/07/2005 - Approved by the Governor.	-	Yes	Majority
AB-1241	Rod Pacheco	Crime prevention: child abuse reporting.	Chaptered 09/29/2000	09/29/2000 - Chaptered by Secretary of State - Chapter 916, Statutes of 2000. 09/29/2000 - Approved by the Governor.	-		
AB-1475	Galgiani	Crime: child abuse reporting.	Amended Senate 07/02/2008	11/30/2008 - From Senate committee without further action.	Senate-Died - Rules	Yes	Majority
AB-1628	Beall	Child abuse.	Amended Assembly 05/01/2012	05/25/2012 - In committee: Set, second hearing. Held under submission.	Assembly-In Committee Process - Appropriations	Yes	Majority
AB-1713	Campos	Child abuse reporting.	Introduced 02/16/2012	07/02/2012 - In committee: Placed on APPR. suspense file.	Senate-In Committee Process - Appropriations	Yes	Majority
AB-1817	Atkins	Child abuse reporting.	Amended Senate 06/26/2012	06/26/2012 - Read second time and amended. Re-referred to Com. on APPR.	Senate-In Committee Process - Appropriations	Yes	Majority
AB-2304	Sharon Runner	Crime.	Amended Senate 06/01/2006	06/27/2006 - In committee: Set, final hearing. Failed passage.	-	Yes	Majority
AB-2380	Bonnie Lowenthal	Child abuse reporting.	Chaptered 07/19/2010	07/19/2010 - Chaptered by Secretary of State - Chapter 123, Statutes of 2010.	Secretary of State-Chaptered	No	Majority
AB-2543	Strickland	child abuse: mandated reports.	Introduced 02/20/2004	11/30/2004 - Died at Desk.	-	No	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-3354		Child abuse and neglect reports.	Chaptered 09/30/1996		-		
SB-250	Battin	Mandated reporters.	Amended Senate 04/03/2003	02/02/2004 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	Yes	Majority
SB-665		Child abuse and neglect reports.	Chaptered 09/27/1993		-		
SB-1313	Kuehl	Child abuse reporting.	Chaptered 09/28/2004	09/28/2004 - Chaptered by Secretary of State. Chapter 842, Statutes of 2004. 09/28/2004 - Approved by Governor.	-		
SB-1695		Child abuse.	Chaptered 08/10/1992		-		
SB-2669		Perinatal services.	Chaptered 09/30/1990		-		

**COMMENTS/RECOMMENDATIONS:**

This one-time report was never completed because changes to the IT system were never made, which would have enabled this report to be produced.

## REPORT NO. 6

### WELFARE AND INSTITUTIONS CODE

\*This language was altered by SB 1013 (Chapter 35, Statutes of 2012) and is now contained in WIC 11461.2(f)(1).

11461.2 (f)

#### 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 family-like settings including after care 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, evidenced-based practices, information developed as a result of pilots approved by the director, and any other relevant information.

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

**(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) 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.

*(Added by Stats. 2012, Ch. 35, Sec. 90. Effective June 27, 2012.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1023	Wagner	Maintenance of the codes.	Chaptered 09/21/2011	09/21/2011 - Chaptered by Secretary of State - Chapter 296, Statutes of 2011.	Secretary of State-Chaptered	No	Majority
AB-1453	Soto	Foster care: residentially based services.	Chaptered 10/11/2007	10/11/2007 - Chaptered by Secretary of State - Chapter 466, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
AB-1469	Committee on Budget	Health and human services.	Amended Senate 06/25/2012	07/02/2012 - Re-referred to Com. on B. & F.R.	Senate-In Committee Process - Budget and Fiscal Review	Yes	Majority
AB-1473	Committee on Budget	Child welfare services: realignment.	Amended Senate 06/25/2012	07/02/2012 - Re-referred to Com. on B. & F.R.	Senate-In Committee Process - Budget and Fiscal Review	Yes	Majority
AB-2129	Bass	Foster care: residentially based services.	Chaptered 09/30/2010	09/30/2010 - Chaptered by Secretary of State - Chapter 594, Statutes of 2010.	Secretary of State-Chaptered	Yes	Majority
SB-380	Alquist, Ashburn	Foster care: residentially based services: group homes.	Amended Assembly 06/26/2006	06/26/2006 - Read third time. Amended. To third reading. Re-referred to Com. on RLS.	-	Yes	Majority
SB-1009	Committee on Budget and Fiscal Review	Health and human services.	Chaptered 06/27/2012	06/27/2012 - Chaptered by Secretary of State. Chapter 34, Statutes of 2012.	Secretary of State-Chaptered	Yes	Majority
SB-1013	Committee on Budget and Fiscal Review	Child welfare services: realignment.	Chaptered 06/27/2012	06/27/2012 - Chaptered by Secretary of State. Chapter 35, Statutes of	Secretary of State-Chaptered	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-1570	Alquist, Ashburn	Foster care: residentially based services: group homes.	Amended Senate 03/27/2006	2012. 05/25/2006 - Set, first hearing. Held in committee and under submission.	-	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1473	Committee on Budget	Child welfare services: realignment.	Amended Senate 06/25/2012	07/02/2012 - Re-referred to Com. on B. & F.R.	Senate-In Committee Process - Budget and Fiscal Review	Yes	Majority
SB-999	Bowen	Care of children.	Amended Senate 04/05/1999	02/01/2000 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	Yes	Two Thirds
SB-1013	Committee on Budget and Fiscal Review	Child welfare services: realignment.	Chaptered 06/27/2012	06/27/2012 - Chaptered by Secretary of State. Chapter 35, Statutes of 2012.	Secretary of State-Chaptered	Yes	Majority

### **COMMENTS/RECOMMENDATIONS:**

Under existing law, this report is repealed in 2018. The Alliance for Children's Rights, Children Now, and the Public Counsel Law Center have requested that this report be retained, notwithstanding realignment.

## **REPORT NO. 7**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]**

*( Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### **ARTICLE 6. Computation and Payment of Aid Grants [11450. - 11469.1.]**

*( Article 6 added by Stats. 1965, Ch. 1784. )*

#### **11462.**

(a) (1) Effective July 1, 1990, foster care providers licensed as group homes, as defined in departmental regulations, including public child care institutions, as defined in Section 11402.5, shall have rates established by classifying each group home program and applying the standardized schedule of rates. The department shall collect information from group providers beginning January 1, 1990, in order to classify each group home program.

(2) Notwithstanding paragraph (1), foster care providers licensed as group homes shall have rates established only if the group home is organized and operated on a nonprofit basis as required under subdivision (h) of Section 11400. The department shall terminate the rate effective January 1, 1993, of any group home not organized and operated on a nonprofit basis as required under subdivision (h) of Section 11400.

(3) (A) The department shall determine, consistent with the requirements of this chapter and other relevant requirements under law, the rate classification level (RCL) for each group home program on a biennial basis. Submission of the biennial rate application shall be made according to a schedule determined by the department.

(B) The department shall adopt regulations to implement this paragraph. The adoption, amendment, repeal, or readoption of a regulation authorized by this paragraph is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted from the requirement to describe specific facts showing the need for immediate action.

(b) A group home program shall be initially classified, for purposes of emergency regulations, according to the level of care and services to be provided using a point system developed by the department and described in the report, "The Classification of Group Home Programs under the Standardized Schedule of Rates System," prepared by the State Department of Social Services, August 30, 1989.

(c) The rate for each RCL has been determined by the department with data from the AFDC-FC Group Home Rate Classification Pilot Study. The rates effective July 1, 1990, were developed using 1985 calendar year costs and reflect adjustments to the costs for each fiscal year, starting with the 1986-87 fiscal year, by the amount of the California Necessities Index computed pursuant to the methodology described in Section 11453. The data obtained by the department using 1985 calendar year costs shall be updated and revised by January 1, 1993.

(d) As used in this section, "standardized schedule of rates" means a listing of the 14 rate classification levels, and the single rate established for each RCL.

(e) Except as specified in paragraph (1), the department shall determine the RCL for each group home program on a prospective basis, according to the level of care and services that the group

home operator projects will be provided during the period of time for which the rate is being established.

(1) (A) For new and existing providers requesting the establishment of an RCL, and for existing group home programs requesting an RCL increase, the department shall determine the RCL no later than 13 months after the effective date of the provisional rate. The determination of the RCL shall be based on a program audit of documentation and other information that verifies the level of care and supervision provided by the group home program during a period of the two full calendar months or 60 consecutive days, whichever is longer, preceding the date of the program audit, unless the group home program requests a lower RCL. The program audit shall not cover the first six months of operation under the provisional rate. Pending the department's issuance of the program audit report that determines the RCL for the group home program, the group home program shall be eligible to receive a provisional rate that shall be based on the level of care and service that the group home program proposes it will provide. The group home program shall be eligible to receive only the RCL determined by the department during the pendency of any appeal of the department's RCL determination.

(B) A group home program may apply for an increase in its RCL no earlier than two years from the date the department has determined the group home program's rate, unless the host county, the primary placing county, or a regional consortium of counties submits to the department in writing that the program is needed in that county, that the provider is capable of effectively and efficiently operating the proposed program, and that the provider is willing and able to accept AFDC-FC children for placement who are determined by the placing agency to need the level of care and services that will be provided by the program.

(C) To ensure efficient administration of the department's audit responsibilities, and to avoid the fraudulent creation of records, group home programs shall make records that are relevant to the RCL determination available to the department in a timely manner. Except as provided in this section, the department may refuse to consider, for purposes of determining the rate, any documents that are relevant to the determination of the RCL that are not made available by the group home provider by the date the group home provider requests a hearing on the department's RCL determination. The department may refuse to consider, for purposes of determining the rate, the following records, unless the group home provider makes the records available to the department during the fieldwork portion of the department's program audit:

- (i) Records of each employee's full name, home address, occupation, and social security number.
- (ii) Time records showing when the employee begins and ends each work period, meal periods, split shift intervals, and total daily hours worked.
- (iii) Total wages paid each payroll period.
- (iv) Records required to be maintained by licensed group home providers under Title 22 of the California Code of Regulations that are relevant to the RCL determination.

(D) To minimize financial abuse in the startup of group home programs, when the department's RCL determination is more than three levels lower than the RCL level proposed by the group home provider, and the group home provider does not appeal the department's RCL determination, the department shall terminate the rate of a group home program 45 days after issuance of its program audit report. When the group home provider requests a hearing on the department's RCL determination, and the RCL determined by the director under subparagraph (E) is more than three levels lower than the RCL level proposed by the group home provider, the department shall terminate the rate of a group home program within 30 days of issuance of the director's decision. Notwithstanding the reapplication provisions in subparagraph (B), the department shall deny any request for a new or increased RCL from a group home provider



whose RCL is terminated pursuant to this subparagraph, for a period of no greater than two years from the effective date of the RCL termination.

(E) A group home provider may request a hearing of the department’s RCL determination under subparagraph (A) no later than 30 days after the date the department issues its RCL determination. The department’s RCL determination shall be final if the group home provider does not request a hearing within the prescribed time. Within 60 days of receipt of the request for hearing, the department shall conduct a hearing on the RCL determination. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department. The hearing officer shall issue the proposed decision within 45 days of the close of the evidentiary record. The director shall adopt, reject, or modify the proposed decision, or refer the matter back to the hearing officer for additional evidence or findings within 100 days of issuance of the proposed decision. If the director takes no action on the proposed decision within the prescribed time, the proposed decision shall take effect by operation of law.

(2) Group home programs that fail to maintain at least the level of care and services associated with the RCL upon which their rate was established shall inform the department. The department shall develop regulations specifying procedures to be applied when a group home fails to maintain the level of services projected, including, but not limited to, rate reduction and recovery of overpayments.

(3) The department shall not reduce the rate, establish an overpayment, or take other actions pursuant to paragraph (2) for any period that a group home program maintains the level of care and services associated with the RCL for children actually residing in the facility.

Determinations of levels of care and services shall be made in the same way as modifications of overpayments are made pursuant to paragraph (2) of subdivision (b) of Section 11466.2.

(4) A group home program that substantially changes its staffing pattern from that reported in the group home program statement shall provide notification of this change to all counties that have placed children currently in care. This notification shall be provided whether or not the RCL for the program may change as a result of the change in staffing pattern.

(f) (1) The standardized schedule of rates for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08 fiscal years is:

Point Ranges	Rate	FY 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, and 2007–08
Classification _____	_____	Standard Rate
1	Under 60	\$1,454
2	60– 89	1,835
3	90–119	2,210
4	120–149	2,589
5	150–179	2,966
6	180–209	3,344
7	210–239	3,723
8	240–269	4,102

9	270–299	4,479
10	300–329	4,858
11	330–359	5,234
12	360–389	5,613
13	390–419	5,994
14	420 & Up	6,371

(2) (A) For group home programs that receive AFDC-FC payments for services performed during the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years, the adjusted RCL point ranges below shall be used for establishing the biennial rates for existing programs, pursuant to paragraph (3) of subdivision (a) and in performing program audits and in determining any resulting rate reduction, overpayment assessment, or other actions pursuant to paragraph (2) of subdivision (e):

Adjusted Point Ranges Classification	Rate for the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008– 09, and 2009–10 Fiscal Years
Level	
1	Under 54
2	54– 81
3	82–110
4	111–138
5	139–167
6	168–195
7	196–224
8	225–253
9	254–281
10	282–310
11	311–338
12	339–367
13	368–395
14	396 & Up

(B) Notwithstanding subparagraph (A), foster care providers operating group homes during the 2002–03, 2003–04, 2004–05, 2005–06, 2006–07, 2007–08, 2008–09, and 2009–10 fiscal years shall remain responsible for ensuring the health and safety of the children placed in their

programs in accordance with existing applicable provisions of the Health and Safety Code and community care licensing regulations, as contained in Title 22 of the Code of California Regulations.

(C) Subparagraph (A) shall not apply to program audits of group home programs with provisional rates established pursuant to paragraph (1) of subdivision (e). For those program audits, the RCL point ranges in paragraph (1) shall be used.

(D) Rates applicable for the 2009–10 fiscal year pursuant to the act that adds this subparagraph shall be effective October 1, 2009.

(3) (A) For group home programs that receive AFDC-FC payments for services performed during the 2009–10 fiscal year the adjusted RCL point ranges below shall be used for establishing the biennial rates for existing programs, pursuant to paragraph (3) of subdivision (a) and in performing program audits and in determining any resulting rate reduction, overpayment assessment, or other actions pursuant to paragraph (2) of subdivision (e):

Adjusted Point Ranges	Rate
Classification	for the 2009–10
Level	Fiscal Years
1	Under 39
2	39–64
3	65–90
4	91–115
5	116–141
6	142–167
7	168–192
8	193–218
9	219–244
10	245–270
11	271–295
12	296–321
13	322–347
14	348 & Up

(B) Notwithstanding subparagraph (A), foster care providers operating group homes during the 2009–10 fiscal year shall remain responsible for ensuring the health and safety of the children placed in their programs in accordance with existing applicable provisions of the Health and Safety Code and community care licensing regulations as contained in Title 22 of the California Code of Regulations.

(C) Subparagraph (A) shall not apply to program audits of group home programs with provisional rates established pursuant to paragraph (1) of subdivision (e). For those program audits, the RCL point ranges in paragraph (1) shall be used.

(g) (1) (A) For the 1999–2000 fiscal year, the standardized rate for each RCL shall be adjusted by an amount equal to the California Necessities Index computed pursuant to the methodology described in Section 11453. The resultant amounts shall constitute the new standardized schedule of rates, subject to further adjustment pursuant to subparagraph (B).

(B) In addition to the adjustment in subparagraph (A), commencing January 1, 2000, the standardized rate for each RCL shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new standardized schedule of rates.

(2) Beginning with the 2000–01 fiscal year, the standardized schedule of rates shall be adjusted annually by an amount equal to the CNI computed pursuant to Section 11453, subject to the availability of funds. The resultant amounts shall constitute the new standardized schedule of rates.

(3) Effective January 1, 2001, the amount included in the standard rate for each Rate Classification Level (RCL) for the salaries, wages, and benefits for staff providing child care and supervision or performing social work activities, or both, shall be increased by 10 percent. This additional funding shall be used by group home programs solely to supplement staffing, salaries, wages, and benefit levels of staff specified in this paragraph. The standard rate for each RCL shall be recomputed using this adjusted amount and the resultant rates shall constitute the new standardized schedule of rates. The department may require a group home receiving this additional funding to certify that the funding was utilized in accordance with the provisions of this section.

(4) Effective January 1, 2008, the amount included in the standard rate for each RCL for the wages for staff providing child care and supervision or performing social work activities, or both, shall be increased by 5 percent, and the amount included for the payroll taxes and other employer-paid benefits for these staff shall be increased from 20.325 percent to 24 percent. The standard rate for each RCL shall be recomputed using these adjusted amounts, and the resulting rates shall constitute the new standardized schedule of rates.

(5) The new standardized schedule of rates as provided for in paragraph (4) shall be reduced by 10 percent, effective October 1, 2009, and the resulting rates shall constitute the new standardized schedule of rates.

(6) The rates of licensed group home providers, whose rates are not established under the standardized schedule of rates, shall be reduced by 10 percent, effective October 1, 2009.

(h) The standardized schedule of rates pursuant to subdivisions (f) and (g) shall be implemented as follows:

(1) Any group home program that received an AFDC-FC rate in the prior fiscal year at or above the standard rate for the RCL in the current fiscal year shall continue to receive that rate.

(2) Any group home program that received an AFDC-FC rate in the prior fiscal year below the standard rate for the RCL in the current fiscal year shall receive the RCL rate for the current year.

(i) (1) The department shall not establish a rate for a new program of a new or existing provider, or for an existing program at a new location of an existing provider, unless the provider submits a letter of recommendation from the host county, the primary placing county, or a regional consortium of counties that includes all of the following:

(A) That the program is needed by that county.

(B) That the provider is capable of effectively and efficiently operating the program.

(C) That the provider is willing and able to accept AFDC-FC children for placement who are determined by the placing agency to need the level of care and services that will be provided by the program.

(D) That, if the letter of recommendation is not being issued by the host county, the primary placing county has notified the host county of its intention to issue the letter and the host county was given the opportunity of 30 days to respond to this notification and to discuss options with the primary placing county.

(2) The department shall encourage the establishment of consortia of county placing agencies on a regional basis for the purpose of making decisions and recommendations about the need for, and use of, group home programs and other foster care providers within the regions.

(3) The department shall annually conduct a county-by-county survey to determine the unmet placement needs of children placed pursuant to Section 300 and Section 601 or 602, and shall publish its findings by November 1 of each year.

(j) The department shall develop regulations specifying ratesetting procedures for program expansions, reductions, or modifications, including increases or decreases in licensed capacity, or increases or decreases in level of care or services.

(k) For the purpose of this subdivision, “program change” means any alteration to an existing group home program planned by a provider that will increase the RCL or AFDC-FC rate. An increase in the licensed capacity or other alteration to an existing group home program that does not increase the RCL or AFDC-FC rate shall not constitute a program change.

(l) General unrestricted or undesignated private charitable donations and contributions made to charitable or nonprofit organizations shall not be deducted from the cost of providing services pursuant to this section. The donations and contributions shall not be considered in any determination of maximum expenditures made by the department.

(m) The department shall, by October 1 of each year, commencing October 1, 1992, provide the Joint Legislative Budget Committee with a list of any new departmental requirements established during the previous fiscal year concerning the operation of group homes, and of any unusual, industrywide increase in costs associated with the provision of group care that may have significant fiscal impact on providers of group homes care. The committee may, in fiscal year 1993–94 and beyond, use the list to determine whether an appropriation for rate adjustments is needed in the subsequent fiscal year.

[\(Amended by Stats. 2011, Ch. 227, Sec. 56.5. Effective January 1, 2012.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX4-1		Human services.	Chaptered 03/29/1996		-		
ABX4-4	Evans	Human services.	Chaptered 07/28/2009	07/28/2009 - Chaptered by Secretary of State. Chapter 4, Statutes of 2009-10 Fourth Extraordinary Session.	Secretary of State-Chaptered	Yes	Two Thirds
ABX3-43	Evans	Human Services.	Amended Assembly 06/28/2009	10/26/2009 - Died at Desk.	Assembly-Died	Yes	Majority
AB-67		Social services.	Chaptered 10/03/1997		-		
AB-444	Committee on Budget	Human services.	Chaptered 09/28/2002	09/28/2002 - Chaptered by Secretary of State - Chapter 1022, Statutes of 2002. 09/28/2002 - Approved by the Governor.	-		
AB-836		Human services.	Chaptered 07/11/1994		-		
AB-908		Budget implementation: public health programs.	Chaptered 08/03/1995		-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1111	Aroner, Chesbro, Speier	Social services.	Chaptered 07/22/1999	07/22/1999 - Chaptered by Secretary of State - Chapter 147, Statutes of 1999. 07/22/1999 - Approved by the Governor.	-		
AB-1400	Committee on Human Services	Public social services.	Chaptered 09/06/2011	09/06/2011 - Chaptered by Secretary of State - Chapter 227, Statutes of 2011.	Secretary of State-Chaptered	No	Majority
AB-1727		Emotionally disturbed children.	Chaptered 10/07/1991		-		
AB-1752	Committee on Budget	Human services.	Chaptered 08/11/2003	08/11/2003 - Chaptered by Secretary of State - Chapter 225, Statutes of 2003.	-		
AB-1808	Committee on Budget	Human services.	Chaptered 07/12/2006	07/12/2006 - Chaptered by Secretary of State - Chapter 75, Statutes of 2006. 07/12/2006 - Approved by the Governor.	-	Yes	Two Thirds
AB-2005	Aghazarian	Community care facilities: group home programs.	Chaptered 09/21/2004	09/21/2004 - Chaptered by Secretary of State - Chapter 656, Statutes of 2004. 09/21/2004 - Approved by the Governor.	-		
AB-2118	Committee on Budget	Budget Act of 2004: human services.	Amended Senate 07/27/2004	11/30/2004 - Died on Senate third reading file.	-	Yes	Two Thirds
AB-2876	Aroner	Health and welfare programs.	Chaptered 07/10/2000	07/10/2000 - Chaptered by Secretary of State - Chapter 108, Statutes of 2000.	-		
AB-3043		Foster care providers.	Chaptered 09/23/1996		-		
SBX1-6	Committee on Budget and Fiscal Review	Health and Human Services: Budget Act trailer.	Amended Assembly 04/28/2003	07/29/2003 - From Assembly without further action.	-	Yes	Two Thirds
SBX1-11	Committee on Budget and Fiscal Review	Public social services.	Amended Assembly 03/04/2003	07/29/2003 - From committee without further action.	-	Yes	Two Thirds
SBX1-14	Committee on Budget and Fiscal Review	Public social services.	Amended Senate 01/30/2003	07/29/2003 - From Assembly without further action.	-	Yes	Majority
SBX1-21	Committee on Budget and Fiscal Review	Public social services.	Introduced 03/03/2003	07/29/2003 - Died at Desk.	-	Yes	Two Thirds
SB-68	Committee	Human services.	Chaptered	07/19/2005 - Chaptered	-	Yes	Two

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
	on Budget and Fiscal Review		07/19/2005	by Secretary of State. Chapter 78, Statutes of 2005. 07/19/2005 - Approved by Governor.			Thirds
SB-84	Committee on Budget and Fiscal Review	Human Services.	Chaptered 08/24/2007	08/24/2007 - Chaptered by Secretary of State. Chapter 177, Statutes of 2007.	Secretary of State-Chaptered	Yes	Two Thirds
SB-307		Aid to dependent children: group home reimbursement.	Chaptered 09/15/1992		-		
SB-370		Foster care.	Chaptered 10/01/1989		-		
SB-415		Children.	Chaptered 10/11/1993		-		
SB-485		Human services.	Chaptered 09/15/1992		-		
SB-597	Liu	Child welfare services, foster care services, and adoption assistance.	Chaptered 10/11/2009	10/11/2009 - Chaptered by Secretary of State. Chapter 339, Statutes of 2009.	Secretary of State-Chaptered	Yes	Majority
SB-600	Committee on Judiciary	Maintenance of the codes.	Chaptered 07/14/2003	07/14/2003 - Chaptered by Secretary of State. Chapter 62, Statutes of 2003. 07/14/2003 - Approved by Governor.	-		
SB-710	Dutton	AFDC-FC: group homes: rates.	Amended Senate 03/29/2007	02/04/2008 - Returned to Secretary of State pursuant to Joint Rule 56.	Senate-Died - Human Services	Yes	Majority
SB-724		Public assistance.	Chaptered 06/30/1991		-		
SB-933		Foster care.	Chaptered 08/19/1998		-		
SB-936	Committee on Human Services	Public social services.	Introduced 03/15/2011	05/16/2011 - Referred to Com. on HUM. S.	Assembly-In Committee Process - Human Services	No	Majority
SB-947	Committee on Judiciary	Maintenance of the Codes.	Chaptered 05/30/1997		-		
SB-1104	Committee on Budget and Fiscal Review	Budget Act of 2004: human services.	Chaptered 08/16/2004	08/16/2004 - Chaptered by Secretary of State. Chapter 229, Statutes of 2004. 08/16/2004 - Approved by Governor.	-		
SB-1108	Committee on Judiciary	Maintenance of the codes.	Chaptered 06/28/2005	06/28/2005 - Chaptered by Secretary of State. Chapter 22, Statutes of 2005.	-	No	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-1176		AFDC-FC: allowable costs.	Chaptered 04/10/1990		-		
SB-1319	Liu	Child welfare.	Amended Assembly 06/11/2012	06/27/2012 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To consent calendar. (Ayes 6. Noes 0.) (June 26). Re-referred to Com. on APPR.	Assembly-In Committee Process - Appropriations	Yes	Majority
SB-1380	Steinberg	Foster care.	Chaptered 09/28/2008	09/28/2008 - Chaptered by Secretary of State. Chapter 486, Statutes of 2008.	Secretary of State-Chaptered	Yes	Majority
SB-1780	Committee on Budget and Fiscal Review	Social services.	Chaptered 07/22/1996		-		
SB-2233		Foster care.	Chaptered 09/19/1990		-		

**COMMENTS/RECOMMENDATIONS:**

A Court Order in 2009 provided a significant rate increase for group homes. The report is no longer necessary to identify group homes with cost increases not reflected in their rates.



## **REPORT NO. 8**

### **AB 1048 (Chapter 567, Statutes of 2010)**

\*This is not in code, but 'safe surrender' is in HSC 1255.7:

On or before January 1, 2013, and, contingent upon availability of sufficient funding or resources for this purpose, on or before January 1 of each subsequent year, the State Department of Social Services shall report to the Legislature regarding the effect of this act, including, but not limited to, all of the following information:

- (a) The number of children one year of age or younger who are found abandoned, dead or alive, in the state for each year in which reporting is required under this act.
- (b) The number of infants surrendered pursuant to this act, with their approximate age.
- (c) The number of medical history questionnaires completed in those cases.
- (d) The number of instances in which a parent or other person having lawful custody seeks to reclaim custody of a surrendered child, both during and after the initial period following surrender, and the outcome of those cases.
- (e) Whether a person seeking to reclaim custody is the individual who surrendered the child.
- (f) The number of children surrendered pursuant to this act who show signs of neglect or abuse and the disposition of those cases.
- (g) The number of parents or legal guardians eventually located and contacted by social workers.

## **HEALTH AND SAFETY CODE**

### **DIVISION 2. LICENSING PROVISIONS [1200. - 1795.]**

*( Division 2 enacted by Stats. 1939, Ch. 60. )*

### **CHAPTER 2. Health Facilities [1250. - 1339.59.]**

*( Chapter 2 repealed and added by Stats. 1973, Ch. 1202. )*

### **ARTICLE 1. General [1250. - 1264.]**

*( Article 1 added by Stats. 1973, Ch. 1202. )*

#### **1255.7.**

- (a) (1) For purposes of this section, "safe-surrender site" means either of the following:
  - (A) A location designated by the board of supervisors of a county or by a local fire agency, upon the approval of the appropriate local governing body of the agency, to be responsible for accepting physical custody of a minor child who is 72 hours old or younger from a parent or individual who has lawful custody of the child and who surrenders the child pursuant to Section 271.5 of the Penal Code. Before designating a location as a safe-surrender site pursuant to this subdivision, the designating entity shall consult with the governing body of a city, if the site is within the city limits, and with representatives of a fire department and a child welfare agency that may provide services to a child who is surrendered at the site, if that location is selected.
  - (B) A location within a public or private hospital that is designated by that hospital to be responsible for accepting physical custody of a minor child who is 72 hours old or younger from a parent or individual who has lawful custody of the child and who surrenders the child pursuant to Section 271.5 of the Penal Code.
- (2) For purposes of this section, "parent" means a birth parent of a minor child who is 72 hours old or younger.
- (3) For purposes of this section, "personnel" means a person who is an officer or employee of a safe-surrender site or who has staff privileges at the site.

(4) A hospital and a safe-surrender site designated by the county board of supervisors or by a local fire agency, upon the approval of the appropriate local governing body of the agency, shall post a sign displaying a statewide logo that has been adopted by the State Department of Social Services that notifies the public of the location where a minor child 72 hours old or younger may be safely surrendered pursuant to this section.

(b) Personnel on duty at a safe-surrender site shall accept physical custody of a minor child 72 hours old or younger pursuant to this section if a parent or other individual having lawful custody of the child voluntarily surrenders physical custody of the child to personnel who are on duty at the safe-surrender site. Safe-surrender site personnel shall ensure that a qualified person does all of the following:

(1) Places a coded, confidential ankle bracelet on the child.

(2) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a copy of a unique, coded, confidential ankle bracelet identification in order to facilitate reclaiming the child pursuant to subdivision (f). However, possession of the ankle bracelet identification, in and of itself, does not establish parentage or a right to custody of the child.

(3) Provides, or makes a good faith effort to provide, to the parent or other individual surrendering the child a medical information questionnaire, which may be declined, voluntarily filled out and returned at the time the child is surrendered, or later filled out and mailed in the envelope provided for this purpose. This medical information questionnaire shall not require identifying information about the child or the parent or individual surrendering the child, other than the identification code provided in the ankle bracelet placed on the child. Every questionnaire provided pursuant to this section shall begin with the following notice in no less than 12-point type:

**NOTICE: THE BABY YOU HAVE BROUGHT IN TODAY MAY HAVE SERIOUS MEDICAL NEEDS IN THE FUTURE THAT WE DON'T KNOW ABOUT TODAY. SOME ILLNESSES, INCLUDING CANCER, ARE BEST TREATED WHEN WE KNOW ABOUT FAMILY MEDICAL HISTORIES. IN ADDITION, SOMETIMES RELATIVES ARE NEEDED FOR LIFE-SAVING TREATMENTS. TO MAKE SURE THIS BABY WILL HAVE A HEALTHY FUTURE, YOUR ASSISTANCE IN COMPLETING THIS QUESTIONNAIRE FULLY IS ESSENTIAL. THANK YOU.**

(c) Personnel of a safe-surrender site that has physical custody of a minor child pursuant to this section shall ensure that a medical screening examination and any necessary medical care is provided to the minor child. Notwithstanding any other provision of law, the consent of the parent or other relative shall not be required to provide that care to the minor child.

(d) (1) As soon as possible, but in no event later than 48 hours after the physical custody of a child has been accepted pursuant to this section, personnel of the safe-surrender site that has physical custody of the child shall notify child protective services or a county agency providing child welfare services pursuant to Section 16501 of the Welfare and Institutions Code, that the safe-surrender site has physical custody of the child pursuant to this section. In addition, medical information pertinent to the child's health, including, but not limited to, information obtained pursuant to the medical information questionnaire described in paragraph (3) of subdivision (b) that has been received by or is in the possession of the safe-surrender site shall be provided to that child protective services or county agency.

(2) Any personal identifying information that pertains to a parent or individual who surrenders a child that is obtained pursuant to the medical information questionnaire is confidential and shall be exempt from disclosure by the child protective services or county agency under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the

Government Code). Personal identifying information that pertains to a parent or individual who surrenders a child shall be redacted from any medical information provided to child protective services or the county agency providing child welfare services.

(e) Child protective services or the county agency providing child welfare services pursuant to Section 16501 of the Welfare and Institutions Code shall assume temporary custody of the child pursuant to Section 300 of the Welfare and Institutions Code immediately upon receipt of notice under subdivision (d). Child protective services or the county agency providing child welfare services pursuant to Section 16501 of the Welfare and Institutions Code shall immediately investigate the circumstances of the case and file a petition pursuant to Section 311 of the Welfare and Institutions Code. Child protective services or the county agency providing child welfare services pursuant to Section 16501 of the Welfare and Institutions Code shall immediately notify the State Department of Social Services of each child to whom this subdivision applies upon taking temporary custody of the child pursuant to Section 300 of the Welfare and Institutions Code. As soon as possible, but no later than 24 hours after temporary custody is assumed, child protective services or the county agency providing child welfare services pursuant to Section 16501 of the Welfare and Institutions Code shall report all known identifying information concerning the child, except personal identifying information pertaining to the parent or individual who surrendered the child, to the California Missing Children Clearinghouse and to the National Crime Information Center.

(f) If, prior to the filing of a petition under subdivision (e), a parent or individual who has voluntarily surrendered a child pursuant to this section requests that the safe-surrender site that has physical custody of the child pursuant to this section return the child and the safe-surrender site still has custody of the child, personnel of the safe-surrender site shall either return the child to the parent or individual or contact a child protective agency if any personnel at the safe-surrender site knows or reasonably suspects that the child has been the victim of child abuse or neglect. The voluntary surrender of a child pursuant to this section is not in and of itself a sufficient basis for reporting child abuse or neglect. The terms “child abuse,” “child protective agency,” “mandated reporter,” “neglect,” and “reasonably suspects” shall be given the same meanings as in Article 2.5 (commencing with Section 11164) of Title 1 of Part 4 of the Penal Code.

(g) Subsequent to the filing of a petition under subdivision (e), if within 14 days of the voluntary surrender described in this section, the parent or individual who surrendered custody returns to claim physical custody of the child, the child welfare agency shall verify the identity of the parent or individual, conduct an assessment of his or her circumstances and ability to parent, and request that the juvenile court dismiss the petition for dependency and order the release of the child, if the child welfare agency determines that none of the conditions described in subdivisions (a) to (d), inclusive, of Section 319 of the Welfare and Institutions Code currently exist.

(h) A safe-surrender site, or the personnel of a safe-surrender site, shall not have liability of any kind for a surrendered child prior to taking actual physical custody of the child. A safe-surrender site, or personnel of the safe-surrender site, that accepts custody of a surrendered child pursuant to this section shall not be subject to civil, criminal, or administrative liability for accepting the child and caring for the child in the good faith belief that action is required or authorized by this section, including, but not limited to, instances where the child is older than 72 hours or the parent or individual surrendering the child did not have lawful physical custody of the child. A safe-surrender site, or the personnel of a safe-surrender site, shall not be subject to civil, criminal, or administrative liability for a surrendered child prior to the time that the site or its personnel know, or should know, that the child has been surrendered. This subdivision does not

confer immunity from liability for personal injury or wrongful death, including, but not limited to, injury resulting from medical malpractice.

(i) (1) In order to encourage assistance to persons who voluntarily surrender physical custody of a child pursuant to this section or Section 271.5 of the Penal Code, no person who, without compensation and in good faith, provides assistance for the purpose of effecting the safe surrender of a minor 72 hours old or younger shall be civilly liable for injury to or death of the minor child as a result of his or her acts or omissions. This immunity does not apply to an act or omission constituting gross negligence, recklessness, or willful misconduct.

(2) For purposes of this section, “assistance” means transporting the minor child to the safe-surrender site as a person with lawful custody, or transporting or accompanying the parent or person with lawful custody at the request of that parent or person to effect the safe surrender, or performing any other act in good faith for the purpose of effecting the safe surrender of the minor.

(j) For purposes of this section, “lawful custody” means physical custody of a minor 72 hours old or younger accepted by a person from a parent of the minor, who the person believes in good faith is the parent of the minor, with the specific intent and promise of effecting the safe surrender of the minor.

(k) Any identifying information that pertains to a parent or individual who surrenders a child pursuant to this section, that is obtained as a result of the questionnaire described in paragraph (3) of subdivision (b) or in any other manner, is confidential, shall be exempt from disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), and shall not be disclosed by any personnel of a safe-surrender site that accepts custody of a child pursuant to this section.

*(Amended by Stats. 2010, Ch. 567, Sec. 1. Effective January 1, 2011.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-81	Torrico	Child protection: safe surrender.	Enrolled 09/24/2007	03/05/2008 - Last day to consider Governor's veto pursuant to Joint Rule 58.5.	Assembly-Died	Yes	Majority
AB-1048	Torrico	Child protection: safe surrender.	Chaptered 09/30/2010	09/30/2010 - Chaptered by Secretary of State - Chapter 567, Statutes of 2010.	Secretary of State-Chaptered	Yes	Majority
AB-1764	Maddox	Child abandonment: newborns.	Amended Senate 08/08/2000	11/30/2000 - Died on Senate inactive file.	-	Yes	Majority
AB-1873	Torrico	Child protection: safe surrender.	Enrolled 08/28/2006	09/30/2006 - Vetoed by Governor.	-	Yes	Majority
AB-2262	Torrico	Child protection: safe surrender.	Enrolled 09/10/2008	09/30/2008 - Vetoed by Governor.	Assembly-Vetoed	Yes	Majority
SB-116	Dutton, Scott, Simitian	Child abandonment: newborns.	Chaptered 10/07/2005	10/07/2005 - Chaptered by Secretary of State. Chapter 625, Statutes of	-	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				2005. 10/07/2005 - Approved by Governor.			
SB-139	Brulte, Scott	Abandoned newborns: safe-surrender.	Chaptered 08/01/2003	08/01/2003 - Chaptered by Secretary of State. Chapter 150, Statutes of 2003.	-		
SB-1030	Brulte	Child abandonment: newborns.	Introduced 02/23/2001	02/04/2002 - Returned to Secretary of Senate pursuant to Joint Rule 56.	-	No	Majority
SB-1368	Brulte	Child abandonment: newborns.	Chaptered 09/28/2000	09/28/2000 - Chaptered by Secretary of State. Chapter 824, Statutes of 2000. 09/28/2000 - Approved by Governor.	-		
SB-1413	Brulte, Scott	Abandoned newborns: safe surrender: liability.	Chaptered 07/06/2004	07/06/2004 - Chaptered by Secretary of State. Chapter 103, Statutes of 2004.	-		

**COMMENTS/RECOMMENDATIONS:**

According to the Department of Social Services, this reporting requirement is contingent upon funding, which has not been provided and all required data is not currently available from either the State or counties.

## **REPORT NO. 9**

### **WELFARE AND INSTITUTIONS CODE**

#### **WIC 1322.63**

\*actual code is WIC 11322.63(d). No deletion necessary because this section sunsets on its own accord.

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*(Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*(Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]**

*(Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### **ARTICLE 3.2. Welfare-to-Work Activities [11320. - 11329.5.]**

*(Heading of Article 3.2 amended (as added by Stats. 1990, Ch. 1568) by Stats. 1997, Ch. 270, Sec. 59. )*

#### **11322.63.**

(a) For counties that implement a welfare-to-work plan that includes activities pursuant to subdivisions (b) and (c) of Section 11322.6, the State Department of Social Services shall pay the county 50 percent, less fifty-six dollars (\$56), of the total wage costs of an employee for whom a wage subsidy is paid, subject to all of the following conditions:

(1) (A) For participants receiving CalWORKs aid, the maximum state contribution of the total wage cost shall not exceed 100 percent of the computed grant for the assistance unit in the month prior to participation in subsidized employment.

(B) For participants who have received aid in excess of the time limits provided in subdivision (a) of Section 11454, the maximum state contribution of the total wage cost, shall not exceed 100 percent of the computed grant for the assistance unit in the month prior to participation in subsidized employment.

(C) In the case of an individual who participates in subsidized employment as a service provided by a county pursuant to Section 11323.25, the maximum state contribution of the total wage cost shall not exceed 100 percent of the computed grant that the assistance unit received in the month prior to participation in the subsidized employment.

(D) The maximum state contribution, as defined in this paragraph, shall remain in effect until the end of the subsidy period as specified in paragraph (2), including with respect to subsidized employment participants whose wage results in the assistance unit no longer receiving a CalWORKs grant.

(E) State funding provided for total wage costs shall only be used to fund wage and nonwage costs of the county's subsidized employment program.

(2) State participation in the total wage costs pursuant to this section shall be limited to a maximum of six months of wage subsidies for each participant. If the county finds that a longer subsidy period is necessary in order to mutually benefit the employer and the participant, state participation in a subsidized wage may be offered for up to 12 months.

(3) Eligibility for entry into subsidized employment funded under this section shall be limited to individuals who are not otherwise employed at the time of entry into the subsidized job, and who are current CalWORKs recipients, sanctioned individuals, or individuals described in Section 11320.15 who have exceeded the time limits specified in subdivision (a) of Section 11454. 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.

(b) Upon application for CalWORKs 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.

(c) The department, in conjunction with representatives of county welfare offices and their directors and the Legislative Analyst's Office, shall assess the cost neutrality of the subsidized employment program pursuant to this section and make recommendations to the Legislature, if necessary, to ensure cost neutrality. The department shall testify regarding the cost neutrality of the subsidized employment program during the 2012–13 fiscal year legislative budget hearings.

**(d) No later than January 10, 2013, the State Department of Social Services shall submit a report to the Legislature on the outcomes of implementing this section that shall include, but need not be limited to, all of the following:**

**(1) The number of CalWORKs recipients that entered subsidized employment.**

**(2) The number of CalWORKs recipients who found nonsubsidized employment after the subsidy ends.**

**(3) The earnings of the program participants before and after the subsidy.**

**(4) The impact of this program on the state's work participation rate.**

(e) Payment of the state's share in total wage costs required by this section shall be made in addition to, and independent of, the county allocations made pursuant to Section 15204.2.

(f) For purposes of this section, "total wage costs" include the actual wage paid directly to the participant that is allowable under the Temporary Assistance for Needy Families program.

(g) This section shall become inoperative on October 1, 2013, and as of January 1, 2014, is repealed unless a later enacted statute that is enacted before January 1, 2014, deletes or extends that date.

*(Amended by Stats. 2012, Ch. 47, Sec. 13. Effective June 27, 2012. Inoperative October 1, 2013. Repealed as of January 1, 2014, by its own provisions. See later operative version added by Sec. 14 of Ch. 47.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-98	Niello	CalWORKs eligibility: work activities.	Chaptered 10/13/2007	10/13/2007 - Chaptered by Secretary of State - Chapter 589, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
AB-106	Committee on Budget	Human services.	Chaptered 06/29/2011	06/28/2011 - Chaptered by Secretary of State - Chapter 32, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
AB-1471	Committee on Budget	Human services.	Amended Senate 06/26/2012	07/02/2012 - Re-referred to Com. on B. & F.R.	Senate-In Committee Process - Budget and Fiscal Review	Yes	Majority
SB-72	Committee on Budget and	Human services.	Chaptered 03/24/2011	03/24/2011 - Chaptered by	Secretary of State-Chaptered	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
	Fiscal Review			Secretary of State. Chapter 8, Statutes of 2011.			
SB-1041	Committee on Budget and Fiscal Review	Human services.	Chaptered 06/27/2012	06/27/2012 - Chaptered by Secretary of State. Chapter 47, Statutes of 2012.	Secretary of State-Chaptered	Yes	Majority
SB-1293	Emmerson	CalWORKs program.	Amended Senate 06/13/2012	06/15/2012 - Withdrawn from committee. 06/15/2012 - Re-referred to Com. on RLS.	Senate-In Committee Process - Rules	Yes	Two Thirds

**COMMENTS/RECOMMENDATIONS:**

This report is not yet due, and the statute repeals itself in 2014. No legislative action is necessary.



## **REPORT NO. 10**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]**

*( Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### **ARTICLE 6. Computation and Payment of Aid Grants [11450. - 11469.1.]**

*( Article 6 added by Stats. 1965, Ch. 1784. )*

#### **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), 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 support 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, 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, 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, Kin-GAP, and AAP benefits pursuant to Section 10950.

(b) Rates for children who are both regional center consumers and recipients of AFDC-FC 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 and 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, 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 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 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 by the percentage change in the California Necessities Index, as set forth in paragraph (2) of subdivision (g) of Section 11461. No county shall 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 a semiannual 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 and the amendments made to Sections 4684 and 16121 by the act adding this section. The first report shall be submitted on October 1, 2007, with subsequent reports submitted on March 1 and October 1 of each year.

(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, 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, 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) Commencing January 1, 2012, 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.

*(Amended by Stats. 2012, Ch. 47, Sec. 30. Effective June 27, 2012.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-12	Beall, Bass	California Fostering Connections to Success Act.	Chaptered 09/30/2010	09/30/2010 - Chaptered by Secretary of State - Chapter 559, Statutes of 2010.	Secretary of State-Chaptered	Yes	Majority
AB-1471	Committee on Budget	Human services.	Amended Senate 06/26/2012	07/02/2012 - Re-referred to Com. on B. & F.R.	Senate-In Committee Process - Budget and Fiscal Review	Yes	Majority
AB-2664	Furutani	Foster children: special needs populations.	Introduced 02/22/2008	11/30/2008 - Died at Desk.	Assembly-Died	No	Majority
SB-84	Committee on Budget and Fiscal Review	Human Services.	Chaptered 08/24/2007	08/24/2007 - Chaptered by Secretary of State. Chapter 177, Statutes of 2007.	Secretary of State-Chaptered	Yes	Two Thirds
SB-1011	Committee on Budget and Fiscal Review	Human Services.	Amended Assembly 06/13/2012	06/14/2012 - Withdrawn from committee. (Ayes 47. Noes 25. Page 5301.) 06/14/2012 - Ordered to second reading. 06/14/2012 - Read second time. Ordered to third reading.	Assembly-In Floor Process	Yes	Majority
SB-1041	Committee on Budget and Fiscal Review	Human services.	Chaptered 06/27/2012	06/27/2012 - Chaptered by Secretary of State. Chapter 47, Statutes of 2012.	Secretary of State-Chaptered	Yes	Majority

**COMMENTS/RECOMMENDATIONS:**

The Alliance for Children's Rights, Children Now, and the Public Counsel Law Center have requested that this report be retained because it complements recently enacted law that requires the Department of Social Services and regional centers to collect and publish purchase of services funding data according to age, disability, race and ethnicity.

## REPORT NO. 11

### WELFARE AND INSTITUTIONS CODE

#### DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### CHAPTER 3. State Supplementary Program for Aged, Blind and Disabled [12000. - 12351.]

*( Chapter 3 repealed and added by Stats. 1973, Ch. 1216. )*

#### ARTICLE 7. In-Home Supportive Services [12300. - 12330.]

*( Article 7 added by Stats. 1973, Ch. 1216. )*

#### 12305.84.

(a) Upon enactment of this section, the department shall convene a stakeholder group and begin a process with this group to develop and issue a report evaluating the implementation of the quality assurance and fraud prevention and detection activities enacted from 2004 to the present. The department shall include and collaborate with the State Department of Health Care Services, the California State Association of Counties, the County Welfare Directors Association, and stakeholders representing consumers and providers.

(b) The department shall provide this report to the Legislature on or before December 31, 2010.

(c) The stakeholder group shall:

(1) Review the annual error reports issued and state-level quality assurance activities to date required by Section 12305.7 and review and evaluate the implementation of county quality assurance activities required by Section 12305.71, including a review of the number of instances, amounts, and causes of overpayments and underpayments identified by quality assurance activity at the state and county level from enactment to date.

(2) Review information available regarding prevention and early detection of fraud, the latter as defined by Section 12305.81.

(3) Collect and review information regarding referrals of suspected fraud to the State Department of Health Care Services pursuant to Section 12305.82, and subsequent investigative efforts, including cost-benefit information regarding these efforts, as well as the number of fraud cases handled locally.

(4) Collect and review information regarding final convictions for fraud, including all of the following:

(A) The amount of funds involved in the conviction.

(B) The basis of the fraud conviction, including whether it involved services not provided or falsified consumers or providers, or both.

(C) Aggregate information regarding the number and source of individuals responsible, including, but not limited to, state employees, IHSS providers, consumers, county workers, or others.

(5) Provide recommendations on options for preventing errors and fraud for both the state and county levels, and recommendations for early detection strategies to combat fraud in the program.

*(Added by Stats. 2009, 4th Ex. Sess., Ch. 4, Sec. 28, Effective July 28, 2009.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
ABX4-4	Evans	Human services.	Chaptered 07/28/2009	07/28/2009 - Chaptered by	Secretary of State-Chaptered	Yes	Two Thirds

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				Secretary of State. Chapter 4, Statutes of 2009-10 Fourth Extraordinary Session.			
ABX3-43	Evans	Human Services.	Amended Assembly 06/28/2009	10/26/2009 - Died at Desk.	Assembly-Died	Yes	Majority
AB-1801	Yamada	In-home supportive services: quality assurance and fraud prevention.	Introduced 02/10/2010	11/30/2010 - From committee without further action.	Assembly-Died - Human Services	Yes	Majority

**COMMENTS/RECOMMENDATIONS:**

The California Association of Public Authorities for IHSS requests that the Legislature retain this report on fraud prevention and detection to determine if the anti-fraud activities have achieved the desired outcomes.

## **REPORT NO. 12**

### **WELFARE AND INSTITUTIONS CODE- WIC**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 3. State Supplementary Program for Aged, Blind and Disabled [12000. - 12351.]**

*( Chapter 3 repealed and added by Stats. 1973, Ch. 1216. )*

#### **ARTICLE 7. In-Home Supportive Services [12300. - 12330.]**

*( Article 7 added by Stats. 1973, Ch. 1216. )*

#### **12301.6.**

(a) Notwithstanding Sections 12302 and 12302.1, a county board of supervisors may, at its option, elect to do either of the following:

(1) Contract with a nonprofit consortium to provide for the delivery of in-home supportive services.

(2) Establish, by ordinance, a public authority to provide for the delivery of in-home supportive services.

(b) (1) To the extent that a county elects to establish a public authority pursuant to paragraph (2) of subdivision (a), the enabling ordinance shall specify the membership of the governing body of the public authority, the qualifications for individual members, the manner of appointment, selection, or removal of members, how long they shall serve, and other matters as the board of supervisors deems necessary for the operation of the public authority.

(2) A public authority established pursuant to paragraph (2) of subdivision (a) shall be both of the following:

(A) An entity separate from the county, and shall be required to file the statement required by Section 53051 of the Government Code.

(B) A corporate public body, exercising public and essential governmental functions and that has all powers necessary or convenient to carry out the delivery of in-home supportive services, including the power to contract for services pursuant to Sections 12302 and 12302.1 and that makes or provides for direct payment to a provider chosen by the recipient for the purchase of services pursuant to Sections 12302 and 12302.2. Employees of the public authority shall not be employees of the county for any purpose.

(3) (A) As an alternative, the enabling ordinance may designate the board of supervisors as the governing body of the public authority.

(B) Any enabling ordinance that designates the board of supervisors as the governing body of the public authority shall also specify that no fewer than 50 percent of the membership of the advisory committee shall be individuals who are current or past users of personal assistance services paid for through public or private funds or recipients of services under this article.

(C) If the enabling ordinance designates the board of supervisors as the governing body of the public authority, it shall also require the appointment of an advisory committee of not more than 11 individuals who shall be designated in accordance with subparagraph (B).

(D) Prior to making designations of committee members pursuant to subparagraph (C), or governing body members in accordance with paragraph (4), the board of supervisors shall solicit recommendations of qualified members of either the governing body of the public authority or of any advisory committee through a fair and open process that includes the provision of reasonable

written notice to, and a reasonable response time by, members of the general public and interested persons and organizations.

(4) If the enabling ordinance does not designate the board of supervisors as the governing body of the public authority, the enabling ordinance shall require the membership of the governing body to meet the requirements of subparagraph (B) of paragraph (3).

(c) (1) Any public authority created pursuant to this section shall be deemed to be the employer of in-home supportive services personnel referred to recipients under paragraph (3) of subdivision (e) within the meaning of Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code. Recipients shall retain the right to hire, fire, and supervise the work of any in-home supportive services personnel providing services to them.

(2) (A) Any nonprofit consortium contracting with a county pursuant to this section shall be deemed to be the employer of in-home supportive services personnel referred to recipients pursuant to paragraph (3) of subdivision (e) for the purposes of collective bargaining over wages, hours, and other terms and conditions of employment.

(B) Recipients shall retain the right to hire, fire, and supervise the work of any in-home supportive services personnel providing services for them.

(d) A public authority established pursuant to this section or a nonprofit consortium contracting with a county pursuant to this section, when providing for the delivery of services under this article by contract in accordance with Sections 12302 and 12302.1 or by direct payment to a provider chosen by a recipient in accordance with Sections 12302 and 12302.2, shall comply with and be subject to, all statutory and regulatory provisions applicable to the respective delivery mode.

(e) Any nonprofit consortium contracting with a county pursuant to this section or any public authority established pursuant to this section shall provide for all of the following functions under this article, but shall not be limited to those functions:

(1) The provision of assistance to recipients in finding in-home supportive services personnel through the establishment of a registry.

(2) (A) (i) The investigation of the qualifications and background of potential personnel. Upon the effective date of the amendments to this section made during the 2009–10 Fourth Extraordinary Session of the Legislature, the investigation with respect to any provider in the registry or prospective registry applicant shall include criminal background checks requested by the nonprofit consortium or public authority and conducted by the Department of Justice pursuant to Section 15660, for those public authorities or nonprofit consortia using the agencies on the effective date of the amendments to this section made during the 2009–10 Fourth Extraordinary Session of the Legislature. Criminal background checks shall be performed no later than July 1, 2010, for any provider who is already on the registry on the effective date of amendments to this section made during the 2009–10 Fourth Extraordinary Session of the Legislature, for whom a criminal background check pursuant to this section has not previously been provided, as a condition of the provider's continued enrollment in the IHSS program. Criminal background checks shall be conducted at the provider's expense.

(ii) Upon notice from the Department of Justice notifying the public authority or nonprofit consortium that the prospective registry applicant has been convicted of a criminal offense specified in Section 12305.81, the public authority or nonprofit consortium shall deny the request to be placed on the registry for providing supportive services to any recipient of the In-Home Supportive Services program.

(iii) Commencing 90 days after the effective date of the act that adds Section 12305.87, and upon notice from the Department of Justice that an applicant who is subject to the provisions of that section has been convicted of, or incarcerated following conviction for, an offense described



in subdivision (b) of that section, the public authority or nonprofit consortium shall deny the applicant's request to become a provider of supportive services to any recipient of in-home supportive services, subject to the individual waiver and exception processes described in that section. An applicant who is denied on the basis of Section 12305.87 shall be informed by the public authority or nonprofit consortium of the individual waiver and exception processes described in that section.

(B) (i) Notwithstanding any other law, the public authority or nonprofit consortium shall provide an individual with a copy of his or her state-level criminal offender record information search response as provided to the entity by the Department of Justice if the individual has been denied placement on the registry for providing supportive services to any recipient of the In-Home Supportive Services program based on this information. The copy of the state-level criminal offender record information search response shall be included with the individual's notice of denial. Along with the notice of denial, the public authority or public consortium shall also provide information in plain language on how an individual may contest the accuracy and completeness of, and refute any erroneous or inaccurate information in, his or her state-level criminal offender record information search response as provided by the Department of Justice as authorized by Section 11126 of the Penal Code. The state-level criminal offender record information search response shall not be modified or altered from its form or content as provided by the Department of Justice.

(ii) The department shall develop a written appeal process for the current and prospective providers who are determined ineligible to receive payment for the provision of services in the In-Home Supportive Services program. Notwithstanding any other law, the public authority or nonprofit consortium shall provide the department with a copy of the state-level criminal offender record information search response as provided to the entity by the Department of Justice for any individual who has requested an appeal of a denial of placement on the registry for providing supportive services to any recipient of the In-Home Supportive Services program based on clause (ii) or (iii) of subparagraph (A). The state-level criminal offender record information search response shall not be modified or altered from its form or content as provided by the Department of Justice and shall be provided to the address specified by the department in its written request.

(C) This paragraph shall not be construed to prohibit the Department of Justice from assessing a fee pursuant to Section 11105 or 11123 of the Penal Code to cover the cost of furnishing summary criminal history information.

(D) As used in this section, "nonprofit consortium" means a nonprofit public benefit corporation that has all powers necessary to carry out the delivery of in-home supportive services under the delegated authority of a government entity.

(E) A nonprofit consortium or a public authority authorized to secure a criminal background check clearance pursuant to this section shall accept a clearance for an applicant described in clause (i) of subparagraph (A) who has been deemed eligible by another nonprofit consortium, public authority, or county with criminal background check authority pursuant to either Section 12305.86 or this section, to receive payment for providing services pursuant to this article. Existence of a clearance shall be determined by verification through the case management, information, and payroll system, that another county, nonprofit consortium, or public authority with criminal background check authority pursuant to Section 12305.86 or this section has deemed the current or prospective provider to be eligible to receive payment for providing services pursuant to this article.

(3) Establishment of a referral system under which in-home supportive services personnel shall be referred to recipients.

- (4) Providing for training for providers and recipients.
- (5) (A) Performing any other functions related to the delivery of in-home supportive services.
- (B) (i) Upon request of a recipient of in-home supportive services pursuant to this chapter, or a recipient of personal care services under the Medi-Cal program pursuant to Section 14132.95, a public authority or nonprofit consortium may provide a criminal background check on a nonregistry applicant or provider from the Department of Justice, in accordance with clause (i) of subparagraph (A) of paragraph (2) of subdivision (e). If the person who is the subject of the criminal background check is not hired or is terminated because of the information contained in the criminal background report, the provisions of subparagraph (B) of paragraph (2) of subdivision (e) shall apply.
- (ii) A recipient of in-home supportive services pursuant to this chapter or a recipient of personal care services under the Medi-Cal program may elect to employ an individual as their service provider notwithstanding the individual's record of previous criminal convictions, unless those convictions include any of the offenses specified in Section 12305.81.
- (6) Ensuring that the requirements of the personal care option pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code are met.
- (f) (1) Any nonprofit consortium contracting with a county pursuant to this section or any public authority created pursuant to this section shall be deemed not to be the employer of in-home supportive services personnel referred to recipients under this section for purposes of liability due to the negligence or intentional torts of the in-home supportive services personnel.
- (2) In no case shall a nonprofit consortium contracting with a county pursuant to this section or any public authority created pursuant to this section be held liable for action or omission of any in-home supportive services personnel whom the nonprofit consortium or public authority did not list on its registry or otherwise refer to a recipient.
- (3) Counties and the state shall be immune from any liability resulting from their implementation of this section in the administration of the In-Home Supportive Services program. Any obligation of the public authority or consortium pursuant to this section, whether statutory, contractual, or otherwise, shall be the obligation solely of the public authority or nonprofit consortium, and shall not be the obligation of the county or state.
- (g) Any nonprofit consortium contracting with a county pursuant to this section shall ensure that it has a governing body that complies with the requirements of subparagraph (B) of paragraph (3) of subdivision (b) or an advisory committee that complies with subparagraphs (B) and (C) of paragraph (3) of subdivision (b).
- (h) Recipients of services under this section may elect to receive services from in-home supportive services personnel who are not referred to them by the public authority or nonprofit consortium. Those personnel shall be referred to the public authority or nonprofit consortium for the purposes of wages, benefits, and other terms and conditions of employment.
- (i) (1) Nothing in this section shall be construed to affect the state's responsibility with respect to the state payroll system, unemployment insurance, or workers' compensation and other provisions of Section 12302.2 for providers of in-home supportive services.
- (2) The Controller shall make any deductions from the wages of in-home supportive services personnel, who are employees of a public authority pursuant to paragraph (1) of subdivision (c), that are agreed to by that public authority in collective bargaining with the designated representative of the in-home supportive services personnel pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code and transfer the deducted funds as directed in that agreement.
- (3) Any county that elects to provide in-home supportive services pursuant to this section shall be responsible for any increased costs to the in-home supportive services case management,

information, and payroll system attributable to that election. The department shall collaborate with any county that elects to provide in-home supportive services pursuant to this section prior to implementing the amount of financial obligation for which the county shall be responsible.

(j) To the extent permitted by federal law, personal care option funds, obtained pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code, along with matching funds using the state and county sharing ratio established in subdivision (c) of Section 12306, or any other funds that are obtained pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code, may be used to establish and operate an entity authorized by this section.

(k) Notwithstanding any other law, the county, in exercising its option to establish a public authority, shall not be subject to competitive bidding requirements. However, contracts entered into by either the county, a public authority, or a nonprofit consortium pursuant to this section shall be subject to competitive bidding as otherwise required by law.

(l) (1) The department may adopt regulations implementing this section 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. For the purposes of the Administrative Procedure Act, the adoption of the regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, these emergency regulations shall not be subject to the review and approval of the Office of Administrative Law.

(2) Notwithstanding subdivision (h) of Section 11346.1 and Section 11349.6 of the Government Code, the department shall transmit these regulations directly to the Secretary of State for filing. The regulations shall become effective immediately upon filing by the Secretary of State.

(3) Except as otherwise provided for by Section 10554, the Office of Administrative Law shall provide for the printing and publication of these regulations in the California Code of Regulations. Emergency regulations adopted pursuant to this subdivision shall remain in effect for no more than 180 days.

(m) (1) In the event that a county elects to form a nonprofit consortium or public authority pursuant to subdivision (a) before the State Department of Health Care Services has obtained all necessary federal approvals pursuant to paragraph (3) of subdivision (j) of Section 14132.95, all of the following shall apply:

(A) Subdivision (d) shall apply only to those matters that do not require federal approval.

(B) The second sentence of subdivision (h) shall not be operative.

(C) The nonprofit consortium or public authority shall not provide services other than those specified in paragraphs (1), (2), (3), (4), and (5) of subdivision (e).

(2) Paragraph (1) shall become inoperative when the State Department of Health Care Services has obtained all necessary federal approvals pursuant to paragraph (3) of subdivision (j) of Section 14132.95.

(n) (1) One year after the effective date of the first approval by the department granted to the first public authority, the Bureau of State Audits shall commission a study to review the performance of that public authority.

(2) The study shall be submitted to the Legislature and the Governor not later than two years after the effective date of the approval specified in subdivision (a). The study shall give special attention to the health and welfare of the recipients under the public authority, including the degree to which all required services have been delivered, out-of-home placement rates, prompt response to recipient complaints, and any other issue the director deems relevant.

(3) The report shall make recommendations to the Legislature and the Governor for any changes to this section that will further ensure the well-being of recipients and the most efficient delivery of required services.

(o) Commencing July 1, 1997, the department shall provide annual reports to the appropriate fiscal and policy committees of the Legislature on the efficacy of the implementation of this section, and shall include an assessment of the quality of care provided pursuant to this section.

(p) (1) Notwithstanding any other law, and except as provided in paragraph (2), the department shall, no later than January 1, 2009, implement subparagraphs (A) and (B) through an all-county letter from the director:

(A) Subparagraphs (A) and (B) of paragraph (2) of subdivision (e).

(B) Subparagraph (B) of paragraph (5) of subdivision (e).

(2) The department shall, no later than July 1, 2009, adopt regulations to implement subparagraphs (A) and (B) of paragraph (1).

(q) The amendments made to paragraphs (2) and (5) of subdivision (e) made by the act that added this subdivision during the 2007–08 Regular Session of the Legislature shall be implemented only to the extent that an appropriation is made in the annual Budget Act or other statute, except for the amendments that added subparagraph (D) of paragraph (2) of subdivision (e), which shall go into effect January 1, 2009.

*(Amended by Stats. 2011, Ch. 649, Sec. 2. Effective January 1, 2012.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-16	Honda, Shelley, Villaraigosa	In-home supportive services.	Amended Senate 06/17/1999	11/30/2000 - From Senate committee without further action.	-	Yes	Majority
ABX4-19	Evans	In-home supportive services.	Chaptered 07/28/2009	07/28/2009 - Chaptered by Secretary of State. Chapter 17, Statutes of 2009-10 Fourth Extraordinary Session.	Secretary of State-Chaptered	Yes	Majority
AB-182	Ma	In-home supportive services: provision of training for providers and recipients.	Enrolled 09/24/2007	01/14/2008 - Consideration of Governor's veto stricken from file.	Assembly-Vetoed	Yes	Majority
AB-459	Cook	In-home supportive services: criminal background checks.	Introduced 02/20/2007	02/01/2008 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Human Services	Yes	Majority
AB-472	Benoit	Elder and disabled abuse.	Introduced 02/16/2005	01/31/2006 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
AB-682	Bonnie Lowenthal, Beall	In-Home Supportive Services program: fraud.	Amended Senate 09/03/2009	11/30/2010 - From Senate committee without further	Senate-Died - Appropriations	Yes	Majority

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				action.			
AB-1319	Bates, La Suer	In-Home Supportive Services program.	Amended Assembly 01/08/2004	02/02/2004 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.	-	Yes	Majority
AB-1354		In-home supportive services.	Chaptered 09/29/1994		-		
AB-1612	Committee on Budget	Human services.	Chaptered 10/19/2010	10/19/2010 - Chaptered by Secretary of State - Chapter 725, Statutes of 2010.	Secretary of State-Chaptered	Yes	Two Thirds
AB-1674	Jones	In-home supportive services.	Chaptered 09/26/2008	09/26/2008 - Chaptered by Secretary of State - Chapter 319, Statutes of 2008.	Secretary of State-Chaptered	Yes	Majority
AB-1682	Honda, Burton, Peace, Shelley, Villaraigosa	Human services.	Chaptered 07/12/1999	07/12/1999 - Chaptered by Secretary of State - Chapter 90, Statutes of 1999. 07/12/1999 - Approved by the Governor.	-		
AB-1763	Lieu	In-home supportive services.	Amended Senate 08/18/2010	11/30/2010 - Died on Senate inactive file.	Senate-Died	Yes	Two Thirds
AB-2082	Ridley-Thomas	In-home supportive services: public authority: Los Angeles County.	Amended Assembly 04/14/2004	11/30/2004 - Died on inactive file.	-	No	Majority
AB-2235	Vargas	IHSS: wages: employer of record.	Chaptered 09/30/2002	09/30/2002 - Chaptered by Secretary of State - Chapter 1135, Statutes of 2002. 09/30/2002 - Approved by the Governor.	-		
AB-2263	Caballero	In-Home Supportive Services program: Case Management Information and Payroll System.	Amended Senate 07/10/2008	11/30/2008 - From Senate committee without further action.	Senate-Died - Appropriations	Yes	Majority
AB-2486	Ridley-Thomas	In-home supportive services: criminal background checks.	Enrolled 08/30/2006	09/29/2006 - Vetoed by Governor.	-	Yes	Majority
AB-2534	Bates	IHSS providers: criminal background checks.	Amended Assembly 04/01/2004	11/30/2004 - From committee without further action.	-	No	Majority
AB-2876	Aroner	Health and welfare programs.	Chaptered 07/10/2000	07/10/2000 - Chaptered by	-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				Secretary of State - Chapter 108, Statutes of 2000.			
AB-3601	Committee on Judiciary	Maintenance of the codes.	Chaptered 07/11/1994		-		
SB-246	Benoit	In-home supportive services: registries: criminal background checks.	Introduced 02/24/2009	02/01/2010 - Returned to Secretary of Senate pursuant to Joint Rule 56.	Senate-Died - Human Services	Yes	Majority
SB-485		Human services.	Chaptered 09/15/1992		-		
SB-710	Burton	IHSS: budget trailer.	Chaptered 07/12/1999	07/12/1999 - Chaptered by Secretary of State. Chapter 91, Statutes of 1999. 07/12/1999 - Approved by Governor.	-		
SB-852	Committee on Budget and Fiscal Review	Human services.	Amended Assembly 10/07/2010	11/30/2010 - From Assembly without further action.	Assembly-Died	Yes	Two Thirds
SB-868	Ridley-Thomas	In-home supportive services: criminal background checks.	Chaptered 10/10/2007	10/10/2007 - Chaptered by Secretary of State. Chapter 447, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
SB-930	Evans	In-home supportive services: enrollment and fingerprinting requirements.	Chaptered 10/09/2011	10/09/2011 - Chaptered by Secretary of State. Chapter 649, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
SB-1078		Public social services.	Chaptered 10/11/1993		-		
SB-1780	Committee on Budget and Fiscal Review	Social services.	Chaptered 07/22/1996		-		

**COMMENTS/RECOMMENDATIONS:**

The California Association of Public Authorities for IHSS supports the elimination of this reporting requirement.

## REPORT NO. 13

### WELFARE AND INSTITUTIONS CODE

#### DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]

( Division 9 added by Stats. 1965, Ch. 1784. )

#### PART 6. MISCELLANEOUS PROVISIONS [18000. - 18996.]

( Part 6 added by Stats. 1965, Ch. 1784. )

#### CHAPTER 10. CalFresh [18900. - 18926.5.]

( Heading of Chapter 10 amended by Stats. 2011, Ch. 227, Sec. 67.5. )

#### 18901.2.

(a) It is the intent of the Legislature to create a program in California that provides a nominal Low-Income Home Energy Assistance Program (LIHEAP) service benefit, through the LIHEAP block grant, to all recipient households of CalFresh so that they are made aware of services available under LIHEAP and so that some households may experience an increase in federal Supplemental Nutrition Assistance Program benefits, as well as benefit from paperwork reduction.

(b) To the extent permitted by federal law, the State Department of Social Services (DSS) shall, in conjunction with the Department of Community Services and Development (CSD), design, implement, and maintain a utility assistance initiative: the “Heat and Eat” program.

(1) The nominal LIHEAP service benefit shall be funded through the LIHEAP block grant provided by the CSD to the DSS upon receipt by the CSD of the LIHEAP block grant funds from the federal funding authorities.

(2) The total amount transferred shall be the product of the nominal LIHEAP service benefit established by the CSD in the LIHEAP state plan multiplied by the number of CalFresh recipient households as agreed upon annually by the CSD and the DSS.

**(3) Should the demand for the nominal LIHEAP service benefit exceed allocated funding established by the CSD in the LIHEAP state plan, the CSD and the DSS shall report to the Legislature and develop a plan to maintain the program as intended.**

(4) The total amount transferred shall be reduced by any unexpended or reinvested amounts remaining from prior transfers for the nominal LIHEAP service benefits as provided in subparagraph (C) of paragraph (1) of subdivision (c).

(c) In implementing and maintaining the utility assistance initiative, the State Department of Social Services shall do all of the following:

(1) (A) Grant all recipient households of CalFresh benefits pursuant to this chapter a nominal LIHEAP service benefit out of the federal LIHEAP block grant (42 U.S.C. Sec. 8261 et seq.).

(B) In establishing the nominal LIHEAP service benefit amount, the department shall take into consideration that the benefit level need not provide significant utility assistance.

(C) Any funds allocated for this purpose not expended by CalFresh recipient households shall be recouped through the “Heat and Eat” program and reinvested into the program on an annual basis as determined by both departments.

(2) Provide the nominal LIHEAP service benefit without requiring the applicant or recipient to provide additional paperwork or verification.

(3) To the extent permitted by federal law and to the extent federal funds are available, provide the nominal LIHEAP service benefit annually to each recipient of CalFresh benefits.

(4) Deliver the nominal LIHEAP service benefit using the Electronic Benefit Transfer (EBT) system or other nonpaper delivery system.

(5) Ensure that receipt of the nominal LIHEAP service benefit pursuant to this section shall not disqualify the applicant or recipient of CalFresh benefits from receiving other nominal LIHEAP service benefits or other utility benefits for which they qualify.

(d) Recipients of the nominal LIHEAP service benefit pursuant to this section shall remain subject to the additional eligibility requirements for LIHEAP assistance as outlined in the California LIHEAP state plan, developed by the CSD.

(e) To the extent permitted by federal law, a CalFresh household receiving or anticipating receipt of nominal LIHEAP service benefits pursuant to the utility assistance initiative or any other law shall be entitled to use the full standard utility allowance (SUA) for the purposes of calculating CalFresh benefits. A CalFresh household shall be entitled to use the full SUA regardless of whether the nominal LIHEAP service benefit is actually redeemed.

(f) The department shall implement the initiative by January 1, 2013.

*(Added by Stats. 2011, Ch. 501, Sec. 21. Effective January 1, 2012.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-6	Fuentes	CalWORKs and CalFresh.	Chaptered 10/06/2011	10/06/2011 - Chaptered by Secretary of State - Chapter 501, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority

**COMMENTS/RECOMMENDATIONS:**

The Department of Community Services and Development has also requested the elimination of this report.



## **REPORT NO. 14**

### **WELFARE AND INSTITUTIONS CODE- WIC**

**DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

**PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

**CHAPTER 6.5. Nonmedical Care Facilities [13900. - 13922.]**

*( Chapter 6.5 repealed and added by Stats. 1973, Ch. 1216. )*

**ARTICLE 2. Out-of-Home Care [13910. - 13913.]**

*( Article 2 added by Stats. 1973, Ch. 1216. )*

13913.

The director shall submit an annual report to the Legislature by March 1 of each year setting forth pertinent facts on the operation of the program established by this chapter and its significance in relation to the out-of-home care services of the Medi-Cal program.[\*\(Amended by Stats. 1977, Ch. 1252.\)\*](#)

### **NO RELATED LEGISLATION**

### **COMMENTS/RECOMMENDATIONS:**

This report was suspended in 2010. The Department of Social Services is requesting a full repeal.

## **REPORT NO. 15**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 4. SERVICES FOR THE CARE OF CHILDREN [16000. - 16583.]**

*( Heading of Part 4 amended by Stats. 1978, Ch. 429. )*

#### **CHAPTER 3. Child Welfare Training [16200. - 16215.]**

*( Chapter 3 added by Stats. 1987, Ch. 1310, Sec. 1. )*

#### **ARTICLE 2. Child Welfare Training Program [16205. - 16208.]**

*( Article 2 added by Stats. 1987, Ch. 1310, Sec. 1. )*

#### **16206.**

(a) The purpose of the program is to develop and implement statewide coordinated training programs designed specifically to meet the needs of county child protective services social workers assigned emergency response, family maintenance, family reunification, permanent placement, and adoption responsibilities. It is the intent of the Legislature that the program include training for other agencies under contract with county welfare departments to provide child welfare services. In addition, the program shall provide training programs for persons defined as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act, Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code. The program shall provide the services required in this section to the extent possible within the total allocation. If allocations are insufficient, the department, in consultation with the grantee or grantees and the Child Welfare Training Advisory Board, shall prioritize the efforts of the program, giving primary attention to the most urgently needed services. County child protective services social workers assigned emergency response responsibilities shall receive first priority for training pursuant to this section.

(b) The training program shall provide practice-relevant training for mandated child abuse reporters and all members of the child welfare delivery system that will address critical issues affecting the well-being of children, and shall develop curriculum materials and training resources for use in meeting staff development needs of mandated child abuse reporters and child welfare personnel in public and private agency settings.

(c) The training provided pursuant to this section shall include all of the following:

- (1) Crisis intervention.
- (2) Investigative techniques.
- (3) Rules of evidence.
- (4) Indicators of abuse and neglect.
- (5) Assessment criteria, including the application of guidelines for assessment of relatives for placement according to the criteria described in Section 361.3.
- (6) Intervention strategies.
- (7) Legal requirements of child protection, including requirements of child abuse reporting laws.
- (8) Case management.
- (9) Use of community resources.
- (10) Information regarding the dynamics and effects of domestic violence upon families and children, including indicators and dynamics of teen dating violence.
- (11) Posttraumatic stress disorder and the causes, symptoms, and treatment of posttraumatic stress disorder in children.

(12) The importance of maintaining relationships with individuals who are important to a child in out-of-home placement, including methods to identify those individuals, consistent with the child's best interests, including, but not limited to, asking the child about individuals who are important, and ways to maintain and support those relationships.

(13) The legal duties of a child protective services social worker, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment.

(d) The training provided pursuant to this section may also include any or all of the following:

(1) Child development and parenting.

(2) Intake, interviewing, and initial assessment.

(3) Casework and treatment.

(4) Medical aspects of child abuse and neglect.

**(e) The training program shall assess the program's performance at least annually and forward it to the State Department of Social Services for an evaluation and report to the Legislative Analyst. The first report shall be forwarded to the Legislative Analyst no later than January 1, 1990, and on the first of January in any subsequent year. The assessment shall include at minimum the following:**

**(1) The number of persons trained.**

**(2) The type of training provided.**

**(3) The degree to which the training is perceived by participants as useful in practice.**

(f) The training program shall provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. The training shall be developed in consultation with the Child Welfare Training Advisory Board and domestic violence victims' advocates and other public and private agencies that provide programs for victims of domestic violence or programs of intervention for perpetrators.

*[\(Amended by Stats. 2005, Ch. 22, Sec. 228. Effective January 1, 2006.\)](#)*

#### **COMMENTS/RECOMMENDATIONS:**

This report was suspended in 2010 and the Department of Social Services is requesting a full repeal. However, the Alliance for Children's Rights, Children Now, and the Public Counsel Law Center request that, in light of realignment, the suspension be repealed and the tracking of information resume to ensure the state is meeting its statewide training obligations. The Legislature may wish to consider re-instating this requirement.

## **REPORT NO. 16**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]**

*( Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### **ARTICLE 3.2. Welfare-to-Work Activities [11320. - 11329.5.]**

*(Heading of Article 3.2 amended (as added by Stats. 1990, Ch. 1568) by Stats. 1997, Ch. 270, Sec. 59. )*

#### **11322.5.**

(a) It is the intent of the Legislature to do each of the following:

(1) Maximize the ability of CalWORKs recipients to benefit from the federal Earned Income Tax Credit (EITC), including retroactive EITC credits and the Advance EITC, take advantage of the earned-income disregard to increase their federal Food Stamp Program benefits, and accumulate credit toward future social security income.

(2) Educate and empower all CalWORKs participants who receive the federal EITC to save or invest part or all of their credits in instruments such as individual development accounts, 401(k) plans, 403(b) plans, IRAs, 457 plans, Coverdell ESA plans, restricted accounts pursuant to subdivision (a) of Section 11155.2, or 529 plans, and to take advantage of the federal Assets for Independence program and other matching funds, tools, and training available from public or private sources, in order to build their assets.

(b) It is the intent of the Legislature that counties encourage CalWORKs recipients to participate in activities that will maximize their receipt of the EITC. To this end, counties may do all of the following:

(1) Structure welfare-to-work activities pursuant to subdivisions (a) to (j), inclusive, of Section 11322.6 to give recipients the option of maximizing the portion of their CalWORKs benefits that meets the definition of "earned income" in Section 32(c)(2) of the Internal Revenue Code.

(2) Inform CalWORKs recipients of each of the following:

(A) That earned income, either previous or future, may make them eligible for the federal EITC, including retroactive EITC credits and the Advance EITC, increase their federal Food Stamp Program benefits, and accumulate credit toward future social security income.

(B) That recipients, as part of their welfare-to-work plans, have the option of engaging in subsidized employment and grant-based on-the-job training, as specified in Section 11322.6, and that participating in these activities will increase their earned income to the extent that they meet the requirements of federal law.

(C) That receipt of the federal EITC does not affect their CalWORKs grant and is additional tax-free income for them.

(D) That a CalWORKs recipient who receives the federal EITC may invest these funds in an individual development account, 401(k) plan, 403(b) plan, IRA, 457 plan, 529 college savings plan, Coverdell ESA, or restricted account, and that investments in these accounts will not make the recipient ineligible for CalWORKs benefits or reduce the recipient's CalWORKs benefits.

(3) At each regular eligibility redetermination, the county shall ask a recipient whether the recipient is eligible for and takes advantage of the EITC. If the recipient may be eligible and does not participate, the county shall give the recipient the federal EITC form and encourage and assist the recipient to take advantage of it.

**(c) (1) No later than December 1, 2008, the State Department of Social Services shall develop guidelines that counties may adopt to carry out the intent of this section and shall present options to the Governor and Legislature for any legislation necessary to further carry out the intent of this section.**

(2) In developing the guidelines and legislative options, the department shall consult and convene at least one meeting of subject-matter experts, including representatives from the Assembly and Senate Committees on Human Services, Assets for All Alliance, Asset Policy Initiative of California, California Budget Project, California Catholic Conference, California Council of Churches, California Family Resource Association, California State Association of Counties, CFED, County Welfare Directors Association of California, Federal Reserve Bank of San Francisco, Legislative Analyst’s Office, Lifetime, National Council of Churches, Insight Center for Community Economic Development, New America Foundation, Public Policy Institute of California, University of California at Los Angeles School of Law, United States Internal Revenue Service, and Western Center on Law and Poverty. Nothing in this section requires the department to compensate or pay expenses for any person it consults or invites to the meeting or meetings.

*(Amended by Stats. 2008, Ch. 179, Sec. 243. Effective January 1, 2009.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1078	Lieber	CalWORKS: eligibility: income and assets.	Chaptered 10/13/2007	10/13/2007 - Chaptered by Secretary of State - Chapter 622, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
SB-1293	Emmerson	CalWORKS program.	Amended Senate 06/13/2012	06/15/2012 - Withdrawn from committee. 06/15/2012 - Re-referred to Com. on RLS.	Senate-In Committee Process - Rules	Yes	Two Thirds
SB-1498	Committee on Judiciary	Maintenance of the codes.	Chaptered 07/22/2008	07/22/2008 - Chaptered by Secretary of State. Chapter 179, Statutes of 2008.	Secretary of State-Chaptered	No	Majority

**COMMENTS/RECOMMENDATIONS:**

This report was suspended in 2010, the Department of Social Services is requesting its full repeal.

## REPORT NO. 17

### WELFARE AND INSTITUTIONS CODE

#### DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]

( Division 9 added by Stats. 1965, Ch. 1784. )

#### PART 6. MISCELLANEOUS PROVISIONS [18000. - 18996.]

( Part 6 added by Stats. 1965, Ch. 1784. )

#### CHAPTER 3.3. CalWORKs Demonstration Projects [18230. - 18247.]

( Chapter 3.3 added by Stats. 1997, Ch. 270, Sec. 181. )

#### ARTICLE 2. School Attendance Demonstration Projects [18236. - 18237.]

( Article 2 added by Stats. 1997, Ch. 270, Sec. 181. )

#### 18236.

(a) The director may approve school attendance demonstration projects in San Diego and Merced Counties, at the option of each county, to demonstrate means of increasing school attendance and graduation rates of children or teens who receive benefits under the CalWORKs program. The project shall emphasize a social service approach to children and families who are experiencing truancy problems, and shall include collaboration with the academic community to support a successful school experience. Families shall be provided a range of services, resources, and tools to assist them in coping with issues related to their children's school problems. These shall include integrated services involving the county and the appropriate school districts. After all other avenues to encourage a student to attend school have been exhausted and a family has failed to correct the truancy of a child in the family unit, a participating county may reduce a family grant by the amount of the truant child's portion grant. The full grant shall be replaced upon a showing that the student has attended school full-time for one month or has otherwise cooperated with an education or training plan developed with the county and the school district.

(b) Participating counties shall measure their success in achieving the following outcomes:

- (1) Increased attendance and graduation.
- (2) Decreased truancy.
- (3) Higher grade point averages.
- (4) Increased ADA.
- (5) Decreased dropout rates.
- (6) Increased collaboration among agencies providing services for children.
- (7) Reinforcement of parental responsibility.

(c) Prior to being selected as a demonstration project site, the governing board of each school district shall approve the project and a clear delineation of the county's and the school or school district's responsibilities shall be established in a memorandum of understanding.

(d) Each county shall identify how it plans to attain the goals of the demonstration project and the evaluation methodology and funding source that will be used to evaluate the extent to which the goals are attained.

**(e) The director shall report annually to the chairpersons of the relevant policy committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee on the progress of the demonstration projects, including the extent to which they are attaining the outcomes described in subdivision (b), the number of families sanctioned, and the average length of time of the sanctions.**

*(Added by Stats. 1997, Ch. 270, Sec. 181. Effective August 11, 1997. Operative January 1, 1998, by Sec. 183 of Ch. 270.)*

**COMMENTS/RECOMMENDATIONS:** This report was suspended in 2010, the Department of Social Services is requesting its full repeal.

**REPORT NO. 18**

**WELFARE AND INSTITUTIONS CODE**

**DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

**PART 6. MISCELLANEOUS PROVISIONS [18000. - 18996.]**

*( Part 6 added by Stats. 1965, Ch. 1784. )*

**CHAPTER 10. CalFresh [18900. - 18926.5.]**

*( Heading of Chapter 10 amended by Stats. 2011, Ch. 227, Sec. 67.5. )*

**18918.**

Not later than January 15, 2001, the State Department of Social Services, in conjunction with the State Department of Public Health and appropriate stakeholders, shall develop and submit to the Legislature a community outreach and education campaign to help families learn about, and apply for, the federal Supplemental Nutrition Assistance Program, administered in California as CalFresh, and the California Food Assistance Program. At a minimum, the plan shall include the following:

- (a) Specific milestones and objectives proposed to be completed for the upcoming year and their anticipated cost.
  - (b) A general description of each strategy or method to be used for outreach.
  - (c) Geographic areas and special populations to be targeted, if any, and why the special targeting is needed.
  - (d) Coordination with other state or county education and outreach efforts.
  - (e) The results of previous years' outreach efforts.
- (1) If necessary to obtain federal financial participation the CalFresh outreach plan shall be submitted to the United States Department of Agriculture not later than January 15, 2001. The state share of the funding shall be subject to appropriation in the annual Budget Act and may be funded through the General Fund or other state or local funding sources, as appropriate.
- (2) After submission of the initial plan, it shall be updated annually and submitted to the Legislature by April 1 for the following year.

[\(Amended by Stats. 2011, Ch. 227, Sec. 91. Effective January 1, 2012.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1400	Committee on Human Services	Public social services.	Chaptered 09/06/2011	09/06/2011 - Chaptered by Secretary of State - Chapter 227, Statutes of 2011.	Secretary of State-Chaptered	No	Majority
AB-2876	Aroner	Health and welfare programs.	Chaptered 07/10/2000	07/10/2000 - Chaptered by Secretary of State - Chapter 108, Statutes of 2000.	-		

**COMMENTS/RECOMMENDATIONS:** This report requirement was suspended between 2004 and 2008. The Department is requesting its full repeal.

## **REPORT NO. 19**

### **WELFARE AND INSTITUTIONS CODE- WIC**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]**

*( Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### **ARTICLE 2. Eligibility for Aid [11250. - 11270.]**

*( Article 2 added by Stats. 1965, Ch. 1784. )*

#### **11265.5.**

(a) (1) The department may, subject to the requirements of federal regulations and Section 18204, conduct three pilot projects, to be located in the Counties of Los Angeles, Merced, and Santa Clara, upon approval of the department and the participating counties. The pilot projects shall test the reporting systems described in subparagraphs (A), (B), and (C) of paragraph (4).

(2) (A) The pilot project conducted in Los Angeles County shall test one or both reporting systems described in subparagraphs (A) and (B) of paragraph (4). The pilot project population for each test shall be limited to 10,000 cases.

(B) The pilot projects in the other counties shall test one of the reporting systems described in subparagraph (A) or (C) of paragraph (4) and shall be limited to 2,000 cases per project.

(3) (A) The pilot projects shall be designed and conducted according to standard scientific principles, and shall be in effect for a period of 24 months.

(B) The projects may be extended an additional year upon the approval of the department.

(C) The projects shall be designed to compare the monthly reporting system with alternatives described in paragraph (4) as to all of the following phenomena:

(i) Administrative savings resulting from reduced worker time spent in reviewing monthly reports.

(ii) The amount of cash assistance paid to families.

(iii) The rate of administrative errors in cases and payments.

(iv) The incidence of underpayments and overpayments and the costs to recipients and the administering agencies of making corrective payments and collecting overpayments.

(v) Rates at which recipients lose eligibility for brief periods due to failure to submit a monthly report but file new applications for aid and thereafter are returned to eligible status.

(vi) Cumulative benefits and costs to each level of government and to aid recipients resulting from each reporting system.

(vii) The incidence of, and ability to, prosecute fraud.

(viii) Ease of use by clients.

(ix) Case errors and potential sanction costs associated with those errors.

(4) The pilot projects shall adopt reporting systems providing for one or more of the following:

(A) A reporting system that requires families with no income or whose only income is comprised of old age, survivors, or disability insurance benefits administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42 of the United States Code, and with no recent work history to report changes in circumstances that affect eligibility and grant amount as changes occur. These changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a



form advising recipients of what changes must be reported, and how they may be reported shall be provided to recipients of aid along with benefit payments each month.

(B) A reporting system that permits families with no income or whose only income is comprised of old age, survivors, or disability insurance benefits administered pursuant to Subchapter 2 (commencing with Section 401) of Chapter 7 of Title 42 of the United States Code, and with no changes in eligibility criteria, to report electronically monthly, using either an audio response or the CalFresh online issuance and recording system, or a combination of both. Adequate instruction and training shall be provided to county welfare department staff and to recipients who choose to use this system prior to its implementation.

(C) A reporting system that requires all families to report changes in circumstances that affect eligibility and grant amount as changes occur. The changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported, shall be provided to recipients of aid along with benefit payments each month.

**(b) (1) The participating counties shall be responsible for preparing federal demonstration project proposals, to be submitted by the department, upon the department's review and approval of the proposals, to the federal agency on the counties' behalf. The development, operation, and evaluation of the pilot projects shall not result in an increase in the state allocation of county administrative funds.**

**(1.5) Each pilot county shall prepare and submit quarterly reports, annual reports, and a final report to the department.**

**(2) Each quarterly report shall be submitted no later than 30 calendar days after the end of the quarter.**

**(3) Each annual report shall be submitted no later than 45 days after the end of the year.**

**(4) (A) Each pilot county shall submit a final report not later than 90 days following completion of the pilot projects required by this section.**

**(B) (i) As part of the final report, the pilot counties shall prepare and submit evaluations of the pilot projects to the department.**

**(ii) Each evaluation shall include, but not be limited to, an analysis of the factors set forth in paragraph (3) of subdivision (a) compared to each other and the current reporting systems in both the AFDC program and CalFresh. The final evaluations shall be prepared by an independent consultant or consultants contracted with for that purpose prior to the commencement of the projects.**

**(C) The department shall review and approve the evaluations submitted by the pilot counties and shall submit them to the appropriate policy and fiscal committees of the Legislature.**

(c) The department may terminate any or all of the pilot projects implemented pursuant to this section after a period of six months of operation if one or more of the pilot counties submits data to the department, or information is otherwise received, indicating that the pilot project or projects are not cost-effective or adversely impact recipients or county or state operations based on the factors set forth in subparagraph (C) of paragraph (3) of subdivision (a).

(d) The pilot projects shall be implemented only upon receipt of the appropriate federal waivers. [\*\(Amended by Stats. 2011, Ch. 227, Sec. 45. Effective January 1, 2012.\)\*](#)

**COMMENTS/RECOMMENDATIONS:** According to the Department of Social Services, this pilot project was never implemented and no data exists.

## **REPORT NO. 20**

### **AB 9 (Goldsmith) Chapter 452, Statutes of 1996**

The State Department of Social Services shall provide a copy of the initial data report on the implementation of Section 11274 of the Welfare and Institutions Code, that would be provided to the United States Department of Health and Human Services as part of the demonstration project reporting process, to the appropriate committees of the Legislature.

\*not in code

**COMMENTS/RECOMMENDATIONS:** According to the Department of Social Services, the demonstration project was never implemented. This report is not in code, so no legislative action is necessary.

## **REPORT NO. 21**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 2. ADMINISTRATION [10500. - 10985.]**

*( Part 2 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 3.9. Consolidated Public Assistance Eligibility Determination Demonstration Program [10790. - 10791.]**

*( Chapter 3.9 added by Stats. 1990, Ch. 1193, Sec. 2. )*

#### **10791.**

The demonstration program provided for in Section 10790 shall, at a minimum, include the following elements:

- (a) Uniform 30 percent disregard from gross earned income and waiver of the 100-hour limit on employment for AFDC-Unemployed recipient eligibility.
- (b) Uniform definition of allowable child care disregards for full- or part-time care.
- (c) It shall not be presumed that any transfer of property made within three months prior to the time the application was made for purposes of becoming eligible for CalFresh.
- (d) Exemption of personal loans as property where a reasonable repayment plan is in place. A reasonable repayment plan shall be defined as a statement from the lender specifying that the money shall be paid back at a future point in time when the individual is able to do so.
- (e) Use of standard shelter allowances based on local housing prices without verification in lieu of verified shelter costs.
- (f) Exclusion from income financial aid and work study payments that are computed based on need consistent with Section 11008.10.
- (g) Application of good cause determinations related to late submission of monthly income reports for CalFresh recipients who also receive AFDC benefits.
- (h) Qualification as categorically eligible for CalFresh any individual who is apparently eligible for or has been granted AFDC benefits.
- (i) Disregarding as income, for CalFresh, the first fifty dollars (\$50) of child support received, as currently provided for under the AFDC program, to the extent federal funding is available.
- (j) Uniform treatment of room and board income, consistent with AFDC program regulations.
- (k) Requirement for signatures on monthly income reports, consistent with AFDC program regulations.
- (l) Standard deduction for expenses related to self-employment income.
- (m) Both programs shall exempt one motor vehicle from property to be considered in determining eligibility.
- (n) Both programs shall compute the value of any motor vehicle not exempt from consideration in determining eligibility by subtracting the amount of encumbrances from the fair market value. If an applicant, a recipient, or a county does not agree with the value of a vehicle arrived at through this methodology, the applicant or recipient shall be entitled to the use of either of the following methods for evaluating the motor vehicle:
  - (1) Submit three appraisals. An appraisal may be made under this paragraph by a car dealer, insurance adjuster, or a personal property appraiser. The average of the three independent appraisals shall be used by the county in evaluating the motor vehicle.
  - (2) Obtain an appraisal from a county-appointed appraiser.

(o) Adoption of an exclusion from income for both the AFDC and CalFresh programs of one hundred dollars (\$100) per quarter, in lieu of the AFDC nonrecurring gift exclusion and the federal Supplemental Nutrition Assistance Program irregular or infrequent income exclusion.

(p) Standardization of county retention percentages for collection of erroneous payments.

**(q) Upon receipt of federal approval of this demonstration project the department, in consultation with the Department of Finance, may delay implementation of any elements determined to be not cost effective until funds are appropriated by the Legislature. The department shall report to the Legislature within that year on the reasons for the determination of non-cost-effectiveness and the changes necessary to make the element cost effective.**

*(Amended by Stats. 2011, Ch. 227, Sec. 30. Effective January 1, 2012.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1400	Committee on Human Services	Public social services.	Chaptered 09/06/2011	09/06/2011 - Chaptered by Secretary of State - Chapter 227, Statutes of 2011.	Secretary of State-Chaptered	No	Majority
AB-3766	Committee on Human Services	Public assistance eligibility demonstration programs.	Chaptered 09/24/1990		-		

**COMMENTS/RECOMMENDATIONS:**

According to the Department of Social Services, this demonstration project was never implemented and no data exists.

## **REPORT NO. 22**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]**

*( Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### **ARTICLE 2. Eligibility for Aid [11250. - 11270.]**

*( Article 2 added by Stats. 1965, Ch. 1784. )*

#### **11265.1.**

- (a) In addition to the requirement for an annual redetermination of eligibility, counties shall redetermine recipient eligibility and grant amounts on a quarterly basis using prospective budgeting. Counties shall use the information reported on a recipient's quarterly report form to prospectively determine eligibility and grant amount for the following quarterly reporting period.
- (b) A quarterly reporting period shall be three consecutive calendar months. The recipient shall submit one quarterly report form for each quarterly reporting period. Counties shall provide a quarterly report form to recipients at the end of the second month of the quarterly reporting period, and recipients shall return the completed quarterly report form with required verification to the county by the 11th day of the third month of the quarterly reporting period.
- (c) Counties may establish staggered quarterly reporting cycles based on factors established or approved by the department, including, but not limited to, application date or case number.
- (d) The quarterly report form shall be signed under penalty of perjury, and shall include only information necessary to determine CalWORKs and CalFresh eligibility and calculate the CalWORKs grant amount and CalFresh allotment, as specified by the department. The form shall be as comprehensible as possible for recipients and shall require recipients to provide the following:
- (1) Information about income received during the second month of the quarterly reporting period.
  - (2) Information about income that the recipient anticipates receiving during the following quarterly reporting period.
  - (3) Any other changes to facts required to be reported, together with any changes to those facts that the recipient anticipates will occur. The recipient shall provide verification as specified by the department with the quarterly report form.
- (e) A quarterly report form shall be considered complete if the following requirements, as specified by the department, are met:
- (1) The form is signed no earlier than the first day of the third month of the quarterly reporting period by the persons specified by the department.
  - (2) All questions and items pertaining to CalWORKs and CalFresh eligibility and grant amount are answered.
  - (3) Verification required by the department is provided.
- (f) If a recipient fails to submit a complete quarterly report form, as defined in subdivision (e), by the 11th day of the third month of the quarterly reporting period, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact to remind the recipient that a completed report is due, or, if contact is not made, shall send a reminder notice to the

recipient no later than five days prior to the end of the month. Any discontinuance notice shall be rescinded if a complete report is received by the first working day of the first month of the following quarterly reporting period.

(g) The county may determine, at any time prior to the last day of the calendar month following discontinuance for nonsubmission of a quarterly report form, that a recipient had good cause for failing to submit a complete quarterly report form, as defined in subdivision (e), by the first working day of the month following discontinuance. If the county finds a recipient had good cause, as defined by the department, it shall rescind the discontinuance notice. Good cause exists only when the recipient cannot reasonably be expected to fulfill his or her reporting responsibilities due to factors outside of the recipient's control.

**(h) (1) A county shall comply with the quarterly reporting provisions of this section until the county certifies to the director that semiannual reporting has been implemented in the county.**

**(2) This section shall become inoperative on October 1, 2013, and, as of January 1, 2014, is repealed, unless a later enacted statute that is enacted before January 1, 2014, deletes or extends the dates on which it becomes inoperative and is repealed.**

*(Amended by Stats. 2011, Ch. 501, Sec. 6. Effective January 1, 2012. Inoperative October 1, 2013. Repealed as of January 1, 2014, by its own provisions. See later operative version added by Ch. 501.)*

#### **COMMENTS/RECOMMENDATIONS:**

This demonstration project was never implemented but the requirement becomes inoperative October 1, 2013 and is repealed January 1, 2014

## **REPORT NO. 22**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]**

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### **CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]**

*( Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### **ARTICLE 2. Eligibility for Aid [11250. - 11270.]**

*( Article 2 added by Stats. 1965, Ch. 1784. )*

#### **11265.1.**

(a) In addition to the requirement for an annual redetermination of eligibility, counties shall redetermine recipient eligibility and grant amounts on a semiannual basis in a prospective manner, using reasonably anticipated income consistent with Section 5 of the federal Food Stamp Act (7 U.S.C. Sec. 2014(f)(3)(A)), implementing regulations, and any waivers obtained by the department pursuant to subdivision (g) of Section 11265.2. Counties shall use the information reported on a recipient's semiannual report form to prospectively determine eligibility and the grant amount for the following semiannual reporting period.

(b) A semiannual reporting period shall be six consecutive calendar months. The recipient shall submit one semiannual report form for each semiannual reporting period. Counties shall provide a semiannual report form to recipients at the end of the fifth month of the semiannual reporting period, and recipients shall return the completed semiannual report form with required verification to the county by the 11th day of the sixth month of the semiannual reporting period.

(c) The semiannual report form shall be signed under penalty of perjury, and shall include only the information necessary to determine CalWORKs and CalFresh eligibility and calculate the CalWORKs grant amount and CalFresh allotment, as specified by the department. The form shall be as comprehensible as possible for recipients and shall require recipients to provide the following:

(1) Information about income received during the fifth month of the semiannual reporting period.

(2) Any other changes to facts required to be reported. The recipient shall provide verification as specified by the department with the semiannual report form.

(d) A semiannual report form shall be considered complete if the following requirements, as specified by the department, are met:

(1) The form is signed no earlier than the first day of the sixth month of the semiannual reporting period by the persons specified by the department.

(2) All questions and items pertaining to CalWORKs and CalFresh eligibility and grant amounts are answered.

(3) Verification required by the department is provided.

(e) If a recipient fails to submit a complete semiannual report form, as described in subdivision (d), by the 11th day of the sixth month of the semiannual reporting period, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact to remind the recipient that a completed report is due, or, if contact is not made, shall send a reminder notice to the recipient no later than five days prior to the end of the month. Any discontinuance notice shall be rescinded if a complete report is received by the first working day of the first month of the following semiannual reporting period.

(f) The county may determine, at any time prior to the last day of the calendar month following discontinuance for nonsubmission of a semiannual report form, that a recipient had good cause for failing to submit a complete semiannual report form, as described in subdivision (d), by the first working day of the month following discontinuance. If the county finds a recipient had good cause, as defined by the department, it shall rescind the discontinuance notice. Good cause exists only when the recipient cannot reasonably be expected to fulfill his or her reporting responsibilities due to factors outside of the recipient's control.

(g) Administrative savings that may be reflected in the Budget Act due to the implementation of semiannual reporting pursuant to the act that added this section shall not exceed the amount necessary to fund the net General Fund costs of the semiannual reporting provisions of that act. Possible additional savings in excess of this amount may only be reflected in the Budget Act to the extent that they are based on actual savings related to the change to semiannual reporting calculated based on data developed in consultation with the County Welfare Directors Association (CWDA).

**(h) The department, in consultation with the CWDA, shall update the relevant policy and fiscal committees of the Legislature as information becomes available regarding the effects upon the program efficiency of implementation of semiannual reporting requirements set forth in Section 11004.1. The update shall be based on data collected by CWDA and select counties. The department, in consultation with CWDA, shall determine the data collection needs required to assess the effects of the semiannual reporting.**

(i) Counties may establish staggered semiannual reporting cycles for individual recipients, based on factors established or approved by the department, including, but not limited to, application date or case number; however, all recipients within a county must be transitioned to a semiannual reporting system simultaneously. Up to and until the establishment of a countywide semiannual system, counties shall operate a quarterly system, as established by law and regulation applicable immediately prior to the establishment of the semiannual reporting system.

(j) (1) This section shall become operative on April 1, 2013. A county shall implement the semiannual reporting requirements in accordance with the act that added this section no later than October 1, 2013.

(2) Upon implementation described in paragraph (1), each county shall provide a certificate to the director certifying that semiannual reporting has been implemented in the county.

(3) Upon filing the certificate described in paragraph (2), a county shall comply with the semiannual reporting provisions of this section.

*(Repealed (in Sec. 6) and added by Stats. 2011, Ch. 501, Sec. 7. Effective January 1, 2012. Section operative April 1, 2013, by its own provisions.)*

\*This section is not even in effect yet; recommend not deleting this requirement.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-6	Fuentes	CalWORKs and CalFresh.	Chaptered 10/06/2011	10/06/2011 - Chaptered by Secretary of State - Chapter 501, Statutes of 2011.	Secretary of State-Chaptered	Yes	Majority
AB-444	Committee on Budget	Human services.	Chaptered 09/28/2002	09/28/2002 - Chaptered by Secretary of State - Chapter 1022, Statutes of 2002. 09/28/2002 - Approved by the Governor.	-		
AB-510	Wright	Public social	Chaptered	10/10/1999 - Chaptered	-		



Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
		services: recipient reporting.	10/10/1999	by Secretary of State - Chapter 826, Statutes of 1999.			
AB-1057	Beall	CalWORKs and Food Stamp Program: reporting.	Introduced 02/27/2009	02/02/2010 - From committee: Filed with the Chief Clerk pursuant to Joint Rule 56.	Assembly-Died - Appropriations	Yes	Majority
AB-1400	Committee on Human Services	Public social services.	Chaptered 09/06/2011	09/06/2011 - Chaptered by Secretary of State - Chapter 227, Statutes of 2011.	Secretary of State-Chaptered	No	Majority
AB-1642	Beall	CalWORKs and Food Stamp programs: reporting.	Amended Assembly 03/18/2010	11/30/2010 - From committee without further action.	Assembly-Died - Appropriations	Yes	Majority
AB-2415	Keeley, Longville	CalWORKs.	Amended Assembly 04/30/2002	11/30/2002 - From committee without further action.	-	Yes	Majority
AB-2844	Laird	Public social services: CalWORKs and the Food Stamp Program: redetermination and recertification.	Enrolled 09/09/2008	09/28/2008 - Vetoed by Governor.	Assembly-Vetoed	Yes	Majority
AB-3029	Laird	Public social services: CalWORKs and the Food Stamp Program: redetermination and recertification.	Amended Senate 08/07/2006	08/31/2006 - Withdrawn from enrollment. Held at Desk.	-	Yes	Majority
SB-146		Public assistance: eligibility reporting systems: disproportionate share provider payment adjustments.	Chaptered 10/14/1991		-		
SB-179	Ashburn	CalWORKs: reporting requirements.	Amended Senate 05/21/2007	11/30/2008 - From Assembly without further action.	Assembly-Died - Human Services	Yes	Majority

**COMMENTS/RECOMMENDATIONS:** The Legislature may wish to ask the Department why they want to repeal this requirement. The report is due as information becomes available and the Department justifies eliminating this report by stating that it will provide the information when it is available.

## **REPORT NO. 23**

### **AB 323 (Baca) Chapter 561, Statutes of 1997**

#### **SECTION 1.**

(a) It is the intent of the Legislature in enacting this act to establish a pilot project relative to group homes, for the purpose of reducing complaints to the State Department of Social Services, by encouraging residents to work with group home operators to resolve concerns. The pilot project shall be limited to San Bernardino County.

(b) It is further the intent of the Legislature that the pilot project be designed to measure the increase or decrease in complaints to the Inland Empire Office-Residential of the State Department of Social Services about group homes located in San Bernardino County, as a result of the pilot project.

(c) The pilot project shall be deemed successful if, at the conclusion of the pilot project, monthly complaints to the Inland Empire Office-Residential of the State Department of Social Services about group homes located in San Bernardino County have been reduced by at least 10 percent, compared to the number of complaints that were received prior to the initiation of the pilot project.

(d) For purposes of this act, “group home” means any facility of any capacity that provides 24-hour nonmedical care and supervision to children in a structured environment with the services provided at least in part by staff employed by the licensee.

(e) This act shall not apply to family homes certified by foster family agencies, foster family homes, and small family homes. It is not the intent of the Legislature that this act be applied in a discriminatory manner.

(f) The pilot project established by this act shall terminate on January 1, 2001.

(g) Upon the conclusion of the pilot project established by this act, the State Department of Social Services shall report to the Legislature on the effectiveness of the pilot project, based upon the goals provided for by subdivision (c).

\*This language is not in code.

**COMMENTS/RECOMMENDATIONS:** This one-time report is due upon the conclusion of the San Bernardino pilot project. This pilot project was never implemented. This language is not in code.

## REPORT NO. 24

### WELFARE AND INSTITUTIONS CODE

#### DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### PART 3. AID AND MEDICAL ASSISTANCE [11000. - 15766.]

*( Part 3 added by Stats. 1965, Ch. 1784. )*

#### CHAPTER 2. California Work Opportunity and Responsibility to Kids Act [11200. - 11526.5.]

*( Heading of Chapter 2 amended by Stats. 1997, Ch. 270, Sec. 49. )*

#### ARTICLE 6. Computation and Payment of Aid Grants [11450. - 11469.1.]

*( Article 6 added by Stats. 1965, Ch. 1784. )*

#### 11465.5.

(a) The department shall conduct five-year pilot projects in Alameda County, Contra Costa County, Sacramento County, Solano County, Tulare County, and Yuba County, at the option of each county, and any additional counties that submit a plan and secure approval by the department in accordance with objective selection criteria that shall be established by the department and any evaluation contractor utilized under subdivision (e). The department shall not be required to conduct any pilot projects under this section if no county elects to participate.

(b) The Legislature finds and declares that this program will enhance family preservation and stability by recognizing that many children are in long-term, stable placements with relatives, that these placements are the permanent plan for the child, that dependencies can be dismissed pursuant to Section 388 with custody or guardianship to the relative caretaker, and that there is no need for continued government intervention in the family life through ongoing, scheduled court and social services supervision of the placement.

(c) Participation by a relative in a pilot project shall be voluntary, and the county shall nominate cases for participation. The county and a relative shall execute a long-term kinship care agreement, to be developed by the department, which specifies the details of this arrangement.

(d) Each pilot project shall, at a minimum, ensure all of the following:

(1) Only a child who is a dependent of the court, who has been in a stable placement with a relative for not less than one year after the initial permanency planning hearing placing the child with that relative, and who is receiving federal AFDC-FC payments shall be eligible under this section.

(2) Each participating child's AFDC-FC and Medi-Cal eligibility is maintained, in order to adequately support the long-term placement.

(3) A child participating in a pilot project shall continue to receive the basic foster care payment rate in accordance with Section 11461.

(4) The eligible cases shall be dismissed pursuant to Section 388, with custody or guardianship to be given to the relative caretaker.

(5) A relative shall have adequate legal protection and consent authority.

**(e) The department and the pilot counties, or an entity contracting with the department and the pilot counties, shall conduct an evaluation of the pilot projects. The evaluation shall include outcome measures that address the quality of care provided to participating children and the overall cost-effectiveness of the projects for participating counties and the state. The pilot project shall be deemed a success if at least 75 percent of the children participating achieve permanent placement through either adoption by a relative or legal guardianship by a relative. The results of the evaluation shall be provided to the**

**Legislature and the Governor three years after the date of implementation of the pilot projects.**

(f) Any savings that accrue to the department as a result of this section shall revert to the General Fund. Savings that accrue to a participating county shall, however, accrue to that county’s social services subaccount in its local health and welfare trust fund.

(g) This section shall become operative only if the director executes a declaration, that shall be retained by the director, stating that the necessary federal approval for implementation of this section has been obtained, and only for the duration of that approval.

*(Amended by Stats. 1997, Ch. 258, Sec. 1. Effective January 1, 1998.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-317		Foster care.	Chaptered 08/11/1997		-		
AB-327		Foster care.	Chaptered 09/05/1995		-		

**COMMENTS/RECOMMENDATIONS:**

This report is due three years after the implementation of the three counties pilot projects on Foster Care Placements with AFDC recipients. This pilot project was never implemented. The Legislature may wish to consider if it is necessary to remove this reporting requirement since the due date is contingent upon the completion of the projects and evaluations.

## **REPORT NO. 25**

### **WELFARE AND INSTITUTIONS CODE**

#### **DIVISION 9. PUBLIC SOCIAL SERVICES [10000. - 18996.]**

*( Division 9 added by Stats. 1965, Ch. 1784. )*

#### **PART 4. SERVICES FOR THE CARE OF CHILDREN [16000. - 16583.]**

*( Heading of Part 4 amended by Stats. 1978, Ch. 429. )*

#### **CHAPTER 5. State Child Welfare Services [16500. - 16522.6.]**

*( Heading of Chapter 5 amended by Stats. 1982, Ch. 978, Sec. 33. )*

#### **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, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families.

(b) Up to five 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. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(c) (1) For the purposes of this section, "resource family" means an individual or couple that a participating county determines to have successfully met both the home approval standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a related or unrelated child who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department. 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 his or her role 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.

(E) An ability and willingness to maintain the least restrictive and most familylike environment that serves the needs of the child.

(2) Subsequent to meeting the criteria set forth in this subdivision and designation as a resource family, a resource family shall be considered eligible to provide foster care for related and unrelated children in out-of-home placement, shall be considered approved for adoption or guardianship, and shall not have to undergo any additional approval or licensure as long as the family lives in a county participating in the pilot program.

(3) Resource family assessment and approval means that the applicant meets the standard for home approval, and has successfully completed a permanency assessment. This approval is in

lieu of the existing foster care license, relative or nonrelative extended family member approval, and the adoption home study approval.

(4) Approval of a resource family does not guarantee an initial or continued placement of a child with a resource family.

(d) Prior to implementation of this pilot program, the department shall adopt standards pertaining to home approval and permanency assessment of a resource family.

(1) Resource family home approval standards shall include, but not be limited to, all of the following:

(A) (i) Criminal records clearance of all adults residing in the home, pursuant to Section 8712 of the Family Code, utilizing a check of the Child Abuse Central Index (CACI), a check of the Child Welfare Services/Case Management System (CWS/CMS), receipt of a fingerprint-based state criminal offender record information search response, and submission of a fingerprint-based federal criminal offender record information search.

(ii) Consideration of any prior allegations of child abuse or neglect against either the applicant or any other adult residing in the home. An approval may not be granted to applicants whose criminal record indicates a conviction for any of the offenses specified in clause (i) of subparagraph (A) of paragraph (1) of subdivision (g) of Section 1522 of the Health and Safety Code.

(iii) Exemptions from the criminal records clearance requirements set forth in this section may be granted by the director or the pilot county, if that county has been granted permission by the director to issue criminal records exemptions pursuant to Section 316.4, using the exemption criteria currently used for foster care licensing as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(B) Buildings and grounds, outdoor activity space, and storage requirements set forth in Sections 89387, 89387.1, and 89387.2 of Title 22 of the California Code of Regulations.

(C) In addition to the foregoing requirements, the resource family home approval standards shall also require the following:

(i) That the applicant demonstrate an understanding about the rights of children in care and his or her 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.

(iii) That the applicant understands his or her responsibilities with respect to acting as a reasonable and prudent parent, and maintaining the least restrictive and most familylike environment that serves the needs of the child.

(D) The results of a caregiver risk assessment are consistent with the factors listed in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (c). A caregiver risk assessment shall include, but not be limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence.

(2) The resource family permanency assessment standards shall include, but not be limited to, all of the following:

(A) The applicant shall complete caregiver training.

(B) The applicant shall complete a psychosocial evaluation.

(C) The applicant shall complete any other activities that relate to a resource family's ability to achieve permanency with the child.

- (e) (1) A child may be placed with a resource family that has received home approval prior to completion of a permanency assessment only if a compelling reason for the placement exists based on the needs of the child.
- (2) The permanency assessment shall be completed within 90 days of the child's placement in the approved home, unless good cause exists based upon the needs of the child.
- (3) If additional time is needed to complete the permanency assessment, the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.
- (4) The county shall report to the department on a quarterly basis the number of families with a child in an approved home whose permanency assessment goes beyond 90 days and summarize the reasons for these delays.
- (5) A child may be placed with a relative, as defined in Section 319, or nonrelative extended family member, as defined in Section 362.7, prior to home approval and completion of the permanency assessment only on an emergency basis if all of the following requirements are met:
- (A) Consideration of the results of a criminal records check conducted pursuant to Section 16504.5 of the relative or nonrelative extended family member and of every other adult in the home.
- (B) Consideration of the results of the Child Abuse Central Index (CACI) consistent with Section 1522.1 of the Health and Safety Code of the relative or nonrelative extended family member, and of every other adult in the home.
- (C) The home and grounds are free of conditions that pose undue risk to the health and safety of the child.
- (D) For any placement made pursuant to this paragraph, the county shall initiate the home approval process no later than five business days after the placement, which shall include a face-to-face interview with the resource family applicant and child.
- (E) For any placement made pursuant to this paragraph, AFDC-FC funding shall not be available until the home has been approved.
- (F) Any child placed under this section shall be afforded all the rights set forth in Section 16001.9.
- (f) The State Department of Social Services shall be responsible for all of the following:**
- (1) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association.
- (2) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for participation in the program, train appropriate staff, and accept applications from resource families.
- (3) Entering into terms and conditions for participation in the pilot program by counties.
- (4) 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 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.
- (5) Approving and requiring the use of a single standard for resource family home approval and permanency assessment.
- (6) Adopting and requiring the use of standardized documentation for the home approval and permanency assessment of resource families.
- (7) Requiring counties to monitor resource families including, but not limited to, all of the following:

- (A) Investigating complaints of 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.
- (8) Ongoing oversight and monitoring of county systems and operations including all of the following:
  - (A) Reviewing the county's implementation of the pilot program.
  - (B) Reviewing an adequate number of approved resource families in each participating county to ensure that approval standards are being properly applied. The review shall include case file documentation, and may include onsite inspection of individual resource families. The review shall occur on an annual basis, and more frequently if the department becomes aware that a participating county is experiencing a disproportionate number of complaints against individual resource family homes.
  - (C) Reviewing county reports of serious complaints and incidents involving approved 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 participating counties.
  - (E) Requiring corrective action of counties that are not in full compliance with the terms and conditions of the program.
- (9) Preparing or having prepared, and submitting to the Legislature, a report on the results of the initial phase of implementation of the program. The report shall include all of the following:**
  - (A) An analysis, utilizing available data, of state and federal data indicators related to the length of time to permanency including reunification, guardianship and adoption, child safety factors, and placement stability.**
  - (B) An analysis of resource family recruitment and retention elements, including resource family satisfaction with approval processes and changes regarding the population of available resource families.**
  - (C) An analysis of cost, utilizing available data, including funding sources.**
  - (D) An analysis of regulatory or statutory barriers to implementing the pilot program on a statewide basis.**
- (g) Counties participating in the pilot program shall be responsible for all of the following:
  - (1) Submitting an implementation plan, entering into terms and conditions for participation in the program, consulting with the county probation department in the development of the implementation plan, training appropriate staff, and accepting applications from resource families within the timeframes established by the department.
  - (2) Complying with the written directives pursuant to paragraph (4) of subdivision (f).
  - (3) Implementing the requirements for resource family home approval and permanency assessment and utilizing standardized documentation established by the department.
  - (4) Ensuring staff have the education and experience necessary to complete the home approval and permanency assessment competently.
  - (5) Approving and denying resource family applications, including all of the following:
    - (A) Rescinding home approvals and resource family approvals where appropriate, consistent with the established standard.
    - (B) Providing disapproved resource families requesting review of that decision due process by conducting county grievance reviews pursuant to the department's regulations.



- (C) Notifying the department of any decisions denying a resource family's application or rescinding the approval of a resource family.
- (6) Updating resource family approval annually.
- (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 comply with 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 to the county child welfare agency any incidents consistent with the reporting requirements for licensed foster family homes.
- (8) Investigating all complaints against a resource family and taking action as necessary. This shall include investigating any incidents reported about a resource family indicating that the approval standard is not being maintained.
- (A) The child's social worker shall not conduct the formal investigation into the complaint received concerning a family providing services under the standards required by subdivision (d). To the extent that adequate resources are available, complaints shall be investigated by a worker who did not initially perform the home approval or permanency assessment.
- (B) Upon conclusion of the complaint investigation, the final disposition shall be reviewed and approved by a supervising staff member.
- (C) 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 report specified in paragraph (10) of subdivision (f).
- (h) Approved relatives and nonrelated extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to full 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.
- (i) The department may waive regulations that pose a barrier to implementation and operation of this program. The waiver of any regulations by the department pursuant to this section shall apply to only those counties participating in the program and only for the duration of the program.
- (j) Resource families approved under initial implementation of the program, who move within a participating county or who move to another early implementation program county, shall retain their resource family status if the new building and grounds, outdoor activity areas, and storage areas meet home approval standards. The State Department of Social Services or pilot county may allow a program-affiliated individual to transfer his or her subsequent arrest notification if the individual moves from one early implementation county to another early implementation county, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.
- (k) (1) A resource family approved under this program that moves to a nonparticipating county shall lose its status as a resource family. The new county of residence shall deem the family

approved for licensing, relative and nonrelated extended family member approval, guardianship, and adoption purposes, under the following conditions:

(A) The new building and grounds, outdoor activity areas, and storage areas meet applicable standards, unless the family is subject to a corrective action plan.

(B) There has been a criminal records clearance of all adults residing in the home and exemptions granted, using the exemption criteria currently used for foster care licensing, as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(2) A program-affiliated individual who moves to a nonparticipating county may not transfer his or her subsequent arrest notification from a participating county to the nonparticipating county.

(l) 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 under the program.

(m) Notwithstanding Section 11402, a child placed with a resource family shall be eligible for AFDC-FC payments. A resource family shall be paid an AFDC-FC rate pursuant to Sections 11460 and 11461. Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelated 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) Approved resource families under this program shall be exempt from all of the following:

(1) Licensure requirements set forth under the Community Care Facilities Act, commencing with Section 1500 of the Health and Safety Code and all regulations promulgated thereto.

(2) Relative and nonrelative extended family member approval requirements set forth under Sections 309, 361.4, and 362.7, and all regulations promulgated thereto.

(3) Adoptions approval and reporting requirements set forth under Section 8712 of the Family Code, and all regulations promulgated thereto.

(p) Early implementation counties shall be authorized to continue through the end of the 2010–11 fiscal year, or through the end of the third full fiscal year following the date that counties commence implementation, whichever of these dates is later, at which time the program shall be authorized in all counties.

(q) Notwithstanding subdivision (p), this section shall not be implemented until January 1, 2013. [\*\(Amended by Stats. 2012, Ch. 35, Sec. 136. Effective June 27, 2012. Pursuant to subd. \(q\), implementation of this section is suspended from June 27, 2012, until January 1, 2013.\)\*](#)

#### **COMMENTS/RECOMMENDATIONS:**

The Legislature recently suspended implementation of this pilot project until January 1, 2013. The report is not due until 180 days after the conclusion of the pilot.

**REPORT NO. 26**

**WELFARE AND INSTITUTIONS CODE – WIC**

11373

\*This code section no longer exists, and no reporting requirement on this program is evident. Kin-GAP is WIC 11360 – 11379 and was significantly revised by AB 12 (Beall and Bass) Chapter 559, Statutes of 2010.

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1111	Aroner, Chesbro, Speier	Social services.	Chaptered 07/22/1999	07/22/1999 - Chaptered by Secretary of State - Chapter 147, Statutes of 1999. 07/22/1999 - Approved by the Governor.	-		
AB-3082	Committee on Judiciary	Maintenance of the codes.	Chaptered 07/20/2004	07/20/2004 - Chaptered by Secretary of State - Chapter 183, Statutes of 2004.	-		

**COMMENTS/RECOMMENDATIONS:**

This reporting requirement has already been eliminated.