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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98] (*Division 9 added by Stats. 1965, Ch. 1784.*)

PART 6. MISCELLANEOUS PROVISIONS [18000 - 18999.98] (*Part 6 added by Stats. 1965, Ch. 1784.*)

CHAPTER 6.3. Intensive Services Foster Care [18360 - 18360.36] (*Chapter 6.3 added by Stats. 2017, Ch. 732, Sec. 125.*)

18360. As used in this chapter, the following terms have the following meanings:

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

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

(c) "Intensive services foster care" means a licensed foster family agency model or public delivery model of home-based family care for eligible children whose needs for safety, permanency, and well-being require specially trained resource parents and intensive professional and paraprofessional services and support in order to remain in a home-based setting, or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center.

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

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

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

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

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

(Amended by Stats. 2018, Ch. 935, Sec. 8.5. (SB 1083) Effective January 1, 2019. Conditionally inoperative on or after July 1, 2028, pursuant to Section 18360.36. Repealed as of January 1 following the inoperative date.)

18360.05. (a) The department shall develop an intensive services foster care program that provides specialized programs to serve children with specific needs, including, but not limited to, the following:

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

(2) Specialized health care needs, including those with special health care needs, as defined in subdivision (a) of Section 17710.

(b) The department shall develop a program that includes a private nonprofit delivery model and a public delivery model.

(c) The rate paid to an intensive services foster care resource family shall be the same whether it is paid through a licensed foster family agency model or public delivery model and shall be established pursuant to subparagraph (C) of paragraph (3) of subdivision (c) of Section 11463.

(d) The rate paid to the foster family agency shall be developed pursuant to subparagraph (C) of paragraph (3) of subdivision (c) of Section 11463.

(e) This chapter does not waive the requirements set forth in Section 16519.5 or Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

(f) A licensed foster family agency or county that operates a public delivery model intensive services foster care program is not prohibited from also operating as a therapeutic foster care service model program agency.

(g) A county that operates as a public delivery model shall submit to the department a program description that sets forth the manner in which it will substantially comply with the requirements of this chapter and Sections 11467, 11469.2, and 11469.3.

(h) The department shall adopt regulations to implement this chapter. Until regulations are adopted, the department may administer the program through the issuance of written directives that shall have the same force and effect as regulations. Any directive affecting Article 1 (commencing with Section 700) of Chapter 7 of Division 1 of Title 11 of the California Code of Regulations shall be approved by the Department of Justice. The directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(Amended by Stats. 2019, Ch. 777, Sec. 27. (AB 819) Effective January 1, 2020. Conditionally inoperative on or after July 1, 2028, pursuant to Section 18360.36. Repealed as of January 1 following the inoperative date.)

18360.10. (a) Each licensed foster family agency or county operating a public delivery model intensive services foster care program shall engage in both of the following:

(1) Targeted selection and specialized training of intensive services foster care resource families used to provide care and supervision to eligible children placed in an intensive services foster care program.

(2) Placement matching between eligible children with intensive services foster care resource families.

(b) In addition to the training requirements for resource families set forth in Section 16519.5 of this code and in Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, intensive services foster care resource family training shall be a condition for participating in the intensive services foster care program, and conform to the following:

(1) (A) Preplacement training for intensive services foster care resource families shall be at least 40 hours and shall be completed prior to the placement of an eligible child, unless the intensive services foster care resource family meets the condition of paragraph (5). Training hours may be satisfied, in part or in whole, by either of the following:

(i) Twelve hours may be satisfied through the training required by paragraph (13) of subdivision (g) of Section 16519.5 or, for licensed foster family homes and certified family homes of foster family agencies, the preplacement training received pursuant to Section 1529.2 of the Health and Safety Code.

(ii) For an intensive services foster care resource parent who is also a health care professional, preplacement training hours may be satisfied on an hour-by-hour basis by the training hours necessary to obtain or maintain his or her licensure or certification.

(B) Ongoing training for intensive services foster care resource families shall be at least 24 hours within 12 months of the placement of an eligible child, and 12 hours for each year thereafter, which may be satisfied, in part or in whole, by either of the following:

(i) Eight hours may be satisfied through the training required by paragraph (14) of subdivision (g) of Section 16519.5 or, for licensed foster family homes and certified family homes of foster family agencies, the training received pursuant to Section 1529.2 of the Health and Safety Code.

(ii) For an intensive services foster care resource parent who is also a health care professional, ongoing training hours may be satisfied on an hour-by-hour basis by the training hours necessary to obtain or maintain his or her licensure or certification.

(2) In a two-parent intensive services foster care resource family, placement of an eligible child may be made after one parent has completed the preplacement training required by subparagraph (A) of paragraph (1), followed by the 24 hours of ongoing training required by subparagraph (B) of paragraph (1), provided that the second parent has completed 20 hours of the preplacement training required by subparagraph (A) of paragraph (1) prior to the placement of an eligible child and the remaining 20 hours of the preplacement training required by subparagraph (A) of paragraph (1) within 12 months of placement of an eligible child. The second parent shall not be required to complete the 24 hours of ongoing training required by subparagraph (B) of paragraph (1). Thereafter, each parent shall complete the 12 hours of ongoing training required by subparagraph (B) of paragraph (1).

(3) Any preplacement or ongoing training hours required by paragraphs (1) and (2) that are satisfied with training hours obtained pursuant to Section 16519.5 of this code or Section 1529.2 of the Health and Safety Code shall not waive the requirement to receive training necessary to meet the needs of a specific eligible child.

(4) The 40 hours of preplacement training required by subparagraph (A) of paragraph (1) shall include, but not be limited to, information relating to working with children who have experienced trauma, behavior deescalation techniques, and cardiopulmonary resuscitation and first aid. The preplacement training may be customized to each intensive services foster care resource family based on the populations of children the family intends to serve. Additional preplacement training subject matter may be required by the county placing agency depending on the special needs of an eligible child to be placed with the intensive services foster care resource family.

(5) An intensive services foster care resource family that has not completed the training required in this subdivision may accept an eligible child, or retain a child identified as an eligible child subsequent to placement, under the following conditions:

(A) (i) In a one-parent intensive services foster care resource family, the intensive services foster care resource parent completes the 40 hours of preplacement training required by subparagraph (A) of paragraph (1) within 120 days after the placement, or identification, of an eligible child.

(ii) In a two-parent intensive services foster care resource family, the first parent completes the 40 hours of preplacement training required by subparagraph (A) of paragraph (1) within 120 days after the placement, or identification, of an eligible child, and the second intensive services foster care resource parent completes the initial 20 hours of preplacement training within 180 days from the placement, or identification, of an eligible child and the remaining 20 hours of the preplacement training within 12 months of placement, or identification, of an eligible child. The second parent shall not be required to complete the 24 hours of ongoing training required by subparagraph (B) of paragraph (1).

(B) Placement, or identification, of an eligible child is made pursuant to the level of care rate protocol in order to meet the urgent placement needs of a child.

(C) The county placing agency shall provide or arrange for any necessary service and support to a child in a resource family pending the family's transition to an intensive services foster care resource family or a placement change.

(c) (1) A licensed foster family agency or county operating an intensive services foster care program shall provide all of the following:

(A) (i) Necessary core services and supports that are identified in the individual needs and services plan and that constitute care and supervision, as defined in subdivision (b) of Section 11460, and core services, as described in subdivision (b) of Section 11463.

(ii) Core services and support may be provided either directly by the licensed foster family agency or county or secured through agreements with other agencies.

(iii) Each licensed foster family agency or county operating an intensive services foster care program shall arrange for the services needed by each child for which the child meets the eligibility criteria under applicable publicly funded programs, including, but not limited to, mental health, education, and health services.

(iv) A licensed foster family agency shall describe its intensive services foster care program model in the program statement required pursuant to Section 1506.1 of the Health and Safety Code, including by identifying a 24-hour on-call administrator or designee, identifying the staff delivering core services and supports, and describing the manner in which core services and supports are delivered.

(B) Necessary professional and paraprofessional staff.

(C) Social work staff to manage cases of eligible children, consistent with the requirements set forth in Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

(2) (A) A licensed foster family agency or county operating an intensive services foster care program may employ client support staff, as appropriate, who have experience working with children, youth, and families with special needs.

(B) Client support staff shall have at least one of the following:

(i) A minimum of a bachelor's degree and six months of experience in working with children who have serious emotional or behavioral needs, or children who have special needs, including, but not limited to, intensive medical needs.

(ii) A minimum of an associate's degree and one year of experience in working with children who have serious emotional or behavioral needs, or children who have special needs, including, but not limited to, intensive medical needs.

(iii) The department may waive the educational requirements described in clauses (i) and (ii) for client support staff who have direct client supervision with at least two years of experience working with children who have serious emotional or behavioral needs, or children who have special needs, including, but not limited to, intensive medical needs, and who have demonstrated a combination of education, skills, and experience that meets the specific needs of the target population, including, but not limited to, cultural and linguistic needs.

(C) (i) Client support staff shall receive at least 40 hours of training that includes, but is not limited to, information relating to working with children who have experienced trauma, behavior deescalation techniques, cardiopulmonary resuscitation and first aid, and implementing individual needs and services plans for children who have serious emotional or behavioral needs or children who have special needs, including, but not limited to, intensive medical needs. A client support staff shall complete all training prior to an eligible child being placed in an intensive services foster care resource family home for which the client support staff is assigned responsibility.

(ii) Client support staff shall complete 20 hours of ongoing in-service training within the first 12 months after becoming an intensive services foster care client support staff.

(D) Each client support staff shall provide support services to the child and the intensive services foster care resource family to implement the child's individual needs and services plan that is appropriate. The client support staff shall review the child's individual needs and services plan with the intensive services foster care resource parents and the child and family team, as needed.

(3) If an eligible child is a child with special health care needs, as defined in subdivision (a) of Section 17710, support professionals may be employed as staff or contractors operating within the scope of practice of their license or certification to implement the child's individual needs and services plan and individualized health care plan, as approved by the county placing agency and informed by the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501, or the individualized health care plan team, as defined in subdivision (d) of Section 17710.

(4) Notwithstanding paragraphs (2) and (3), training hours may be satisfied for intensive services foster care client support staff caring for children with special health care needs on an hour-by-hour basis by the training received pursuant to subdivision (c) of Section 17731, or as required by the licensing board within their scope of practice.

(Amended by Stats. 2018, Ch. 910, Sec. 53. (AB 1930) Effective January 1, 2019. Conditionally inoperative on or after July 1, 2028, pursuant to Section 18360.36. Repealed as of January 1 following the inoperative date.)

18360.15. (a) Each licensed foster family agency or county operating an intensive services foster care program shall develop a child's individual needs and services plan in coordination with the child's case worker, intensive services foster care resource family, and child and family team, if available. A county operating under a public delivery model or as a licensed foster family agency model may utilize the child's case plan as the individual needs and services plan.

(b) Notwithstanding paragraph (1) of subdivision (a) of Section 17732, no more than three foster children, two of whom may be eligible children, may be placed in an intensive services foster care resource family home. Prior to the placement of a second or third foster child in the home, who may be an eligible or noneligible child, the requirements of paragraphs (1), (2), (3), and (4) of subdivision (c) shall be met.

(c) Notwithstanding subdivision (b), a county placing agency may approve placements for additional foster children that would result in the placement of more than three foster children or more than two eligible children in the home in compelling circumstances, including in order to accommodate a preexisting relationship, to place a sibling group together when at least one sibling is an eligible child or was previously an eligible child in that home, or to accommodate the extraordinary needs of a specific child that the resource family has a unique ability to meet. A shortage of foster homes shall not be a compelling circumstance absent other factors. Prior to the approval of the placement of additional foster children beyond the capacity described in subdivision (b), all of the following requirements shall be met:

(1) A licensed foster family agency or county operating an intensive services foster care program shall provide each county placing agency that has children placed in that home or proposed to be placed in the home with a written assessment of the risk and compatibility of placing an additional child or children with the currently placed child or children in that home, and the ability of the resource family parent or parents to provide care and support for all of the children in the home.

(2) The needs and services plan of each child placed in the home shall specify the plan to ensure timely support and services for each child placed in the home.

(3) When a child and family team meeting has been conducted, the county placing agency shall consider information from the child and family teams of all children placed in the home or proposed to be placed that may impact placement.

(4) The capacity of the home shall not exceed the number determined by the department or county pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4.

(5) The total number of eligible children placed in the home shall not exceed three unless all eligible children are related.

(6) A licensed foster family agency or county operating an intensive services foster care program shall provide to the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all county placing agencies with children placed or proposed to be placed in the home with the written assessment of risk and compatibility and needs and services plans described in paragraphs (1) and (2).

(7) Placement of a child in the home pursuant to this subdivision shall be subject to the approval of the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all of the county placing agencies with children placed or proposed to be placed in the home.

(d) If a foster child resides in an intensive services foster care resource family home pursuant to subdivision (b) or (c), and this foster child is being considered for intensive services foster care, and subsequently becomes a third eligible child, the continued placement of this child is authorized subject to the approval of the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all the county placing agencies with children placed in the home.

(e) The county placing agency shall notify the department of each child in the placement and notify counsel of each child in the placement within 10 days of approval of a placement pursuant to subdivision (c) or approval to maintain a placement pursuant to subdivision (d). As part of the notification to the department, the county shall provide the department with a copy of the written assessment of the risk and compatibility described in subdivision (c).

(Amended by Stats. 2019, Ch. 777, Sec. 28. (AB 819) Effective January 1, 2020. Conditionally inoperative on or after July 1, 2028, pursuant to Section 18360.36. Repealed as of January 1 following the inoperative date.)

18360.20. The department, in consultation with counties and other stakeholders, shall consider options to expand the number of available resource families who are willing to provide intensive services foster care, including, but not limited to, the feasibility of counties and foster family agencies contracting with each other for services.

(Added by Stats. 2019, Ch. 777, Sec. 29. (AB 819) Effective January 1, 2020. Conditionally inoperative on or after July 1, 2028, pursuant to Section 18360.36. Repealed as of January 1 following the inoperative date.)

18360.25. (a) The county shall employ the level of care rate protocol developed pursuant to subdivision (c) of Section 11463 to determine the placement of the eligible children into an intensive services foster care program.

(b) (1) The intensive services foster care rate developed pursuant to subdivision (c) of Section 18360.05 may be paid to an intensive services foster care resource family with an eligible child once the preplacement training requirements in subdivision (b) of Section 18360.10 are satisfied.

(2) The intensive services foster care rate may be paid to a resource family that meets the requirements in paragraph (5) of subdivision (b) of Section 18360.10 for up to 60 days to meet the urgent placement needs of an eligible child. This may be extended for a 60-day period and, in a two-parent home, may be extended for a second 60-day period if the second parent has not completed training, based upon the needs of the child.

(Added by Stats. 2017, Ch. 732, Sec. 125. (AB 404) Effective January 1, 2018. Conditionally inoperative on or after July 1, 2028, pursuant to Section 18360.36. Repealed as of January 1 following the inoperative date.)

18360.35. (a) Each intensive services foster care resource family selected to participate in the intensive services foster care program shall rent, lease, or own their own home.

(b) Unless approval is granted pursuant to subdivision (c), a licensed foster family agency operating an intensive services foster care program shall not have an interest in the property occupied by an intensive services foster care resource family.

(c) The department shall review and preapprove any public-private housing arrangements developed by a licensed foster family agency to address the unique needs of an intensive services foster care resource family and eligible child. The review shall ensure that the arrangement does not jeopardize the interests of the intensive services foster care resource family and eligible child. The arrangements shall comply with state and federal laws, including those pertaining to fiscal, licensing, and corporate requirements.

(Added by Stats. 2017, Ch. 732, Sec. 125. (AB 404) Effective January 1, 2018. Conditionally inoperative on or after July 1, 2028, pursuant to Section 18360.36. Repealed as of January 1 following the inoperative date.)

18360.36. This chapter shall become inoperative on July 1, 2028, or 24 months after the effective date specified in paragraph (9) of subdivision (h) of Section 11461, whichever is later, and, as of January 1 of the following year, is repealed.

(Added by Stats. 2024, Ch. 46, Sec. 56. (AB 161) Effective July 2, 2024. Conditionally repealed by its own provisions. Note: Repeal affects Chapter 6.3, commencing with Section 18360.)