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AB-1930 Foster care. (2017-2018)

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Date Published: 10/01/2018 09:00 PM

Assembly Bill No. 1930

CHAPTER 910

An act to amend Section 7911.1 of the Family Code, to amend Sections 1502.45, 1505, 1507.25, 1517, 1517.1, 1517.5, 1522, 1524, 1527, 1527.1, 1527.2, 1527.4, 1527.5, 1534, 1551.3, 1558, and 1558.1 of, and to add Sections 1524.01 and 1551.15 to, the Health and Safety Code, and to amend Sections 212.5, 316.1, 361.2, 361.4, 4094.2, 4096.1, 4096.55, 11363, 11386, 11402.01, 11461, 11462, 11462.001, 11462.01, 11462.011, 11462.015, 11462.021, 11463, 11466.01, 16120, 16500.5, 16504.5, 16519.5, 16519.58, 16519.6, 16601, 16604, 18360, and 18360.10 of, and to add Sections 362.06, 16501.02, 16519.501, and 16519.555 to, the Welfare and Institutions Code, relating to foster care.

[Approved by Governor September 29, 2018. Filed with Secretary of State September 29, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1930, Mark Stone. Foster care.

(1) Existing law establishes the jurisdiction of the juvenile court, which may adjudge a child to be a dependent of the court under certain circumstances, including when the child suffered, or there is a substantial risk that the child will suffer, serious physical harm, or a parent fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law establishes the grounds for removal of a dependent child from the custody of his or her parents or guardian, and establishes procedures to determine placement of a dependent child.

This bill would, among other things, make various changes to these procedures relating to the placement of dependent children, including revising a prohibition on placement of a child in a home on an emergency basis pending a criminal records exemption to apply only when the person has been convicted of a misdemeanor conviction of specified crimes and waiving a 14-day notice requirement for the placement of a child outside the county when the child and family team has determined that the identified placement is in the best interest of the child, no member of the child and family team objects to the placement, and the child's attorney has been informed of the intended placement and has no objection.

(2) Existing law establishes the state-funded Kinship Guardian Assistance Payment (Kin-GAP) program to provide state-funded aid on behalf of a child under 18 years of age and to any eligible youth under 19 years of age who satisfies specified requirements, including that he or she has been residing for at least 6 consecutive months in the approved home of the prospective relative guardian, as specified. Existing law requires termination of eligibility for Kin-GAP upon the termination of the guardianship with a kinship guardian, except if, among other things, there is an alternate guardian, coguardian, or successor guardian who is appointed and is also a kinship guardian, then the alternate guardian, coguardian, or successor guardian shall be entitled to receive Kin-GAP on behalf of the child or youth. Existing law provides an exemption for a new period of six months of placement with the alternate guardian, coguardian, or successor guardian if, among other things, that alternate guardian, coguardian, or successor guardian has been assessed under specified provisions relating to considerations made by a county

social worker and court in placing a child with a relative and a state-level criminal records check for emergency placement of a child.

This bill would, in order to provide an exemption to the new period of 6 months of placement requirement, also require that the alternate guardian, coguardian, or successor guardian has been assessed by the county welfare department to determine whether he or she, or any other person over 18 years of age living in the home, has ever been convicted of a crime other than a minor traffic violation, as specified. In order to make that determination, the bill would require the county welfare department to require the prospective alternate guardian, coguardian, or successor guardian, and any other person over 18 years of age living in the home, to be fingerprinted and to secure from an appropriate law enforcement agency any criminal record of that person. By imposing new duties on county officials, the bill would impose a state-mandated local program.

(3) Existing law requires the State Department of Social Services to implement a resource family approval process in all counties and with all foster family agencies. Existing law defines a resource family as an individual or family that has successfully met both home environment assessment standards and permanency assessment criteria, which includes a psychosocial assessment, as specified. Existing law requires a resource family to demonstrate, among other things, 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, as specified.

This bill would make various changes to the resource family approval process by, among other things, revising requirements under which a county may place a child with a resource family applicant who has completed the home environment assessment prior to completion of a permanency assessment, referring to a psychosocial assessment as a family evaluation, clarifying certain hearing proceedings and timelines, and clarifying under which circumstances a resource family approval is required to be forfeited.

Existing law provides that there is no fundamental right to approval as a resource family. Existing law prohibits a county from further review of an application if the applicant had a previous application denial by the department or a county within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or county within the preceding two years, as specified.

This bill would further provide that a county is authorized to cease any further review of an application if, after notice to the applicant, the applicant fails to cooperate with the application requirements as specified in the written directives or regulations adopted by the department. The bill would also make technical, nonsubstantive changes to these provisions.

Existing law prescribes the responsibilities of the counties and foster family agencies in the resource family approval process, including approving or denying resource family applications, which includes preparing a written evaluation of an applicant's capacity to foster, adopt, and provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

This bill would instead refer to that written evaluation as a written report, would require the written report to be confidential, and would authorize the release of the written report only to specified individuals and entities, including, among others, the applicant or resource family and the county child welfare agency or county probation department. The bill would further prohibit the receiving individuals and entities from further disseminating the written report to any individual or entities, other than those authorized.

(4) Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, which is defined to include foster family homes and foster family agencies, by the State Department of Social Services, and provides that the act does not apply to specified facilities, including any home of a relative caregiver or nonrelative extended family member, as specified, and a resource family. The act requires specified proceedings relating to, among other things, the suspension, revocation, or denial of a license, registration, special permit, or certificate of approval, against a foster family home or certified family home of a foster family agency to be confidential and not open to the public. A violation of the act is a misdemeanor.

This bill would, among other things, expand the confidentiality of the above-mentioned proceedings to include proceedings against resource families. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The bill would additionally provide that the act does not apply to an occasional short-term babysitter, a respite care provider certified by a county, and an alternative caregiver. The bill would authorize any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member, or approved resource family to arrange for occasional alternative care of their foster child and allow an alternative caregiver to provide care and supervision to the foster child, except as specified, and would require those caregivers to use a reasonable and prudent parent standard in determining and selecting an appropriate alternative caregiver.

(5) Existing law requires the State Department of Social Services to develop an intensive services foster care program to serve children with specific needs, including intensive treatment and behavioral needs and specialized health care needs, whose needs for safety, permanency, and well-being require a specially trained intensive services foster care resource family and intensive professional and paraprofessional services and supports in order to remain in a home-based setting or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center. Existing law defines an intensive services foster care resource family to include a resource family, and until December 31, 2019, a licensed foster family home or a certified family home of a licensed foster family agency, as specified.

This bill would, until December 31, 2019, additionally include the approved home of a relative or nonrelative extended family member in the definition of an intensive services foster care resource family.

Existing law prescribes specified replacement and ongoing training for intensive services foster care resource families and, for intensive services foster care resource families caring for children with special health care needs, authorizes training hours to be satisfied on an hour-by-hour basis by training specified in other provisions relating to training requirements for the placement of children with special health care needs in foster care.

This bill would instead authorize an intensive services foster care resource parent who is also a health care professional to have those training hours satisfied by the training hours necessary to obtain or maintain his or her licensure or certification.

(6) The bill would require the State Department of Social Services to adopt regulations necessary to implement these provisions, and would authorize the department to implement and administer the changes made by this bill through all-county letters or similar written instructions until regulations are adopted.

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

This bill would make legislative findings to that effect.

(8) This bill would incorporate additional changes to Sections 1517 and 1517.1 of the Health and Safety Code and Sections 16519.5 and 18360 of the Welfare and Institutions Code proposed by SB 1083 to be operative only if this bill and SB 1083 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 1522 of the Health and Safety Code proposed by AB 1437 to be operative only if this bill and AB 1437 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Sections 212.5 and 361.2 of the Welfare and Institutions Code proposed by AB 3176, and would make an additional conforming change, to be operative only if this bill and AB 3176 are enacted and this bill is enacted last.

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

This bill would provide that no reimbursement is required by this act for specified reasons.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 7911.1 of the Family Code is amended to read:

7911.1. (a) Notwithstanding any other law, the State Department of Social Services or its designee shall investigate any threat to the health and safety of children placed by a California county social services agency or probation department in an out-of-state group home pursuant to the provisions of the Interstate Compact on the Placement of Children. This authority shall include the authority to interview children or staff in private or review their file at the out-of-state facility or wherever the child or files may be at the time of the investigation. Notwithstanding any other law, the State Department of Social Services or its designee shall require certified out-of-state group homes to comply with the reporting requirements applicable to short-term residential therapeutic programs licensed in California for each child in care regardless of whether he or she is a California placement, by submitting a copy of the required reports to the Compact Administrator within regulatory timeframes. The Compact Administrator within one business day of receiving a serious events report shall verbally notify the appropriate placement agencies and, within five working days of receiving a written report from the out-of-state group home, forward a copy of the written report to the appropriate placement agencies.

(b) Any contract, memorandum of understanding, or agreement entered into pursuant to paragraph (b) of Article 5 of the Interstate Compact on the Placement of Children regarding the placement of a child out of state by a California county social services agency or probation department shall include the language set forth in subdivision (a).

(c) (1) The State Department of Social Services or its designee shall perform initial and continuing inspection of out-of-state group homes in order to either certify that the out-of-state group home meets all licensure standards required of group homes operated in California or that the department has granted a waiver to a specific licensing standard upon a finding that there exists no adverse impact to health and safety.

(2) (A) On and after January 1, 2017, the licensing standards applicable to out-of-state group homes certified by the department, as described in paragraph (1), shall be those required of short-term residential therapeutic programs operated in this state, unless the out-of-state group home is granted an extension pursuant to subdivision (d) of Section 11462.04 of the Welfare and Institutions Code or has otherwise been granted a waiver pursuant to this subdivision.

(B) On and after January 1, 2017, the licensing standards applicable to out-of-state group homes certified by the department, as described in paragraph (1), shall include the licensing standards for mental health program approval described in Section 1562.01 of the Health and Safety Code. These standards may be satisfied if the out-of-state group home has an equivalent mental health program approval in the state in which it is operating. If an out-of-state group home cannot satisfy the licensing standards for an equivalent mental health program approval, children shall not be placed in that facility.

(3) In order to receive certification, the out-of-state group home shall have a current license, or an equivalent approval, in good standing issued by the appropriate authority or authorities of the state in which it is operating.

(4) On and after January 1, 2017, an out-of-state group home program shall, in order to receive an AFDC-FC rate, meet the requirements of paragraph (2) of subdivision (c) of Section 11460 of the Welfare and Institutions Code.

(5) Any failure by an out-of-state group home facility to make children or staff available as required by subdivision (a) for a private interview or make files available for review shall be grounds to deny or discontinue the certification.

(6) Certifications made pursuant to this subdivision shall be reviewed annually.

(d) A county shall be required to obtain an assessment and placement recommendation by a county multidisciplinary team prior to placement of a child in an out-of-state group home facility.

(e) Any failure by an out-of-state group home to obtain or maintain its certification, as required by subdivision (c), shall preclude the use of any public funds, whether county, state, or federal, in the payment for the placement of any child in that out-of-state group home, pursuant to the Interstate Compact on the Placement of Children.

(f) (1) A multidisciplinary team shall consist of participating members from county social services, county mental health, county probation, county superintendents of schools, and other members, as determined by the county.

(2) Participants shall have knowledge or experience in the prevention, identification, and treatment of child abuse and neglect cases, and shall be qualified to recommend a broad range of services related to child abuse or neglect.

(g) (1) The department may deny, suspend, or discontinue the certification of the out-of-state group home if the department makes a finding that the group home is not operating in compliance with the requirements of subdivision (c).

(2) Any judicial proceeding to contest the department's determination as to the status of the out-of-state group home certificate shall be held in California pursuant to Section 1085 of the Code of Civil Procedure.

(h) The certification requirements of this section shall not impact placements of emotionally disturbed children made pursuant to an individualized education program developed pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) if the placement is not funded with federal or state foster care funds.

(i) Only an out-of-state group home authorized by the Compact Administrator to receive state funds for the placement by a county social services agency or probation department of any child in that out-of-state group home from the effective date of this section shall be eligible for public funds pending the department's certification under this section.

SEC. 2. Section 1502.45 of the Health and Safety Code is amended to read:

1502.45. (a) (1) Notwithstanding Section 1502.4, a community care facility licensed as a group home for children pursuant to this chapter may only accept for placement, and provide care and supervision to, a child assessed as seriously emotionally disturbed as long as the child does not need inpatient care in a licensed health facility, as defined in Section 1250.

(2) For the purpose of this section, the following definitions shall apply:

(A) "Health facility" has the meaning set forth in Section 1250.

(B) "Seriously emotionally disturbed" has the same meaning as that term is used in subdivision (a) of Section 5600.3 of the Welfare and Institutions Code.

(b) If a child described in subdivision (a) is placed into a group home program classified at rate classification level 13 or rate classification level 14 pursuant to Section 11462.015 of the Welfare and Institutions Code, the licensee shall meet both of the following requirements:

(1) The licensee shall agree to accept, for placement into its group home program, only children who have been assessed as seriously emotionally disturbed by either of the following:

(A) An interagency placement committee, as described in Section 4096.1 of the Welfare and Institutions Code or by a licensed mental health professional, as defined in subdivision (g) of Section 4096 of the Welfare and Institutions Code.

(B) A licensed mental health professional, as defined in subdivision (g) of Section 4096 of the Welfare and Institutions Code, if the child is privately placed or only county funded.

(2) The program is certified by the State Department of Health Care Services, pursuant to Section 4096.55 of the Welfare and Institutions Code, as a program that provides mental health treatment services for seriously emotionally disturbed children.

(c) The department shall not evaluate, or have any responsibility or liability with regard to the evaluation of, the mental health treatment services provided pursuant to this section.

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

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

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

(b) Any clinic, as defined by Section 1202.

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

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

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

(f) (1) Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend solely upon prayer or spiritual means for healing in the practice of the religion of the church or denomination.

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

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

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

(i) Recovery houses or other similar facilities providing group living arrangements for adults recovering from alcoholism or drug addiction where the facility provides no care or supervision.

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

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

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

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

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

(4) A Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, that serves only eligible former foster youth over 18 years of age who have exited from the foster care system on or after their 18th birthday, and that has obtained certification from the applicable county in accordance with subdivision (c) of Section 16522 of the Welfare and Institutions Code.

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

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

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

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

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

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

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

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

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

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

(B) Any housing that qualifies for a low-income housing credit pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42) or that is subject to the requirements for rental dwellings for low-income families pursuant to Section 8 of Public Law 93-383 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled persons, or both, where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

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

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

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

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

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

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

(v) Any similar facility determined by the department.

SEC. 4. Section 1507.25 of the Health and Safety Code is amended to read:

1507.25. (a) (1) Notwithstanding any other law, a person described in paragraph (2), who is not a licensed health care professional, but who is trained to administer injections by a licensed health care professional practicing within his or her scope of practice, may administer emergency medical assistance and injections for severe diabetic hypoglycemia and anaphylactic shock to a foster child in placement.

(2) The following individuals shall be authorized to administer emergency medical assistance and injections in accordance with this subdivision:

(A) A relative caregiver.

(B) A nonrelative extended family member.

(C) A foster family home parent.

(D) A member of a resource family, as defined in subdivision (c) of Section 16519.5 of the Welfare and Institutions Code.

(E) A small family home parent.

(F) A certified parent of a foster family agency.

(G) A designated substitute caregiver of a foster family home, a certified family home, or resource family.

(H) A staff member of a small family home or a group home who provides direct care and supervision to children and youth residing in the small family home or group home.

(I) A staff member of a short-term residential therapeutic program, including a children's crisis residential program, who provides direct care and supervision to children and youth residing in the facility.

(J) A staff member of a transitional shelter care facility or a temporary shelter care facility who provides direct care and supervision to children and youth residing in the facility.

(3) The licensed health care professional shall periodically review, correct, or update training provided pursuant to this section as he or she deems necessary and appropriate.

(b) (1) Notwithstanding any other law, a person described in paragraph (2), who is not a licensed health care professional, but who is trained to administer injections by a licensed health care professional practicing within his or her scope of practice, may administer subcutaneous injections of other medications, including insulin, as prescribed by the child's physician, to a foster child in placement.

(2) The following individuals shall be authorized to give prescribed injections, including insulin, in accordance with this subdivision:

(A) A relative caregiver.

(B) A nonrelative extended family member.

(C) A foster family home parent.

(D) A member of a resource family, as defined in subdivision (c) of Section 16519.5 of the Welfare and Institutions Code.

(E) A small family home parent.

(F) A certified parent of a foster family agency.

(G) In the absence of a foster parent, a designated substitute caregiver in a foster family home, a certified family home, or resource family.

(H) A direct care staff member of a short-term residential therapeutic program, including a children's crisis residential program, who provides direct care and supervision to children and youth residing in the facility.

(3) The licensed health care professional shall periodically review, correct, or update training provided pursuant to this section as he or she deems necessary and appropriate.

(c) For purposes of this section, administration of an insulin injection shall include all necessary supportive activities related to the preparation and administration of the injection, including glucose testing and monitoring.

(d) Notwithstanding Part 5.5 (commencing with Section 17700) of Division 9 of, and particularly subdivision (g) of Section 17710 of, the Welfare and Institutions Code, a child's need to receive injections pursuant to this section shall not be the sole basis for determining that the child has a medical condition requiring specialized in-home health care.

(e) This section does not supersede the requirements of Section 369.5 of the Welfare and Institutions Code, with respect to the administration of psychotropic medication to a dependent child of the court.

SEC. 5. Section 1517 of the Health and Safety Code is amended to read:

1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(2) For purposes of this chapter, a "resource family" means an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria, as set forth in Section 16519.5 of the Welfare and Institutions Code, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian.

(3) There is no fundamental right to approval as a resource family.

(4) (A) A resource family shall be considered eligible to provide foster care for children in out-of-home placement and shall be considered approved for adoption and guardianship.

(B) Notwithstanding subparagraph (A), a foster family agency may approve a resource family to care for a specific child, as specified in the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(5) For purposes of this chapter, "resource family approval" means that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards adopted pursuant to subdivision (d) of Section 16519.5 of the Welfare and Institutions Code. This approval is in lieu of a certificate of approval issued by a licensed foster family agency pursuant to subdivision (b) of Section 1506.

(6) Approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family. Approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family.

(7) (A) Notwithstanding paragraphs (1) to (6), inclusive, a foster family agency shall cease any further review of an application if the applicant has had a previous application denial within the preceding year by the department or county, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or county within the preceding two years.

(B) If an individual was excluded from a resource family home or facility licensed by the department, a foster family agency shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to subdivision (g) of Section 16519.6 of the Welfare and Institutions Code or Section 1569.53, subdivision (h) of Section 1558, subdivision (h) of Section 1569.58, or subdivision (h) of Section 1596.8897 of this code.

(C) The cessation of review shall not constitute a denial of the application for purposes of this section, Section 16519.5 of the Welfare and Institutions Code, or any other law.

(D) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in Section 16519.5 of the Welfare and Institutions Code, comply with the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code, and comply with other applicable federal and state laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or probation department pursuant to Section 16519.5 of the Welfare and Institutions Code or by a foster family agency pursuant to this section.

(10) A resource family shall not be licensed to operate a residential facility, as defined in Section 1502, a residential care facility for the elderly, as defined in Section 1569.2, or a residential care facility for persons with chronic life-threatening illnesses, as defined in Section 1568.01, on the same premises used as the residence of the resource family.

(b) (1) A foster family agency that approves resource families shall comply with the provisions of this section.

(2) Notwithstanding any other law, a foster family agency shall require its applicants and resource families to meet the resource family approval standards set forth in Section 16519.5 of the Welfare and Institutions Code, the written directives or regulations adopted thereto, and other applicable laws prior to approval and in order to maintain approval.

(3) A foster family agency shall be responsible for all of the following:

(A) Complying with the applicable provisions of this chapter, the regulations for foster family agencies, the resource family approval standards and requirements set forth in Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code, and the applicable written directives or regulations adopted thereto by the department.

(B) Implementing the requirements for the resource family approval and utilizing standardized documentation established by the department.

(C) Ensuring staff have the education, experience, and core competencies necessary to participate in the assessment and evaluation of an applicant or resource family.

(D) Taking the following actions, as applicable:

(i) (I) Approving or denying resource family applications, including preparing a written report that evaluates the applicant's capacity to foster, adopt, or provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

(II) The applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

(ii) Rescinding approvals of resource families.

(E) Providing to the department a log of resource families that were approved or had approval rescinded during the month by the 10th day of the following month.

(F) (i) Updating resource family approval annually and as necessary to address any changes that have occurred in the resource family's circumstances, including, but not limited to, moving to a new home location or commencing operation of a family day care home, as defined in Section 1596.78.

(ii) A foster family agency shall conduct an announced inspection of a resource family home during the annual update, and as necessary to address any changes specified in clause (i), to ensure that the resource family is conforming to all applicable laws and the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(G) Monitoring resource families through all of the following:

(i) Ensuring that social workers who identify a condition in the home that may not meet the resource family approval standards while in the course of a routine visit to children subsequently placed with a resource family take appropriate action as needed.

(ii) Requiring resource families to meet the approval standards set forth in Section 16519.5 of the Welfare and Institutions Code and to comply with the written directives or regulations adopted thereto, other applicable laws, and

corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed as specified in the plan, the foster family agency or the department may rescind the approval of the resource family or take other administrative action in accordance with applicable law or the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(iii) Requiring resource families to report to the foster family agency any incidents, as specified in the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(iv) Inspecting resource family homes as often as necessary to ensure the quality of care provided.

(H) Performing corrective action as required by the department.

(I) Submitting information and data that the department determines is necessary to study, monitor, and prepare the report specified in paragraph (6) of subdivision (f) of Section 16519.5 of the Welfare and Institutions Code.

(J) (i) Ensuring applicants and resource families meet the training requirements, and, if applicable, the specialized training requirements set forth in Section 16519.5 of the Welfare and Institutions Code.

(ii) Nothing in this section shall preclude a foster family agency from requiring training in excess of the requirements in this section.

(4) A foster family agency may cooperatively match a child who is under the care, custody, and control of a county with a resource family for initial placement.

(c) In addition to subdivision (f) of Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services shall be responsible for all of the following:

(1) Requiring foster family agencies to monitor resource families, including, but not limited to, inspecting resource family homes, developing and monitoring resource family corrective action plans to correct identified deficiencies, and rescinding resource family approval if compliance with a corrective action plan is not achieved.

(2) Investigating all complaints regarding a resource family approved by a foster family agency and taking any action it deems necessary. This shall include investigating any incidents reported about a resource family indicating that the approval standard is not being maintained. Complaint investigations shall be conducted in accordance with the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code. A foster family agency shall not conduct an internal investigation regarding an incident report or complaint against a resource family that interferes with an investigation being conducted by the department.

(3) Rescinding approvals of a resource family approved by a foster family agency.

(4) Excluding a resource family parent or applicant or other individual from presence in any resource family home or licensed community care facility consistent with the established standard, from being a member of the board of directors, an executive director, or an officer of a licensed community care facility, or prohibiting a licensed community care facility from employing the resource family parent or other individual, if appropriate.

(5) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing, when urgent action is needed to protect a child from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

(6) Providing a resource family parent, applicant, excluded individual, or individual who is the subject of a criminal record exemption denial or rescission with due process pursuant to this chapter and subdivisions (g) to (n), inclusive, of Section 16519.6 of the Welfare and Institutions Code if the department has ordered a foster family agency to deny a resource family application or rescind the approval of a resource family, has excluded an individual, has denied or rescinded a criminal record exemption, or has taken other administrative action.

(d) (1) The department may enter and inspect the home of a resource family approved by a foster family agency to secure compliance with the resource family approval standards, investigate a complaint or incident, or ensure the quality of care provided.

(2) Upon a finding of noncompliance, the department may require a foster family agency to deny a resource family application, rescind the approval of a resource family, or take other action the department may deem necessary for the protection of a child placed with the resource family.

(A) If the department requires a foster family agency to deny an application, rescind the approval of a resource family, or take another action, the department shall serve an order of denial or rescission, or another order, that notifies the resource

family or applicant and foster family agency of the basis of the department's action and of the resource family's or applicant's right to a hearing.

(B) (i) Except as otherwise specified in this section, a hearing conducted pursuant to this section shall be conducted in accordance with Section 1551.

(ii) Notwithstanding the time for hearings set forth in this chapter, a hearing conducted pursuant to this section shall be held within the timelines specified in subdivisions (f) to (h), inclusive, of Section 16519.6 of the Welfare and Institutions Code.

(iii) Consistent with subdivision (h) of Section 16519.6 of the Welfare and Institutions Code and notwithstanding Section 1550.5, proceedings regarding the temporary suspension of a resource family approval shall not include an interim hearing.

(C) The department's order of the application denial, rescission of the approval, or another action shall remain in effect until the hearing is completed and the department has made a final determination on the merits.

(D) A foster family agency's failure to comply with the department's order to deny an application or rescind the approval of a resource family, or another order, by placing or retaining a child in care shall be grounds for disciplining the foster family agency pursuant to Section 1550.

(e) Nothing in this section or in Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code limits the authority of the department to inspect, evaluate, investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to this chapter or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(f) (1) The applicable certification and oversight processes shall continue to be administered for foster homes certified by a foster family agency prior to January 1, 2017, or as specified in paragraph (2), until the certification is revoked or forfeited by operation of law pursuant to this subdivision.

(2) Notwithstanding paragraph (3), a foster family agency shall approve or deny all certified family home applications received on or before December 31, 2016, in accordance with this chapter.

(3) On and after January 1, 2017, a foster family agency shall not accept applications to certify foster homes and shall approve resource families in lieu of certifying foster homes.

(4) No later than July 1, 2017, each foster family agency shall provide the following information to its certified family homes:

(A) A detailed description of the resource family approval program.

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2019.

(C) Notification that a certificate of approval shall be forfeited by operation of law, as specified in paragraph (8).

(5) The following shall apply to all certified family homes:

(A) A certified family home with an approved adoptive home study, completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A certified family home that had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(C) A certified family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(6) A foster family agency may provide supportive services to all certified family homes with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(7) An individual who is approved as a resource family pursuant to subparagraph (B) or (C) of paragraph (5) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(8) All certificates of approval for certified family homes shall be forfeited by operation of law on December 31, 2019, except as provided in this paragraph:

(A) All certified family homes that did not have a child in placement or did not provide county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the certificate of approval by operation of law on January 1, 2018.

(B) For certified family homes with a pending resource family application on December 31, 2019, the certificate of approval shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A certificate of approval shall be forfeited by operation of law upon approval as a resource family.

(g) A foster family agency may obtain any arrest or conviction records or reports from any law enforcement agency as necessary to the performance of its duties, as provided in this section.

(h) A foster family agency may review and discuss with an applicant the data contained in the statewide child welfare database, and provided to the foster family agency by a county, that is pertinent to conducting a family evaluation, as specified in the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

SEC. 5.5. Section 1517 of the Health and Safety Code is amended to read:

1517. (a) (1) Pursuant to subdivision (a) of Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(2) For purposes of this chapter, a "resource family" means an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria, as set forth in Section 16519.5 of the Welfare and Institutions Code, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian.

(3) There is no fundamental right to approval as a resource family.

(4) (A) A resource family shall be considered eligible to provide foster care for children in out-of-home placement and shall be considered approved for adoption and guardianship.

(B) Notwithstanding subparagraph (A), a foster family agency may approve a resource family to care for a specific child, as specified in the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(5) For purposes of this chapter, "resource family approval" means that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards adopted pursuant to subdivision (d) of Section 16519.5 of the Welfare and Institutions Code. This approval is in lieu of a certificate of approval issued by a licensed foster family agency pursuant to subdivision (b) of Section 1506.

(6) Approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family. Approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family.

(7) (A) Notwithstanding paragraphs (1) to (6), inclusive, a foster family agency shall cease any further review of an application if the applicant has had a previous application denial within the preceding year by the department or county, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or county within the preceding two years.

(B) If an individual was excluded from a resource family home or facility licensed by the department, a foster family agency shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to subdivision (g) of Section 16519.6 of the Welfare and Institutions Code or Section 1569.53, subdivision (h) of Section 1558, subdivision (h) of Section 1569.58, or subdivision (h) of Section 1596.8897 of this code.

(C) The cessation of review shall not constitute a denial of the application for purposes of this section, Section 16519.5 of the Welfare and Institutions Code, or any other law.

(D) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in Section 16519.5 of the Welfare and Institutions Code, comply with the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code, and comply with other applicable federal and state laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or probation department pursuant to Section 16519.5 of the Welfare and Institutions Code or by a foster family agency pursuant to this section.

(10) A resource family shall not be licensed to operate a residential facility, as defined in Section 1502, a residential care facility for the elderly, as defined in Section 1569.2, or a residential care facility for persons with chronic life-threatening illnesses, as defined in Section 1568.01, on the same premises used as the residence of the resource family.

(11) (A) An applicant who withdraws an application prior to its approval or denial may resubmit the application within 12 months of the withdrawal.

(B) Nothing in this paragraph shall preclude a foster family agency from requiring an applicant to complete an application activity, even if that activity was previously completed.

(b) (1) A foster family agency that approves resource families shall comply with the provisions of this section.

(2) Notwithstanding any other law, a foster family agency shall require its applicants and resource families to meet the resource family approval standards set forth in Section 16519.5 of the Welfare and Institutions Code, the written directives or regulations adopted thereto, and other applicable laws prior to approval and in order to maintain approval.

(3) A foster family agency shall be responsible for all of the following:

(A) Complying with the applicable provisions of this chapter, the regulations for foster family agencies, the resource family approval standards and requirements set forth in Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code, and the applicable written directives or regulations adopted thereto by the department.

(B) Implementing the requirements for the resource family approval and utilizing standardized documentation established by the department.

(C) Ensuring staff have the education, experience, and core competencies necessary to participate in the assessment and evaluation of an applicant or resource family.

(D) Taking the following actions, as applicable:

(i) (I) Approving or denying resource family applications, including preparing a written report that evaluates the applicant's capacity to foster, adopt, or provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

(II) The applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

(ii) Rescinding approvals of resource families.

(E) Providing to the department a log of resource families that were approved or had approval rescinded during the month by the 10th day of the following month.

(F) (i) Updating resource family approval annually and as necessary to address any changes that have occurred in the resource family's circumstances, including, but not limited to, moving to a new home location or commencing operation of a family day care home, as defined in Section 1596.78.

(ii) A foster family agency shall conduct an announced inspection of a resource family home during the annual update, and as necessary to address any changes specified in clause (i), to ensure that the resource family is conforming to all applicable laws and the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(G) Monitoring resource families through all of the following:

(i) Ensuring that social workers who identify a condition in the home that may not meet the resource family approval standards while in the course of a routine visit to children subsequently placed with a resource family take appropriate

action as needed.

(ii) Requiring resource families to meet the approval standards set forth in Section 16519.5 of the Welfare and Institutions Code and to comply with the written directives or regulations adopted thereto, other applicable laws, and corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed as specified in the plan, the foster family agency or the department may rescind the approval of the resource family or take other administrative action in accordance with applicable law or the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(iii) Requiring resource families to report to the foster family agency any incidents, as specified in the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

(iv) Inspecting resource family homes as often as necessary to ensure the quality of care provided.

(H) Performing corrective action as required by the department.

(I) Submitting information and data that the department determines is necessary to study, monitor, and prepare the report specified in paragraph (6) of subdivision (f) of Section 16519.5 of the Welfare and Institutions Code.

(J) (i) Ensuring applicants and resource families meet the training requirements, and, if applicable, the specialized training requirements set forth in Section 16519.5 of the Welfare and Institutions Code.

(ii) Nothing in this section shall preclude a foster family agency from requiring training in excess of the requirements in this section.

(4) A foster family agency may cooperatively match a child who is under the care, custody, and control of a county with a resource family for initial placement.

(c) In addition to subdivision (f) of Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services shall be responsible for all of the following:

(1) Requiring foster family agencies to monitor resource families, including, but not limited to, inspecting resource family homes, developing and monitoring resource family corrective action plans to correct identified deficiencies, and rescinding resource family approval if compliance with a corrective action plan is not achieved.

(2) Investigating all complaints regarding a resource family approved by a foster family agency and taking any action it deems necessary. This shall include investigating any incidents reported about a resource family indicating that the approval standard is not being maintained. Complaint investigations shall be conducted in accordance with the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code. A foster family agency shall not conduct an internal investigation regarding an incident report or complaint against a resource family that interferes with an investigation being conducted by the department.

(3) Rescinding approvals of a resource family approved by a foster family agency.

(4) Excluding a resource family parent or applicant or other individual from presence in any resource family home or licensed community care facility consistent with the established standard, from being a member of the board of directors, an executive director, or an officer of a licensed community care facility, or prohibiting a licensed community care facility from employing the resource family parent or other individual, if appropriate.

(5) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing, when urgent action is needed to protect a child from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

(6) Providing a resource family parent, applicant, excluded individual, or individual who is the subject of a criminal record exemption denial or rescission with due process pursuant to this chapter and subdivisions (g) to (n), inclusive, of Section 16519.6 of the Welfare and Institutions Code if the department has ordered a foster family agency to deny a resource family application or rescind the approval of a resource family, has excluded an individual, has denied or rescinded a criminal record exemption, or has taken other administrative action.

(d) (1) The department may enter and inspect the home of a resource family approved by a foster family agency to secure compliance with the resource family approval standards, investigate a complaint or incident, or ensure the quality of care provided.

(2) Upon a finding of noncompliance, the department may require a foster family agency to deny a resource family application, rescind the approval of a resource family, or take other action the department may deem necessary for the protection of a child placed with the resource family.

(A) If the department requires a foster family agency to deny an application, rescind the approval of a resource family, or take another action, the department shall serve an order of denial or rescission, or another order, that notifies the resource family or applicant and foster family agency of the basis of the department's action and of the resource family's or applicant's right to a hearing.

(B) (i) Except as otherwise specified in this section, a hearing conducted pursuant to this section shall be conducted in accordance with Section 1551.

(ii) Notwithstanding the time for hearings set forth in this chapter, a hearing conducted pursuant to this section shall be held within the timelines specified in subdivisions (f) to (h), inclusive, of Section 16519.6 of the Welfare and Institutions Code.

(iii) Consistent with subdivision (h) of Section 16519.6 of the Welfare and Institutions Code and notwithstanding Section 1550.5, proceedings regarding the temporary suspension of a resource family approval shall not include an interim hearing.

(C) The department's order of the application denial, rescission of the approval, or another action shall remain in effect until the hearing is completed and the department has made a final determination on the merits.

(D) A foster family agency's failure to comply with the department's order to deny an application or rescind the approval of a resource family, or another order, by placing or retaining a child in care shall be grounds for disciplining the foster family agency pursuant to Section 1550.

(e) Nothing in this section or in Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code limits the authority of the department to inspect, evaluate, investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to this chapter or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(f) (1) The applicable certification and oversight processes shall continue to be administered for foster homes certified by a foster family agency prior to January 1, 2017, or as specified in paragraph (2), until the certification is revoked or forfeited by operation of law pursuant to this subdivision.

(2) Notwithstanding paragraph (3), a foster family agency shall approve or deny all certified family home applications received on or before December 31, 2016, in accordance with this chapter.

(3) On and after January 1, 2017, a foster family agency shall not accept applications to certify foster homes and shall approve resource families in lieu of certifying foster homes.

(4) No later than July 1, 2019, each foster family agency shall provide the following information to its certified family homes:

(A) A detailed description of the resource family approval program.

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2020.

(C) Notification that a certificate of approval shall be forfeited by operation of law, as specified in paragraph (8).

(5) The following shall apply to all certified family homes:

(A) A certified family home with an approved adoptive home study, completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A certified family home that had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(C) A certified family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(6) A foster family agency may provide supportive services to all certified family homes with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(7) An individual who is approved as a resource family pursuant to subparagraph (B) or (C) of paragraph (5) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(8) All certificates of approval for certified family homes shall be forfeited by operation of law on December 31, 2020, except as provided in this paragraph:

(A) All certified family homes that did not have a child in placement or did not provide county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the certificate of approval by operation of law on January 1, 2018.

(B) For certified family homes with a pending resource family application on December 31, 2020, the certificate of approval shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A certificate of approval shall be forfeited by operation of law upon approval as a resource family.

(g) A foster family agency may obtain any arrest or conviction records or reports from any law enforcement agency as necessary to the performance of its duties, as provided in this section.

(h) A foster family agency may review and discuss with an applicant the data contained in the statewide child welfare database, and provided to the foster family agency by a county, that is pertinent to conducting a family evaluation, as specified in the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

SEC. 6. Section 1517.1 of the Health and Safety Code is amended to read:

1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(2) For purposes of this section, a "resource family" means an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria, as set forth in Section 16519.5 of the Welfare and Institutions Code, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian.

(b) (1) The applicable licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in paragraph (2), until the license is revoked or forfeited by operation of law pursuant to this section or Section 1524.

(2) The department shall approve or deny all foster family home license applications received on or before December 31, 2016, in accordance with this chapter.

(3) On and after January 1, 2017, the department shall not accept applications to license foster family homes.

(4) The following shall apply to all foster family homes:

(A) A foster family home with an approved adoptive home study, completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A foster family home that had a child in placement for any length of time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(C) A foster family home that provided county authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(5) An individual who is approved as a resource family pursuant to subparagraph (B) or (C) of paragraph (4) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(6) All foster family home licenses shall be forfeited by operation of law on December 31, 2019, except as provided in this paragraph or Section 1524.

(A) All licensed foster family homes that did not have a child in placement or did not provide county authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the license by operation of law on January 1, 2018.

(B) For foster family home licensees who have pending resource family applications on December 31, 2019, the foster family home license shall be forfeited by operation of law upon approval as a resource family. If approval is denied,

forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A foster family home license shall be forfeited by operation of law upon approval as a resource family.

SEC. 6.5. Section 1517.1 of the Health and Safety Code is amended to read:

1517.1. (a) (1) Pursuant to subdivision (a) of Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(2) For purposes of this section, a "resource family" means an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria, as set forth in Section 16519.5 of the Welfare and Institutions Code, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian.

(b) (1) The applicable licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in paragraph (2), until the license is revoked or forfeited by operation of law pursuant to this section or Section 1524.

(2) The department shall approve or deny all foster family home license applications received on or before December 31, 2016, in accordance with this chapter.

(3) On and after January 1, 2017, the department shall not accept applications to license foster family homes.

(4) The following shall apply to all foster family homes:

(A) A foster family home with an approved adoptive home study, completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A certified family home that had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(C) A foster family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation pursuant to Section 16519.5 of the Welfare and Institutions Code.

(5) An individual who is approved as a resource family pursuant to subparagraph (B) or (C) of paragraph (4) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(6) All foster family home licenses shall be forfeited by operation of law on December 31, 2020, except as provided in this paragraph or Section 1524.

(A) All licensed foster family homes that did not have a child in placement or did not provide county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the license by operation of law on January 1, 2018.

(B) For foster family home licensees who have pending resource family applications on December 31, 2020, the foster family home license shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A foster family home license shall be forfeited by operation of law upon approval as a resource family.

SEC. 7. Section 1517.5 of the Health and Safety Code is amended to read:

1517.5. (a) A resource family currently approved by a foster family agency pursuant to this section or Section 1517 may be approved by a subsequent foster family agency upon the successful completion of activities, as specified by the department, which shall include, but not be limited to, all of the following:

(1) The resource family shall complete the following activities:

(A) Submit an application for resource family approval to the second foster family agency.

(B) Notwithstanding paragraph (1) of subdivision (h) of Section 1522, comply with the criminal record clearance requirements set forth in Section 16519.5 of the Welfare and Institutions Code as part of an approval update with the subsequent foster family agency, including the submission of fingerprints pursuant to Section 8712 of the Family Code.

(C) Cooperate with the subsequent foster family agency in conducting an approval update, as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5 of the Welfare and Institutions Code.

(2) The subsequent foster family agency shall complete all of the following activities:

(A) Conduct a background check of the resource family and all adults residing or regularly present in the home in accordance with Section 1517 and as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5 of the Welfare and Institutions Code.

(B) Conduct a reference check pursuant to Section 1517.2.

(C) Complete an approval update for the resource family as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5 of the Welfare and Institutions Code.

(i) The subsequent foster family agency shall request a copy of the written report completed pursuant to Section 1517 and any updates to the written report regarding the resource family from the current foster family agency.

(ii) The current foster family agency shall forward a copy of the written report completed pursuant to Section 1517 and any updates to the written report regarding the resource family to the subsequent foster family agency within 20 business days of receipt of the request.

(b) A resource family currently approved by a county pursuant to Section 16519.5 of the Welfare and Institutions Code may be approved by a subsequent foster family agency upon the successful completion of activities, as specified by the department, which shall include, but not be limited to, all of the following:

(1) The resource family shall complete all of the following activities:

(A) Submit an application for resource family approval to the subsequent foster family agency.

(B) Notwithstanding paragraph (1) of subdivision (h) of Section 1522, comply with the criminal record clearance requirements set forth in Section 16519.5 of the Welfare and Institutions Code as part of an approval update with the subsequent foster family agency, including the submission of fingerprints pursuant to Section 8712 of the Family Code.

(C) Cooperate with the subsequent foster family agency in conducting an approval update, as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5 of the Welfare and Institutions Code.

(2) The subsequent foster family agency shall complete all of the following activities:

(A) Conduct a background check of the resource family and all adults residing or regularly present in the home in accordance with Section 1517 and as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5 of the Welfare and Institutions Code.

(B) Conduct a reference check pursuant to Section 1517.2.

(C) Complete an approval update for the resource family, as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5 of the Welfare and Institutions Code.

(i) The subsequent foster family agency shall request a copy of the written report completed pursuant to Section 16519.5 of the Welfare and Institutions Code and any updates to the written report regarding the resource family from the county.

(ii) The county shall forward a copy of the written report and any updates to the written report completed pursuant to Section 16519.5 of the Welfare and Institutions Code regarding the resource family to the subsequent foster family agency within 20 business days of receipt of the request.

(c) Resource family approval by a current foster family agency or a county shall be forfeited by operation of law upon approval as a resource family by a subsequent foster family agency in accordance with this section.

(d) A resource family approved pursuant to this section shall comply with the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code and comply with other applicable federal and state laws in order to maintain approval.

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

(1) "Current foster family agency" means a foster family agency by which a resource family is currently approved pursuant to this section or Section 1517.

(2) "Subsequent foster family agency" means a foster family agency to which a resource family has submitted an application for resource family approval pursuant to this section.

(3) "County" means a county child welfare or probation department by which a resource family is currently approved pursuant to Section 16519.5 of the Welfare and Institutions Code.

SEC. 8. Section 1522 of the Health and Safety Code is amended to read:

1522. The Legislature recognizes the need to generate timely and accurate positive fingerprint identification of applicants as a condition of issuing licenses, permits, or certificates of approval for persons to operate or provide direct care services in a community care facility, foster family home, or a certified family home or resource family of a licensed foster family agency. Therefore, the Legislature supports the use of the fingerprint live-scan technology, as identified in the long-range plan of the Department of Justice for fully automating the processing of fingerprints and other data by the year 1999, otherwise known as the California Crime Information Intelligence System (CAL-CII), to be used for applicant fingerprints. It is the intent of the Legislature in enacting this section to require the fingerprints of those individuals whose contact with community care clients may pose a risk to the clients' health and safety. An individual shall be required to obtain either a criminal record clearance or a criminal record exemption from the State Department of Social Services before his or her initial presence in a community care facility or certified family home.

(a) (1) Before and, as applicable, subsequent to issuing a license or special permit to a person to operate or manage a community care facility, the State Department of Social Services shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has been convicted of a crime other than a minor traffic violation or arrested for any crime specified in Section 290 of the Penal Code, or for violating Section 245, 273ab, or 273.5 of the Penal Code, subdivision (b) of Section 273a of the Penal Code, or, prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department is prohibited from granting a criminal record exemption pursuant to subdivision (g).

(2) The criminal history information shall include the full criminal record, if any, of those persons, and subsequent arrest information pursuant to Section 11105.2 of the Penal Code.

(3) Except during the 2003–04 to the 2018–19 fiscal years, inclusive, neither the Department of Justice nor the State Department of Social Services may charge a fee for the fingerprinting of an applicant for a license or special permit to operate a facility providing nonmedical board, room, and care for six or fewer children or for obtaining a criminal record of the applicant pursuant to this section.

(4) The following shall apply to the criminal record information:

(A) If the State Department of Social Services finds that the applicant, or any other person specified in subdivision (b), has been convicted of a crime other than a minor traffic violation, the application shall be denied, unless the department grants an exemption pursuant to subdivision (g).

(B) If the State Department of Social Services finds that the applicant, or any other person specified in subdivision (b), is awaiting trial for a crime other than a minor traffic violation, the State Department of Social Services may cease processing the criminal record information until the conclusion of the trial.

(C) If no criminal record information has been recorded, the Department of Justice shall provide the applicant and the State Department of Social Services with a statement of that fact.

(D) If the State Department of Social Services finds, after licensure, that the licensee, or any other person specified in paragraph (1) of subdivision (b), has been convicted of a crime other than a minor traffic violation, the license may be revoked, unless the department grants an exemption pursuant to subdivision (g).

(E) An applicant and any other person specified in subdivision (b) shall submit fingerprint images and related information to the Department of Justice for the purpose of searching the criminal records of the Federal Bureau of Investigation, in addition to the criminal records search required by this subdivision. If an applicant and all other persons described in subdivision (b) meet all of the conditions for licensure, except receipt of the Federal Bureau of Investigation's criminal offender record information search response for the applicant or any of the persons described in subdivision (b), the department may issue a license if the applicant and each person described in subdivision (b) has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction, as prescribed in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after licensure, or the issuance of a certificate of approval of a certified family home by a foster family agency, the department determines that the licensee or

any other person specified in subdivision (b) has a criminal record, the department may revoke the license, or require a foster family agency to revoke the certificate of approval, pursuant to Section 1550. The department may also suspend the license or require a foster family agency to suspend the certificate of approval pending an administrative hearing pursuant to Section 1550.5.

(F) The State Department of Social Services shall develop procedures to provide the individual's state and federal criminal history information with the written notification of his or her exemption denial or revocation based on the criminal record. Receipt of the criminal history information shall be optional on the part of the individual, as set forth in the agency's procedures. The procedure shall protect the confidentiality and privacy of the individual's record, and the criminal history information shall not be made available to the employer.

(G) Notwithstanding any other law, the department is authorized to provide an individual with a copy of his or her state or federal level criminal offender record information search response as provided to that department by the Department of Justice if the department has denied a criminal background clearance based on this information and the individual makes a written request to the department for a copy specifying an address to which it is to be sent. The state or federal 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 individual in his or her written request. The department shall retain a copy of the individual's written request and the response and date provided.

(b) (1) In addition to the applicant, this section shall be applicable to criminal record clearances and exemptions for the following persons:

(A) Adults responsible for administration or direct supervision of staff.

(B) Any adult, other than a client, residing in the facility, certified family home, or resource family home.

(C) Any person who provides client assistance in dressing, grooming, bathing, or personal hygiene. Any nurse assistant or home health aide meeting the requirements of Section 1338.5 or 1736.6, respectively, who is not employed, retained, or contracted by the licensee, and who has been certified or recertified on or after July 1, 1998, shall be deemed to meet the criminal record clearance requirements of this section. A certified nurse assistant and certified home health aide who will be providing client assistance and who falls under this exemption shall provide one copy of his or her current certification, prior to providing care, to the community care facility. The facility shall maintain the copy of the certification on file as long as care is being provided by the certified nurse assistant or certified home health aide at the facility or in a certified family home or resource family home of a foster family agency. This paragraph does not restrict the right of the department to exclude a certified nurse assistant or certified home health aide from a licensed community care facility or certified family home or resource family home of a foster family agency pursuant to Section 1558.

(D) Any staff person, volunteer, or employee who has contact with the clients.

(E) If the applicant is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity.

(F) Additional officers of the governing body of the applicant, or other persons with a financial interest in the applicant, as determined necessary by the department by regulation. The criteria used in the development of these regulations shall be based on the person's capability to exercise substantial influence over the operation of the facility.

(2) The following persons are exempt from the requirements applicable under paragraph (1):

(A) A medical professional, as defined in department regulations, who holds a valid license or certification from the person's governing California medical care regulatory entity and who is not employed, retained, or contracted by the licensee if all of the following apply:

(i) The criminal record of the person has been cleared as a condition of licensure or certification by the person's governing California medical care regulatory entity.

(ii) The person is providing time-limited specialized clinical care or services.

(iii) The person is providing care or services within the person's scope of practice.

(iv) The person is not a community care facility licensee or an employee of the facility.

(B) A third-party repair person or similar retained contractor if all of the following apply:

(i) The person is hired for a defined, time-limited job.

(ii) The person is not left alone with clients.

(iii) When clients are present in the room in which the repair person or contractor is working, a staff person who has a criminal record clearance or exemption is also present.

(C) Employees of a licensed home health agency and other members of licensed hospice interdisciplinary teams who have a contract with a client or resident of the facility, certified family home, or resource family home and are in the facility, certified family home, or resource family home at the request of that client or resident's legal decisionmaker. The exemption does not apply to a person who is a community care facility licensee or an employee of the facility.

(D) Clergy and other spiritual caregivers who are performing services in common areas of the community care facility, certified family home, or resource family home or who are advising an individual client at the request of, or with the permission of, the client or legal decisionmaker, are exempt from fingerprint and criminal background check requirements imposed by community care licensing. This exemption does not apply to a person who is a community care licensee or employee of the facility.

(E) Members of fraternal, service, or similar organizations who conduct group activities for clients if all of the following apply:

(i) Members are not left alone with clients.

(ii) Members do not transport clients off the facility, certified family home, or resource family home premises.

(iii) The same organization does not conduct group activities for clients more often than defined by the department's regulations.

(3) In addition to the exemptions in paragraph (2), the following persons in foster family homes, resource family homes, certified family homes, and small family homes are exempt from the requirements applicable under paragraph (1):

(A) Adult friends and family of the foster parent, who come into the home to visit for a length of time no longer than defined by the department in regulations, provided that the adult friends and family of the foster parent are not left alone with the foster children. However, the foster parent, acting as a reasonable and prudent parent, as defined in paragraph (2) of subdivision (a) of Section 362.04 of the Welfare and Institutions Code, may allow his or her adult friends and family to provide short-term care to the foster child and act as an appropriate occasional short-term babysitter for the child.

(B) Parents of a foster child's friend when the foster child is visiting the friend's home and the friend, foster parent, or both are also present. However, the foster parent, acting as a reasonable and prudent parent, may allow the parent of the foster child's friend to act as an appropriate, occasional short-term babysitter for the child without the friend being present.

(C) Individuals who are engaged by a foster parent to provide short-term care to the child for periods not to exceed 24 hours. Caregivers shall use a reasonable and prudent parent standard in selecting appropriate individuals to act as appropriate occasional short-term babysitters.

(4) In addition to the exemptions specified in paragraph (2), the following persons in adult day care and adult day support centers are exempt from the requirements applicable under paragraph (1):

(A) Unless contraindicated by the client's individualized program plan (IPP) or needs and service plan, a spouse, significant other, relative, or close friend of a client, or an attendant or a facilitator for a client with a developmental disability if the attendant or facilitator is not employed, retained, or contracted by the licensee. This exemption applies only if the person is visiting the client or providing direct care and supervision to the client.

(B) A volunteer if all of the following apply:

(i) The volunteer is supervised by the licensee or a facility employee with a criminal record clearance or exemption.

(ii) The volunteer is never left alone with clients.

(iii) The volunteer does not provide any client assistance with dressing, grooming, bathing, or personal hygiene other than washing of hands.

(5) (A) In addition to the exemptions specified in paragraph (2), the following persons in adult residential and social rehabilitation facilities, unless contraindicated by the client's individualized program plan (IPP) or needs and services plan, are exempt from the requirements applicable under paragraph (1): a spouse, significant other, relative, or close friend of a client, or an attendant or a facilitator for a client with a developmental disability if the attendant or facilitator is not employed, retained, or contracted by the licensee. This exemption applies only if the person is visiting the client or providing direct care and supervision to that client.

(B) This subdivision does not prevent a licensee from requiring a criminal record clearance of any individual exempt from the requirements of this section, provided that the individual has client contact.

(6) Any person similar to those described in this subdivision, as defined by the department in regulations.

(c) (1) Subsequent to initial licensure, a person specified in subdivision (b) who is not exempted from fingerprinting shall obtain either a criminal record clearance or an exemption from disqualification pursuant to subdivision (g) from the State Department of Social Services prior to employment, residence, or initial presence in the facility. A person specified in subdivision (b) who is not exempt from fingerprinting shall be fingerprinted and shall sign a declaration under penalty of perjury regarding any prior criminal convictions. The licensee shall submit fingerprint images and related information to the Department of Justice and the Federal Bureau of Investigation, through the Department of Justice, for a state and federal level criminal offender record information search, or comply with paragraph (1) of subdivision (h). These fingerprint images and related information shall be sent by electronic transmission in a manner approved by the State Department of Social Services and the Department of Justice for the purpose of obtaining a permanent set of fingerprints, and shall be submitted to the Department of Justice by the licensee. A licensee's failure to prohibit the employment, residence, or initial presence of a person specified in subdivision (b) who is not exempt from fingerprinting and who has not received either a criminal record clearance or an exemption from disqualification pursuant to subdivision (g) or to comply with paragraph (1) of subdivision (h), as required in this section, shall result in the citation of a deficiency and the immediate assessment of civil penalties in the amount of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the licensee pursuant to Section 1550. The department may assess civil penalties for continued violations as permitted by Section 1548. The fingerprint images and related information shall then be submitted to the Department of Justice for processing. Upon request of the licensee, who shall enclose a self-addressed stamped postcard for this purpose, the Department of Justice shall verify receipt of the fingerprints.

(2) Within 14 calendar days of the receipt of the fingerprint images, the Department of Justice shall notify the State Department of Social Services of the criminal record information, as provided in subdivision (a). If no criminal record information has been recorded, the Department of Justice shall provide the licensee and the State Department of Social Services with a statement of that fact within 14 calendar days of receipt of the fingerprint images. Documentation of the individual's clearance or exemption from disqualification shall be maintained by the licensee and be available for inspection. If new fingerprint images are required for processing, the Department of Justice shall, within 14 calendar days from the date of receipt of the fingerprints, notify the licensee that the fingerprints were illegible, the Department of Justice shall notify the State Department of Social Services, as required by Section 1522.04, and shall also notify the licensee by mail, within 14 days of electronic transmission of the fingerprints to the Department of Justice, if the person has no criminal history recorded. A violation of the regulations adopted pursuant to Section 1522.04 shall result in the citation of a deficiency and an immediate assessment of civil penalties in the amount of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the licensee pursuant to Section 1550. The department may assess civil penalties for continued violations as permitted by Section 1548.

(3) Except for persons specified in subdivision (b) who are exempt from fingerprinting, the licensee shall endeavor to ascertain the previous employment history of persons required to be fingerprinted. If it is determined by the State Department of Social Services, on the basis of the fingerprint images and related information submitted to the Department of Justice, that subsequent to obtaining a criminal record clearance or exemption from disqualification pursuant to subdivision (g), the person has been convicted of, or is awaiting trial for, a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a, 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the State Department of Social Services shall notify the licensee to act immediately to terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility. The State Department of Social Services may subsequently grant an exemption from disqualification pursuant to subdivision (g). If the conviction or arrest was for another crime, except a minor traffic violation, the licensee shall, upon notification by the State Department of Social Services, act immediately to either (A) terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility; or (B) seek an exemption from disqualification pursuant to subdivision (g). The State Department of Social Services shall determine if the person shall be allowed to remain in the facility until a decision on the exemption from disqualification is rendered. A licensee's failure to comply with the department's prohibition of employment, contact with clients, or presence in the facility as required by this paragraph shall result in a citation of deficiency and an immediate assessment of civil penalties in the amount of one hundred dollars (\$100) per violation per day and shall be grounds for disciplining the licensee pursuant to Section 1550.

(4) The department may issue an exemption from disqualification on its own motion pursuant to subdivision (g) if the person's criminal history indicates that the person is of good character based on the age, seriousness, and frequency of the conviction

or convictions. The department, in consultation with interested parties, shall develop regulations to establish the criteria to grant an exemption from disqualification pursuant to this paragraph.

(5) Concurrently with notifying the licensee pursuant to paragraph (3), the department shall notify the affected individual of his or her right to seek an exemption from disqualification pursuant to subdivision (g). The individual may seek an exemption from disqualification only if the licensee terminates the person's employment or removes the person from the facility after receiving notice from the department pursuant to paragraph (3).

(d) (1) Before and, as applicable, subsequent to issuing a license or certificate of approval to any person or persons to operate a foster family home, certified family home as described in Section 1506, or resource family pursuant to Section 1517 of this code or Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services or other approving authority shall secure California and Federal Bureau of Investigation criminal history information to determine whether the applicant or any person specified in subdivision (b) who is not exempt from fingerprinting has ever been convicted of a crime other than a minor traffic violation or arrested for any crime specified in subdivision (c) of Section 290 of the Penal Code, for violating Section 245, 273ab, or 273.5, subdivision (b) of Section 273a, or, prior to January 1, 1994, paragraph (2) of Section 273a, of the Penal Code, or for any crime for which the department is prohibited from granting a criminal record exemption pursuant to subdivision (g). The State Department of Social Services or other approving authority shall not issue a license or certificate of approval to any foster family home, certified family home, or resource family applicant who has not obtained both a California and Federal Bureau of Investigation criminal record clearance or exemption from disqualification pursuant to subdivision (g).

(2) The criminal history information shall include the full criminal record, if any, of those persons.

(3) Neither the Department of Justice nor the State Department of Social Services may charge a fee for the fingerprinting of an applicant for a license, special permit, or certificate of approval described in this subdivision. The record, if any, shall be taken into consideration when evaluating a prospective applicant.

(4) The following shall apply to the criminal record information:

(A) If the applicant or other persons specified in subdivision (b) who are not exempt from fingerprinting have convictions that would make the applicant's home unfit as a foster family home, a certified family home, or resource family, the license, special permit, certificate of approval, or presence shall be denied.

(B) If the State Department of Social Services finds that the applicant, or any person specified in subdivision (b) who is not exempt from fingerprinting is awaiting trial for a crime other than a minor traffic violation, the State Department of Social Services or other approving authority may cease processing the criminal record information until the conclusion of the trial.

(C) For purposes of this subdivision, a criminal record clearance provided under Section 8712 of the Family Code may be used by the department or other approving authority.

(D) To the same extent required for federal funding, a person specified in subdivision (b) who is not exempt from fingerprinting shall submit a set of fingerprint images and related information to the Department of Justice and the Federal Bureau of Investigation, through the Department of Justice, for a state and federal level criminal offender record information search, in addition to the criminal records search required by subdivision (a).

(5) Any person specified in this subdivision shall, as a part of the application, be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal convictions or arrests for any crime against a child, spousal or cohabitant abuse, or any crime for which the department cannot grant an exemption if the person was convicted and shall submit these fingerprints to the licensing agency or other approving authority.

(6) (A) Subsequent to initial licensure, certification, or approval, a person specified in subdivision (b) who is not exempt from fingerprinting shall obtain both a California and Federal Bureau of Investigation criminal record clearance, or an exemption from disqualification pursuant to subdivision (g), prior to employment, residence, or initial presence in the foster family home, certified family home, or resource family home. A foster family home licensee or foster family agency shall submit fingerprint images and related information of persons specified in subdivision (b) who are not exempt from fingerprinting to the Department of Justice and the Federal Bureau of Investigation, through the Department of Justice, for a state and federal level criminal offender record information search, or to comply with paragraph (1) of subdivision (h). A foster family home licensee's or a foster family agency's failure to either prohibit the employment, residence, or initial presence of a person specified in subdivision (b) who is not exempt from fingerprinting and who has not received either a criminal record clearance or an exemption from disqualification pursuant to subdivision (g), or comply with paragraph (1) of subdivision (h), as required in this section, shall result in a citation of a deficiency, and the immediate civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the licensee pursuant to Section 1550. A violation of the regulation adopted pursuant to Section

1522.04 shall result in the citation of a deficiency and an immediate assessment of civil penalties in the amount of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the foster family home licensee or the foster family agency pursuant to Section 1550. The State Department of Social Services may assess penalties for continued violations, as permitted by Section 1548. The fingerprint images shall then be submitted to the Department of Justice for processing.

(B) Upon request of the licensee, who shall enclose a self-addressed envelope for this purpose, the Department of Justice shall verify receipt of the fingerprints. Within five working days of the receipt of the criminal record or information regarding criminal convictions from the Department of Justice, the department shall notify the applicant of any criminal arrests or convictions. If no arrests or convictions are recorded, the Department of Justice shall provide the foster family home licensee or the foster family agency with a statement of that fact concurrent with providing the information to the State Department of Social Services.

(7) If the State Department of Social Services or other approving authority finds that the applicant, or any other person specified in subdivision (b) who is not exempt from fingerprinting, has been convicted of a crime other than a minor traffic violation, the application or presence shall be denied, unless the department grants an exemption from disqualification pursuant to subdivision (g).

(8) If the State Department of Social Services or other approving authority finds, after licensure or the granting of the certificate of approval, that the licensee, certified foster parent, resource family, or any other person specified in subdivision (b) who is not exempt from fingerprinting, has been convicted of a crime other than a minor traffic violation, the license or certificate of approval may be revoked or rescinded by the department or the foster family agency, whichever is applicable, unless the department grants an exemption from disqualification pursuant to subdivision (g). A licensee's failure to comply with the department's prohibition of employment, contact with clients, or presence in the facility as required by paragraph (3) of subdivision (c) shall be grounds for disciplining the licensee pursuant to Section 1550.

(e) (1) The State Department of Social Services shall not use a record of arrest to deny, revoke, rescind, or terminate any application, license, certificate of approval, employment, or residence unless the department investigates the incident and secures evidence, whether or not related to the incident of arrest, that is admissible in an administrative hearing to establish conduct by the person that may pose a risk to the health and safety of any person who is or may become a client.

(2) The department shall not issue a criminal record clearance to a person who has been arrested for any crime specified in Section 290 of the Penal Code, or for violating Section 245, 273ab, or 273.5, or subdivision (b) of Section 273a, of the Penal Code, or, prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department is prohibited from granting a criminal record exemption pursuant to subdivision (g), prior to the completion of an investigation pursuant to paragraph (1).

(3) The State Department of Social Services is authorized to obtain any arrest or conviction records or reports from any law enforcement agency as necessary to the performance of its duties to inspect, license, and investigate community care facilities and individuals associated with a community care facility.

(f) (1) For purposes of this section or any other provision of this chapter, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the State Department of Social Services is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, when the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this section or any other provision of this chapter, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction. For purposes of this section or any other provision of this chapter, the arrest disposition report certified by the Department of Justice, or documents admissible in a criminal action pursuant to Section 969b of the Penal Code, shall be prima facie evidence of the conviction, notwithstanding any other law prohibiting the admission of these documents in a civil or administrative action.

(2) For purposes of this section or any other provision of this chapter, the department shall consider criminal convictions from another state or federal court as if the criminal offense was committed in this state.

(g) (1) Except as otherwise provided in this subdivision with respect to a foster care provider applicant, including a relative caregiver, nonrelative extended family member, or resource family, after review of the record, the department may grant an exemption from disqualification for a license or special permit as specified in paragraph (4) of subdivision (a), or for a license, special permit, or certificate of approval as specified in paragraphs (4), (7), and (8) of subdivision (d), or for employment,

residence, or presence in a community care facility as specified in paragraphs (3), (4), and (5) of subdivision (c), if the department has substantial and convincing evidence to support a reasonable belief that the applicant and the person convicted of the crime, if other than the applicant, are of good character as to justify issuance of the license or special permit or granting an exemption for purposes of subdivision (c). Except as otherwise provided in this subdivision, an exemption shall not be granted pursuant to this subdivision if the conviction was for any of the following offenses:

(A) (i) An offense specified in Section 220, 243.4, or 264.1, subdivision (a) of Section 273a, or, prior to January 1, 1994, paragraph (1) of Section 273a, Section 273ab, 273d, 288, or 289, subdivision (c) of Section 290, or Section 368, of the Penal Code, or was a conviction of another crime against an individual specified in subdivision (c) of Section 667.5 of the Penal Code.

(ii) Notwithstanding clause (i), the department may grant an exemption regarding the conviction for an offense described in paragraph (1), (2), (7), or (8) of subdivision (c) of Section 667.5 of the Penal Code, if the employee or prospective employee has been rehabilitated as provided in Section 4852.03 of the Penal Code, has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years, and has the recommendation of the district attorney representing the employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(B) A felony offense specified in Section 729 of the Business and Professions Code or Section 206 or 215, subdivision (a) of Section 347, subdivision (b) of Section 417, or subdivision (a) of Section 451 of the Penal Code.

(2) (A) For a foster care provider applicant, a resource family applicant, or a prospective respite care provider, as described in Section 16501.01 of the Welfare and Institutions Code, an exemption shall not be granted if that applicant, or any individual subject to the background check requirements of this section pursuant to foster care provider applicant, resource family approval, or respite care provider standards, has a conviction for any of the following offenses:

(i) An offense specified in Section 220, 243.4, or 264.1, subdivision (a) of Section 273a, or, prior to January 1, 1994, paragraph (1) of Section 273a, Section 273ab, 273d, 288, or 289, subdivision (c) of Section 290, or Section 368, of the Penal Code, or was a conviction of another crime against an individual specified in subdivision (c) of Section 667.5 of the Penal Code.

(ii) A felony offense specified in Section 729 of the Business and Professions Code or Section 206 or 215, subdivision (a) of Section 347, subdivision (b) of Section 417, or subdivision (a) of Section 451 of the Penal Code.

(iii) Under no circumstances shall an exemption be granted pursuant to this subdivision to any foster care provider applicant if that applicant, or any other person specified in subdivision (b) in those homes, has a felony conviction for either of the following offenses:

(I) A felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. For purposes of this subparagraph, a crime involving violence means a violent crime specified in clause (i) of subparagraph (A), or clause (ii) of this subparagraph.

(II) A felony conviction, within the last five years, for physical assault, battery, or a drug- or alcohol-related offense.

(III) This clause shall not apply to licenses or approvals wherein a caregiver was granted an exemption to a criminal conviction described in clause (i) prior to the enactment of this clause.

(IV) This clause shall remain operative only to the extent that compliance with its provisions is required by federal law as a condition for receiving funding under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.).

(B) The department or other approving entity may grant an exemption from disqualification to a foster care provider, resource family applicant, or any individual subject to the background check requirements of this section pursuant to foster care provider applicant, resource family approval, or respite care provider standards, if the department or other approving entity has substantial and convincing evidence to support a reasonable belief that the applicant or the person convicted of the crime, if other than the applicant, is of present good character necessary to justify the granting of an exemption and the conviction is for one of the following offenses:

(i) (I) Any misdemeanor conviction within the last five years that is not otherwise prohibited by subparagraph (A).

(II) Notwithstanding subparagraph (A), a misdemeanor conviction for statutory rape, as defined in Section 261.5 of the Penal Code, a misdemeanor conviction for indecent exposure, as defined in Section 314 of the Penal Code, or a misdemeanor conviction for financial abuse against an elder, as defined in Section 368 of the Penal Code, shall be eligible for the consideration of an exemption as set forth in subparagraph (C).

(ii) Any felony conviction within the last seven years that is not otherwise prohibited by subparagraph (A).

(C) When granting an exemption for a crime listed in subparagraph (B), the department or other approving entity shall consider all reasonably available information, including, but not limited to, the following:

(i) The nature of the crime or crimes.

(ii) The period of time since the crime was committed.

(iii) The number of offenses.

(iv) Circumstances surrounding the commission of the crime indicating the likelihood of future criminal activity.

(v) Activities since conviction, including employment, participation in therapy, education, or treatment.

(vi) Whether the person convicted has successfully completed probation or parole, obtained a certificate of rehabilitation, or been granted a pardon by the Governor.

(vii) Any character references or other evidence submitted by the applicant.

(viii) Whether the person convicted demonstrated honesty and truthfulness concerning the crime or crimes during the application and approval process and made reasonable efforts to assist the department in obtaining records and documents concerning the crime or crimes.

(D) (i) The department or other approving entity shall grant an exemption from disqualification to a foster care provider applicant, resource family applicant, or any person subject to the background check requirements of this section pursuant to foster care provider applicant, resource family approval, or respite care provider standards, who has been convicted of an offense not listed in subparagraph (A) or (B), if the individual's state and federal criminal history information received from the Department of Justice independently supports a reasonable belief that the applicant or the person convicted of the crime, if other than the applicant, is of present good character necessary to justify the granting of an exemption.

(ii) Notwithstanding the fact that an individual meets the criteria described in clause (i), the department or other approving entity, at its discretion, as necessary to protect the health and safety of a child, may evaluate a person described in clause (i), for purposes of making an exemption decision, pursuant to the criteria described in subparagraphs (B) and (C).

(E) This paragraph shall not apply to licenses or approvals for which a caregiver was granted an exemption for a criminal conviction prior to January 1, 2018.

(3) The department shall not prohibit a person from being employed or having contact with clients in a facility, certified family home, or resource family home on the basis of a denied criminal record exemption request or arrest information unless the department complies with the requirements of Section 1558 of this code or Section 16519.6 of the Welfare and Institutions Code, as applicable.

(h) (1) For purposes of compliance with this section, the department may permit an individual to transfer a current criminal record clearance, as defined in subdivision (a), from one facility to another, as long as the criminal record clearance has been processed through a state licensing district office, and is being transferred to another facility licensed by a state licensing district office. The request shall be in writing to the State Department of Social Services, and shall include a copy of the person's driver's license or valid identification card issued by the Department of Motor Vehicles, or a valid photo identification issued by another state or the United States government if the person is not a California resident. Upon request of the licensee, who shall enclose a self-addressed envelope for this purpose, the State Department of Social Services shall verify whether the individual has a clearance that can be transferred.

(2) The State Department of Social Services shall hold criminal record clearances in its active files for a minimum of three years after an employee is no longer employed at a licensed facility in order for the criminal record clearance to be transferred.

(3) A criminal record clearance or exemption processed by the department, a county office with clearance and exemption authority pursuant to Section 16519.5 of the Welfare and Institutions Code, or a county office with department-delegated licensing authority shall be accepted by the department or county upon notification of transfer.

(4) With respect to notifications issued by the Department of Justice pursuant to Section 11105.2 of the Penal Code and Section 1522.1 concerning an individual whose criminal record clearance was originally processed by the department, a county office with clearance and exemption authority pursuant to Section 16519.5 of the Welfare and Institutions Code, or a county office with department-delegated licensing authority, all of the following shall apply:

(A) The Department of Justice shall process a request from the department or a county to receive the notice only if all of the following conditions are met:

(i) The request shall be submitted to the Department of Justice by the agency to be substituted to receive the notification.

(ii) The request shall be for the same applicant type as the type for which the original clearance was obtained.

(iii) The request shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(B) (i) On or before January 7, 2005, the department shall notify the Department of Justice of all county offices that have department-delegated licensing authority.

(ii) The department shall notify the Department of Justice within 15 calendar days of the date on which a new county office receives department-delegated licensing authority or a county's delegated licensing authority is rescinded.

(C) The Department of Justice shall charge the department, a county office with department-delegated licensing authority, or a county child welfare agency with criminal record clearance and exemption authority, a fee for each time a request to substitute the recipient agency is received for purposes of this paragraph. This fee shall not exceed the cost of providing the service.

(i) The full criminal record obtained for purposes of this section may be used by the department or by a licensed adoption agency as a clearance required for adoption purposes.

(j) If a licensee or facility is required by law to deny employment or to terminate employment of any employee based on written notification from the department that the employee has a prior criminal conviction or is determined unsuitable for employment under Section 1558, the licensee or facility shall not incur civil liability or unemployment insurance liability as a result of that denial or termination.

(k) The State Department of Social Services may charge a fee for the costs of processing electronic fingerprint images and related information.

SEC. 8.5. Section 1522 of the Health and Safety Code is amended to read:

1522. The Legislature recognizes the need to generate timely and accurate positive fingerprint identification of applicants as a condition of issuing licenses, permits, or certificates of approval for persons to operate or provide direct care services in a community care facility, foster family home, or a certified family home or resource family of a licensed foster family agency. Therefore, the Legislature supports the use of the fingerprint live-scan technology, as identified in the long-range plan of the Department of Justice for fully automating the processing of fingerprints and other data by the year 1999, otherwise known as the California Crime Information Intelligence System (CAL-CII), to be used for applicant fingerprints. It is the intent of the Legislature in enacting this section to require the fingerprints of those individuals whose contact with community care clients may pose a risk to the clients' health and safety. An individual shall be required to obtain either a criminal record clearance or a criminal record exemption from the State Department of Social Services before his or her initial presence in a community care facility or certified family home.

(a) (1) Before and, as applicable, subsequent to issuing a license or special permit to a person to operate or manage a community care facility, the State Department of Social Services shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has been convicted of a crime other than a minor traffic violation or arrested for any crime specified in Section 290 of the Penal Code, or for violating Section 245, 273ab, or 273.5 of the Penal Code, subdivision (b) of Section 273a of the Penal Code, or, prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department is prohibited from granting a criminal record exemption pursuant to subdivision (g).

(2) The criminal history information shall include the full criminal record, if any, of those persons, and subsequent arrest information pursuant to Section 11105.2 of the Penal Code.

(3) Except during the 2003–04 to the 2018–19 fiscal years, inclusive, neither the Department of Justice nor the State Department of Social Services may charge a fee for the fingerprinting of an applicant for a license or special permit to operate a facility providing nonmedical board, room, and care for six or fewer children or for obtaining a criminal record of the applicant pursuant to this section.

(4) The following shall apply to the criminal record information:

(A) If the State Department of Social Services finds that the applicant, or any other person specified in subdivision (b), has been convicted of a crime other than a minor traffic violation, the application shall be denied, unless the department grants an exemption pursuant to subdivision (g).

(B) If the State Department of Social Services finds that the applicant, or any other person specified in subdivision (b), is awaiting trial for a crime other than a minor traffic violation, the State Department of Social Services may cease processing the criminal record information until the conclusion of the trial.

(C) If no criminal record information has been recorded, the Department of Justice shall provide the applicant and the State Department of Social Services with a statement of that fact.

(D) If the State Department of Social Services finds, after licensure, that the licensee, or any other person specified in paragraph (1) of subdivision (b), has been convicted of a crime other than a minor traffic violation, the license may be revoked, unless the department grants an exemption pursuant to subdivision (g).

(E) An applicant and any other person specified in subdivision (b) shall submit fingerprint images and related information to the Department of Justice for the purpose of searching the criminal records of the Federal Bureau of Investigation, in addition to the criminal records search required by this subdivision. If an applicant and all other persons described in subdivision (b) meet all of the conditions for licensure, except receipt of the Federal Bureau of Investigation's criminal offender record information search response for the applicant or any of the persons described in subdivision (b), the department may issue a license if the applicant and each person described in subdivision (b) has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction, as prescribed in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after licensure, or the issuance of a certificate of approval of a certified family home by a foster family agency, the department determines that the licensee or any other person specified in subdivision (b) has a criminal record, the department may revoke the license, or require a foster family agency to revoke the certificate of approval, pursuant to Section 1550. The department may also suspend the license or require a foster family agency to suspend the certificate of approval pending an administrative hearing pursuant to Section 1550.5.

(F) The State Department of Social Services shall develop procedures to provide the individual's state and federal criminal history information with the written notification of his or her exemption denial or revocation based on the criminal record. Receipt of the criminal history information shall be optional on the part of the individual, as set forth in the agency's procedures. The procedure shall protect the confidentiality and privacy of the individual's record, and the criminal history information shall not be made available to the employer.

(G) Notwithstanding any other law, the department is authorized to provide an individual with a copy of his or her state or federal level criminal offender record information search response as provided to that department by the Department of Justice if the department has denied a criminal background clearance based on this information and the individual makes a written request to the department for a copy specifying an address to which it is to be sent. The state or federal 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 individual in his or her written request. The department shall retain a copy of the individual's written request and the response and date provided.

(b) (1) In addition to the applicant, this section shall be applicable to criminal record clearances and exemptions for the following persons:

(A) Adults responsible for administration or direct supervision of staff.

(B) Any adult, other than a client, residing in the facility, certified family home, or resource family home.

(C) Any person who provides client assistance in dressing, grooming, bathing, or personal hygiene. Any nurse assistant or home health aide meeting the requirements of Section 1338.5 or 1736.6, respectively, who is not employed, retained, or contracted by the licensee, and who has been certified or recertified on or after July 1, 1998, shall be deemed to meet the criminal record clearance requirements of this section. A certified nurse assistant and certified home health aide who will be providing client assistance and who falls under this exemption shall provide one copy of his or her current certification, prior to providing care, to the community care facility. The facility shall maintain the copy of the certification on file as long as care is being provided by the certified nurse assistant or certified home health aide at the facility or in a certified family home or resource family home of a foster family agency. This paragraph does not restrict the right of the department to exclude a certified nurse assistant or certified home health aide from a licensed community care facility or certified family home or resource family home of a foster family agency pursuant to Section 1558.

(D) Any staff person, volunteer, or employee who has contact with the clients.

(E) If the applicant is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity.

(F) Additional officers of the governing body of the applicant, or other persons with a financial interest in the applicant, as determined necessary by the department by regulation. The criteria used in the development of these regulations shall be based on the person's capability to exercise substantial influence over the operation of the facility.

(2) The following persons are exempt from the requirements applicable under paragraph (1):

(A) A medical professional, as defined in department regulations, who holds a valid license or certification from the person's governing California medical care regulatory entity and who is not employed, retained, or contracted by the licensee if all of the following apply:

(i) The criminal record of the person has been cleared as a condition of licensure or certification by the person's governing California medical care regulatory entity.

(ii) The person is providing time-limited specialized clinical care or services.

(iii) The person is providing care or services within the person's scope of practice.

(iv) The person is not a community care facility licensee or an employee of the facility.

(B) A third-party repair person or similar retained contractor if all of the following apply:

(i) The person is hired for a defined, time-limited job.

(ii) The person is not left alone with clients.

(iii) When clients are present in the room in which the repair person or contractor is working, a staff person who has a criminal record clearance or exemption is also present.

(C) Employees of a licensed home health agency and other members of licensed hospice interdisciplinary teams who have a contract with a client or resident of the facility, certified family home, or resource family home and are in the facility, certified family home, or resource family home at the request of that client or resident's legal decisionmaker. The exemption does not apply to a person who is a community care facility licensee or an individual who is otherwise associated at the facility.

(D) Clergy and other spiritual caregivers who are performing services in common areas of the community care facility, certified family home, or resource family home or who are advising an individual client at the request of, or with the permission of, the client or legal decisionmaker, are exempt from fingerprint and criminal background check requirements imposed by community care licensing. This exemption does not apply to a person who is a community care licensee or an individual who is otherwise associated at the facility.

(E) Members of fraternal, service, or similar organizations who conduct group activities for clients if all of the following apply:

(i) Members are not left alone with clients.

(ii) Members do not transport clients off the facility, certified family home, or resource family home premises.

(iii) The same organization does not conduct group activities for clients more often than defined by the department's regulations.

(3) In addition to the exemptions in paragraph (2), the following persons in foster family homes, resource family homes, certified family homes, and small family homes are exempt from the requirements applicable under paragraph (1):

(A) Adult friends and family of the foster parent, who come into the home to visit for a length of time no longer than defined by the department in regulations, provided that the adult friends and family of the foster parent are not left alone with the foster children. However, the foster parent, acting as a reasonable and prudent parent, as defined in paragraph (2) of subdivision (a) of Section 362.04 of the Welfare and Institutions Code, may allow his or her adult friends and family to provide short-term care to the foster child and act as an appropriate occasional short-term babysitter for the child.

(B) Parents of a foster child's friend when the foster child is visiting the friend's home and the friend, foster parent, or both are also present. However, the foster parent, acting as a reasonable and prudent parent, may allow the parent of the foster child's friend to act as an appropriate, occasional short-term babysitter for the child without the friend being present.

(C) Individuals who are engaged by a foster parent to provide short-term care to the child for periods not to exceed 24 hours. Caregivers shall use a reasonable and prudent parent standard in selecting appropriate individuals to act as appropriate occasional short-term babysitters.

(4) In addition to the exemptions specified in paragraph (2), the following persons in adult day care and adult day support centers are exempt from the requirements applicable under paragraph (1):

(A) Unless contraindicated by the client's individualized program plan (IPP) or needs and service plan, a spouse, significant other, relative, or close friend of a client, or an attendant or a facilitator for a client with a developmental disability if the attendant or facilitator is not employed, retained, or contracted by the licensee. This exemption applies only if the person is visiting the client or providing direct care and supervision to the client.

(B) A volunteer if all of the following apply:

(i) The volunteer is supervised by the licensee or a facility employee with a criminal record clearance or exemption.

(ii) The volunteer is never left alone with clients.

(iii) The volunteer does not provide any client assistance with dressing, grooming, bathing, or personal hygiene other than washing of hands.

(5) (A) In addition to the exemptions specified in paragraph (2), the following persons in adult residential and social rehabilitation facilities, unless contraindicated by the client's individualized program plan (IPP) or needs and services plan, are exempt from the requirements applicable under paragraph (1): a spouse, significant other, relative, or close friend of a client, or an attendant or a facilitator for a client with a developmental disability if the attendant or facilitator is not employed, retained, or contracted by the licensee. This exemption applies only if the person is visiting the client or providing direct care and supervision to that client.

(B) This subdivision does not prevent a licensee from requiring a criminal record clearance of any individual exempt from the requirements of this section, provided that the individual has client contact.

(6) Any person similar to those described in this subdivision, as defined by the department in regulations.

(c) (1) Subsequent to initial licensure, a person specified in subdivision (b) who is not exempted from fingerprinting shall obtain either a criminal record clearance or an exemption from disqualification pursuant to subdivision (g) from the State Department of Social Services prior to employment, residence, or initial presence in the facility. A person specified in subdivision (b) who is not exempt from fingerprinting shall be fingerprinted and shall sign a declaration under penalty of perjury regarding any prior criminal convictions. The licensee shall submit fingerprint images and related information to the Department of Justice and the Federal Bureau of Investigation, through the Department of Justice, for a state and federal level criminal offender record information search, or comply with paragraph (1) of subdivision (h). These fingerprint images and related information shall be sent by electronic transmission in a manner approved by the State Department of Social Services and the Department of Justice for the purpose of obtaining a permanent set of fingerprints, and shall be submitted to the Department of Justice by the licensee. A licensee's failure to prohibit the employment, residence, or initial presence of a person specified in subdivision (b) who is not exempt from fingerprinting and who has not received either a criminal record clearance or an exemption from disqualification pursuant to subdivision (g) or to comply with paragraph (1) of subdivision (h), as required in this section, shall result in the citation of a deficiency and the immediate assessment of civil penalties in the amount of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the licensee pursuant to Section 1550. The department may assess civil penalties for continued violations as permitted by Section 1548. The fingerprint images and related information shall then be submitted to the Department of Justice for processing. Upon request of the licensee, who shall enclose a self-addressed stamped postcard for this purpose, the Department of Justice shall verify receipt of the fingerprints.

(2) Within 14 calendar days of the receipt of the fingerprint images, the Department of Justice shall notify the State Department of Social Services of the criminal record information, as provided in subdivision (a). If no criminal record information has been recorded, the Department of Justice shall provide the licensee and the State Department of Social Services with a statement of that fact within 14 calendar days of receipt of the fingerprint images. Documentation of the individual's clearance or exemption from disqualification shall be maintained by the licensee and be available for inspection. If new fingerprint images are required for processing, the Department of Justice shall, within 14 calendar days from the date of receipt of the fingerprints, notify the licensee that the fingerprints were illegible, the Department of Justice shall notify the State Department of Social Services, as required by Section 1522.04, and shall also notify the licensee by mail, within 14 days of electronic transmission of the fingerprints to the Department of Justice, if the person has no criminal history recorded. A violation of the regulations adopted pursuant to Section 1522.04 shall result in the citation of a deficiency and an immediate assessment of civil penalties in the

amount of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the licensee pursuant to Section 1550. The department may assess civil penalties for continued violations as permitted by Section 1548.

(3) Except for persons specified in subdivision (b) who are exempt from fingerprinting, the licensee shall endeavor to ascertain the previous employment history of persons required to be fingerprinted. If it is determined by the State Department of Social Services, on the basis of the fingerprint images and related information submitted to the Department of Justice, that subsequent to obtaining a criminal record clearance or exemption from disqualification pursuant to subdivision (g), the person has been convicted of, or is awaiting trial for, a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a, 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the State Department of Social Services shall notify the licensee to act immediately to terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility. The State Department of Social Services may subsequently grant an exemption from disqualification pursuant to subdivision (g). If the conviction or arrest was for another crime, except a minor traffic violation, the licensee shall, upon notification by the State Department of Social Services, act immediately to either (A) terminate the person's employment, remove the person from the community care facility, or bar the person from entering the community care facility; or (B) seek an exemption from disqualification pursuant to subdivision (g). The State Department of Social Services shall determine if the person shall be allowed to remain in the facility until a decision on the exemption from disqualification is rendered. A licensee's failure to comply with the department's prohibition of employment, contact with clients, or presence in the facility as required by this paragraph shall result in a citation of deficiency and an immediate assessment of civil penalties in the amount of one hundred dollars (\$100) per violation per day and shall be grounds for disciplining the licensee pursuant to Section 1550.

(4) The department may issue an exemption from disqualification on its own motion pursuant to subdivision (g) if the person's criminal history indicates that the person is of good character based on the age, seriousness, and frequency of the conviction or convictions. The department, in consultation with interested parties, shall develop regulations to establish the criteria to grant an exemption from disqualification pursuant to this paragraph.

(5) Concurrently with notifying the licensee pursuant to paragraph (3), the department shall notify the affected individual of his or her right to seek an exemption from disqualification pursuant to subdivision (g). The individual may seek an exemption from disqualification only if the licensee terminates the person's employment or removes the person from the facility after receiving notice from the department pursuant to paragraph (3).

(d) (1) Before and, as applicable, subsequent to issuing a license or certificate of approval to any person or persons to operate a foster family home, certified family home as described in Section 1506, or resource family pursuant to Section 1517 of this code or Section 16519.5 of the Welfare and Institutions Code, the State Department of Social Services or other approving authority shall secure California and Federal Bureau of Investigation criminal history information to determine whether the applicant or any person specified in subdivision (b) who is not exempt from fingerprinting has ever been convicted of a crime other than a minor traffic violation or arrested for any crime specified in subdivision (c) of Section 290 of the Penal Code, for violating Section 245, 273ab, or 273.5, subdivision (b) of Section 273a, or, prior to January 1, 1994, paragraph (2) of Section 273a, of the Penal Code, or for any crime for which the department is prohibited from granting a criminal record exemption pursuant to subdivision (g). The State Department of Social Services or other approving authority shall not issue a license or certificate of approval to any foster family home, certified family home, or resource family applicant who has not obtained both a California and Federal Bureau of Investigation criminal record clearance or exemption from disqualification pursuant to subdivision (g).

(2) The criminal history information shall include the full criminal record, if any, of those persons.

(3) Neither the Department of Justice nor the State Department of Social Services may charge a fee for the fingerprinting of an applicant for a license, special permit, or certificate of approval described in this subdivision. The record, if any, shall be taken into consideration when evaluating a prospective applicant.

(4) The following shall apply to the criminal record information:

(A) If the applicant or other persons specified in subdivision (b) who are not exempt from fingerprinting have convictions that would make the applicant's home unfit as a foster family home, a certified family home, or resource family, the license, special permit, certificate of approval, or presence shall be denied.

(B) If the State Department of Social Services finds that the applicant, or any person specified in subdivision (b) who is not exempt from fingerprinting is awaiting trial for a crime other than a minor traffic violation, the State Department of Social Services or other approving authority may cease processing the criminal record information until the conclusion of the trial.

(C) For purposes of this subdivision, a criminal record clearance provided under Section 8712 of the Family Code may be used by the department or other approving authority.

(D) To the same extent required for federal funding, a person specified in subdivision (b) who is not exempt from fingerprinting shall submit a set of fingerprint images and related information to the Department of Justice and the Federal Bureau of Investigation, through the Department of Justice, for a state and federal level criminal offender record information search, in addition to the criminal records search required by subdivision (a).

(5) Any person specified in this subdivision shall, as a part of the application, be fingerprinted and sign a declaration under penalty of perjury regarding any prior criminal convictions or arrests for any crime against a child, spousal or cohabitant abuse, or any crime for which the department cannot grant an exemption if the person was convicted and shall submit these fingerprints to the licensing agency or other approving authority.

(6) (A) Subsequent to initial licensure, certification, or approval, a person specified in subdivision (b) who is not exempt from fingerprinting shall obtain both a California and Federal Bureau of Investigation criminal record clearance, or an exemption from disqualification pursuant to subdivision (g), prior to employment, residence, or initial presence in the foster family home, certified family home, or resource family home. A foster family home licensee or foster family agency shall submit fingerprint images and related information of persons specified in subdivision (b) who are not exempt from fingerprinting to the Department of Justice and the Federal Bureau of Investigation, through the Department of Justice, for a state and federal level criminal offender record information search, or to comply with paragraph (1) of subdivision (h). A foster family home licensee's or a foster family agency's failure to either prohibit the employment, residence, or initial presence of a person specified in subdivision (b) who is not exempt from fingerprinting and who has not received either a criminal record clearance or an exemption from disqualification pursuant to subdivision (g), or comply with paragraph (1) of subdivision (h), as required in this section, shall result in a citation of a deficiency, and the immediate civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the licensee pursuant to Section 1550. A violation of the regulation adopted pursuant to Section 1522.04 shall result in the citation of a deficiency and an immediate assessment of civil penalties in the amount of one hundred dollars (\$100) per violation per day for a maximum of five days, unless the violation is a second or subsequent violation within a 12-month period in which case the civil penalties shall be in the amount of one hundred dollars (\$100) per violation for a maximum of 30 days, and shall be grounds for disciplining the foster family home licensee or the foster family agency pursuant to Section 1550. The State Department of Social Services may assess penalties for continued violations, as permitted by Section 1548. The fingerprint images shall then be submitted to the Department of Justice for processing.

(B) Upon request of the licensee, who shall enclose a self-addressed envelope for this purpose, the Department of Justice shall verify receipt of the fingerprints. Within five working days of the receipt of the criminal record or information regarding criminal convictions from the Department of Justice, the department shall notify the applicant of any criminal arrests or convictions. If no arrests or convictions are recorded, the Department of Justice shall provide the foster family home licensee or the foster family agency with a statement of that fact concurrent with providing the information to the State Department of Social Services.

(7) If the State Department of Social Services or other approving authority finds that the applicant, or any other person specified in subdivision (b) who is not exempt from fingerprinting, has been convicted of a crime other than a minor traffic violation, the application or presence shall be denied, unless the department grants an exemption from disqualification pursuant to subdivision (g).

(8) If the State Department of Social Services or other approving authority finds, after licensure or the granting of the certificate of approval, that the licensee, certified foster parent, resource family, or any other person specified in subdivision (b) who is not exempt from fingerprinting, has been convicted of a crime other than a minor traffic violation, the license or certificate of approval may be revoked or rescinded by the department or the foster family agency, whichever is applicable, unless the department grants an exemption from disqualification pursuant to subdivision (g). A licensee's failure to comply with the department's prohibition of employment, contact with clients, or presence in the facility as required by paragraph (3) of subdivision (c) shall be grounds for disciplining the licensee pursuant to Section 1550.

(e) (1) The State Department of Social Services shall not use a record of arrest to deny, revoke, rescind, or terminate any application, license, certificate of approval, employment, or residence unless the department investigates the incident and secures evidence, whether or not related to the incident of arrest, that is admissible in an administrative hearing to establish conduct by the person that may pose a risk to the health and safety of any person who is or may become a client.

(2) The department shall not issue a criminal record clearance to a person who has been arrested for any crime specified in Section 290 of the Penal Code, or for violating Section 245, 273ab, or 273.5, or subdivision (b) of Section 273a, of the Penal Code, or, prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department

is prohibited from granting a criminal record exemption pursuant to subdivision (g), prior to the completion of an investigation pursuant to paragraph (1).

(3) The State Department of Social Services is authorized to obtain any arrest or conviction records or reports from any law enforcement agency as necessary to the performance of its duties to inspect, license, and investigate community care facilities and individuals associated with a community care facility.

(f) (1) For purposes of this section or any other provision of this chapter, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the State Department of Social Services is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, when the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this section or any other provision of this chapter, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction. For purposes of this section or any other provision of this chapter, the arrest disposition report certified by the Department of Justice, or documents admissible in a criminal action pursuant to Section 969b of the Penal Code, shall be prima facie evidence of the conviction, notwithstanding any other law prohibiting the admission of these documents in a civil or administrative action.

(2) For purposes of this section or any other provision of this chapter, the department shall consider criminal convictions from another state or federal court as if the criminal offense was committed in this state.

(g) (1) Except as otherwise provided in this subdivision with respect to a foster care provider applicant, including a relative caregiver, nonrelative extended family member, or resource family, after review of the record, the department may grant an exemption from disqualification for a license or special permit as specified in paragraph (4) of subdivision (a), or for a license, special permit, or certificate of approval as specified in paragraphs (4), (7), and (8) of subdivision (d), or for employment, residence, or presence in a community care facility as specified in paragraphs (3), (4), and (5) of subdivision (c), if the department has substantial and convincing evidence to support a reasonable belief that the applicant and the person convicted of the crime, if other than the applicant, are of good character as to justify issuance of the license or special permit or granting an exemption for purposes of subdivision (c). Except as otherwise provided in this subdivision, an exemption shall not be granted pursuant to this subdivision if the conviction was for any of the following offenses:

(A) (i) An offense specified in Section 220, 243.4, or 264.1, subdivision (a) of Section 273a, or, prior to January 1, 1994, paragraph (1) of Section 273a, Section 273ab, 273d, 288, or 289, subdivision (c) of Section 290, or Section 368, of the Penal Code, or was a conviction of another crime against an individual specified in subdivision (c) of Section 667.5 of the Penal Code.

(ii) Notwithstanding clause (i), the department may grant an exemption regarding the conviction for an offense described in paragraph (1), (2), (7), or (8) of subdivision (c) of Section 667.5 of the Penal Code, if the employee or prospective employee has been rehabilitated as provided in Section 4852.03 of the Penal Code, has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years, and has the recommendation of the district attorney representing the employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(B) A felony offense specified in Section 729 of the Business and Professions Code or Section 206 or 215, subdivision (a) of Section 347, subdivision (b) of Section 417, or subdivision (a) of Section 451 of the Penal Code.

(2) (A) For a foster care provider applicant, a resource family applicant, or a prospective respite care provider, as described in Section 16501.01 of the Welfare and Institutions Code, an exemption shall not be granted if that applicant, or any individual subject to the background check requirements of this section pursuant to foster care provider applicant, resource family approval, or respite care provider standards, has a conviction for any of the following offenses:

(i) An offense specified in Section 220, 243.4, or 264.1, subdivision (a) of Section 273a, or, prior to January 1, 1994, paragraph (1) of Section 273a, Section 273ab, 273d, 288, or 289, subdivision (c) of Section 290, or Section 368, of the Penal Code, or was a conviction of another crime against an individual specified in subdivision (c) of Section 667.5 of the Penal Code.

(ii) A felony offense specified in Section 729 of the Business and Professions Code or Section 206 or 215, subdivision (a) of Section 347, subdivision (b) of Section 417, or subdivision (a) of Section 451 of the Penal Code.

(iii) Under no circumstances shall an exemption be granted pursuant to this subdivision to any foster care provider applicant if that applicant, or any other person specified in subdivision (b) in those homes, has a felony conviction for

either of the following offenses:

(I) A felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. For purposes of this subparagraph, a crime involving violence means a violent crime specified in clause (i) of subparagraph (A), or clause (ii) of this subparagraph.

(II) A felony conviction, within the last five years, for physical assault, battery, or a drug- or alcohol-related offense.

(III) This clause shall not apply to licenses or approvals wherein a caregiver was granted an exemption to a criminal conviction described in clause (i) prior to the enactment of this clause.

(IV) This clause shall remain operative only to the extent that compliance with its provisions is required by federal law as a condition for receiving funding under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.).

(B) The department or other approving entity may grant an exemption from disqualification to a foster care provider, resource family applicant, or any individual subject to the background check requirements of this section pursuant to foster care provider applicant, resource family approval, or respite care provider standards, if the department or other approving entity has substantial and convincing evidence to support a reasonable belief that the applicant or the person convicted of the crime, if other than the applicant, is of present good character necessary to justify the granting of an exemption and the conviction is for one of the following offenses:

(i) (I) Any misdemeanor conviction within the last five years that is not otherwise prohibited by subparagraph (A).

(II) Notwithstanding subparagraph (A), a misdemeanor conviction for statutory rape, as defined in Section 261.5 of the Penal Code, a misdemeanor conviction for indecent exposure, as defined in Section 314 of the Penal Code, or a misdemeanor conviction for financial abuse against an elder, as defined in Section 368 of the Penal Code, shall be eligible for the consideration of an exemption as set forth in subparagraph (C).

(ii) Any felony conviction within the last seven years that is not otherwise prohibited by subparagraph (A).

(C) When granting an exemption for a crime listed in subparagraph (B), the department or other approving entity shall consider all reasonably available information, including, but not limited to, the following:

(i) The nature of the crime or crimes.

(ii) The period of time since the crime was committed.

(iii) The number of offenses.

(iv) Circumstances surrounding the commission of the crime indicating the likelihood of future criminal activity.

(v) Activities since conviction, including employment, participation in therapy, education, or treatment.

(vi) Whether the person convicted has successfully completed probation or parole, obtained a certificate of rehabilitation, or been granted a pardon by the Governor.

(vii) Any character references or other evidence submitted by the applicant.

(viii) Whether the person convicted demonstrated honesty and truthfulness concerning the crime or crimes during the application and approval process and made reasonable efforts to assist the department in obtaining records and documents concerning the crime or crimes.

(D) (i) The department or other approving entity shall grant an exemption from disqualification to a foster care provider applicant, resource family applicant, or any person subject to the background check requirements of this section pursuant to foster care provider applicant, resource family approval, or respite care provider standards, who has been convicted of an offense not listed in subparagraph (A) or (B), if the individual's state and federal criminal history information received from the Department of Justice independently supports a reasonable belief that the applicant or the person convicted of the crime, if other than the applicant, is of present good character necessary to justify the granting of an exemption.

(ii) Notwithstanding the fact that an individual meets the criteria described in clause (i), the department or other approving entity, at its discretion, as necessary to protect the health and safety of a child, may evaluate a person described in clause (i), for purposes of making an exemption decision, pursuant to the criteria described in subparagraphs (B) and (C).

(E) This paragraph shall not apply to licenses or approvals for which a caregiver was granted an exemption for a criminal conviction prior to January 1, 2018.

(3) The department shall not prohibit a person from being employed or having contact with clients in a facility, certified family home, or resource family home on the basis of a denied criminal record exemption request or arrest information unless the department complies with the requirements of Section 1558 of this code or Section 16519.6 of the Welfare and Institutions Code, as applicable.

(h) (1) (A) For purposes of compliance with this section, the department may permit an individual to transfer a current criminal record clearance, as defined in subdivision (a), from one facility to another, as long as the criminal record clearance has been processed through a state licensing regional office, and is being transferred to another facility licensed by a state licensing regional office. The request shall be in writing to the State Department of Social Services, and shall include a copy of the person's driver's license or valid identification card issued by the Department of Motor Vehicles, or a valid photo identification issued by another state or the United States government if the person is not a California resident. Upon request of the licensee, who shall enclose a self-addressed envelope for this purpose, the State Department of Social Services shall verify whether the individual has a clearance that can be transferred.

(B) Except for individuals associated to a certified family home or resource family of a foster family agency, and until such time as an automated information system for tracking changes in facility associations is available, for purposes of compliance with this section, the department shall permit a licensee who operates more than one community care facility of the same facility type to do either of the following on a form provided by and submitted to the department:

(i) Transfer an individual's current criminal record clearance to one or more facilities operated by the same licensee.

(ii) Within a single state licensing region, designate one facility as the central administrative facility to which individuals identified by the licensee with a current criminal record clearance are associated.

(2) The State Department of Social Services shall hold criminal record clearances in its active files for a minimum of three years after an individual is no longer employed or otherwise associated at a licensed facility in order for the criminal record clearance to be transferred.

(3) A criminal record clearance or exemption processed by the department, a county office with clearance and exemption authority pursuant to Section 16519.5 of the Welfare and Institutions Code, or a county office with department-delegated licensing authority shall be accepted by the department or county upon notification of transfer.

(4) With respect to notifications issued by the Department of Justice pursuant to Section 11105.2 of the Penal Code and Section 1522.1 concerning an individual whose criminal record clearance was originally processed by the department, a county office with clearance and exemption authority pursuant to Section 16519.5 of the Welfare and Institutions Code, or a county office with department-delegated licensing authority, all of the following shall apply:

(A) The Department of Justice shall process a request from the department or a county to receive the notice only if all of the following conditions are met:

(i) The request shall be submitted to the Department of Justice by the agency to be substituted to receive the notification.

(ii) The request shall be for the same applicant type as the type for which the original clearance was obtained.

(iii) The request shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(B) (i) On or before January 7, 2005, the department shall notify the Department of Justice of all county offices that have department-delegated licensing authority.

(ii) The department shall notify the Department of Justice within 15 calendar days of the date on which a new county office receives department-delegated licensing authority or a county's delegated licensing authority is rescinded.

(C) The Department of Justice shall charge the department, a county office with department-delegated licensing authority, or a county child welfare agency with criminal record clearance and exemption authority, a fee for each time a request to substitute the recipient agency is received for purposes of this paragraph. This fee shall not exceed the cost of providing the service.

(5) The licensee, or a designated individual on behalf of the licensee, shall be available to the department to identify the present work location of all cleared and exempted individuals employed by the licensee.

(6) Until such time as an automated information system for tracking changes in facility associations is available, facility associations shall be updated in the following manner:

(A) At the time the annual fee is due, the department shall provide to the licensee a list of associated individuals previously identified by the licensee. The licensee shall update this list indicating any individual whose employment has been terminated or who is otherwise no longer associated with the facility or facilities previously identified by the licensee. The updated list and the annual fee shall be returned to the department on or before the stated due date in the fee notice.

(B) Six months after the due date of the annual fee, and provided the licensee has received a list from the department of associated individuals previously identified by the licensee, the licensee shall update the list indicating any individual whose employment has been terminated or who is otherwise no longer associated with the facility or facilities previously identified by the licensee.

(C) At any time upon request by the department, and upon receipt of a list from the department of associated individuals previously identified by the licensee, the licensee shall update the list indicating any individual whose employment has been terminated or who is otherwise no longer associated with the facility or facilities previously identified by the licensee.

(i) The full criminal record obtained for purposes of this section may be used by the department or by a licensed adoption agency as a clearance required for adoption purposes.

(j) If a licensee or facility is required by law to deny employment or to terminate employment of any employee based on written notification from the department that the employee has a prior criminal conviction or is determined unsuitable for employment under Section 1558, the licensee or facility shall not incur civil liability or unemployment insurance liability as a result of that denial or termination.

(k) The State Department of Social Services may charge a fee for the costs of processing electronic fingerprint images and related information.

SEC. 9. Section 1524 of the Health and Safety Code is amended to read:

1524. A license shall be forfeited by operation of law when one of the following occurs:

(a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when the transfer of stock does not constitute a majority change of ownership.

(b) The licensee surrenders the license to the department.

(c) (1) The licensee moves a facility from one location to another. The department shall develop regulations to ensure that the facilities are not charged a full licensing fee and do not have to complete the entire application process when applying for a license for the new location.

(2) This subdivision shall not apply to a licensed foster family or a home certified by a licensed foster family agency. When a foster family home licensee or certified home parent moves to a new location, the existing license or certification may be transferred to the new location. All caregivers to whom this paragraph applies shall be required to meet all applicable licensing laws and regulations at the new location.

(d) The licensee is convicted of an offense for which the department is prohibited from granting a criminal record exemption pursuant to paragraph (1) of subdivision (g) of Section 1522.

(e) The licensee dies. If an adult relative notifies the department of his or her desire to continue operation of the facility and submits an application, the department shall expedite the application. The department shall promulgate regulations for expediting applications submitted pursuant to this subdivision.

(f) The licensee abandons the facility.

(g) When the certification issued by the State Department of Developmental Services to a licensee of an Adult Residential Facility for Persons with Special Health Care Needs, licensed pursuant to Article 9 (commencing with Section 1567.50), is rescinded.

(h) When the certification issued by the State Department of Developmental Services to a licensee of an enhanced behavioral supports home, licensed pursuant to Article 9.5 (commencing with Section 1567.61), is rescinded.

(i) When the certificate of program approval issued by the State Department of Developmental Services, pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, to a licensee of a community crisis home, licensed pursuant to Article 9.7 (commencing with Section 1567.80), is rescinded.

(j) A group home license issued to a county shall be forfeited by operation of law when the county receives a license to operate a temporary shelter care facility in accordance with Section 1530.8.

(k) A temporary shelter care facility license issued to a private, nonprofit organization under contract with a county shall be forfeited by operation of law upon termination of the contract in accordance with Section 1530.8.

(l) A foster family home license is forfeited by operation of law, as provided in Section 1517.1 of this code or Section 16519.5 of the Welfare and Institutions Code.

SEC. 10. Section 1524.01 is added to the Health and Safety Code, to read:

1524.01. A resource family approval shall be forfeited by operation of law when one of the following occurs:

(a) The resource family surrenders the approval to the licensed foster family agency.

(b) The resource family is convicted of an offense for which the department is prohibited from granting a criminal record exemption pursuant to paragraph (2) of subdivision (g) of Section 1522.

(c) The sole resource family parent dies.

(d) The resource family abandons the approved home.

(e) The resource family fails to cooperate with an annual update, as described in subparagraph (F) of paragraph (3) of subdivision (b) of Section 1517, within 30 days of the date of written notice by the licensed foster family agency.

(f) A resource family approval is forfeited by operation of law as provided in Section 1517.5 of this code or Section 16519.58 of the Welfare and Institutions Code.

SEC. 11. Section 1527 of the Health and Safety Code is amended to read:

1527. As used in this article:

(a) "Aircraft" includes, but is not limited to, any airplane, glider, or hot air balloon.

(b) "Bodily injury" means any bodily injury, sickness, or disease sustained by any person including death at any time resulting therefrom.

(c) "Foster child" means a person under 19 years of age who has been placed in the care and supervision of licensed foster parents or, on and after January 1, 2019, a resource family, as defined in Section 16519.5 of the Welfare and Institutions Code.

(d) "Foster parent" means the person, and including his or her spouse if the spouse is a resident of the same household, providing care, custody, and control of a foster child in a licensed foster family home or licensed small family home, as defined in Section 1502, or, on and after January 1, 2019, a resource family, as defined in Section 16519.5 of the Welfare and Institutions Code.

(e) "Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or personal injury neither expected nor intended by the foster parent. Multiple incidents of a general course of conduct shall be considered one occurrence, regardless of the period of time during which the acts transpired.

(f) "Motor vehicle" means an automobile, motorcycle, moped, midget automobile, including the type commonly referred to as a kart, go-kart, speedmobile, or by a comparable name whether commercially built or otherwise, trailer or semitrailer designed for travel on public roads, including any machinery or apparatus attached thereto, or snowmobile.

(g) "Personal injury" means any injury to the feelings or reputation of any person or organization arising out of libel, slander, defamation, or disparagement, wrongful eviction, or entry.

(h) "Property damage" means any physical injury to, or destruction of, tangible property, including the loss of use thereof at any time resulting therefrom.

(i) "Watercraft" includes, but is not limited to, any boat, ship, raft, or canoe, whether motorized or not.

SEC. 12. Section 1527.1 of the Health and Safety Code is amended to read:

1527.1. There is hereby established the Foster Family Home and Small Family Home Insurance Fund within the State Department of Social Services. The fund shall consist of all moneys appropriated by the Legislature. The department may contract with another state agency to set up and operate the fund and perform other administrative functions that may be

necessary to carry out the intentions of this article. The purpose of the fund is to pay, on behalf of foster family homes and small family homes, as defined in Section 1502, and, on or after January 1, 2019, resource families, as defined in Section 16519.5 of the Welfare and Institutions Code, claims of foster children, their parents, guardians, or guardians ad litem resulting from occurrences peculiar to the foster care relationship and the provision of foster care services. The fund may sue and be sued.

SEC. 13. Section 1527.2 of the Health and Safety Code is amended to read:

1527.2. The fund, subject to this article, shall pay, on behalf of foster family homes, small family homes, and, on and after January 1, 2019, resource families, any claims of foster children, their parents, guardians, or guardians ad litem for damages arising from, and peculiar to, the foster care relationship and the provision of foster care services, or shall reimburse foster family homes, small family homes, and resource families for those damages.

SEC. 14. Section 1527.4 of the Health and Safety Code is amended to read:

1527.4. Notwithstanding any other provision of this article, the fund shall not be liable for damages in excess of three hundred thousand dollars (\$300,000) for any single foster family home, small family home, or, on and after January 1, 2019, resource family for all claims arising due to one or more occurrences during any consecutive 12-month period. The fund shall be liable only once for damages arising from one occurrence.

SEC. 15. Section 1527.5 of the Health and Safety Code is amended to read:

1527.5. The fund shall be liable, if a claim is approved, to pay on behalf of each licensed foster family home, small family home, or, on or after January 1, 2019, resource family, all sums which the foster family home, small family home, or resource family is obligated to pay as a result of a valid claim of bodily injury or personal injury arising out of the activities of a foster parent or foster parents, which occurs while the foster child resides in the foster family home, small family home, or resource family. Claims specified in this section of a foster child or a parent, guardian, or guardian ad litem of a foster child shall be the sole responsibility of the fund.

SEC. 16. Section 1534 of the Health and Safety Code is amended to read:

1534. (a) (1) (A) Except for foster family homes, every licensed community care facility shall be subject to unannounced inspections by the department.

(B) Foster family homes shall be subject to announced inspections by the department, except that a foster family home shall be subject to unannounced inspections in response to a complaint, a plan of correction, or under any of the circumstances set forth in subparagraph (B) of paragraph (2).

(2) (A) The department may inspect these facilities as often as necessary to ensure the quality of care provided.

(B) The department shall conduct an annual unannounced inspection of a facility under any of the following circumstances:

(i) When a license is on probation.

(ii) When the terms of agreement in a facility compliance plan require an annual inspection.

(iii) When an accusation against a licensee is pending.

(iv) When a facility requires an annual inspection as a condition of receiving federal financial participation.

(v) In order to verify that a person who has been ordered out of a facility by the department is no longer at the facility.

(C) On and after January 1, 2017, and until January 1, 2018, the following shall apply:

(i) Except for foster family homes, the department shall conduct annual unannounced inspections of no less than 30 percent of every licensed community care facility not subject to an inspection under subparagraph (B).

(ii) The department shall conduct annual announced inspections of no less than 30 percent of foster family homes not subject to an inspection under subparagraph (B).

(iii) These inspections shall be conducted based on a random sampling methodology developed by the department.

(iv) The department shall inspect a licensed community care facility at least once every three years.

(D) On and after January 1, 2018, and until January 1, 2019, the following shall apply:

(i) The department shall conduct annual unannounced inspections of no less than 20 percent of adult residential facilities, adult day programs, social rehabilitation facilities, enhanced behavioral support homes for adults, and community crisis homes, as defined in Section 1502, which are not subject to an inspection under subparagraph (B).

(ii) These inspections shall be conducted based on a random sampling methodology developed by the department.

(iii) The department shall inspect an adult residential facility, adult day program, social rehabilitation facility, enhanced behavioral support home for adults, and community crisis home, as defined in Section 1502, at least once every two years.

(E) On and after January 1, 2019, the department shall conduct annual unannounced inspections of all adult residential facilities, adult day programs, social rehabilitation facilities, enhanced behavioral support homes for adults, and community crisis homes, as defined in Section 1502, and adult residential facilities for persons with special health care needs, as defined in Section 4684.50 of the Welfare and Institutions Code.

(F) On and after January 1, 2018, all of the following shall apply:

(i) Except for foster family homes, the department shall conduct annual unannounced inspections of no less than 20 percent of residential care facilities for children, as defined in Section 1502, including enhanced behavioral support homes for children, transitional housing placement providers, and foster family agencies not subject to an inspection under subparagraph (B).

(ii) The department shall conduct annual announced inspections of no less than 20 percent of foster family homes, as defined in Section 1502, not subject to an inspection under subparagraph (B).

(iii) The inspections in clauses (i) and (ii) shall be conducted based on a random sampling methodology developed by the department.

(iv) The department shall conduct unannounced inspections of residential care facilities for children, as defined in Section 1502, including enhanced behavioral support homes for children, transitional housing placement providers, and foster family agencies, and announced inspections of foster family homes, at least once every two years.

(3) In order to facilitate direct contact with group home or short-term residential therapeutic program clients, the department may interview children who are clients of group homes or short-term residential therapeutic programs at any public agency or private agency at which the client may be found, including, but not limited to, a juvenile hall, recreation or vocational program, or a public or nonpublic school. The department shall respect the rights of the child while conducting the interview, including informing the child that he or she has the right not to be interviewed and the right to have another adult present during the interview.

(4) The department shall notify the community care facility in writing of all deficiencies in its compliance with the provisions of this chapter and the rules and regulations adopted pursuant to this chapter, and shall set a reasonable length of time for compliance by the facility.

(5) Reports on the results of each inspection, evaluation, or consultation shall be kept on file in the department, and all inspection reports, consultation reports, lists of deficiencies, and plans of correction shall be open to public inspection.

(b) (1) This section does not limit the authority of the department to inspect or evaluate a licensed foster family agency, a certified family home, or any aspect of a program in which a licensed community care facility is certifying compliance with licensing requirements.

(2) (A) A foster family agency shall conduct an announced inspection of a certified family home during the annual recertification described in Section 1506 in order to ensure that the certified family home meets all applicable licensing standards. A foster family agency may inspect a certified family home as often as necessary to ensure the quality of care provided.

(B) In addition to the inspections required pursuant to subparagraph (A), a foster family agency shall conduct an unannounced inspection of a certified family home under any of the following circumstances:

(i) When a certified family home is on probation.

(ii) When the terms of the agreement in a facility compliance plan require an annual inspection.

(iii) When an accusation against a certified family home is pending.

(iv) When a certified family home requires an annual inspection as a condition of receiving federal financial participation.

(v) In order to verify that a person who has been ordered out of a certified family home by the department is no longer at the home.

(3) Upon a finding of noncompliance by the department, the department may require a foster family agency to deny or revoke the certificate of approval of a certified family home, or take other action the department may deem necessary for the protection of a child placed with the certified family home. The certified parent or prospective foster parent shall be afforded the due process provided pursuant to this chapter.

(4) If the department requires a foster family agency to deny or revoke the certificate of approval, the department shall serve an order of denial or revocation upon the certified or prospective foster parent and foster family agency that shall notify the certified or prospective foster parent of the basis of the department's action and of the certified or prospective foster parent's right to a hearing.

(5) Within 15 days after the department serves an order of denial or revocation, the certified or prospective foster parent may file a written appeal of the department's decision with the department. The department's action shall be final if the certified or prospective foster parent does not file a written appeal within 15 days after the department serves the denial or revocation order.

(6) The department's order of the denial or revocation of the certificate of approval shall remain in effect until the hearing is completed and the director has made a final determination on the merits.

(7) A certified or prospective foster parent who files a written appeal of the department's order with the department pursuant to this section shall, as part of the written request, provide his or her current mailing address. The certified or prospective foster parent shall subsequently notify the department in writing of any change in mailing address, until the hearing process has been completed or terminated.

(8) Hearings held pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. In all proceedings conducted in accordance with this section, the standard of proof shall be by a preponderance of the evidence.

(9) The department may institute or continue a disciplinary proceeding against a certified or prospective foster parent upon any ground provided by this section or Section 1550, enter an order denying or revoking the certificate of approval, or otherwise take disciplinary action against the certified or prospective foster parent, notwithstanding any resignation, withdrawal of application, forfeiture, surrender of the certificate of approval, or denial or revocation of the certificate of approval by the foster family agency.

(10) A foster family agency's failure to comply with the department's order to deny or revoke the certificate of approval by placing or retaining children in care shall be grounds for disciplining the licensee pursuant to Section 1550.

(c) This section shall become operative on January 1, 2017.

SEC. 17. Section 1551.15 is added to the Health and Safety Code, to read:

1551.15. (a) In any administrative proceeding conducted pursuant to this article in which a child or other minor is the victim in an allegation of inappropriate sexual conduct, evidence of specific instances of the victim's sexual conduct with individuals other than the alleged perpetrator is subject to all of the following limitations:

(1) The evidence is not discoverable unless it is to be offered at an administrative proceeding to attack the credibility of the victim, as provided for in subdivision (b). This paragraph is intended only to limit the scope of discovery and is not intended to affect the methods of discovery authorized by statute.

(2) The evidence is not admissible at the administrative proceeding unless offered to attack the credibility of the victim, as provided for in subdivision (b).

(3) Reputation or opinion evidence regarding the sexual behavior of the victim is not admissible for any purpose.

(b) Evidence of specific instances of a victim's sexual conduct with individuals other than the alleged perpetrator is presumed inadmissible absent an offer of proof establishing its relevance and reliability and that its probative value is not substantially outweighed by the probability that its admission will create substantial danger of undue prejudice or confuse the issues.

(c) As used in this section, "victim" means a person who claims to have been subjected to inappropriate sexual conduct by an alleged perpetrator, including, but not limited to, a person who is an adult at the time of hearing, but was under 18 years of age at the time of the alleged inappropriate sexual conduct.

SEC. 18. Section 1551.3 of the Health and Safety Code is amended to read:

1551.3. Notwithstanding Sections 11425.10 and 11425.20 of the Government Code, a proceeding conducted pursuant to Section 1534, 1551, or 1558 against a foster family home, certified family home, or resource family of a foster family agency shall be confidential and not open to the public in order to preserve the confidential information of a child or foster parent consistent with the confidentiality requirements in Section 1536 of this code, Section 11167.5 of the Penal Code, and Sections 827, 10850, and 16519.55 of the Welfare and Institutions Code. Notwithstanding this requirement, an administrative law judge may admit those persons deemed to have a direct and legitimate interest in a particular case or the work of the court on a case-by-case basis and with any admonishments, limitations, or protective orders that may be necessary to preserve the confidential nature of the proceedings.

SEC. 19. Section 1558 of the Health and Safety Code is amended to read:

1558. (a) The department may prohibit any person from being a member of the board of directors, an executive director, or an officer of a licensee, or a licensee from employing, or continuing the employment of, or allowing in a licensed facility or certified family home, or allowing contact with clients of a licensed facility or certified family home by, any employee, prospective employee, or person who is not a client who has:

(1) Violated, or aided or permitted the violation by any other person of, any provisions of this chapter or of any rules or regulations promulgated under this chapter.

(2) Engaged in conduct that is inimical to the health, morals, welfare, or safety of either the people of this state or an individual in, or receiving services from, the facility or certified family home.

(3) Been denied an exemption to work or to be present in a facility or certified family home, when that person has been convicted of a crime, as defined in Section 1522.

(4) Engaged in any other conduct that would constitute a basis for disciplining a licensee or certified family home.

(5) Engaged in acts of financial malfeasance concerning the operation of a facility or certified family home, including, but not limited to, improper use or embezzlement of client moneys and property or fraudulent appropriation for personal gain of facility moneys and property, or willful or negligent failure to provide services.

(b) The excluded person, the facility or certified family home, and the licensee shall be given written notice of the basis of the department's action and of the excluded person's right to an appeal. The notice shall be served either by personal service or by registered mail. Within 15 days after the department serves the notice, the excluded person may file with the department a written appeal of the exclusion order. If the excluded person fails to file a written appeal within the prescribed time, the department's action shall be final.

(c) (1) The department may require the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility or certified family home pending a final decision of the matter, when, in the opinion of the director, the action is necessary to protect residents or clients from physical or mental abuse, abandonment, or any other substantial threat to their health or safety.

(2) If the department requires the immediate removal of a member of the board of directors, an executive director, or an officer of a licensee or exclusion of an employee, prospective employee, or person who is not a client from a facility or certified family home, the department shall serve an order of immediate exclusion upon the excluded person that shall notify the excluded person of the basis of the department's action and of the excluded person's right to a hearing.

(3) Within 15 days after the department serves an order of immediate exclusion, the excluded person may file a written appeal of the exclusion with the department. The department's action shall be final if the excluded person does not appeal the exclusion within the prescribed time. The department shall do both of the following upon receipt of a written appeal:

(A) Within 30 days of receipt of the appeal, serve an accusation upon the excluded person.

(B) Within 60 days of receipt of a notice of defense pursuant to Section 11506 of the Government Code by the excluded person to conduct a hearing on the accusation.

(4) An order of immediate exclusion of the excluded person from the facility or certified family home shall remain in effect until the hearing is completed and the director has made a final determination on the merits. However, the order of immediate exclusion shall be deemed vacated if the director fails to make a final determination on the merits within 60 days after the original hearing has been completed.

(d) An excluded person who files a written appeal with the department pursuant to this section shall, as part of the written request, provide his or her current mailing address. The excluded person shall subsequently notify the department in writing of any change in mailing address, until the hearing process has been completed or terminated.

(e) Hearings held pursuant to this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department.

(f) The department may institute or continue a disciplinary proceeding against a member of the board of directors, an executive director, or an officer of a licensee or an employee, prospective employee, or person who is not a client upon any ground provided by this section. The department may enter an order prohibiting any person from being a member of the board of directors, an executive director, or an officer of a licensee or prohibiting the excluded person's employment or presence in the facility or certified family home, or otherwise take disciplinary action against the excluded person, notwithstanding any resignation, withdrawal of employment application, or change of duties by the excluded person, or any discharge, failure to hire, or reassignment of the excluded person by the licensee or that the excluded person no longer has contact with clients at the facility or certified family home.

(g) A licensee's or certified family home's failure to comply with the department's exclusion order after being notified of the order shall be grounds for disciplining the licensee pursuant to Section 1550.

(h) (1) (A) In cases in which the excluded person appealed the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or from being a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement one year after the effective date of the decision and order of the department upholding the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the decision and order.

(2) (A) In cases in which the department informed the excluded person of his or her right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the person shall be prohibited from working in any facility or being licensed to operate any facility licensed by the department or a certified foster parent for the remainder of the excluded person's life, unless otherwise ordered by the department.

(B) The excluded individual may petition for reinstatement after one year has elapsed from the date of the notification of the exclusion order pursuant to Section 11522 of the Government Code. The department shall provide the excluded person with a copy of Section 11522 of the Government Code with the exclusion order.

(i) Notwithstanding paragraph (2) of subdivision (a) or subdivision (c) of Section 1550, the department shall take reasonable action, including, but not limited to, prohibiting a person from being a member of the board of directors, an executive director, or an officer of a licensee of a licensed facility or certified family home, or denying an application for, or suspending or revoking, a license, special permit, certificate of approval, or administrator certificate, issued under this chapter, or denying a transfer of a license pursuant to paragraph (2) of subdivision (c) of Section 1524, upon a finding of a violation of subdivision (i) of Section 11166 of the Penal Code.

(j) For purposes of this section, exclusion from a licensed foster family home or certified family home shall include exclusion from a resource family, as defined in Section 1517 of this code and Section 16519.5 of the Welfare and Institutions Code.

SEC. 20. Section 1558.1 of the Health and Safety Code is amended to read:

1558.1. (a) (1) If the department determines that a person was issued a license under this chapter, Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2 (commencing with Section 1569), Chapter 3.3 (commencing with Section 1570), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30), or that the applicant previously was approved as a resource family under Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code, and the prior license was revoked or prior approval was rescinded within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to the chapter.

(2) If the department determines that a person previously was issued a certificate of approval by a foster family agency that was revoked or rescinded by the department pursuant to subdivision (c) of Section 1517 or subdivision (b) of Section 1534 within the preceding two years, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter.

(b) If the department determines that the person had previously applied for a license under this chapter, Chapter 1 (commencing with Section 1200), Chapter 2 (commencing with Section 1250), Chapter 3.01 (commencing with Section 1568.01), Chapter 3.2

(commencing with Section 1569), Chapter 3.3 (commencing with Section 1570), Chapter 3.4 (commencing with Section 1596.70), Chapter 3.5 (commencing with Section 1596.90), or Chapter 3.6 (commencing with Section 1597.30), and the application was denied within the last year, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases in which the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases in which the department or county informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(c) If the department determines that the person had previously applied for a certificate of approval with a foster family agency, and the department ordered the foster family agency to deny the application pursuant to subdivision (c) of Section 1517 or subdivision (b) of Section 1534, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter and as follows:

(1) In cases in which the applicant petitioned for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the effective date of the decision and order of the department upholding a denial.

(2) In cases in which the department informed the applicant of his or her right to petition for a hearing and the applicant did not petition for a hearing, the department shall exclude the person from, and remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter until one year has elapsed from the date of the notification of the denial and the right to petition for a hearing.

(d) Exclusion or removal of an individual pursuant to this section shall not be considered an order of exclusion for purposes of Section 1558 of this code, Section 16519.6 of the Welfare and Institutions Code, or any other law.

(e) The department may determine not to exclude the person from, or remove the person from the position of a member of the board of directors, an executive director, or an officer of a licensee of, any facility licensed by the department pursuant to this chapter if it has determined that the reasons for the denial of the application or revocation of the facility license or certificate of approval, or the denial or rescission of resource family approval, were due to circumstances and conditions that either have been corrected or are no longer in existence.

(f) For purposes of this section, exclusion from a licensed facility shall include exclusion from a resource family, as defined in Section 1517 of this code and Section 16519.5 of the Welfare and Institutions Code. The exclusion of a resource family or an applicant for resource family approval pursuant to this section shall only be imposed as set forth in the written directives or regulations adopted pursuant to Section 16519.5 of the Welfare and Institutions Code.

SEC. 21. Section 212.5 of the Welfare and Institutions Code is amended to read:

212.5. (a) Unless otherwise provided by law, a document in a juvenile court matter may be filed and served electronically, as prescribed by Section 1010.6 of the Code of Civil Procedure, under the following conditions:

(1) Electronic service is authorized only if the county and the court permit electronic service.

(2) (A) On or before December 31, 2018, electronic service on a party or other person is permitted only if the party or other person has consented to accept electronic service in that specific action. A party or other person may subsequently withdraw its consent to electronic service.

(B) On or after January 1, 2019, electronic service on a party or other person is permitted only if the party or other person has expressly consented, as provided in Section 1010.6 of the Code of Civil Procedure. A party or other person may subsequently withdraw its consent to electronic service by completing the appropriate Judicial Council form.

(3) Consent, or the withdrawal of consent, to receive electronic service may be completed by a party or other person entitled to service, or that person's attorney.

(4) Electronic service shall be provided in the following manner:

(A) Electronic service is not permitted on any party or person who is under 10 years of age.

(B) Electronic service is not permitted on any party or person who is between 10 years of age and 15 years of age without the express consent of the minor and the minor's attorney.

(C) Electronic service shall be permitted on any party or person who is 16 to 18 years of age, inclusive, only if the minor, after consultation with his or her attorney, consents. By January 1, 2019, the Judicial Council shall develop a rule of court on the duties of the minor's attorney during the required consultation.

(D) Electronic service of psychological or medical documentation related to a minor shall not be permitted, other than the summary required pursuant to Section 16010 when included as part of a required report to the court.

(5) In the following matters, the party or other person shall be served by both electronic means and by other means specified by law if the document to be served is one of the following:

(A) A notice of hearing or an appellate advisement issued pursuant to subparagraph (A) of paragraph (3) of subdivision (l) of Section 366.26 for a hearing at which a social worker is recommending the termination of parental rights.

(B) A citation issued pursuant to Section 661.

(C) A notice of hearing pursuant to subdivision (d) of Section 777.

(6) If the minor is an Indian child or the court has reason to know that an Indian child is involved, service shall be made pursuant to Section 224.2.

(7) Electronic service and electronic filing shall be conducted in a manner that preserves and ensures the confidentiality of records by encryption.

(8) The requirements of this section shall be consistent with Section 1010.6 of the Code of Civil Procedure and rules of court adopted by the Judicial Council pursuant to that section.

(b) This section does not preclude the use of electronic means to send information regarding the date, time, and place of a juvenile court hearing, without the need to comply with paragraphs (1) to (4), inclusive, of subdivision (a), provided that the requirement of paragraph (7) of subdivision (a) is met. However, information shared, as described in this subdivision, shall only be in addition to, and not in lieu of, any required service or notification made in accordance with any other law governing how that service or notification is provided.

SEC. 21.5. Section 212.5 of the Welfare and Institutions Code is amended to read:

212.5. (a) Unless otherwise provided by law, a document in a juvenile court matter may be filed and served electronically, as prescribed by Section 1010.6 of the Code of Civil Procedure, under the following conditions:

(1) Electronic service is authorized only if the county and the court permit electronic service.

(2) (A) On or before December 31, 2018, electronic service on a party or other person is permitted only if the party or other person has consented to accept electronic service in that specific action. A party or other person may subsequently withdraw its consent to electronic service.

(B) On or after January 1, 2019, electronic service on a party or other person is permitted only if the party or other person has expressly consented, as provided in Section 1010.6 of the Code of Civil Procedure. A party or other person may subsequently withdraw its consent to electronic service by completing the appropriate Judicial Council form.

(3) Consent, or the withdrawal of consent, to receive electronic service may be completed by a party or other person entitled to service, or that person's attorney.

(4) Electronic service shall be provided in the following manner:

(A) Electronic service is not permitted on any party or person who is under 10 years of age.

(B) Electronic service is not permitted on any party or person who is between 10 years of age and 15 years of age without the express consent of the minor and the minor's attorney.

(C) Electronic service shall be permitted on any party or person who is 16 to 18 years of age, inclusive, only if the minor, after consultation with his or her attorney, consents. By January 1, 2019, the Judicial Council shall develop a rule of court on the duties of the minor's attorney during the required consultation.

(D) Electronic service of psychological or medical documentation related to a minor shall not be permitted, other than the summary required pursuant to Section 16010 when included as part of a required report to the court.

(5) In the following matters, the party or other person shall be served by both electronic means and by other means specified by law if the document to be served is one of the following:

(A) A notice of hearing or an appellate advisement issued pursuant to subparagraph (A) of paragraph (3) of subdivision (l) of Section 366.26 for a hearing at which a social worker is recommending the termination of parental rights.

(B) A citation issued pursuant to Section 661.

(C) A notice of hearing pursuant to subdivision (d) of Section 777.

(6) If it is known or there is reason to know that the child is an Indian child, as defined by Section 224.1, and the hearing may culminate in an order for foster care placement, termination of parental rights, preadoptive placement, or adoptive placement as described in paragraph (1) of subdivision (d) of Section 224.1, service shall be made pursuant to Section 224.3.

(7) Electronic service and electronic filing shall be conducted in a manner that preserves and ensures the confidentiality of records by encryption.

(8) The requirements of this section shall be consistent with Section 1010.6 of the Code of Civil Procedure and rules of court adopted by the Judicial Council pursuant to that section.

(b) This section does not preclude the use of electronic means to send information regarding the date, time, and place of a juvenile court hearing, without the need to comply with paragraphs (1) to (4), inclusive, of subdivision (a), provided that the requirement of paragraph (7) of subdivision (a) is met. However, information shared, as described in this subdivision, shall only be in addition to, and not in lieu of, any required service or notification made in accordance with any other law governing how that service or notification is provided.

SEC. 22. Section 316.1 of the Welfare and Institutions Code is amended to read:

316.1. (a) Upon his or her appearance before the court, each parent or guardian shall designate for the court his or her permanent mailing address. The court shall advise each parent or guardian that the designated mailing address will be used by the court and the social services agency for notice purposes unless and until the parent or guardian notifies the court or the social services agency of a new mailing address in writing.

(b) Upon his or her appearance before the court, each party who consents to electronic service pursuant to Section 212.5 shall designate for the court his or her electronic service address. The court shall advise each party that the electronic service address will be used by the court and the social services agency for purposes of providing notice pursuant to Sections 291, 292, 293, 294, 295, 297, and 342, unless and until the party notifies the court or the social services agency of a new electronic service address in writing or unless the party withdraws consent to electronic service.

(c) A party's decision not to consent to electronic service and designate an electronic service address, as authorized in subdivision (b), does not preclude the use of electronic means to send information regarding the date, time, and place of a juvenile court hearing, provided that the confidentiality requirement of paragraph (7) of subdivision (a) of Section 212.5 is met. The party does not need to designate an electronic service address in order for the information to be provided electronically. However, information shared, as described in this subdivision, shall only be in addition to, and not in lieu of, any required service or notification made in accordance with any other law governing how that service or notification is provided.

SEC. 23. Section 361.2 of the Welfare and Institutions Code is amended to read:

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

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

(1) Order that the parent become legal and physical custodian of the child. The court may also provide reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child. The custody order shall continue unless

modified by a subsequent order of the superior court. The order of the juvenile court shall be filed in any domestic relation proceeding between the parents.

(2) Order that the parent assume custody subject to the jurisdiction of the juvenile court and require that a home visit be conducted within three months. In determining whether to take the action described in this paragraph, the court shall consider any concerns that have been raised by the child's current caregiver regarding the parent. After the social worker conducts the home visit and files his or her report with the court, the court may then take the action described in paragraph (1), (3), or this paragraph. However, nothing in this paragraph shall be interpreted to imply that the court is required to take the action described in this paragraph as a prerequisite to the court taking the action described in either paragraph (1) or (3).

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

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

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

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

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

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

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

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

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

(6) A home or facility in accordance with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

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

(8) With a foster family agency, as defined in subdivision (g) of Section 11400 and paragraph (4) of subdivision (a) of Section 1502 of the Health and Safety Code, to be placed in a suitable family home certified or approved by the agency, with prior approval of the county placing agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) A child under 6 years of age who is placed with his or her minor parent or for the purpose of reunification pursuant to clause (iv) of subparagraph (A) of paragraph (9).

(11) Nothing in this subdivision shall be construed to allow a social worker to place any dependent child outside the United States, except as specified in subdivision (f).

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

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

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

(A) Placement with a relative.

(B) Placement of siblings in the same home.

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

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

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

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

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

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

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

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

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

(2) In the event that there are no appropriate placements available in the parent's or guardian's county of residence, a placement may be made in an appropriate place in another county, preferably a county located adjacent to the parent's or guardian's community of residence.

(3) Nothing in this section shall be interpreted as requiring multiple disruptions of the child's placement corresponding to frequent changes of residence by the parent or guardian. In determining whether the child should be moved, the social worker shall take into consideration the potential harmful effects of disrupting the placement of the child and the parent's or guardian's reason for the move.

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

(5) When it has been determined that a child is to be placed out of county either in a group home or with a foster family agency for subsequent placement in a certified foster family home, and the sending county is to maintain responsibility for supervision and visitation of the child, the sending county shall develop a plan of supervision and visitation that specifies the supervision and visitation activities to be performed and specifies that the sending county is responsible for performing those activities. In addition to the plan of supervision and visitation, the sending county shall document information regarding any known or suspected dangerous behavior of the child that indicates the child may pose a safety concern in the receiving county. Upon implementation of the Child Welfare Services Case Management System, the plan of supervision and visitation, as well as information regarding any known or suspected dangerous behavior of the child, shall be made available to the receiving county upon placement of the child in the receiving county. If placement occurs on a weekend or holiday, the information shall be made available to the receiving county on or before the end of the next business day.

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

(h) (1) Subject to paragraph (2), whenever the social worker must change the placement of the child and is unable to find a suitable placement within the county and must place the child outside the county, the placement shall not be made until he or she has served written notice on the parent or guardian, the child's attorney, and, if the child is 10 years of age or older, on the child,

at least 14 days prior to the placement, unless the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given. The notice shall state the reasons that require placement outside the county. The child or parent or guardian may object to the placement not later than seven days after receipt of the notice and, upon objection, the court shall hold a hearing not later than five days after the objection and prior to the placement. The court shall order out-of-county placement if it finds that the child's particular needs require placement outside the county.

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

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

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

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

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

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

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

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

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

SEC. 23.5. Section 361.2 of the Welfare and Institutions Code is amended to read:

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

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

(1) Order that the parent become legal and physical custodian of the child. The court may also provide reasonable visitation by the noncustodial parent. The court shall then terminate its jurisdiction over the child. The custody order shall continue unless modified by a subsequent order of the superior court. The order of the juvenile court shall be filed in any domestic relation proceeding between the parents.

(2) Order that the parent assume custody subject to the jurisdiction of the juvenile court and require that a home visit be conducted within three months. In determining whether to take the action described in this paragraph, the court shall consider any concerns that have been raised by the child's current caregiver regarding the parent. After the social worker conducts the home visit and files his or her report with the court, the court may then take the action described in paragraph (1), (3), or this paragraph. However, nothing in this paragraph shall be interpreted to imply that the court is required to take the action described in this paragraph as a prerequisite to the court taking the action described in either paragraph (1) or (3).

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

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

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

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

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

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

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

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

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

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

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

(8) With a foster family agency, as defined in subdivision (g) of Section 11400 and paragraph (4) of subdivision (a) of Section 1502 of the Health and Safety Code, to be placed in a suitable family home certified or approved by the agency, with prior approval of the county placing agency.

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

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

(i) When the facility meets the applicable regulations adopted under Section 1530.8 of the Health and Safety Code and standards developed pursuant to Section 11467.1 of this code, and the deputy director or director of the county child

welfare department has approved the case plan.

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

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

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

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

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

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

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

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

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

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

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

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

(B) A child under 6 years of age who is placed with his or her minor parent or for the purpose of reunification pursuant to clause (iv) of subparagraph (A) of paragraph (9).

(11) Nothing in this subdivision shall be construed to allow a social worker to place any dependent child outside the United States, except as specified in subdivision (f).

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

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

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

(A) Placement with a relative.

(B) Placement of siblings in the same home.

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

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

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

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

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

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

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

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

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

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

(3) Nothing in this section shall be interpreted as requiring multiple disruptions of the child's placement corresponding to frequent changes of residence by the parent, guardian, or Indian custodian. In determining whether the child should be moved, the social worker shall take into consideration the potential harmful effects of disrupting the placement of the child and the parent's, guardian's, or Indian custodian's reason for the move.

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

(5) When it has been determined that a child is to be placed out of county either in a group home or with a foster family agency for subsequent placement in a certified foster family home, and the sending county is to maintain responsibility for supervision and visitation of the child, the sending county shall develop a plan of supervision and visitation that specifies the supervision and visitation activities to be performed and specifies that the sending county is responsible for performing those activities. In addition to the plan of supervision and visitation, the sending county shall document information regarding any known or suspected dangerous behavior of the child that indicates the child may pose a safety concern in the receiving county. Upon implementation of the Child Welfare Services Case Management System, the plan of supervision and visitation, as well as information regarding any known or suspected dangerous behavior of the child, shall be made available to the receiving county upon placement of the child in the receiving county. If placement occurs on a weekend or holiday, the information shall be made available to the receiving county on or before the end of the next business day.

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

(h) (1) Subject to paragraph (2), whenever the social worker must change the placement of the child and is unable to find a suitable placement within the county and must place the child outside the county, the placement shall not be made until he or she has served written notice on the parent, guardian, Indian custodian, the child's tribe, the child's attorney, and, if the child is 10 years of age or older, on the child, at least 14 days prior to the placement, unless the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given. The notice shall state the reasons that require

placement outside the county. The child or parent, guardian, Indian custodian, or the child's tribe may object to the placement not later than seven days after receipt of the notice and, upon objection, the court shall hold a hearing not later than five days after the objection and prior to the placement. The court shall order out-of-county placement if it finds that the child's particular needs require placement outside the county.

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

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

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

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

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

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

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

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

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

SEC. 24. Section 361.4 of the Welfare and Institutions Code is amended to read:

361.4. (a) Prior to making the emergency placement of a child pursuant to subdivision (d) of Section 309 or Section 361.45, the county welfare department shall do all of the following:

(1) Conduct an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child's needs.

(2) Cause a state-level criminal records check to be conducted by an appropriate government agency through the California Law Enforcement Telecommunications System (CLETS) pursuant to Section 16504.5 for all of the following:

(A) All persons over 18 years of age living in the home of the relative or nonrelative extended family member seeking emergency placement of the child, excluding any person who is a nonminor dependent, as defined in subdivision (v) of Section 11400.

(B) At the discretion of the county welfare department, any other person over 18 years of age known to the department to be regularly present in the home, other than professionals providing professional services to the child.

(C) At the discretion of the county welfare department, any person over 14 years of age living in the home who the department believes may have a criminal record. This subparagraph shall not apply to a child under the jurisdiction of the juvenile court.

(3) Conduct a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home.

(b) (1) If CLETS information obtained pursuant to paragraph (2) of subdivision (a) indicates that the person has no criminal record, the child may be placed in the home on an emergency basis.

(2) If the CLETS information obtained pursuant to paragraph (2) of subdivision (a) indicates that the person has been convicted of an offense described in subparagraph (B) or (D) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the child shall not be placed in the home unless a criminal records exemption has been granted using the exemption criteria specified in paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code.

(3) Notwithstanding paragraph (2), a child may be placed on an emergency basis if the CLETS information obtained pursuant to paragraph (2) of subdivision (a) indicates that the person has been convicted of an offense not described in subclause (II) of clause (i) of subparagraph (B) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, pending a criminal records exemption decision based on live scan fingerprint results if all of the following conditions are met:

(A) The conviction does not involve an offense against a child.

(B) The deputy director or director of the county welfare department, or his or her designee, determines that the placement is in the best interests of the child.

(C) No party to the case objects to the placement.

(4) If the CLETS information obtained pursuant to paragraph (2) of subdivision (a) indicates that the person has been arrested for any offense described in paragraph (2) of subdivision (e) of Section 1522 of the Health and Safety Code, the child shall not be placed on an emergency basis in the home until the investigation required by paragraph (1) of subdivision (e) of Section 1522 of the Health and Safety Code has been completed and the deputy director or director of the county welfare department, or his or her designee, and the court have considered the investigation results when determining whether the placement is in the best interests of the child.

(5) If the CLETS information obtained pursuant to paragraph (2) of subdivision (a) indicates that the person has been convicted of an offense described in subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the child shall not be placed in the home on an emergency basis.

(c) Within 10 calendar days following the criminal records check conducted through the CLETS or five business days of making the emergency placement, whichever is sooner, the social worker shall ensure that a fingerprint clearance check of the relative or nonrelative extended family member and any other person whose criminal record was obtained pursuant to this section is initiated through the Department of Justice to ensure the accuracy of the criminal records check conducted through the CLETS and ensure criminal record clearance of the relative or nonrelative extended family member and all adults in the home pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 16519.5 and any associated written directives or regulations.

(d) An identification card from a foreign consulate or foreign passport shall be considered a valid form of identification for conducting a criminal records check pursuant to this section.

SEC. 25. Section 362.06 is added to the Welfare and Institutions Code, to read:

362.06. (a) As used in this section:

(1) "Caregiver" has the same meaning as set forth in subdivision (a) of Section 362.04.

(2) "Child" means a person who is under 18 years of age and placed in the care and supervision of the caregiver by a placing agency pursuant to a voluntary placement agreement or by order of the court.

(3) "Nonminor dependent" has the same meaning as set forth in subdivision (v) of Section 11400.

(4) "Placing agency" means a county child welfare department, a county probation department, or a foster family agency with responsibility for the placement of the child or nonminor dependent.

(5) "Reasonable and prudent parent standard" has the same meaning as set forth in subdivision (c) of Section 362.05.

(b) Except as provided in (c), a caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused by either of the following:

(1) An act or omission made by the caregiver while exercising a reasonable and prudent parent standard.

(2) An act or omission of a child or nonminor dependent while the child or nonminor dependent is placed in the home of the caregiver.

(c) The immunity described in subdivision (b) shall not apply to a caregiver if any of the following apply:

(1) The act of the caregiver exceeded a caregiver's duty or authority, as defined by statute, regulation, licensing standards, or similar written instructions.

(2) The act or omission of the caregiver was made with malice or in bad faith, or was a result of recklessness or gross negligence on the part of the caregiver.

(3) The act or omission of the caregiver did not comply with instructions received from the county placing agency regarding specific care and supervision of the child.

(4) Liability for the act or omission of the caregiver is expressly imposed by any other law.

(d) The good faith of a caregiver and the compliance of the caregiver with any written instructions received from the county placing agency are presumed in a civil action. Any person who asserts that a caregiver did not act in good faith, or did not comply with written instructions received from the placing agency, has the burden of proving that assertion.

(e) This section does not prevent foster children, their parents, guardians, or guardians ad litem from bringing a claim for damages arising from, and peculiar to, the foster care relationship, pursuant to the Foster Family Home and Small Family Home Insurance Fund established under Article 2.5 (commencing with Section 1527) of Chapter 3 of Division 2 of the Health and Safety Code.

SEC. 26. Section 4094.2 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

(3) With respect to a program that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04, the requirement described in paragraph (2) shall apply to that program commencing January 1, 2020.

(d) For the 2001–02 fiscal year, the 2002–03 fiscal year, the 2003–04 fiscal year, and the 2004–05 fiscal year, community treatment facility programs shall also be paid a community treatment facility supplemental rate of up to two thousand five hundred dollars (\$2,500) per child per month on behalf of children eligible under the foster care program and children placed out of home pursuant to an individualized education program developed under former Section 7572.5 of the Government Code. Subject to the availability of funds, the supplemental rate shall be shared by the state and the counties. Counties shall be responsible for paying

a county share of cost equal to 60 percent of the community treatment rate for children placed by counties in community treatment facilities and the state shall be responsible for 40 percent of the community treatment facility supplemental rate. The community treatment facility supplemental rate is intended to supplement, and not to supplant, the payments for which children placed in community treatment facilities are eligible to receive under the foster care program and the existing programs for mental health services.

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

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

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

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

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

SEC. 27. Section 4096.1 of the Welfare and Institutions Code is amended to read:

4096.1. (a) (1) Interagency collaboration and children's program services shall be structured in a manner that will facilitate future implementation of the goals of Part 4 (commencing with Section 5850) of Division 5 to develop protocols outlining the roles and responsibilities of placing agencies and group homes regarding emergency and nonemergency placements of foster children in group homes.

(2) Components shall be added to state-county performance contracts required in Section 5650 that provide for reports from counties on how this section is implemented.

(3) The State Department of Health Care Services shall develop performance contract components required by paragraph (2).

(4) Performance contracts subject to this section shall document that the procedures to be implemented in compliance with this section have been approved by the county social services department and the county probation department.

(b) Funds specified in subdivision (a) of Section 17601 for services to wards of the court and dependent children of the court shall be allocated and distributed to counties based on the number of wards of the court and dependent children of the court in the county.

(c) A county may utilize funds allocated pursuant to subdivision (b) only if the county has established an operational interagency placement committee, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health. If necessary, the funds may be used for costs associated with establishing the interagency placement committee.

(d) Subsequent to the establishment of an interagency placement committee, funds allocated pursuant to subdivision (b) shall be used to provide services to wards of the court and dependent children of the court jointly identified by county mental health, social services, and probation departments as the highest priority. Every effort shall be made to match those funds with funds received pursuant to Title XIX of the federal Social Security Act, contained in Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(e) (1) Each interagency placement committee shall establish procedures whereby a ward of the court or dependent child of the court, or a voluntarily placed child whose placement is funded by the Aid to Families with Dependent Children-Foster Care Program, who is to be placed or is currently placed in a group home program at a rate classification level 13 or rate classification level 14, as specified in Section 11462.001, is assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3.

(2) The assessment required by paragraph (1) shall also indicate that the child or youth is in need of the care and services provided by that group home program.

(f) The interagency placement committee shall document the results of the assessment required by subdivision (e) and shall notify the appropriate group home provider and county placing agency, in writing, of those results within 10 days of the completion of the assessment.

(g) If the child's or youth's placement is not funded by the Aid to Families with Dependent Children-Foster Care Program, a licensed mental health professional, as defined in subdivision (g) of Section 4096, shall certify that the child has been assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3.

(h) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04 or that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11463.1.

(i) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 28. Section 4096.55 of the Welfare and Institutions Code is amended to read:

4096.55. (a) The State Department of Health Care Services shall make a determination, within 45 days of receiving a request from a group home to be classified at rate classification level 13 or rate classification level 14 pursuant to Section 11462.015, to certify or deny certification that the group home program includes provisions for mental health treatment services that meet the needs of children who have been assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3. The department shall issue each certification for a period of one year and shall specify the effective date the program met the certification requirements. A program may be recertified if the program continues to meet the criteria for certification.

(b) The State Department of Health Care Services shall, in consultation with the County Behavioral Health Directors Association of California and representatives of provider organizations, develop the criteria for the certification required by subdivision (a).

(c) (1) The State Department of Health Care Services may, upon the request of a county, delegate to that county the certification task.

(2) Any county to which the certification task is delegated pursuant to paragraph (1) shall use the criteria and format developed by the department.

(d) The State Department of Health Care Services or delegated county shall notify the State Department of Social Services Community Care Licensing Division immediately upon the termination of any certification issued in accordance with subdivision (a).

(e) Upon receipt of notification from the State Department of Social Services Community Care Licensing Division of any adverse licensing action taken after the finding of noncompliance during an inspection conducted pursuant to Section 1538.7 of the Health and Safety Code, the State Department of Health Care Services or the delegated county shall review the certification issued pursuant to this section.

(f) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04.

(g) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 29. Section 11363 of the Welfare and Institutions Code is amended to read:

11363. (a) Aid in the form of state-funded Kin-GAP shall be provided under this article on behalf of any child under 18 years of age and to any eligible youth under 19 years of age, as provided in Section 11403, who satisfies all of the following conditions:

(1) Has been adjudged a dependent child of the juvenile court pursuant to Section 300, or, effective October 1, 2006, a ward of the juvenile court pursuant to Section 601 or 602.

(2) Has been residing for at least six consecutive months in the approved home of the prospective relative guardian while under the jurisdiction of the juvenile court or a voluntary placement agreement.

(3) Has had a kinship guardianship established pursuant to Section 360 or 366.26.

(4) Has had his or her dependency jurisdiction terminated after January 1, 2000, pursuant to Section 366.3, or his or her wardship terminated pursuant to subdivision (e) of Section 728, concurrently or subsequently to the establishment of the kinship guardianship.

(b) If the conditions specified in subdivision (a) are met and, subsequent to the termination of dependency jurisdiction, any parent or person having an interest files with the juvenile court a petition pursuant to Section 388 to change, modify, or set aside an order of the court, Kin-GAP payments shall continue unless and until the juvenile court, after holding a hearing, orders the child removed from the home of the guardian, terminates the guardianship, or maintains dependency jurisdiction after the court concludes the hearing on the petition filed under Section 388.

(c) A child or nonminor former dependent or ward shall be eligible for Kin-GAP payments if he or she meets one of the following age criteria:

(1) He or she is under 18 years of age.

(2) He or she is under 21 years of age and has a physical or mental disability that warrants the continuation of assistance.

(3) Through December 31, 2011, he or she satisfies the conditions of Section 11403, and on and after January 1, 2012, he or she satisfies the conditions of Section 11403.01.

(4) He or she satisfies the conditions as described in subdivision (d).

(d) Commencing January 1, 2012, state-funded Kin-GAP payments shall continue for youths who have attained 18 years of age and who are under 19 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced, and as described in Section 10103.5. Effective January 1, 2013, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 20 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced, and as described in Section 10103.5. Effective January 1, 2014, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 21 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced. To be eligible for continued payments, the youth shall satisfy one or more of the conditions specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(e) (1) Termination of the guardianship with a kinship guardian shall terminate eligibility for Kin-GAP unless the conditions in Section 11403 apply. However, an alternate guardian or coguardian is appointed pursuant to Section 366.3 who is also a kinship guardian, the alternate or coguardian shall be entitled to receive Kin-GAP on behalf of the child pursuant to this article. A new period of six months of placement with the alternate guardian or coguardian shall not be required if that alternate guardian or coguardian has been assessed pursuant to Section 361.3, subdivision (a) of Section 361.4, and paragraph (2), and the court terminates dependency jurisdiction. If a nonminor former dependent is receiving Kin-GAP after 18 years of age and the nonminor former dependent's former guardian dies, the nonminor former dependent may petition the court for a hearing pursuant to Section 388.1.

(2) (A) In addition to the state-level criminal records check described in paragraph (2) of subdivision (a) of Section 361.4, the county welfare department shall require each prospective alternate guardian or coguardian, and any other person over 18 years of age living in the home, to be fingerprinted, and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation.

(B) If the criminal records check indicates that the prospective alternate guardian or coguardian has been convicted of an offense described in subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the case shall not be eligible for Kin-GAP funding.

(C) If the prospective alternate guardian or coguardian has been convicted of a crime other than a minor traffic violation or arrested for an offense specified in subdivision (e) of Section 1522 of the Health and Safety Code, except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) to (g), inclusive, of Section 1522 of the Health and Safety Code shall apply, and an exemption shall be issued prior to issuance of any Kin-GAP funding. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the county using the exemption criteria specified in subdivision (g) of Section 1522 of the Health and Safety Code and any applicable written directives or regulations adopted by the department.

(3) A prospective alternate guardian or coguardian shall not be required to be approved as a resource family pursuant to Section 16519.5 for the sole purpose of receiving Kin-GAP funding on behalf of an eligible child in the care of the prospective

alternate guardian or coguardian.

SEC. 30. Section 11386 of the Welfare and Institutions Code is amended to read:

11386. Aid shall be provided under this article on behalf of a child under 18 years of age, and to any eligible youth under 19 years of age, as provided in Section 11403, under all of the following conditions:

(a) The child satisfies both of the following requirements:

(1) He or she has been removed from his or her home pursuant to a voluntary placement agreement, or as a result of judicial determination, including being adjudged a dependent child of the court, pursuant to Section 300, or a ward of the court, pursuant to Section 601 or 602, to the effect that continuation in the home would be contrary to the welfare of the child.

(2) He or she has been eligible for federal foster care maintenance payments under Article 5 (commencing with Section 11400) while residing for at least six consecutive months in the approved home of the prospective relative guardian while under the jurisdiction of the juvenile court or a voluntary placement agreement.

(b) Being returned to the parental home or being adopted are not appropriate permanency options for the child.

(c) The child demonstrates a strong attachment to the relative guardian, and the relative guardian has a strong commitment to caring permanently for the child and, with respect to the child who has attained 12 years of age, the child has been consulted regarding the kinship guardianship arrangement.

(d) The child has had a kinship guardianship established pursuant to Section 360 or 366.26.

(e) The child has had his or her dependency jurisdiction terminated pursuant to Section 366.3, or his or her wardship terminated pursuant to subdivision (d) of Section 728, concurrently or subsequently to the establishment of the kinship guardianship.

(f) If the conditions specified in subdivisions (a) to (e), inclusive, are met and, subsequent to the termination of dependency jurisdiction, any parent or person having an interest files with the juvenile court a petition pursuant to Section 388 to change, modify, or set aside an order of the court, Kin-GAP payments shall continue unless and until the juvenile court orders the child removed from the home of the guardian, terminates the guardianship, or maintains dependency jurisdiction after the court concludes the hearing on the petition filed under Section 388.

(g) A child or nonminor former dependent or ward shall be eligible for Kin-GAP payments if he or she meets one of the following age criteria:

(1) He or she is under 18 years of age.

(2) He or she is under 21 years of age and has a physical or mental disability that warrants the continuation of assistance.

(3) Through December 31, 2011, he or she satisfies the conditions of Section 11403, and on and after January 1, 2012, he or she satisfies the conditions of Section 11403.01.

(4) He or she satisfies the conditions described in subdivision (h).

(h) Effective January 1, 2012, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 19 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced, and as described in Section 10103.5. Effective January 1, 2013, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 20 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced, and as described in Section 10103.5. Effective January 1, 2014, Kin-GAP payments shall continue for youths who have attained 18 years of age and are under 21 years of age, if they reached 16 years of age before the Kin-GAP negotiated agreement payments commenced. To be eligible for continued payments, the youth shall satisfy one or more of the conditions specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(i) (1) Termination of the guardianship with a kinship guardian shall terminate eligibility for Kin-GAP, unless the conditions of Section 11403 apply. However, if a successor guardian is appointed pursuant to Section 366.3 who is also a kinship guardian, the successor guardian shall be entitled to receive Kin-GAP on behalf of the child pursuant to this article if the reason for the appointment of the successor guardian is the death or incapacity of the kinship guardian and the successor guardian is named in the kinship guardianship assistance agreement or amendment to the agreement. A new period of six months of placement with the successor guardian shall not be required if that successor guardian has been assessed pursuant to Section 361.3, subdivision (a) of Section 361.4, and paragraph (2), and the court terminates dependency jurisdiction, subject to federal approval of amendments to the state plan.

(2) (A) In addition to the state-level criminal records check described in paragraph (2) of subdivision (a) of Section 361.4, the county welfare department shall require each prospective successor guardian, and any other person over 18 years of age living in the home, to be fingerprinted, and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation.

(B) If the criminal records check indicates that the prospective successor guardian has been convicted of an offense described in subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the case shall not be eligible for Kin-GAP funding.

(C) If the proposed successor guardian has been convicted of a crime other than a minor traffic violation or arrested for an offense specified in subdivision (e) of Section 1522 of the Health and Safety Code, except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) to (g), inclusive, of Section 1522 of the Health and Safety Code shall apply, and an exemption shall be issued prior to issuance of any Kin-GAP funding. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the county using the exemption criteria specified in subdivision (g) of Section 1522 of the Health and Safety Code and any applicable written directives or regulations adopted by the department.

(3) A prospective successor guardian shall not be required to be approved as a resource family pursuant to Section 16519.5 for the sole purpose of receiving Kin-GAP funding on behalf of an eligible child in the care of the prospective successor guardian.

SEC. 31. Section 11402.01 of the Welfare and Institutions Code is amended to read:

11402.01. (a) In addition to the placements described in Section 11402, a child or nonminor dependent may be eligible for AFDC-FC while placed in a group home with an extension pursuant to the exception process described in subdivision (d) of Section 11462.04.

(b) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 32. Section 11461 of the Welfare and Institutions Code is amended to read:

11461. (a) For children or, on and after January 1, 2012, nonminor dependents placed in a licensed or approved family home with a capacity of six or less, or in an approved home of a relative or nonrelated legal guardian, or the approved home of a nonrelative extended family member, as described in Section 362.7, or, on and after January 1, 2012, a supervised independent living placement, as defined in subdivision (w) of Section 11400, the per child per month basic rates in the following schedule shall be in effect for the period July 1, 1989, through December 31, 1989:

Age	Basic rate
0–4	\$ 294
5–8	\$ 319
9–11	\$ 340
12–14	\$ 378
15–20	\$ 412

(b) (1) Any county that, as of October 1, 1989, has in effect a basic rate that is at the levels set forth in the schedule in subdivision (a), shall continue to receive state participation, as specified in subdivision (c) of Section 15200, at these levels.

(2) Any county that, as of October 1, 1989, has in effect a basic rate that exceeds a level set forth in the schedule in subdivision (a), shall continue to receive the same level of state participation as it received on October 1, 1989.

(c) The amounts in the schedule of basic rates in subdivision (a) shall be adjusted as follows:

(1) Effective January 1, 1990, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 12 percent.

(2) Effective May 1, 1990, any county that did not increase the basic rate by 12 percent on January 1, 1990, shall do both of the following:

(A) Increase the basic rate in effect December 31, 1989, for which state participation is received by 12 percent.

(B) Increase the basic rate, as adjusted pursuant to subparagraph (A), by an additional 5 percent.

(3) (A) Except as provided in subparagraph (B), effective July 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule of basic rates in subdivision (a) shall be increased by an additional 5 percent.

(B) The rate increase required by subparagraph (A) shall not be applied to rates increased May 1, 1990, pursuant to paragraph (2).

(4) Effective July 1, 1998, the amounts in the schedule of basic rates in subdivision (a) shall be increased by 6 percent. Notwithstanding any other law, the 6-percent increase provided for in this paragraph shall, retroactive to July 1, 1998, apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.

(5) Notwithstanding any other law, any increase that takes effect after July 1, 1998, shall apply to every county, including any county to which paragraph (2) of subdivision (b) applies, and shall apply to foster care for every age group.

(6) The increase in the basic foster family home rate shall apply only to children placed in a licensed foster family home receiving the basic rate or in an approved home of a relative or nonrelative extended family member, as described in Section 362.7, a supervised independent living placement, as defined in subdivision (w) of Section 11400, or a nonrelated legal guardian receiving the basic rate. The increased rate shall not be used to compute the monthly amount that may be paid to licensed foster family agencies for the placement of children in certified foster homes.

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

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

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

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

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

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

(e) (1) As used in this section, "specialized care increment" means an amount paid on behalf of a child requiring specialized care to a home listed in subdivision (g) in addition to the basic rate. Notwithstanding subdivision (g), the specialized care increment shall not be paid to a nonminor dependent placed in a supervised independent living setting as defined in subdivision (w) of Section 11403. A county may have a ratesetting system for specialized care to pay for the additional care and supervision needed to address the behavioral, emotional, and physical requirements of foster children. A county may modify its specialized care rate system as needed, to accommodate changing specialized placement needs of children.

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

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

(3) Upon a request by a county for technical assistance, specialized care information shall be provided by the department within 90 days of the request to the department.

(4) (A) Except for subparagraph (B), beginning January 1, 1990, specialized care increments shall be adjusted in accordance with the methodology for the schedule of basic rates described in subdivisions (c) and (d).

(B) Notwithstanding subdivision (e) of Section 11460, for the 1993–94 fiscal year, an amount equal to 5 percent of the State Treasury appropriation for family homes shall be added to the total augmentation for the AFDC-FC program in order to provide incentives and assistance to counties in the area of specialized care. This appropriation shall be used, but not limited to, encouraging counties to implement or expand specialized care payment systems, to recruit and train foster parents for the placement of children with specialized care needs, and to develop county systems to encourage the placement of children in family homes. It is the intent of the Legislature that in the use of these funds, federal financial participation shall be claimed whenever possible.

(C) (i) Notwithstanding subparagraph (A), the specialized care increment shall not receive a cost-of-living adjustment in the 2011–12 or 2012–13 fiscal years.

(ii) Notwithstanding clause (i), a county may choose to apply a cost-of-living adjustment to its specialized care increment during the 2011–12 or 2012–13 fiscal years. To the extent that a county chooses to apply a cost-of-living adjustment during that time, the state shall not participate in the costs of that adjustment.

(iii) To the extent that federal financial participation is available for a cost-of-living adjustment made by a county pursuant to clause (ii), it is the intent of the Legislature that the federal funding shall be utilized.

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

(f) (1) As used in this section, “clothing allowance” means the amount paid by a county, at the county’s option, in addition to the basic rate for the provision of additional clothing for a child, including, but not limited to, an initial supply of clothing and school or other uniforms. The frequency and level of funding shall be based on the needs of the child, as determined by the county.

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

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

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

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

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

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

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

(iii) A certified family home of a foster family agency shall be paid the basic rate set forth in this paragraph only through December 31, 2019.

(B) The basic rate paid to either a certified family home or a resource family approved by a foster family agency shall be paid by the agency to the certified family home or resource family from the rate that is paid to the agency pursuant to Section 11463.

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

(D) The basic rates set forth in written directives or regulations pursuant to subparagraph (C) shall become inoperative on January 1, 2020, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which they become inoperative.

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

SEC. 33. Section 11462 of the Welfare and Institutions Code is amended to read:

11462. (a) The department shall commence development of a new payment structure for short-term residential therapeutic program placements claiming Title IV-E funding, in consultation with county placing agencies and providers.

(b) The department shall develop a rate system that includes consideration of all of the following factors:

(1) Core services, made available to children and nonminor dependents either directly or secured through formal agreements with other agencies, which are trauma informed and culturally relevant and include:

(A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services under the Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment program.

(B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.

(C) Educational and physical, behavioral, and mental health supports, including extracurricular activities and social supports.

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

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

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

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

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

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

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

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

(4) Staff training.

(5) Health and Safety Code requirements.

(6) Accreditation that includes:

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

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

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

(7) Mental health certification, including a requirement to timely report to the department any change in mental health certificate status.

(8) Maximization of federal financial participation under Title IV-E and Title XIX of the Social Security Act.

(c) The department shall establish rates pursuant to subdivisions (a) and (b) commencing January 1, 2017. The rate structure shall include an interim rate, a provisional rate for new short-term residential therapeutic programs, and a probationary rate. The department may issue a one-time reimbursement for accreditation fees incurred after August 1, 2016, in an amount and manner determined by the department in written directives.

(1) (A) Initial interim rates developed pursuant to this section shall be effective January 1, 2017, through December 31, 2019.

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

(C) The initial interim rates set forth in written directives or regulations pursuant to paragraph (3) shall become inoperative on January 1, 2020, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which they become inoperative.

(D) It is the intent of the Legislature to establish an ongoing payment structure no later than January 1, 2020.

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

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

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

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

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

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

SEC. 34. Section 11462.001 of the Welfare and Institutions Code is amended to read:

11462.001. (a) (1) 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 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 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.

(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) (i) 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.

(ii) For audit purposes, if the group home program serves a mixture of AFDC-FC eligible and ineligible children, the weighted hours for child care and social work services provided and the capacity of the group home shall be adjusted by the ratio of AFDC-FC eligible children to all children in placement.

(iii) 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) The standardized schedule of rates pursuant to subdivisions (f) and (g) of Section 11462, as that section read on January 1, 2015, 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.

(g) (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.

(h) 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.

(i) 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.

(j) 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.

(k) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04.

(l) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 35. Section 11462.01 of the Welfare and Institutions Code is amended to read:

11462.01. (a) (1) If a program will admit Medi-Cal beneficiaries, no later than 12 months following the date of initial licensure, a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 of this code and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code, shall obtain a contract, subject to an agreement on rates and terms and conditions, with a county mental health plan to provide specialty mental health services and demonstrate the ability to meet the therapeutic needs of each child, as identified in any of the following:

(A) A mental health assessment.

(B) The child's case plan.

(C) The child's needs and services plan.

(D) Other documentation demonstrating the child has a mental health need.

(2) A short-term residential therapeutic program shall comply with any other mental health program approvals required by the State Department of Health Care Services or by a county mental health plan to which mental health program approval authority has been delegated.

(b) A short-term residential therapeutic program, except as specified in subdivision (c), may accept for placement a child who meets both of the criteria in paragraphs (1) and (2) and at least one of the conditions in paragraph (3).

(1) The child does not require inpatient care in a licensed health facility.

(2) The child has been assessed as requiring the level of services provided in a short-term residential therapeutic program in order to maintain the safety and well-being of the child or others due to behaviors, including those resulting from traumas, that render the child or those around the child unsafe or at risk of harm, or that prevent the effective delivery of needed services and supports provided in the child's own home or in other family settings, such as with a relative, guardian, foster family, resource family, or adoptive family. The assessment shall ensure the child has needs in common with other children or youth in the care of the facility, consistent with subdivision (c) of Section 16514.

(3) The child meets at least one of the following conditions:

(A) The child has been assessed, pursuant to Section 4096, as meeting the medical necessity criteria for Medi-Cal specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) The child has been assessed, pursuant to Section 4096, as seriously emotionally disturbed, as defined in subdivision (a) of Section 5600.3.

(C) The child requires emergency placement pursuant to paragraph (3) of subdivision (h).

(D) The child has been assessed, pursuant to Section 4096, as requiring the level of services provided by the short-term residential therapeutic program in order to meet his or her behavioral or therapeutic needs.

(4) Subject to the requirements of this subdivision, a short-term residential therapeutic program may have a specialized program to serve a child, including, but not limited to, the following:

(A) A commercially sexually exploited child.

(B) A private voluntary placement, if the youth exhibits status offender behavior, the parents or other relatives feel they cannot control the child's behavior, and short-term intervention is needed to transition the child back into the home.

(C) A juvenile sex offender.

(D) A child who is affiliated with, or impacted by, a gang.

(c) (1) A short-term residential therapeutic program that is operating as a children's crisis residential program, as defined in Section 1502 of the Health and Safety Code, may accept for admission any child who meets all of the requirements set forth in paragraph (3) of subdivision (c) of Section 11462.011.

(2) The primary function of a children's crisis residential program is to provide short-term crisis stabilization, therapeutic intervention, and specialized programming in an unlocked, staff-secured setting with a high degree of supervision and structure and the goal of supporting the rapid and successful transition of the child back to the community.

(d) A foster family agency that is certified as a Medi-Cal specialty mental health provider pursuant to Section 1810.435 of Title 9 of the California Code of Regulations by the State Department of Health Care Services, or by a county mental health plan to which the department has delegated certification authority, and which has entered into a contract with a county mental health plan pursuant to Section 1810.436 of Title 9 of the California Code of Regulations, shall provide, or provide access to, specialty mental health services to children under its care who do not require inpatient care in a licensed health facility and who meet the medical necessity criteria for Medi-Cal specialty mental health services provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(e) A foster family agency that is not certified as a Medi-Cal specialty mental health provider shall provide access to specialty and non-specialty mental health services in that program for children who do not require inpatient care in a licensed health facility and who meet any of the conditions in paragraph (3) of subdivision (b). In this situation the foster family agency shall do the following:

(1) In the case of a child who is a Medi-Cal beneficiary, arrange for specialty mental health services from the county mental health plan.

(2) In all other cases, arrange for the child to receive mental health services.

(f) All short-term residential therapeutic programs shall maintain the level of care and services necessary to meet the needs of the children and youth in their care and shall maintain and have in good standing the appropriate mental health program approval. If a program will admit Medi-Cal beneficiaries, the mental health program approval shall include a certification to provide Medi-Cal specialty mental health services issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated mental health program approval authority, pursuant to Section 4096.5 of this code or Section 1810.435 or 1810.436 of Title 9 of the California Code of Regulations. All foster family agencies that are certified as a Medi-Cal specialty mental health provider pursuant to Section 1810.435 of Title 9 of the California Code of Regulations shall maintain the level of care and services necessary to meet the needs of children and youth in their care and shall maintain and have in good standing the Medi-Cal specialty mental health provider certification issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated certification authority.

(g) The assessments described in subparagraphs (A), (B), (C), and (D) of paragraph (3) of subdivision (b) shall ensure the child's individual behavioral or treatment needs are consistent with, and can be met by, the facility and shall be made by one of the following, as applicable:

(1) An interagency placement committee, as described in Section 4096, considering the recommendations from the child and family team, if any are available. If the short-term residential therapeutic program serves children who are placed by county child welfare agencies and children who are placed by probation departments, the interagency placement committee shall also ensure the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(2) A licensed mental health professional as defined in subdivision (g) of Section 4096.

(3) An individualized education program team. For the purposes of this section, an AFDC-FC funded child with an individualized education program developed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code that assesses the child as seriously emotionally disturbed, as defined in, and subject to, this section and recommends out-of-home placement at the level of care provided by the provider, shall be deemed to have met the assessment requirement.

(4) The placing agency, with input from the child and family team. The assessment described in subparagraph (D) of paragraph (3) of subdivision (b) shall be made pursuant to subdivision (b) of Section 706.6 or paragraph (2) of subdivision (d) of Section 16501.1.

(h) (1) The provider shall ensure that AFDC-FC funded children, assessed pursuant to subparagraphs (A) and (B) of paragraph (3) of subdivision (b), who are accepted for placement have been approved for placement by an interagency placement committee, as described in Section 4096, except as provided for in paragraphs (3) and (4) of subdivision (g).

(2) The approval shall be in writing and shall indicate that the interagency placement committee has determined one of the following:

(A) The child meets the medical necessity criteria for Medi-Cal specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) The child is seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3.

(3) (A) Nothing in subdivisions (a) to (g), inclusive, or this subdivision shall prevent an emergency placement of a child or youth into a certified short-term residential therapeutic program prior to the determination by the interagency placement committee, but only if a licensed mental health professional, as defined in subdivision (g) of Section 4096, has made a written determination within 72 hours of the child's or youth's placement, that the child or youth requires the level of services and supervision provided by the short-term residential therapeutic program in order to meet his or her behavioral or therapeutic needs. If the short-term residential therapeutic program serves children placed by county child welfare agencies and children placed by probation departments, the interagency placement committee shall also ensure the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(i) The interagency placement committee, as appropriate, shall, within 30 days of placement, make the determinations, with recommendations from the child and family team, required by this subdivision.

(ii) If it determines the placement is appropriate, the interagency placement committee, with recommendations from the child and family team, shall transmit the approval, in writing, to the county placing agency and the short-term residential therapeutic program.

(iii) If it determines the placement is not appropriate, the interagency placement committee shall respond pursuant to subparagraph (B).

(B) (i) If the interagency placement committee determines at any time that the placement is not appropriate, it shall, with recommendations from the child and family team, transmit the disapproval, in writing, to the county placing agency and the short-term residential therapeutic program and shall include a recommendation as to the child's appropriate level of care and placement to meet his or her service needs. The necessary interagency placement committee representative or representatives shall participate in any child and family team meetings to refer the child or youth to an appropriate placement, as specified in this section.

(ii) The child may remain in the placement for the amount of time necessary to identify and transition the child to an alternative, suitable placement.

(iii) Notwithstanding clause (ii), if the interagency placement committee determined the placement was not appropriate due to a health and safety concern, immediate arrangements for the child to transition to an appropriate placement shall occur.

(i) Commencing January 1, 2017, for AFDC-FC funded children or youth, only those children or youth who are approved for placement, as set forth in this section, may be accepted by a short-term residential therapeutic program.

(j) The department shall, through regulation, establish consequences for the failure of a short-term residential therapeutic program to obtain written approval for placement of an AFDC-FC funded child or youth pursuant to this section.

(k) The department shall not establish a rate for a short-term residential therapeutic program unless the provider submits a recommendation from the host county or the primary placing county that the program is needed and that the provider is willing

and capable of operating the program at the level sought. For purposes of this subdivision, "host county," and "primary placing county," mean the same as defined in the department's AFDC-FC ratesetting regulations.

(l) Any certified short-term residential therapeutic program shall be reclassified and paid at the appropriate program rate for which it is qualified if either of the following occurs:

(1) (A) It fails to maintain the level of care and services necessary to meet the needs of the children and youth in care, as required by subdivision (a). The determination shall be made consistent with the department's AFDC-FC ratesetting regulations developed pursuant to Section 11462 and shall take into consideration the highest level of care and associated rates for which the program may be eligible if granted an extension pursuant to Section 11462.04 or any reduction in rate associated with a provisional or probationary rate granted or imposed under Section 11466.01.

(B) In the event of a determination under this paragraph, the short-term residential therapeutic program may appeal the finding or submit a corrective action plan. The appeal process specified in Section 11466.6 shall be available to a short-term residential therapeutic program that provides intensive and therapeutic treatment. During any appeal, the short-term residential therapeutic program that provides intensive and therapeutic treatment shall maintain the appropriate level of care.

(2) It fails to maintain a certified mental health treatment program as required by subdivision (f).

(m) In addition to any other review required by law, the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501 may periodically review the placement of the child or youth. If the child and family team make a recommendation that the child or youth no longer needs, or is not benefiting from, placement in a short-term residential therapeutic program, the team shall transmit the disapproval, in writing, to the county placing agency to consider a more appropriate placement.

(n) The department shall develop a process to address placements when, subsequent to the child's or youth's placement, a determination is made by the interagency placement team and shall consider the recommendations of the child and family team, either that the child or youth is not in need of the care and services provided by the certified program. The process shall include, but not be limited to:

(1) Notice of the determination in writing to both the county placing agency and the short-term residential therapeutic program or foster family agency that provides intensive and therapeutic treatment.

(2) Notice of the county's plan, and a timeframe, for removal of the child or youth in writing to the short-term residential therapeutic program that provides intensive and therapeutic treatment.

(3) Referral to an appropriate placement.

(4) Actions to be taken if a child or youth is not timely removed from the short-term residential therapeutic program that provides intensive and therapeutic treatment or placed in an appropriate placement.

(o) (1) Nothing in this section shall prohibit a short-term residential therapeutic program from accepting private admissions of children or youth.

(2) When a referral is not from a public agency and public funding is not involved, there is no requirement for public agency review or determination of need.

(3) Children and youth subject to paragraphs (1) and (2) shall have been determined to be seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.4 of the Health and Safety Code, by a licensed mental health professional, as defined in subdivision (g) of Section 4096.

SEC. 36. Section 11462.011 of the Welfare and Institutions Code is amended to read:

11462.011. (a) The State Department of Health Care Services shall, in consultation with the Department of Managed Health Care, the State Department of Social Services, the County Behavioral Health Directors Association of California, the County Welfare Directors Association of California, the Chief Probation Officers of California, provider representatives, and other relevant stakeholders, establish program standards and procedures for oversight, enforcement, and issuance of children's crisis residential mental health program approvals, including provisional approvals that are effective for a period of less than one year. The State Department of Health Care Services shall also establish due process protections related to the children's crisis residential mental health program approval process.

(b) The State Department of Health Care Services shall, in collaboration with the department, the County Behavioral Health Directors Association of California, provider representatives, and other relevant stakeholders, provide guidance to counties for the provision of children's crisis residential services, including funding for children who are Medi-Cal beneficiaries and who are

admitted to a children's crisis residential program. This subdivision shall only be implemented to the extent that any necessary federal approvals are obtained and federal financial participation is available and is not otherwise jeopardized.

(c) (1) The children's crisis residential program shall be used only as a diversion to admittance to a psychiatric hospital.

(2) (A) The length of the initial authorization for admission to a children's crisis residential program shall be limited to 10 consecutive days.

(B) If a determination is made by a health care professional that a children's crisis residential program is medically necessary and is the appropriate continued level of care, either of the following shall occur:

(i) In the case of a Medi-Cal beneficiary, the children's crisis residential program shall notify the county mental health plan authorizing those services before extending the length of stay beyond 10 consecutive days.

(ii) In the case of non-Medi-Cal beneficiaries, reauthorizations for admission shall be obtained using the process established by the entity providing coverage.

(C) With the exception of clause (ii) of subparagraph (B), this paragraph shall be implemented only to the extent that any necessary federal approvals are obtained and the State Department of Health Care Services determines, in its sole discretion, that federal financial participation is not jeopardized.

(3) A children's crisis residential program may accept for admission any child who meets all of the following requirements:

(A) The child is referred by a parent or guardian, physician, or licensed mental health professional, or by the representative of a public or private entity, including, but not limited to, the county probation agency or child welfare services agency with responsibility for the placement of a child in foster care, that has the right to make these decisions on behalf of a child who is in mental health crisis.

(B) The child is under 19, 20, or 21 years of age, depending on a program's licensing requirements.

(C) The child has a serious behavioral health disorder.

(D) The child requires a 24-hours-a-day, seven-days-a-week, staff-secured, unlocked treatment setting.

(d) A children's crisis residential mental health program approval issued by the State Department of Health Care Services, or a county mental health plan to which the department has delegated approval authority, shall be a condition of continued licensure for a short-term residential therapeutic program operating as a children's crisis residential program.

(e) The State Department of Health Care Services, or a county mental health plan to which the department has delegated approval authority, may enforce the children's crisis residential mental health program approval standards by taking any of the following actions against a noncompliant children's crisis residential program:

(1) Suspend or revoke a children's crisis residential mental health program approval.

(2) Impose monetary penalties.

(3) Place a children's crisis residential mental health program on probation.

(4) Require a children's crisis residential mental health program to prepare and comply with a corrective action plan.

(f) The State Department of Health Care Services, or a county mental health plan to which the department has delegated approval authority, shall provide a children's crisis residential mental health program with due process protections when taking any of the actions described in subdivision (e).

(g) Contingent upon an appropriation in the annual Budget Act for these purposes, the department shall begin implementation of this section no later than July 1, 2018, and shall commence the operation of the approval process for children's crisis residential mental health program approvals no later than January 1, 2019.

SEC. 37. Section 11462.015 of the Welfare and Institutions Code is amended to read:

11462.015. (a) A group home program shall be classified at RCL 13 or RCL 14 if the program meets all of the following requirements:

(1) The group home program is providing, or has proposed to provide, the level of care and services necessary to generate sufficient points in the ratesetting process to be classified at RCL 13 if the rate application is for RCL 13 or to be classified at RCL 14 if the rate application is for RCL 14.

(2) (A) (i) The group home provider shall agree not to accept for placement into a group home program AFDC-FC funded children, including voluntary placements and children who have been assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, placed out-of-home pursuant to an individualized education program developed under Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code, who have not been approved for placement by an interagency placement committee, as described by Section 4096.1. The approval shall be in writing and shall indicate that the interagency placement committee has determined that the child is seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.45 of the Health and Safety Code, and that the child needs the level of care provided by the group home.

(ii) For purposes of clause (i), group home providers who accept children who have been assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, who are assessed and placed out-of-home pursuant to an individualized education program developed under Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code shall be deemed to have met the interagency placement committee approval for placement requirements of clause (i) if the individualized education program assessment indicates that the child has been determined to be seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.45 of the Health and Safety Code, and needs the level of care described in clause (i).

(B) (i) This subdivision shall not prevent the emergency placement of a child into a group home program prior to the determination by the interagency placement committee pursuant to clause (i) of subparagraph (A) if a licensed mental health professional, as defined in the department's AFDC-FC ratesetting regulations, has evaluated, in writing, the child within 72 hours of placement, and has determined the child to be seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and in need of the care and services provided by the group home program.

(ii) The interagency placement committee shall, within 30 days of placement pursuant to clause (i), make the determination required by clause (i) of subparagraph (A).

(iii) If, pursuant to clause (ii), the placement is determined to be appropriate, the committee shall transmit the approval, in writing, to the county placing agency and the group home provider.

(iv) If, pursuant to clause (ii) the placement is determined not to be appropriate, the child shall be removed from the group home and referred to a more appropriate placement, as specified in subdivision (f).

(C) With respect to AFDC-FC funded children, only those children who are approved for placement by an interagency placement committee may be accepted by a group home under this subdivision.

(3) The group home program is certified by the State Department of Health Care Services pursuant to Section 4096.5.

(b) The department shall not establish a rate for a group home requesting a program change to RCL 13 or RCL 14 unless the group home provider submits a recommendation from the host county or the primary placing county that the program is needed and that the provider is willing and capable of operating the program at the level sought. For purposes of this subdivision, "host county," "primary placing county," and "program change" mean the same as defined in the department's AFDC-FC ratesetting regulations.

(c) The effective date of rates set at RCL 13 or RCL 14 shall be the date that all the requirements are met, but not prior to July 1 of that fiscal year. Nothing in this section shall affect RCL 13 or RCL 14 ratesetting determinations in prior years.

(d) Any group home program that has been classified at RCL 13 or RCL 14 pursuant to the requirements of subdivision (a) shall be reclassified at the appropriate lower RCL with a commensurate reduction in rate if either of the following occurs:

(1) The group home program fails to maintain the level of care and services necessary to generate the necessary number of points for RCL 13 or RCL 14, as required by paragraph (1) of subdivision (a). The determination of points shall be made consistent with the department's AFDC-FC ratesetting regulations for other rate classification levels.

(2) The group home program fails to maintain a certified mental health treatment program as required by paragraph (3) of subdivision (a).

(3) In the event of a determination under paragraph (1), the group home may appeal the finding or submit a corrective action plan. The appeal process specified in Section 11466.6 shall be available to RCL 13 and RCL 14 group home providers. During any appeal, the group home shall maintain the appropriate level of care.

(e) The interagency placement committee shall periodically review, but no less often than that required by current law, the placement of the child. If the committee determines that the child no longer needs, or is not benefiting from, placement in a RCL 13 or RCL 14 group home, the committee shall require the removal of the child and a new disposition.

- (f) (1) (A) If, at any time subsequent to placement in an RCL 13 or RCL 14 group home program, the interagency placement committee determines either that the child is not seriously emotionally disturbed or is not in need of the care and services provided by the group home program, it shall notify, in writing, both the county placing agency and the group home provider within 10 days of the determination.
- (B) The county placing agency shall notify the group home provider, in writing, within five days from the date of the notice from the committee, of the county's plan for removal of the child.
- (C) The county placing agency shall remove the child from the group home program within 30 days from the date of the notice from the interagency placement committee.
- (2) (A) If a county placing agency does not remove a child within 30 days from the date of the notice from the interagency placement committee, the group home provider shall notify the interagency placement committee and the department, in writing, of the county's failure to remove the child from the group home program.
- (B) The group home provider shall make the notification required by subparagraph (A) within five days of the expiration of the 30-day removal period. If notification is made, a group home provider shall not be subject to an overpayment determination due to failure of the county placing agency to remove the child.
- (3) Any county placing agency that fails to remove a child from a group home program under this paragraph within 30 days from the date of the notice from the interagency placement committee shall be assessed a penalty in the amount of the state and federal financial participation in the AFDC-FC rate paid on behalf of the child commencing on the 31st day and continuing until the child is removed.
- (g) (1) If any RCL 13 or RCL 14 group home provider discovers that it does not have written approval for placement of any AFDC-FC funded child from the interagency placement committee, it shall notify the county placing agency, in writing, and shall request the county to obtain approval from the interagency placement committee or remove the child from the group home program. A group home provider shall have 30 days from the child's first day of placement to discover the placement error and to notify the county placing agency.
- (2) Any county placing agency that receives notification pursuant to paragraph (2) of subdivision (f) shall obtain approval for placement from the interagency placement committee or remove the child from the group home program within 30 days from the date of the notice from the group home provider. The program shall not be reclassified to a lower RCL for a violation of the provisions referred to in this paragraph.
- (3) (A) If a county placing agency does not have the placement of a child approved by the interagency placement committee or removed from the group home within 30 days from the date of the notice from the group home provider, the group home provider shall notify the county placing agency and the department, in writing, of the county's failure to have the placement of the child approved or remove the child from the group home program.
- (B) The group home provider shall make the notification required by subparagraph (A) within five days after the expiration of the 30-day approval or removal period. If notification is made, a group home provider shall not be subject to an overpayment determination due to failure of the county placing agency to remove the child.
- (C) Any group home provider that fails to notify the county placing agency pursuant to subparagraph (A) shall be assessed a penalty in the amount of the AFDC-FC rate paid to the group home provider on behalf of the child commencing on the 31st day of placement and continuing until the county placing agency is notified.
- (4) Any county placing agency that fails to have the placement of a child approved or to have the child removed from the group home program within 30 days shall be assessed a penalty in the amount of the state and federal financial participation in the AFDC-FC rate paid on behalf of the child commencing on the 31st day of placement and continuing until the child is removed.
- (h) The department shall develop regulations to obtain payment of assessed penalties as provided in this section. For audit purposes and the application of penalties for RCL 13 and RCL 14 programs, the department shall apply statutory provisions that were in effect during the period for which the audit was conducted.
- (i) (1) This subdivision does not prohibit a group home classified at RCL 13 or RCL 14 for purposes of the AFDC-FC program, from accepting private placements of children.
- (2) When a referral is not from a public agency and no public funding is involved, there shall be no requirement for public agency review or determination of need.
- (3) Children subject to paragraphs (1) and (2) shall have been assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.45 of the Health and Safety Code, by a licensed mental health

professional, as defined in subdivision (g) of Section 4096.

(j) A child shall not be placed in a group home program classified at an RCL 13 or RCL 14 if the placement is paid for with county-only funds unless the child is assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.45 of the Health and Safety Code, by a licensed mental health professional, as defined in subdivision (g) of Section 4096.

(k) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04.

(l) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 38. Section 11462.021 of the Welfare and Institutions Code is amended to read:

11462.021. (a) Notwithstanding paragraph (2) of subdivision (a) of Section 11462, a foster care provider licensed as a group home also may have a rate established if the group home is operated by the County of San Mateo, as provided by subdivision (h) of Section 11400.

(b) This section shall only apply to a group home that has been granted an extension pursuant to the exception process described in subdivision (d) of Section 11462.04.

(c) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 39. Section 11463 of the Welfare and Institutions Code is amended to read:

11463. (a) The department shall commence development of a new payment structure for the Title IV-E funded foster family agency placement option that maximizes federal funding, in consultation with county placing agencies.

(b) The department shall develop a payment system for foster family agencies that provide treatment, intensive treatment, and therapeutic foster care programs, and shall consider all of the following factors:

(1) Administrative activities that are eligible for federal financial participation provided, at county request, for and to county-licensed or approved family homes and resource families, intensive case management and supervision, and services to achieve legal permanency or successful transition to adulthood.

(2) Social work activities that are eligible for federal financial participation under Title IV-E of the Social Security Act.

(3) Social work and mental health services eligible for federal financial participation under Title XIX of the Social Security Act.

(4) Intensive treatment or therapeutic services in the foster family agency.

(5) Core services, made available to children and nonminor dependents either directly or secured through agreements with other agencies, which are trauma informed and culturally relevant and include:

(A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9, of the California Code of Regulations.

(B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.

(C) Educational and physical, behavioral, and mental health supports, including extracurricular activities and social supports.

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

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

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

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

(6) Staff training.

(7) Health and Safety Code requirements.

(8) A process for accreditation that includes all of the following:

(A) Provision for all licensed foster family agencies to maintain in good standing accreditation from a nationally recognized accreditation agency with expertise in programs for youth group care facilities, as determined by the department.

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

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

(9) Mental health certification, including a requirement to timely report to the department any change in mental health certificate status.

(10) Populations served, including, but not limited to, any of the following:

(A) (i) Children and youth assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, including those placed out-of-home pursuant to an individualized education program developed under Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code.

(ii) Children assessed as meeting the medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) AFDC-FC children and youth receiving intensive and therapeutic treatment services in a foster family agency.

(C) AFDC-FC children and youth receiving mental health treatment services from a foster family agency.

(11) Maximization of federal financial participation for Title IV-E and Title XIX of the Social Security Act.

(c) The department shall establish rates pursuant to subdivisions (a) and (b) commencing January 1, 2017. The rate structure shall include an interim rate, a provisional rate for new foster family agency programs, and a probationary rate. The department may issue a one-time reimbursement for accreditation fees incurred after August 1, 2016, in an amount and manner determined by the department in written directives.

(1) (A) Initial interim rates developed pursuant to this section shall be effective January 1, 2017, through December 31, 2019.

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

(C) The initial interim rates set forth in written directives or regulations pursuant to paragraph (4) shall become inoperative on January 1, 2020, unless a later enacted statute, that becomes operative on or before January 1, 2020, deletes or extends the dates on which they become inoperative.

(D) It is the intent of the Legislature to establish an ongoing payment structure no later than January 1, 2020.

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

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

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

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

(3) (A) (i) The foster family agency rate shall include a basic rate pursuant to paragraph (4) of subdivision (g) of Section 11461. A child or youth placed in a certified family home or with a resource family of a foster family agency is eligible for the basic rate, which shall be passed on to the certified parent or resource family along with annual increases set forth in subparagraph (D).

(ii) A certified family home of a foster family agency shall be paid the basic rate as set forth in this paragraph only through December 31, 2019.

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

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

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

(ii) Specialized health care needs.

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

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

(e) The department shall consider the impact on children and youth being transitioned to alternate programs as a result of the new ratesetting system.

SEC. 40. Section 11466.01 of the Welfare and Institutions Code is amended to read:

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

(1) A provider that is granted an extension pursuant to paragraph (1) of subdivision (d) of Section 11462.04.

(2) A provider that is granted an extension pursuant to paragraph (2) of subdivision (d) of Section 11462.04.

(3) A foster family agency licensed on or before January 1, 2017, upon submission of a program statement pursuant to Section 1506.1 of the Health and Safety Code.

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

(5) A new foster family agency provider.

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

(1) For a provider described in paragraph (1) or (3) of subdivision (a), a provisional rate may be granted for a period that is not extended beyond December 31, 2019.

(2) For a provider described in paragraph (2) of subdivision (a), a provisional rate may be granted and may be reviewed on an annual basis, pursuant to paragraph (2) of subdivision (d) of Section 11462.04.

(3) For a provider described in paragraph (4) or (5) of subdivision (a), a provisional rate may be granted for a period of up to 24 months from the date the provider's license was issued.

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

(1) Any prior extension granted pursuant to Section 11462.04 or 11462.041.

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

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

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

(5) Any violations of state or federal law.

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

provisional period.

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

(f) The department shall establish an administrative review process for determinations, including denial, rate reduction, probation, and termination of the provisional and probationary rates. This process shall include a departmental review, corrective action, and a protest with the department. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), this process shall be disseminated by written directive pending the promulgation of regulations.

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

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

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

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

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

SEC. 41. Section 16120 of the Welfare and Institutions Code is amended to read:

16120. A child is eligible for Adoption Assistance Program benefits if all of the conditions specified in subdivisions (a) to (l), inclusive, are met or if the conditions specified in subdivision (m) are met.

(a) It has been determined that the child cannot or should not be returned to the home of his or her parents as evidenced by a petition for termination of parental rights, a court order terminating parental rights, or a signed relinquishment, or, in the case of a tribal customary adoption, if the court has given full faith and credit to a tribal customary adoption order as provided for pursuant to paragraph (2) of subdivision (e) of Section 366.26, or, in the case of a nonminor dependent the court has dismissed dependency or transitional jurisdiction subsequent to the approval of the nonminor dependent, adoption petition pursuant to subdivision (f) of Section 366.31.

(b) The child has at least one of the following characteristics that are barriers to his or her adoption:

(1) Adoptive placement without financial assistance is unlikely because of membership in a sibling group that should remain intact or by virtue of race, ethnicity, color, language, three years of age or older, or parental background of a medical or behavioral nature that can be determined to adversely affect the development of the child.

(2) Adoptive placement without financial assistance is unlikely because the child has a mental, physical, emotional, or medical disability that has been certified by a licensed professional competent to make an assessment and operating within the scope of his or her profession. This paragraph shall also apply to children with a developmental disability, as defined in subdivision (a) of Section 4512, including those determined to require out-of-home nonmedical care, as described in Section 11464.

(c) The need for an adoption subsidy is evidenced by an unsuccessful search for an adoptive home to take the child without financial assistance, as documented in the case file of the prospective adoptive child. The requirement for this search shall be waived when it would be against the best interest of the child because of the existence of significant emotional ties with prospective adoptive parents while in the care of these persons as a foster child.

(d) The child satisfies any of the following criteria:

(1) He or she is under 18 years of age.

(2) He or she is under 21 years of age and has a mental or physical handicap that warrants the continuation of assistance.

(3) Effective January 1, 2012, he or she is under 19 years of age, effective January 1, 2013, he or she is under 20 years of age, and effective January 1, 2014, he or she is under 21 years of age and as described in Section 10103.5, and has attained 16 years of age before the adoption assistance agreement became effective, and one or more of the conditions specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403 applies.

(e) The adoptive family is responsible for the child pursuant to the terms of an adoptive placement agreement or a final decree of adoption and has signed an adoption assistance agreement.

(f) The adoptive family is legally responsible for the support of the child and the child is receiving support from the adoptive parent.

(g) The department or the county responsible for determining the child's Adoption Assistance Program eligibility status and for providing financial aid, and the prospective adoptive parent, prior to or at the time the adoption decree is issued by the court, have signed an adoption assistance agreement that stipulates the need for, and the amount of, Adoption Assistance Program benefits.

(h) The prospective adoptive parent or any adult living in the prospective adoptive home has completed the criminal background check requirements pursuant to Section 671(a)(20)(A) and (C) of Title 42 of the United States Code.

(i) To be eligible for state funding, the child is the subject of an agency adoption, as defined in Section 8506 of the Family Code, and was any of the following:

(1) Under the supervision of a county welfare department as the subject of a legal guardianship or juvenile court dependency.

(2) Relinquished for adoption to a licensed California private or public adoption agency, or another public agency operating a Title IV-E program on behalf of the state, and would have otherwise been at risk of dependency as certified by the responsible public child welfare agency.

(3) Committed to the care of the department pursuant to Section 8805 or 8918 of the Family Code.

(4) The child is an Indian child and the subject of an order of adoption based on tribal customary adoption of an Indian child, as described in Section 366.24. Notwithstanding Section 8600.5 of the Family Code, for purposes of this subdivision a tribal customary adoption shall be considered an agency adoption.

(j) To be eligible for federal funding, in the case of a child who is not an applicable child for the federal fiscal year, as defined in subdivision (n), the child satisfies any of the following criteria:

(1) Prior to the finalization of an agency adoption, as defined in Section 8506 of the Family Code, or an independent adoption, as defined in Section 8524 of the Family Code, is filed, the child has met the requirements to receive federal supplemental security income benefits pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code, as determined and documented by the federal Social Security Administration.

(2) The child was removed from the home of a specified relative and the child would have been AFDC eligible in the home of removal according to Section 606(a) or 607 of Title 42 of the United States Code, as those sections were in effect on July 16, 1996, in the month of the voluntary placement agreement or in the month court proceedings are initiated to remove the child, resulting in a judicial determination that continuation in the home would be contrary to the child's welfare. The child must have been living with the specified relative from whom he or she was removed within six months of the month the voluntary placement agreement was signed or the petition to remove was filed.

(3) The child was voluntarily relinquished to a licensed public or private adoption agency, or another public agency operating a Title IV-E program on behalf of the state, and there is a petition to the court to remove the child from the home within six months of the time the child lived with a specified relative and a subsequent judicial determination that remaining in the home would be contrary to the child's welfare.

(4) Title IV-E foster care maintenance was paid on behalf of the child's minor parent and covered the cost of the minor parent's child while the child was in the foster family home or child care institution with the minor parent.

(5) The child is an Indian child and the subject of an order of adoption based on tribal customary adoption of an Indian child, as described in Section 366.24.

(k) To be eligible for federal funding, in the case of a child who is an applicable child for the federal fiscal year, as defined in subdivision (n), the child meets any of the following criteria:

(1) At the time of initiation of adoptive proceedings, was in the care of a public or licensed private child placement agency or Indian tribal organization pursuant to either of the following:

(A) An involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(B) A voluntary placement agreement or a voluntary relinquishment.

(2) He or she meets all medical or disability requirements of Title XVI with respect to eligibility for supplemental security income benefits.

(3) He or she was residing in a foster family home or a child care institution with the child's minor parent, and the child's minor parent was in the foster family home or child care institution pursuant to either of the following:

(A) An involuntary removal of the child from the home in accordance with a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.

(B) A voluntary placement agreement or voluntary relinquishment.

(4) The child is an Indian child and the subject of an order of adoption based on tribal customary adoption of an Indian child, as described in Section 366.24.

(5) The nonminor dependent, as described in subdivision (v) of Section 11400, is the subject of an adoption pursuant to subdivision (f) of Section 366.31.

(l) The child is a citizen of the United States or a qualified alien as defined in Section 1641 of Title 8 of the United States Code. If the child is a qualified alien who entered the United States on or after August 22, 1996, and is placed with an unqualified alien, the child must meet the five-year residency requirement pursuant to Section 673(a)(2)(B) of Title 42 of the United States Code, unless the child is a member of one of the excepted groups pursuant to Section 1612(b) of Title 8 of the United States Code.

(m) A child or nonminor shall be eligible for Adoption Assistance Program benefits if the following conditions are met:

(1) The child or nonminor received Adoption Assistance Program benefits with respect to a prior adoption and the child or nonminor is again available for adoption because the prior adoption was dissolved and the parental rights of the adoptive parents were terminated or because the child's or nonminor's adoptive parents died and the child or nonminor meets the special needs criteria described in subdivisions (a) to (c), inclusive. When a nonminor is receiving Adoption Assistance Program benefits after 18 years of age and the nonminor's adoptive parents die, the juvenile court may resume dependency jurisdiction over the nonminor pursuant to Section 388.1.

(2) To receive federal funding, the citizenship requirements in subdivision (l).

(n) (1) Except as provided in this subdivision, "applicable child" means a child for whom an adoption assistance agreement is entered into under this section during any federal fiscal year described in this subdivision if the child attained the applicable age for that federal fiscal year before the end of that federal fiscal year.

(A) For federal fiscal year 2010, the applicable age is 16 years.

(B) For federal fiscal year 2011, the applicable age is 14 years.

(C) For federal fiscal year 2012, the applicable age is 12 years.

(D) For federal fiscal year 2013, the applicable age is 10 years.

(E) For federal fiscal year 2014, the applicable age is eight years.

(F) For federal fiscal year 2015, the applicable age is six years.

(G) For federal fiscal year 2016, the applicable age is four years.

(H) For federal fiscal year 2017, the applicable age is two years.

(I) For October 1, 2017, to December 31, 2017, any age.

(J) Effective January 1, 2018, to June 30, 2024, the applicable age is two years.

(K) Effective July 1, 2024, and thereafter, any age.

(2) Beginning with the 2010 federal fiscal year, the term "applicable child" shall include a child of any age on the date on which an adoption assistance agreement is entered into on behalf of the child under this section if the child meets both of the following criteria:

(A) He or she has been in foster care under the responsibility of the state for at least 60 consecutive months.

(B) He or she meets the requirements of subdivision (k).

(3) Beginning with the 2010 federal fiscal year, an applicable child shall include a child of any age on the date that an adoption assistance agreement is entered into on behalf of the child under this section, without regard to whether the child is described in paragraph (2), if the child meets all of the following criteria:

(A) He or she is a sibling of a child who is an applicable child for the federal fiscal year, under subdivision (n) or paragraph (2).

(B) He or she is to be placed in the same adoption placement as an "applicable child" for the federal fiscal year who is their sibling.

(C) He or she meets the requirements of subdivision (k).

SEC. 42. Section 16500.5 of the Welfare and Institutions Code is amended to read:

16500.5. (a) (1) The Legislature hereby declares its intent to encourage the continuity of the family unit by:

(A) (i) Providing family preservation services.

(ii) For purposes of this subdivision, "family preservation services" means intensive services for families whose children, without these services, would be subject to any of the following:

(I) Be at imminent risk of out-of-home placement.

(II) Remain in existing out-of-home placement for longer periods of time.

(III) Be placed in a more restrictive out-of-home placement.

(B) Providing supportive services for those children within the meaning of Sections 360, 361, and 364 when they are returned to the family unit or when a minor will probably soon be within the jurisdiction of the juvenile court pursuant to Section 301.

(C) Providing counseling and family support services designed to eradicate the situation that necessitated intervention.

(2) The Legislature finds that maintaining abused and neglected children in foster care grows increasingly costly each year, and that adequate funding for family services that might enable these children to remain in their homes is not as readily available as funding for foster care placement.

(3) The Legislature further finds that other state bodies have addressed this problem through various systems of flexible reimbursement in child welfare programs that provide for more intensive and appropriate services to prevent foster care placement or significantly reduce the length of stay in foster care.

(b) It is the intent of the Legislature that family preservation and support services in California conform to the federal definitions contained in Section 431 of the Social Security Act. The Legislature finds and declares that California's existing family preservation programs meet the intent of the federal Promoting Safe and Stable Families program.

(c) (1) Services that may be provided under this program may include, but are not limited to, counseling, mental health treatment and substance abuse treatment services, including treatment at a residential substance abuse treatment facility that accepts families, parenting, respite, day treatment, transportation, homemaking, and family support services. Each county that chooses to provide mental health treatment and substance abuse treatment shall identify and develop these services in consultation with county mental health treatment and substance abuse treatment agencies. Additional services may include those enumerated in Sections 16506 and 16507. The services to be provided pursuant to this section may be determined by each participating county. Each county may contract with individuals and organizations for services to be provided pursuant to this section. Each county shall utilize available private nonprofit resources in the county prior to developing new county-operated resources when these private nonprofit resources are of at least equal quality and costs as county-operated resources and shall utilize available county resources of at least equal quality and cost prior to new private nonprofit resources.

(2) Participating counties authorized by this subdivision shall provide specific programs of direct services based on individual family needs as reflected in the service plans to families of the following:

(A) Children who are dependent children not taken from physical custody of their parents or guardians pursuant to Section 364.

(B) Children who are dependent children removed from the physical custody of their parents or guardian pursuant to Section 361.

(C) Children who it is determined will probably soon be within the jurisdiction of the juvenile court pursuant to Section 301.

(D) Upon approval of the department, children who have been adjudged wards of the court pursuant to Sections 601 and 602.

(E) Upon approval of the department, families of children subject to Sections 726 and 727.

(F) Upon approval of the department, children who are determined to require out-of-home placement pursuant to Section 7572.5 of the Government Code.

(3) The services shall only be provided to families whose children will be placed in out-of-home care without the provision of services or to children who can be returned to their families with the provision of services.

(4) The services selected by a participating county shall be reasonable and meritorious and shall demonstrate cost-effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement. A county shall not expend more funds for services under this subdivision than that amount which would be expended for placement in out-of-home care.

(5) The program in each county shall be deemed successful if it meets the following standards:

(A) Enables families to resolve their own problems, effectively utilize service systems, and advocate for their children in educational and social agencies.

(B) Enhancing family functioning by building on family strengths.

(C) At least 75 percent of the children receiving services remain in their own home for six months after termination of services.

(D) During the first year after services are terminated:

(i) At least 60 percent of the children receiving services remain at home one year after services are terminated.

(ii) The average length of stay in out-of-home care of children selected to receive services who have already been removed from their home and placed in out-of-home care is 50 percent less than the average length of stay in out-of-home care of children who do not receive program services.

(E) Two years after the termination of family preservation services:

(i) The average length of out-of-home stay of children selected to receive services under this section who, at the time of selection, are in out-of-home care, is 50 percent less than the average length of stay in out-of-home care for children in out-of-home care who do not receive services pursuant to this section.

(ii) At least 60 percent of the children who were returned home pursuant to this section remain at home.

(6) Funds used for services provided under this section shall supplement, not supplant, child welfare services funds available for services pursuant to Sections 16506 and 16507.

(7) Programs authorized after the original pilot projects shall submit data to the department upon the department's request.

(d) (1) A county welfare department social worker or probation officer may, pursuant to an appropriate court order, return a dependent minor or ward of the court removed from the home pursuant to Section 361 to his or her home, with appropriate interagency family preservation program services.

(2) The county probation department may, with the approval of the State Department of Social Services, through an interagency agreement with the county welfare department, refer cases to the county welfare department for the direct provision of services under this subdivision.

(e) Foster care funds shall remain within the administrative authority of the county welfare department and shall be used only for placement services or placement prevention services or county welfare department administrative cost related to the interagency family preservation program.

(f) To the extent permitted by federal law, any federal funds provided for services to families and children may be utilized for the purposes of this section.

(g) A county may establish family preservation programs that serve one or more geographic areas of the county, subject to the approval of the State Department of Social Services.

(1) All funds expended by a county for activities under this section shall be expended by the county in a manner that will maximize eligibility for federal financial participation.

(2) A county, subject to the approval of the State Department of Social Services, may claim federal financial participation, if allowable and available, as provided by the State Department of Social Services in the federal Promoting Safe and Stable Families program in accordance with the federal guidelines and regulations for that county's AFDC-FC expenditures pursuant to subdivision (d) of Section 11450, for children subject to Sections 300, 301, 360, and 364, in advance, provided that the county conducts a program of family reunification and family maintenance services for families receiving these services pursuant to Sections 300, 301, 360, and 364, and as permitted by the department, children subject to Sections 601, 602, 726, and 727 of this code and Section 7572.5 of the Government Code.

(h) In order to maintain federal funding and meet federal requirements, the State Department of Social Services and the Office of Child Abuse Prevention shall provide administrative oversight, monitoring, and consultation to ensure both of the following:

(1) Each county includes in its county plan information that details what services are to be funded under this section and who will be served, and how the services are coordinated with the array of services available in the county. In order to maintain federal funding to meet federal requirements, the State Department of Social Services shall review these plans and provide technical assistance as needed, as provided in Section 10601.2. In order to meet federal requirements, the Office of Child Abuse Prevention shall require counties to submit annual reports, as part of the current reporting process, on program services and children and families served. The annual reporting process shall be developed jointly by the department and county agencies for the purpose of meeting federal reporting requirements.

(2) In order to maximize federal financial participation for the federal Promoting Safe and Stable Families grant, funds expended from this program are in compliance with data-reporting requirements in order to meet federal nonsupplantation requirements in accordance with Section 1357.32(f) of Title 45 of the Code of Federal Regulations, and the 25 percent state match requirement in accordance with Section 1357.32(d) of Title 45 of the Code of Federal Regulations.

(i) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be made with moneys allocated pursuant to Section 30025 of the Government Code.

SEC. 43. Section 16501.02 is added to the Welfare and Institutions Code, to read:

16501.02. (a) For purposes of this section, the following definitions shall apply:

(1) "Alternative care" means care and supervision of more than 24 consecutive hours, but no more than 72 consecutive hours unless the foster child's social worker or probation officer provides prior approval.

(2) "Alternative caregiver" means a person who is at least 18 years of age and provides alternative care for a foster child in either his or her home or the home of the caregiver.

(3) "Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member, or approved resource family.

(4) "Reasonable and prudent parent" or "reasonable and prudent parent standard" has the same meaning as set forth in subdivision (c) of Section 362.05.

(b) A caregiver may arrange for occasional alternative care of his or her foster child and allow an alternative caregiver to provide care and supervision to the foster child, unless prohibited by the foster child's social worker or probation officer or court order.

(c) A caregiver shall use a reasonable and prudent parent standard in determining and selecting an appropriate alternative caregiver.

(d) A caregiver shall endeavor to provide an alternative caregiver with all of the following information before leaving the foster child for purposes of alternative care:

(1) Information about the foster child's emotional, behavioral, medical, or physical conditions, if any, necessary to provide care for the foster child during the time the foster child is being supervised by the alternative caregiver.

(2) Any medication that should be administered to the foster child during the time the foster child is being supervised by the alternative caregiver.

(3) Emergency contact information that is valid during the time the foster child is being supervised by the alternative caregiver.

SEC. 44. Section 16504.5 of the Welfare and Institutions Code is amended to read:

16504.5. (a) (1) Notwithstanding any other law, pursuant to subdivision (b) of Section 11105 of the Penal Code, a child welfare agency may secure from an appropriate governmental criminal justice agency the state summary criminal history information, as defined in subdivision (a) of Section 11105 of the Penal Code, through the California Law Enforcement Telecommunications System for the following purposes:

(A) To conduct an investigation pursuant to Section 11166.3 of the Penal Code or an investigation involving a child in which the child is alleged to come within the jurisdiction of the juvenile court pursuant to Section 300.

(B) (i) To assess the appropriateness and safety of placing, pursuant to Section 309 or 361.45, a child who has been detained or is a dependent of the court in the home of a relative, as defined in Section 319, or a nonrelative extended family member, as defined in Section 362.7.

(ii) When a relative or nonrelative extended family member who has been assessed pursuant to clause (i) and approved as a caregiver moves to a different county and continued placement of the child with that person is intended, the move shall be considered an emergency situation for purposes of this subparagraph.

(C) To attempt to locate a parent or guardian pursuant to Section 311 of a child who is the subject of dependency court proceedings.

(D) To obtain information about the background of a nonminor who has petitioned to reenter foster care under subdivision (e) of Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

(2) Any time that a child welfare agency initiates a criminal background check through the California Law Enforcement Telecommunications System for the purpose described in subparagraph (B) of paragraph (1) and the child is placed with the relative or nonrelative extended family member, the agency shall ensure that a state-level fingerprint check is initiated pursuant to Section 16519.5 of this code and Section 8712 of the Family Code.

(b) Criminal justice personnel shall cooperate with requests for criminal history information authorized pursuant to this section and shall provide the information to the requesting entity in a timely manner.

(c) Any law enforcement officer or person authorized by this section to receive the information who obtains the information in the record and knowingly provides the information to a person not authorized by law to receive the information is guilty of a misdemeanor, as specified in Section 11142 of the Penal Code.

(d) Information obtained pursuant to this section shall not be used for any purposes other than those described in subdivision (a).

(e) This section shall not preclude a nonminor petitioning to reenter foster care or a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the state- or federal-level criminal records check revealed erroneous information.

(f) (1) A state or county welfare agency may submit to the Department of Justice fingerprint images and related information required by the Department of Justice of parents or legal guardians when determining their suitability for reunification with a dependent child subject to the jurisdiction of the juvenile court, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests, as well as information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal. Of the information received by the Department of Justice pursuant to this subdivision, only the parent's or legal guardian's criminal history for the time period following the removal of the child from the parent or legal guardian shall be considered.

(2) A county welfare agency or county probation office may submit to the Department of Justice fingerprint images and related information required by the Department of Justice of nonminors petitioning to reenter foster care pursuant to Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

(3) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this subdivision. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and respond to the state or county welfare agency.

(4) The Department of Justice shall provide a response to the state or county welfare agency pursuant to subdivision (p) of Section 11105 of the Penal Code.

(5) The state or county welfare agency shall not request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for individuals described in this subdivision.

(6) The Department of Justice shall charge a fee sufficient to cover the costs of processing the request described in this subdivision.

(g) A fee, determined by the Federal Bureau of Investigation and collected by the Department of Justice, shall be charged for each federal-level criminal offender record information request submitted pursuant to this section and Section 361.4.

SEC. 45. Section 16519.5 of the Welfare and Institutions Code is amended to read:

16519.5. (a) The State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(2) Additional counties may participate in the early implementation of the program upon authorization by the department.

(3) The State Department of Social Services shall be responsible for all of the following:

(A) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association.

(B) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for early implementation participation in the program, train appropriate staff, and accept applications from resource families.

(C) Entering into terms and conditions for early implementation participation in the program by counties.

(4) Counties participating in the early implementation of the program shall be responsible for all of the following:

(A) Submitting an implementation plan.

(B) Entering into terms and conditions for early implementation participation in the program.

(C) Consulting with the county probation department in the development of the implementation plan.

(D) Training appropriate staff.

(E) Accepting applications from resource families within the timeframes established by the department.

(5) (A) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to statewide implementation of the program shall not be considered part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

(B) Upon implementation of the program in a county, that county shall not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of prospective guardians and adoptive homes.

(6) The department may waive regulations that pose a barrier to the early implementation and operation of this program. The waiver of any regulations by the department pursuant to this section shall apply to only those counties or foster family agencies participating in the early implementation of the program and only for the duration of the program.

(7) This subdivision shall become inoperative on January 1, 2017.

(c) (1) For purposes of this article, "resource family" means an individual or family that has successfully met both the home environment assessment standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian. A resource family shall demonstrate all of the following:

(A) An understanding of the safety, permanence, and well-being needs of children who have been victims of child abuse and neglect, and the capacity and willingness to meet those needs, including the need for protection, and the willingness to

make use of support resources offered by the agency, or a support structure in place, or both.

(B) An understanding of children's needs and development, effective parenting skills or knowledge about parenting, and the capacity to act as a reasonable, prudent parent in day-to-day decisionmaking.

(C) An understanding of 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. An applicant who will rely on the funding described in subdivision (l) to meet additional household expenses incurred due to the placement of a child shall not, for this reason, be denied approval as a resource family.

(E) An ability and willingness to provide a family setting that promotes normal childhood experiences that serves the needs of the child.

(2) For purposes of this article, and unless otherwise specified, references to a "child" shall include a "nonminor dependent" and "nonminor former dependent or ward," as defined in subdivision (v) and paragraph (1) of subdivision (aa) of Section 11400.

(3) There is no fundamental right to approval as a resource family. Emergency placement of a child pursuant to Section 309 or 361.45, or placement with a resource family applicant pursuant to subdivision (e), does not entitle an applicant approval as a resource family.

(4) (A) A resource family shall be considered eligible to provide foster care for children in out-of-home placement and shall be considered approved for adoption and guardianship.

(B) Notwithstanding subparagraph (A), a county may approve a resource family to care for a specific child, as specified in the written directives or regulations adopted pursuant to this section.

(5) For purposes of this article, "resource family approval" means that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of a foster family home license issued pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, a certificate of approval issued by a licensed foster family agency, as described in subdivision (b) of Section 1506 of the Health and Safety Code, relative or nonrelative extended family member approval, guardianship approval, and the adoption home study approval.

(6) Approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family or with a relative or nonrelative extended family member. Approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family.

(7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the county shall, consistent with Sections 1520.3 and 1558.1 of the Health and Safety Code, cease any further review of an application if the applicant has had a previous application denial by the department or a county within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or a county within the preceding two years.

(B) Notwithstanding subparagraph (A), the county may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances and conditions that either have been corrected or are no longer in existence. If an individual was excluded from a resource family home or facility licensed by the department, the county shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to subdivision (g) of Section 16519.6 of this code or pursuant to Section 1569.53, subdivision (h) of Section 1558, subdivision (h) of Section 1569.58, or subdivision (h) of Section 1596.8897, of the Health and Safety Code.

(C) (i) The county may cease any further review of an application if, after written notice to the applicant, the applicant fails to complete an application without good faith effort and within 30 days of the date of the notice, as specified in the written directives or regulations adopted pursuant to this section.

(ii) Clause (i) does not apply if a child is placed with the applicant pursuant to Section 309 or 361.45, or paragraph (1) of subdivision (e) of Section 16519.5.

(D) The cessation of an application review pursuant to this paragraph shall not constitute a denial of the application for purposes of this section or any other law.

(E) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in this section, comply with the written directives or regulations adopted pursuant to this section, and comply with other applicable laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or a probation department pursuant to this section or by a foster family agency pursuant to Section 1517 of the Health and Safety Code.

(10) A resource family shall not be licensed to operate a residential facility, as defined in Section 1502 of the Health and Safety Code, a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or a residential care facility for persons with chronic life-threatening illnesses, as defined in Section 1568.01 of the Health and Safety Code, on the same premises used as the residence of the resource family.

(d) (1) The department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

(2) Resource family home environment assessment standards shall include, but not be limited to, all of the following:

(A) (i) (I) A criminal record clearance of each applicant and all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in subdivision (b) of Section 1522 of the Health and Safety Code, pursuant to Section 8712 of the Family Code, utilizing a check of the Child Abuse Central Index pursuant to Section 1522.1 of the Health and Safety Code, and receipt of a fingerprint-based state and federal criminal offender record information search response. The criminal history information shall include subsequent notifications pursuant to Section 11105.2 of the Penal Code.

(II) Consideration of any substantiated allegations of child abuse or neglect against the applicant and any other adult residing in, or regularly present in, the home pursuant to Section 1522.1 of the Health and Safety Code.

(III) If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, home approval shall be denied. If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (B) or (C) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the home shall not be approved unless a criminal records exemption has been granted pursuant to subclause (IV).

(IV) If the resource family parent, applicant, or any other person specified in subclause (I) has been convicted of a crime other than a minor traffic violation or arrested for an offense specified in subdivision (e) of Section 1522 of the Health and Safety Code, except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) through (f) of Section 1522 of the Health and Safety Code shall apply. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the department or the county, if that county has been granted permission by the department to issue criminal records exemptions pursuant to Section 361.4, using the exemption criteria currently used for foster care licensing, as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(V) If it is determined, on the basis of the fingerprint images and related information submitted to the Department of Justice, that subsequent to obtaining a criminal record clearance or exemption from disqualification, the person has been convicted of, or is awaiting trial for, a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a, 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the department or county shall notify the resource family to act immediately to remove or bar the person from entering the resource family's home. The department or county, as applicable, may subsequently grant an exemption from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. If the conviction or arrest was for another crime, the resource family shall, upon notification by the department or county, act immediately to either remove or bar the person from entering the resource family's home, or require the person to seek an exemption from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. The department or county, as applicable, shall determine if the person shall be allowed to remain in the home until a decision on the exemption from disqualification is rendered.

(ii) For public foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized.

(iii) For private foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized, but the Department of Justice shall disseminate a fitness determination resulting from the federal criminal offender record information search.

(B) A home and grounds evaluation to ensure the health and safety of children.

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

(i) That the applicant demonstrates an understanding of 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 environment that serves the needs of the child.

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

(A) Caregiver training, as described in subdivisions (g) and (h).

(B) A family evaluation, which shall include, but not be limited to, interviews of an applicant to assess the applicant's personal history, family dynamic, and need for support or resources, and a risk assessment.

(i) When the applicant is a relative or nonrelative extended family member to an identified child, the family evaluation shall consider the nature of the relationship between the relative or nonrelative extended family member and the child. The relative or nonrelative extended family member's expressed desire to only care for a specific child or children shall not be a reason to deny the approval.

(ii) A caregiver risk assessment shall include, but not be limited to, physical and mental health, alcohol and other substance use and abuse, family and domestic violence, and the factors listed in paragraph (1) of subdivision (c).

(iii) A county may review and discuss data contained in the statewide child welfare database with an applicant for purposes of conducting a family evaluation, as specified in the written directives or regulations adopted pursuant to this section.

(C) Completion of any other activities that relate to the ability of an applicant or a resource family to achieve permanency with a child.

(e) (1) A county may place a child with a resource family applicant who has successfully completed the home environment assessment prior to completion of a permanency assessment only if a compelling reason for the placement exists based on the needs of the child.

(A) The permanency assessment and the written report described in paragraph (5) of subdivision (g) shall be completed within 90 days of the child's placement in the home, unless good cause exists.

(B) If additional time is needed to comply with subparagraph (A), the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.

(C) The county shall report to the department, on a quarterly basis, the number of applicants for whom the requirements of subparagraph (A) exceed 90 days and summarize the reasons for these delays.

(2) The home environment, permanency assessments, and the written report described in paragraph (5) of subdivision (g) shall be completed within 90 days of a child's placement with a relative or nonrelative extended family member pursuant to Section 309 or 361.45, unless good cause exists.

(3) For any placement made pursuant to this subdivision, AFDC-FC funding shall not be available until approval of the resource family has been completed.

(4) Any child placed pursuant to this subdivision shall be afforded all the rights set forth in Section 16001.9.

(5) This section shall not limit the county's authority to inspect the home of a resource family applicant as often as necessary to ensure the quality of care provided.

(6) This subdivision does not limit the county's obligation under law to assess and give placement consideration to relatives and nonrelative extended family members and to place a child pursuant to Section 309, 361.3, or 361.45.

(f) The State Department of Social Services shall be responsible for all of the following:

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

(B) Adopting, amending, or repealing, in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, any reasonable rules, regulations, and standards that may be necessary or proper to carry out the purposes and intent of this article and to enable the department to exercise the powers and perform the duties conferred upon it by this section, consistent with the laws of this state.

(2) Approving and requiring the use of a single standard for resource family approval.

(3) Adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families.

(4) Adopting core competencies for county staff to participate in the assessment and evaluation of an applicant or resource family.

(5) Requiring counties to monitor county-approved resource families, including, but not limited to, both of the following:

(A) Investigating complaints regarding resource families.

(B) Developing and monitoring resource family corrective action plans to correct identified deficiencies and to rescind resource family approval if compliance with corrective action plans is not achieved.

(6) Ongoing oversight and monitoring of county systems and operations including all of the following:

(A) Reviewing the county's implementation plan and implementation of the program.

(B) Reviewing an adequate number of county-approved resource families in each county to ensure that approval standards are being properly applied. 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 county is experiencing a disproportionate number of complaints against individual resource family homes.

(C) Reviewing county reports of serious complaints and incidents involving resource families, as determined necessary by the department. The department may conduct an independent review of the complaint or incident and change the findings depending on the results of its investigation.

(D) Investigating unresolved complaints against counties.

(E) Requiring corrective action of counties that are not in full compliance with this section.

(7) Updating the Legislature on the early implementation phase of the program, including the status of implementation, successes, and challenges during the early implementation phase, and relevant available data, including resource family satisfaction.

(8) Excluding a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard for any of the reasons specified in Section 16519.61.

(9) Implementing due process procedures, including, but not limited to, all of the following:

(A) Providing a statewide fair hearing process for application denials, rescissions of approval, exclusion actions, or criminal record exemption denials or rescissions by a county or the department.

(B) Providing an excluded individual with due process pursuant to Section 16519.6.

(C) Amending the department's applicable state hearing procedures and regulations or using the Administrative Procedure Act, when applicable, as necessary for the administration of the program.

(g) Counties shall be responsible for all of the following:

(1) Submitting an implementation plan and consulting with the county probation department in the development of the implementation plan.

(2) Complying with the written directives or regulations adopted pursuant to this section.

(3) Implementing the requirements for resource family approval and utilizing standardized documentation established by the department.

(4) Training appropriate staff, including ensuring staff have the education and experience or core competencies necessary to participate in the assessment and evaluation of an applicant or resource family.

(5) (A) Taking the following actions, as applicable, for any of the reasons specified in Section 16519.61:

(i) (I) Approving or denying resource family applications, including preparing a written report that evaluates an applicant's capacity to foster, adopt, and provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

(II) The applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

(ii) Rescinding approvals of resource families.

(iii) When applicable, referring a case to the department for an action to exclude a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard.

(iv) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing when, in the opinion of the county, urgent action is needed to protect a child from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The county shall serve the resource family with the temporary suspension order and a copy of available discovery in the possession of the county, including, but not limited to, affidavits, declarations, names of witnesses, and other evidence upon which the county relied in issuing the temporary suspension order. The temporary suspension order shall be served upon the resource family with a notice of action, and if the matter is to be heard before the Office of Administrative Hearings, an accusation. The temporary suspension order shall list the effective date on the order.

(v) Granting, denying, or rescinding criminal record exemptions.

(B) Providing a resource family parent, applicant, or individual who is the subject of a criminal record exemption denial or rescission with due process pursuant to Section 16519.6.

(C) Notifying the department of any decisions denying an application for resource family approval, rescinding the approval of a resource family, or denying or rescinding a criminal record exemption and, if applicable, notifying the department of the results of an administrative action.

(6) (A) Updating resource family approval annually and as necessary to address any changes that have occurred in the resource family's circumstances, including, but not limited to, moving to a new home location or commencing operation of a family day care home, as defined in Section 1596.78 of the Health and Safety Code.

(B) A county shall conduct an announced inspection of a resource family home during the annual update, and as necessary to address any changes specified in subparagraph (A), in order to ensure that the resource family is conforming to all applicable laws and the written directives or regulations adopted pursuant to this section.

(7) Monitoring resource families through all of the following:

(A) Ensuring that social workers who identify a condition in the home that may not meet the approval standards set forth in subdivision (d) while in the course of a routine visit to children placed with a resource family take appropriate action as needed.

(B) Requiring resource families to meet the approval standards set forth in this section and to comply with the written directives or regulations adopted pursuant to this section, other applicable laws, and corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed, as specified in the plan, the county may rescind the resource family approval.

(C) Requiring resource families to report to the county child welfare agency any incidents consistent with the reporting requirements for licensed foster family homes.

(D) Inspecting resource family homes as often as necessary to ensure the quality of care provided.

(8) (A) Investigating all complaints against a resource family and taking action as necessary, including, but not limited to, investigating any incidents reported about a resource family indicating that the approval standard is not being maintained and inspecting the resource family home.

(B) The child's social worker shall not conduct the investigation into the complaint received concerning a family providing services pursuant to the standards required by subdivision (d). To the extent that adequate resources are available, complaints shall be investigated by a worker who did not conduct the home environment assessment or family evaluation or prepare the written report determining approval of the resource family.

(C) Upon conclusion of the complaint investigation, the final disposition shall be reviewed and approved by a supervising staff member.

(D) The department shall be notified of any serious incidents or serious complaints or any incident that falls within the definition of Section 11165.5 of the Penal Code. If those incidents or complaints result in an investigation, the department shall also be notified as to the status and disposition of that investigation.

(9) Performing corrective action as required by the department.

(10) Assessing county performance in related areas of the California Child and Family Services Review System, and remedying problems identified.

(11) Submitting information and data that the department determines is necessary to study, monitor, and prepare the update specified in paragraph (7) of subdivision (f).

(12) Ensuring resource family applicants and resource families have the necessary knowledge, skills, and abilities to support children in foster care by completing caregiver training. The training should include a curriculum that supports the role of a resource family in parenting vulnerable children and should be ongoing in order to provide resource families with information on trauma-informed practices and requirements and other topics within the foster care system.

(13) Ensuring that a resource family applicant completes a minimum of 12 hours of preapproval caregiver training. The training shall include, but not be limited to, all of the following courses:

(A) An overview of the child protective and probation systems.

(B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.

(F) The rights of a child in foster care and the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school.

(I) Permanence, well-being, and education needs of children.

(J) Child and adolescent development, including sexual orientation, gender identity, and expression.

(K) The role of resource families, including working cooperatively with the child welfare or probation agency, the child's family, and other service providers implementing the case plan.

(L) The role of a resource family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.

(M) A resource family's responsibility to act as a reasonable and prudent parent, as described in subdivision (c) of Section 1522.44 of the Health and Safety Code, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

(N) An overview of the specialized training identified in subdivision (h).

(O) The information described in subdivision (i) of Section 16521.5. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5.

(14) Ensuring resource families complete a minimum of eight hours of caregiver training annually, a portion of which shall be from subparagraph (M) of paragraph (13) and from one or more of the other topics listed in paragraph (13).

(h) In addition to any training required by this section, a county may require a resource family or applicant to receive relevant specialized training for the purpose of preparing the resource family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

(1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.

(2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.

(3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.

(4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(5) Understanding how to use best practices for providing care and supervision to nonminor dependents.

(6) Understanding how to use best practices for providing care and supervision to children with special health care needs.

(7) Understanding the different permanency options and the services and benefits associated with the options.

(i) This section shall not preclude a county from requiring training in excess of the requirements in this section.

(j) (1) Resource families who move home locations shall retain their resource family status pending the outcome of the update conducted pursuant to paragraph (6) of subdivision (g).

(2) (A) If a resource family moves from one county to another county, the department, or the county to which a resource family has moved, shall submit a written request to the Department of Justice to transfer the individual's subsequent arrest notification, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(3) Subject to the requirements in paragraph (1), the resource family shall continue to be approved for guardianship and adoption. This subdivision shall not limit a county, foster family agency, or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or family evaluation.

(k) Implementation of the program shall be contingent upon the continued availability of federal Social Security Act Title IV-E (42 U.S.C. Sec. 670) funds for costs associated with placement of children with resource families assessed and approved pursuant to the program.

(l) A child placed with a resource family is eligible for the resource family basic rate, pursuant to Sections 11253.45, 11460, 11461, and 11463, and subdivision (l) of Section 11461.3, at the child's assessed level of care.

(m) Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.

(n) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child Abuse Central Index searches, processing, or responses, as specified in this section.

(o) Except as provided, resource families shall be exempt from both of the following:

(1) Licensure requirements established pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code) and all regulations promulgated to implement the act.

(2) Relative and nonrelative extended family member approval requirements as those approval requirements existed prior to January 1, 2017.

(p) (1) Early implementation counties shall be authorized to continue through December 31, 2016. The program shall be implemented by each county on or before January 1, 2017.

(2) (A) (i) On and after January 1, 2017, a county to which the department has delegated its licensing authority pursuant to Section 1511 of the Health and Safety Code shall approve resource families in lieu of licensing foster family homes.

(ii) Notwithstanding clause (i), the existing licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in subparagraph (C), until the license is revoked or forfeited by operation of law pursuant to Section 1517.1 of the Health and Safety Code.

(B) (i) On and after January 1, 2017, a county shall approve resource families in lieu of approving relative and nonrelative extended family members.

(ii) Notwithstanding clause (i), the existing approval and oversight processes shall continue to be administered for relatives and nonrelative extended family members approved prior to January 1, 2017, or as specified in subparagraph (C), until the approval is revoked or forfeited by operation of law pursuant to this section.

(C) Notwithstanding subparagraph (D), a county shall approve or deny all applications for foster family home licenses and requests for relative or nonrelative extended family member approvals received on or before December 31, 2016, in accordance with Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or provisions providing for the approval of relatives or nonrelative extended family members, as applicable.

(D) On and after January 1, 2017, a county shall not accept applications for foster family home licenses or requests to approve relatives or nonrelative extended family members.

(3) No later than July 1, 2017, each county shall provide the following information to all licensed foster family homes and approved relatives and nonrelative extended family members licensed or approved by the county:

(A) A detailed description of the resource family approval program.

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2019.

(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law, as specified in paragraph (8).

(4) The following shall apply to all licensed foster family homes and approved relative and nonrelative extended family members:

(A) A licensed foster family home or an approved relative or nonrelative extended family member with an approved adoptive home study completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A licensed foster family home or an approved relative or nonrelative extended family member who had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(C) A licensed foster family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(5) A county may provide supportive services to all licensed foster family homes, relatives, and nonrelative extended family members with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(6) (A) In order to approve a licensed foster family home or approved relative or nonrelative extended family member as a resource family pursuant to paragraph (4), a county shall submit a written request to the Department of Justice to transfer any subsequent arrest and Child Abuse Central Index notifications, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(7) An individual who is a member of a resource family approved pursuant to subparagraph (B) or (C) of paragraph (4) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(8) All foster family licenses and approvals of relatives and nonrelative extended family members shall be forfeited by operation of law on December 31, 2019, except as provided in this paragraph or Section 1524 of the Health and Safety Code:

(A) All licensed foster family homes that did not have a child in placement or did not provide county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the license by operation of law on January 1, 2018.

(B) For foster family home licensees and approved relatives or nonrelative extended family members who have a pending resource family application on December 31, 2019, the foster family home license or relative and nonrelative extended family member approval shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A foster family home license shall be forfeited by operation of law, pursuant to Section 1517.1 of the Health and Safety Code, upon approval as a resource family.

(D) Approval as a relative or nonrelative extended family member shall be forfeited by operation of law upon approval as a resource family.

(q) On and after January 1, 2017, all licensed foster family agencies shall approve resource families in lieu of certifying foster homes, as set forth in Section 1517 of the Health and Safety Code.

(r) The department may establish participation conditions, and select and authorize foster family agencies that voluntarily submit implementation plans and revised plans of operation in accordance with requirements established by the department, to approve resource families in lieu of certifying foster homes.

(1) Notwithstanding any other law, a participating foster family agency shall require resource families to meet and maintain the resource family approval standards and requirements set forth in this chapter and in the written directives adopted consistent with the chapter prior to approval and in order to maintain approval.

(2) A participating foster family agency shall implement the resource family approval program pursuant to Section 1517 of the Health and Safety Code.

(3) This section shall not be construed to limit the authority of the department to inspect, evaluate, or investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to Article 5 (commencing with Section 1550) of Chapter 3 of Division 2 of the Health and Safety Code, or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(4) The department may adjust the foster family agency AFDC-FC rate pursuant to Section 11463 for implementation of this subdivision.

(5) This subdivision shall become inoperative on January 1, 2017.

(s) The department or a county is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties, as provided in this section or subdivision (e) of Section 1522 of the Health and Safety Code.

(t) A resource family approved pursuant to this section shall forfeit its approval concurrent with resource family approval by a foster family agency.

SEC. 45.5. Section 16519.5 of the Welfare and Institutions Code is amended to read:

16519.5. (a) The State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association of California. In selecting the

five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(2) Additional counties may participate in the early implementation of the program upon authorization by the department.

(3) The State Department of Social Services shall be responsible for all of the following:

(A) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association of California.

(B) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for early implementation participation in the program, train appropriate staff, and accept applications from resource families.

(C) Entering into terms and conditions for early implementation participation in the program by counties.

(4) Counties participating in the early implementation of the program shall be responsible for all of the following:

(A) Submitting an implementation plan.

(B) Entering into terms and conditions for early implementation participation in the program.

(C) Consulting with the county probation department in the development of the implementation plan.

(D) Training appropriate staff.

(E) Accepting applications from resource families within the timeframes established by the department.

(5) (A) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to statewide implementation of the program shall not be considered part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

(B) Upon implementation of the program in a county, that county shall not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of prospective guardians and adoptive homes.

(6) The department may waive regulations that pose a barrier to the early implementation and operation of this program. The waiver of any regulations by the department pursuant to this section shall apply to only those counties or foster family agencies participating in the early implementation of the program and only for the duration of the program.

(7) This subdivision shall become inoperative on January 1, 2017.

(c) (1) For purposes of this article, "resource family" means an individual or family that has successfully met both the home environment assessment standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian. A resource family shall demonstrate all of the following:

(A) An understanding of the safety, permanence, and well-being needs of children who have been victims of child abuse and neglect, and the capacity and willingness to meet those needs, including the need for protection, and the willingness to make use of support resources offered by the agency, or a support structure in place, or both.

(B) An understanding of children's needs and development, effective parenting skills or knowledge about parenting, and the capacity to act as a reasonable, prudent parent in day-to-day decisionmaking.

(C) An understanding of 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. An applicant who will rely on the funding described in subdivision (l) to meet additional household expenses incurred due to the placement of a child shall not, for this reason, be denied approval as a resource family.

(E) An ability and willingness to provide a family setting that promotes normal childhood experiences that serves the needs of the child.

(2) For purposes of this article, and unless otherwise specified, references to a "child" shall include a "nonminor dependent" and "nonminor former dependent or ward," as defined in subdivision (v) and paragraph (1) of subdivision (aa) of Section 11400.

(3) There is no fundamental right to approval as a resource family. Emergency placement of a child pursuant to Section 309 or 361.45, or placement with a resource family applicant pursuant to subdivision (e), does not entitle an applicant approval as a resource family.

(4) (A) A resource family shall be considered eligible to provide foster care for children in out-of-home placement and shall be considered approved for adoption and guardianship.

(B) Notwithstanding subparagraph (A), a county may approve a resource family to care for a specific child, as specified in the written directives or regulations adopted pursuant to this section.

(5) For purposes of this article, "resource family approval" means that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of a foster family home license issued pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, a certificate of approval issued by a licensed foster family agency, as described in subdivision (b) of Section 1506 of the Health and Safety Code, relative or nonrelative extended family member approval, guardianship approval, and the adoption home study approval.

(6) Approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family or with a relative or nonrelative extended family member. Approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family.

(7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the county shall, consistent with Sections 1520.3 and 1558.1 of the Health and Safety Code, cease any further review of an application if the applicant has had a previous application denial by the department or a county within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or a county within the preceding two years.

(B) Notwithstanding subparagraph (A), the county may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances and conditions that either have been corrected or are no longer in existence. If an individual was excluded from a resource family home or facility licensed by the department, the county shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to subdivision (g) of Section 16519.6 of this code or pursuant to Section 1569.53, subdivision (h) of Section 1558, subdivision (h) of Section 1569.58, or subdivision (h) of Section 1596.8897, of the Health and Safety Code.

(C) (i) The county may cease any further review of an application if, after written notice to the applicant, the applicant fails to complete an application without good faith effort and within 30 days of the date of the notice, as specified in the written directives or regulations adopted pursuant to this section.

(ii) Clause (i) does not apply if a child is placed with the applicant pursuant to Section 309 or 361.45, or paragraph (1) of subdivision (e) of Section 16519.5.

(D) The cessation of an application review pursuant to this paragraph shall not constitute a denial of the application for purposes of this section or any other law.

(E) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in this section, comply with the written directives or regulations adopted pursuant to this section, and comply with other applicable laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or a probation department pursuant to this section or by a foster family agency pursuant to Section 1517 of the Health and Safety Code.

(10) A resource family shall not be licensed to operate a residential facility, as defined in Section 1502 of the Health and Safety Code, a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or a residential care facility for persons with chronic life-threatening illnesses, as defined in Section 1568.01 of the Health and Safety Code, on the same premises used as the residence of the resource family.

(11) (A) An applicant who withdraws an application prior to its approval or denial may resubmit the application within 12 months of the withdrawal.

(B) Nothing in this paragraph shall preclude a county from requiring an applicant to complete an application activity, even if that activity was previously completed.

(d) (1) The department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

(2) Resource family home environment assessment standards shall include, but not be limited to, all of the following:

(A) (i) (I) A criminal record clearance of each applicant and all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in subdivision (b) of Section 1522 of the Health and Safety Code, pursuant to Section 8712 of the Family Code, utilizing a check of the Child Abuse Central Index pursuant to Section 1522.1 of the Health and Safety Code, and receipt of a fingerprint-based state and federal criminal offender record information search response. The criminal history information shall include subsequent notifications pursuant to Section 11105.2 of the Penal Code.

(II) Consideration of any substantiated allegations of child abuse or neglect against the applicant and any other adult residing in, or regularly present in, the home pursuant to Section 1522.1 of the Health and Safety Code.

(III) If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, home approval shall be denied. If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (B) or (C) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the home shall not be approved unless a criminal records exemption has been granted pursuant to subclause (IV).

(IV) If the resource family parent, applicant, or any other person specified in subclause (I) has been convicted of a crime other than a minor traffic violation or arrested for an offense specified in subdivision (e) of Section 1522 of the Health and Safety Code, except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) through (f) of Section 1522 of the Health and Safety Code shall apply. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the department or the county, if that county has been granted permission by the department to issue criminal records exemptions pursuant to Section 361.4, using the exemption criteria currently used for foster care licensing, as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(V) If it is determined, on the basis of the fingerprint images and related information submitted to the Department of Justice, that subsequent to obtaining a criminal record clearance or exemption from disqualification, the person has been convicted of, or is awaiting trial for, a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a, 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the department or county shall notify the resource family to act immediately to remove or bar the person from entering the resource family's home. The department or county, as applicable, may subsequently grant an exemption from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. If the conviction or arrest was for another crime, the resource family shall, upon notification by the department or county, act immediately to either remove or bar the person from entering the resource family's home, or require the person to seek an exemption from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. The department or county, as applicable, shall determine if the person shall be allowed to remain in the home until a decision on the exemption from disqualification is rendered.

(ii) For public foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized.

(iii) For private foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized, but the Department of Justice shall disseminate a fitness determination resulting from the federal criminal offender record information search.

(B) A home and grounds evaluation to ensure the health and safety of children.

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

(i) That the applicant demonstrates an understanding of 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 environment that serves the needs of the child.

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

(A) Caregiver training, as described in subdivisions (g) and (h).

(B) A family evaluation, which shall include, but not be limited to, interviews of an applicant to assess the applicant's personal history, family dynamic, and need for support or resources, and a risk assessment.

(i) When the applicant is a relative or nonrelative extended family member to an identified child, the family evaluation shall consider the nature of the relationship between the relative or nonrelative extended family member and the child. The relative or nonrelative extended family member's expressed desire to only care for a specific child or children shall not be a reason to deny the approval.

(ii) A caregiver risk assessment shall include, but not be limited to, physical and mental health, alcohol and other substance use and abuse, family and domestic violence, and the factors listed in paragraph (1) of subdivision (c).

(iii) A county may review and discuss data contained in the statewide child welfare database with an applicant for purposes of conducting a family evaluation, as specified in the written directives or regulations adopted pursuant to this section.

(C) Completion of any other activities that relate to the ability of an applicant or a resource family to achieve permanency with a child.

(4) (A) For a child placed on an emergency basis with a family that has successfully completed the home environmental assessment, the permanency assessment shall be completed within 90 days of the application to become a resource family, unless good cause exists based upon the needs of the child.

(B) 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.

(C) The county shall report to the department, on a quarterly basis, the number of families with emergency placements whose permanency assessment goes beyond 90 days and summarize the reasons for these delays.

(e) (1) A county may place a child with a resource family applicant who has successfully completed the home environment assessment prior to completion of a permanency assessment only if a compelling reason for the placement exists based on the needs of the child.

(A) The permanency assessment and the written report described in paragraph (5) of subdivision (g) shall be completed within 90 days of the child's placement in the home, unless good cause exists.

(B) If additional time is needed to comply with subparagraph (A), the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.

(C) The county shall report to the department, on a quarterly basis, the number of applicants for whom the requirements of subparagraph (A) exceed 90 days and summarize the reasons for these delays.

(2) The home environment, permanency assessments, and the written report described in paragraph (5) of subdivision (g) shall be completed within 90 days of a child's placement with a relative or nonrelative extended family member pursuant to Section 309 or 361.45, unless good cause exists.

(3) For any placement made pursuant to this subdivision, AFDC-FC funding shall not be available until approval of the resource family has been completed.

(4) Any child placed pursuant to this subdivision shall be afforded all the rights set forth in Section 16001.9.

(5) This section shall not limit the county's authority to inspect the home of a resource family applicant as often as necessary to ensure the quality of care provided.

(6) This subdivision does not limit the county's obligation under law to assess and give placement consideration to relatives and nonrelative extended family members and to place a child pursuant to Section 309, 361.3, or 361.45.

(f) The State Department of Social Services shall be responsible for all of the following:

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

(B) Adopting, amending, or repealing, in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, any reasonable rules, regulations, and standards that may be necessary or proper to carry out the purposes and intent of this article and to enable the department to exercise the powers and perform the duties conferred upon it by this section, consistent with the laws of this state.

(2) Approving and requiring the use of a single standard for resource family approval.

(3) Adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families.

(4) Adopting core competencies for county staff to participate in the assessment and evaluation of an applicant or resource family.

(5) Requiring counties to monitor county-approved resource families, including, but not limited to, both of the following:

(A) Investigating complaints regarding resource families.

(B) Developing and monitoring resource family corrective action plans to correct identified deficiencies and to rescind resource family approval if compliance with corrective action plans is not achieved.

(6) Ongoing oversight and monitoring of county systems and operations including all of the following:

(A) Reviewing the county's implementation plan and implementation of the program.

(B) Reviewing an adequate number of county-approved resource families in each county to ensure that approval standards are being properly applied. 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 county is experiencing a disproportionate number of complaints against individual resource family homes.

(C) Reviewing county reports of serious complaints and incidents involving resource families, as determined necessary by the department. The department may conduct an independent review of the complaint or incident and change the findings depending on the results of its investigation.

(D) Investigating unresolved complaints against counties.

(E) Requiring corrective action of counties that are not in full compliance with this section.

(7) Updating the Legislature on the early implementation phase of the program, including the status of implementation, successes, and challenges during the early implementation phase, and relevant available data, including resource family satisfaction.

(8) Excluding a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard for any of the reasons specified in Section 16519.61.

(9) Implementing due process procedures, including, but not limited to, all of the following:

(A) Providing a statewide fair hearing process for application denials, rescissions of approval, exclusion actions, or criminal record exemption denials or rescissions by a county or the department.

(B) Providing an excluded individual with due process pursuant to Section 16519.6.

(C) Amending the department's applicable state hearing procedures and regulations or using the Administrative Procedure Act, when applicable, as necessary for the administration of the program.

(g) Counties shall be responsible for all of the following:

(1) Submitting an implementation plan and consulting with the county probation department in the development of the implementation plan.

(2) Complying with the written directives or regulations adopted pursuant to this section.

(3) Implementing the requirements for resource family approval and utilizing standardized documentation established by the department.

(4) Training appropriate staff, including ensuring staff have the education and experience or core competencies necessary to participate in the assessment and evaluation of an applicant or resource family.

(5) (A) Taking the following actions, as applicable, for any of the reasons specified in Section 16519.61:

(i) (I) Approving or denying resource family applications, including preparing a written report that evaluates an applicant's capacity to foster, adopt, and provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

(II) The applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

(ii) Rescinding approvals of resource families.

(iii) When applicable, referring a case to the department for an action to exclude a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard.

(iv) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing when, in the opinion of the county, urgent action is needed to protect a child from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The county shall serve the resource family with the temporary suspension order and a copy of available discovery in the possession of the county, including, but not limited to, affidavits, declarations, names of witnesses, and other evidence upon which the county relied in issuing the temporary suspension order. The temporary suspension order shall be served upon the resource family with a notice of action, and if the matter is to be heard before the Office of Administrative Hearings, an accusation. The temporary suspension order shall list the effective date on the order.

(v) Granting, denying, or rescinding criminal record exemptions.

(B) Providing a resource family parent, applicant, or individual who is the subject of a criminal record exemption denial or rescission with due process pursuant to Section 16519.6.

(C) Notifying the department of any decisions denying an application for resource family approval, rescinding the approval of a resource family, or denying or rescinding a criminal record exemption and, if applicable, notifying the department of the results of an administrative action.

(6) (A) Updating resource family approval annually and as necessary to address any changes that have occurred in the resource family's circumstances, including, but not limited to, moving to a new home location or commencing operation of a family day care home, as defined in Section 1596.78 of the Health and Safety Code.

(B) A county shall conduct an announced inspection of a resource family home during the annual update, and as necessary to address any changes specified in subparagraph (A), in order to ensure that the resource family is conforming to all applicable laws and the written directives or regulations adopted pursuant to this section.

(7) Monitoring resource families through all of the following:

(A) Ensuring that social workers who identify a condition in the home that may not meet the approval standards set forth in subdivision (d) while in the course of a routine visit to children placed with a resource family take appropriate action as needed.

(B) Requiring resource families to meet the approval standards set forth in this section and to comply with the written directives or regulations adopted pursuant to this section, other applicable laws, and corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed, as specified in the plan, the county may rescind the resource family approval.

(C) Requiring resource families to report to the county child welfare agency any incidents consistent with the reporting requirements for licensed foster family homes.

(D) Inspecting resource family homes as often as necessary to ensure the quality of care provided.

(8) (A) Investigating all complaints against a resource family and taking action as necessary, including, but not limited to, investigating any incidents reported about a resource family indicating that the approval standard is not being maintained and inspecting the resource family home.

(B) The child's social worker shall not conduct the investigation into the complaint received concerning a family providing services pursuant to the standards required by subdivision (d). To the extent that adequate resources are available, complaints shall be investigated by a worker who did not conduct the home environment assessment or family evaluation or prepare the written report determining approval of the resource family.

(C) Upon conclusion of the complaint investigation, the final disposition shall be reviewed and approved by a supervising staff member.

(D) The department shall be notified of any serious incidents or serious complaints or any incident that falls within the definition of Section 11165.5 of the Penal Code. If those incidents or complaints result in an investigation, the department shall also be notified as to the status and disposition of that investigation.

(9) Performing corrective action as required by the department.

(10) Assessing county performance in related areas of the California Child and Family Services Review System, and remedying problems identified.

(11) Submitting information and data that the department determines is necessary to study, monitor, and prepare the update specified in paragraph (7) of subdivision (f).

(12) Ensuring resource family applicants and resource families have the necessary knowledge, skills, and abilities to support children in foster care by completing caregiver training. The training should include a curriculum that supports the role of a resource family in parenting vulnerable children and should be ongoing in order to provide resource families with information on trauma-informed practices and requirements and other topics within the foster care system.

(13) Ensuring that a resource family applicant completes a minimum of 12 hours of preapproval caregiver training. The training shall include, but not be limited to, all of the following courses:

(A) An overview of the child protective and probation systems.

(B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.

(F) The rights of a child in foster care and the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school.

(I) Permanence, well-being, and education needs of children.

(J) Child and adolescent development, including sexual orientation, gender identity, and expression.

(K) The role of resource families, including working cooperatively with the child welfare or probation agency, the child's family, and other service providers implementing the case plan.

(L) The role of a resource family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.

(M) A resource family's responsibility to act as a reasonable and prudent parent, as described in subdivision (c) of Section 1522.44 of the Health and Safety Code, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

(N) An overview of the specialized training identified in subdivision (h).

(O) The information described in subdivision (i) of Section 16521.5. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5.

(14) Ensuring resource families complete a minimum of eight hours of caregiver training annually, a portion of which shall be from subparagraph (M) of paragraph (13) and from one or more of the other topics listed in paragraph (13).

(h) In addition to any training required by this section, a county may require a resource family or applicant to receive relevant specialized training for the purpose of preparing the resource family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

(1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.

(2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.

(3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.

(4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(5) Understanding how to use best practices for providing care and supervision to nonminor dependents.

(6) Understanding how to use best practices for providing care and supervision to children with special health care needs.

(7) Understanding the different permanency options and the services and benefits associated with the options.

(i) This section shall not preclude a county from requiring training in excess of the requirements in this section.

(j) (1) Resource families who move home locations shall retain their resource family status pending the outcome of the update conducted pursuant to paragraph (6) of subdivision (g).

(2) (A) If a resource family moves from one county to another county, the department, or the county to which a resource family has moved, shall submit a written request to the Department of Justice to transfer the individual's subsequent arrest notification, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(3) Subject to the requirements in paragraph (1), the resource family shall continue to be approved for guardianship and adoption. This subdivision shall not limit a county, foster family agency, or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or family evaluation.

(k) Implementation of the program shall be contingent upon the continued availability of federal Social Security Act Title IV-E (42 U.S.C. Sec. 670) funds for costs associated with placement of children with resource families assessed and approved pursuant to the program.

(l) A child placed with a resource family is eligible for the resource family basic rate, pursuant to Sections 11253.45, 11460, 11461, and 11463, and subdivision (l) of Section 11461.3, at the child's assessed level of care.

(m) Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.

(n) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child Abuse Central Index searches, processing, or responses, as specified in this section.

(o) Except as provided, resource families shall be exempt from both of the following:

(1) Licensure requirements established pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code) and all regulations promulgated to implement the act.

(2) Relative and nonrelative extended family member approval requirements as those approval requirements existed prior to January 1, 2017.

(p) (1) Early implementation counties shall be authorized to continue through December 31, 2016. The program shall be implemented by each county on or before January 1, 2017.

(2) (A) (i) On and after January 1, 2017, a county to which the department has delegated its licensing authority pursuant to Section 1511 of the Health and Safety Code shall approve resource families in lieu of licensing foster family homes.

(ii) Notwithstanding clause (i), the existing licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in subparagraph (C), until the license is revoked or forfeited by operation of law pursuant to Section 1517.1 of the Health and Safety Code.

(B) (i) On and after January 1, 2017, a county shall approve resource families in lieu of approving relative and nonrelative extended family members.

(ii) Notwithstanding clause (i), the existing approval and oversight processes shall continue to be administered for relatives and nonrelative extended family members approved prior to January 1, 2017, or as specified in subparagraph (C), until the approval is revoked or forfeited by operation of law pursuant to this section.

(C) Notwithstanding subparagraph (D), a county shall approve or deny all applications for foster family home licenses and requests for relative or nonrelative extended family member approvals received on or before December 31, 2016, in accordance with Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or provisions providing for the approval of relatives or nonrelative extended family members, as applicable.

(D) On and after January 1, 2017, a county shall not accept applications for foster family home licenses or requests to approve relatives or nonrelative extended family members.

(3) No later than July 1, 2019, each county shall provide the following information to all licensed foster family homes and approved relatives and nonrelative extended family members licensed or approved by the county:

(A) A detailed description of the resource family approval program.

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2020.

(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law, as specified in paragraph (8).

(4) The following shall apply to all licensed foster family homes and approved relative and nonrelative extended family members:

(A) A licensed foster family home or an approved relative or nonrelative extended family member with an approved adoptive home study completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A licensed foster family home or an approved relative or nonrelative extended family member who had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(C) A licensed foster family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(5) A county may provide supportive services to all licensed foster family homes, relatives, and nonrelative extended family members with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(6) (A) In order to approve a licensed foster family home or approved relative or nonrelative extended family member as a resource family pursuant to paragraph (4), a county shall submit a written request to the Department of Justice to transfer any subsequent arrest and Child Abuse Central Index notifications, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(7) An individual who is a member of a resource family approved pursuant to subparagraph (B) or (C) of paragraph (4) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(8) All foster family licenses and approvals of relatives and nonrelative extended family members shall be forfeited by operation of law on December 31, 2020, except as provided in this paragraph or Section 1524 of the Health and Safety Code:

(A) All licensed foster family homes that did not have a child in placement or did not provide county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the license by operation of law on January 1, 2018.

(B) For foster family home licensees and approved relatives or nonrelative extended family members who have a pending resource family application on December 31, 2020, the foster family home license or relative and nonrelative extended family member approval shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A foster family home license shall be forfeited by operation of law, pursuant to Section 1517.1 of the Health and Safety Code, upon approval as a resource family.

(D) Approval as a relative or nonrelative extended family member shall be forfeited by operation of law upon approval as a resource family.

(q) On and after January 1, 2017, all licensed foster family agencies shall approve resource families in lieu of certifying foster homes, as set forth in Section 1517 of the Health and Safety Code.

(r) The department may establish participation conditions, and select and authorize foster family agencies that voluntarily submit implementation plans and revised plans of operation in accordance with requirements established by the department, to approve resource families in lieu of certifying foster homes.

(1) Notwithstanding any other law, a participating foster family agency shall require resource families to meet and maintain the resource family approval standards and requirements set forth in this chapter and in the written directives adopted consistent with the chapter prior to approval and in order to maintain approval.

(2) A participating foster family agency shall implement the resource family approval program pursuant to Section 1517 of the Health and Safety Code.

(3) This section shall not be construed to limit the authority of the department to inspect, evaluate, or investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to Article 5 (commencing with Section 1550) of Chapter 3 of Division 2 of the Health and Safety Code, or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(4) The department may adjust the foster family agency AFDC-FC rate pursuant to Section 11463 for implementation of this subdivision.

(5) This subdivision shall become inoperative on January 1, 2017.

(s) The department or a county is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties, as provided in this section or subdivision (e) of Section 1522 of the Health and Safety Code.

(t) A resource family approved pursuant to this section shall forfeit its approval concurrent with resource family approval by a foster family agency.

SEC. 46. Section 16519.501 is added to the Welfare and Institutions Code, immediately following Section 16519.5, to read:

16519.501. A resource family approval shall be forfeited by operation of law when one of the following occurs:

(a) The resource family surrenders the approval to the county child welfare agency or probation department.

(b) The resource family is convicted of an offense for which the department is prohibited from granting a criminal record exemption pursuant to paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code.

(c) The sole resource family parent dies.

(d) The resource family abandons the approved home.

(e) The resource family fails to cooperate with an annual update, as described in paragraph (6) of subdivision (g) of Section 16519.5, within 30 days of the date of written notice by the county child welfare agency or probation department.

(f) A resource family approval is forfeited by operation of law as provided in Section 16519.58 of this code or Section 1517.5 of the Health and Safety Code.

SEC. 47. Section 16519.555 is added to the Welfare and Institutions Code, immediately following Section 16519.55, to read:

16519.555. (a) The written report evaluating a resource family applicant's capacity to foster, adopt, and provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes, or any update to the written report, completed pursuant to Section 16519.5 of this code or Section 1517 of the Health and Safety Code is confidential and may be released only to the following individuals and entities:

(1) The applicant or resource family.

(2) A tribal agency.

(3) The county child welfare agency or county probation department.

(4) The State Department of Social Services.

(5) A licensed foster family agency pursuant to Section 1517.5 of the Health and Safety Code.

(6) A county adoption agency, as defined in Section 8513 of the Family Code, or a licensed adoption agency, as defined in Section 8530 of the Family Code.

(7) For the purpose of assessing the appropriateness of a placement or proposed placement pursuant to the Interstate Compact on the Placement of Children, a member of the child welfare agency in the sending state.

(b) The written report, or any update to the written report, described in subdivision (a) shall not be further disseminated by the receiving individual or entity to any individual or entity, other than those individuals or agencies authorized to receive the written report pursuant to subdivision (a).

(c) Notwithstanding subdivision (b), this section does not limit an applicant or resource family from disseminating those portions of the written report that relate to the applicant or resource family.

SEC. 48. Section 16519.58 of the Welfare and Institutions Code is amended to read:

16519.58. (a) A resource family approved by a licensed foster family agency pursuant to Section 1517 or 1517.5 of the Health and Safety Code may transfer their approval to a county upon the successful completion of activities, as specified by the department, which shall include, but not be limited to, all of the following:

(1) The resource family shall complete the following activities:

(A) Submit to the county information necessary to initiate the transfer process on a form specified by the department.

(B) Authorize the county to request that clearances and exemptions issued to the resource family and all adults residing or regularly present in the home be transferred from the department to the county pursuant to paragraph (1) of subdivision (h) of Section 1522 of the Health and Safety Code.

(C) Cooperate with the county in conducting an approval update as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5.

(2) The county shall complete the following activities:

(A) With respect to notifications issued by the Department of Justice pursuant to Section 11105.2 of the Penal Code and Section 1522.1 of the Health and Safety Code, submit a request to the Department of Justice as specified in paragraph (4) of subdivision (h) of Section 1522 of the Health and Safety Code.

(B) Complete an approval update for the resource family as specified in the written directives or regulations adopted by the department pursuant to Section 16519.5.

(i) The county shall request a copy of the written report completed pursuant to Section 1517 of the Health and Safety Code and any updates to the written report regarding the resource family from the licensed foster family agency.

(ii) The licensed foster family agency shall forward a copy of the written report completed pursuant to Section 1517 of the Health and Safety Code and any updates to the written report regarding the resource family to the county within 20 business days of receipt of the request.

(b) Resource family approval by a licensed foster family agency pursuant to Section 1517 or 1517.5 of the Health and Safety Code shall be forfeited by operation of law upon the transfer of the resource family approval to a county in accordance with this section.

(c) A resource family approved pursuant to this section shall comply with the written directives or regulations adopted pursuant to Section 16519.5 and comply with other applicable federal and state laws in order to maintain approval.

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

(1) "Department" means the State Department of Social Services.

(2) "County" means a county child welfare or probation department.

SEC. 49. Section 16519.6 of the Welfare and Institutions Code is amended to read:

16519.6. (a) All hearings conducted pursuant to Section 16519.5 shall be conducted in accordance with the requirements of this section and the written directives or regulations adopted pursuant to Section 16519.5.

(b) For resource family hearings held at the department's State Hearings Division, the procedures set forth in Chapter 7 (commencing with Section 10950) of Part 2 shall apply, except as otherwise provided in this section.

(c) (1) For resource family hearings held at the Office of Administrative Hearings, the procedures set forth in the Administrative Procedure Act (Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code) shall apply, except as otherwise provided in this article.

(2) For purposes of the administrative action procedures set forth in this article, "agency" shall mean a county or the department according to the authority to take action provided in subdivisions (f) and (g) of Section 16519.5, except that "agency" shall mean the department for purposes of a decision or a posthearing procedure as provided in Sections 11517 to 11522, inclusive, of the Government Code.

(d) Notwithstanding the time to appeal set forth in Section 10951 of this code and Section 1558 of the Health and Safety Code, an applicant for approval or for a criminal record exemption may file a written appeal within 90 days of service of a notice of action, and a resource family, excluded individual, or individual who is the subject of a criminal record exemption rescission may file a written appeal within 25 days of service of a notice of action or exclusion order. Pursuant to Section 1013 of the Code of Civil Procedure, if the notice of action is served by mail, the time to respond shall be extended five days. Nothing in this section shall be construed to impede or extend jurisdiction as set forth in the Administrative Procedure Act (Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) (1) Notwithstanding Section 10951, a county's action shall be final, or for matters set before the State Hearings Division, an action shall be subject to dismissal if the resource family, applicant, excluded individual, or individual who is the subject of a criminal record exemption denial or rescission does not file an appeal to the notice of action or exclusion order within the prescribed time.

(2) Notwithstanding paragraph (1), a resource family, applicant, excluded individual, or individual who is the subject of a criminal record exemption denial or rescission shall be entitled to a hearing pursuant to Section 16519.5 if he or she files the appeal no more than 30 calendar days after the due date for the appeal, as specified in subdivision (d), and the person provides good cause for the late filing of the appeal. Good cause shall be determined by the department in an administrative review procedure set forth in the written directives or regulations adopted pursuant to Section 16519.5. The department shall not grant a late appeal for good cause if the appeal is filed more than 30 calendar days after the due date for the appeal, as specified in subdivision (d).

(3) For purposes of this subdivision "good cause" means a substantial and compelling reason beyond the party's control, considering the length of the delay, the diligence of the party filing the appeal, and the potential prejudice to the other party. The inability of a person to understand an adequate and language-compliant notice, in and of itself, shall not constitute good cause.

(4) This section shall not preclude the application of the principles of equity jurisdiction as otherwise provided by law.

(f) Except as provided in subdivisions (g) and (h), and notwithstanding Section 10952, a hearing under this section, notwithstanding any time waiver, shall be held within 90 days following the receipt of a timely appeal for matters to be set before the State Hearings Division or within 90 days following the receipt of a timely notice of defense for matters to be set before the Office of Administrative Hearings, unless a continuance or postponement of the hearing is granted for good cause.

- (g) (1) The department may exclude a resource family parent, applicant, or other individual from presence in any resource family home, from employment in, presence in, and contact with clients of any facility licensed by the department or certified or approved by a licensed foster family agency, and from holding the position of member of the board of directors, executive director, or officer of the licensee of any facility licensed by the department, for any of the reasons set forth in Section 16519.61.
- (2) The department may issue an exclusion order requiring the immediate removal of an individual if, in the opinion of the department, the action is necessary to protect a child from physical or mental abuse, abandonment, or any other substantial threat to his or her health or safety. If the department has issued an immediate exclusion order, the timelines for the service of an accusation, conducting a hearing, and for a final determination set forth in Section 1558 of the Health and Safety Code shall apply, unless a continuance of the hearing is granted for good cause.
- (3) A resource family's failure to comply with the department's exclusion order after being notified of the order shall be grounds for taking action against the resource family's approval pursuant to Section 16519.61.
- (4) An exclusion order that was effective prior to the implementation of the resource family approval program and conversion of licensed foster family homes and certified family homes to resource families shall be deemed to exclude the individual from presence in any resource family home.
- (5) (A) An exclusion shall be for the remainder of the excluded person's life, unless otherwise ordered by the department.
- (B) Pursuant to Section 11522 of the Government Code, the excluded individual may petition for reinstatement to the department after one year has elapsed from the effective date of an exclusion order that was not appealed or the effective date of a decision and order by the department upholding an exclusion order. The department shall provide the excluded person a copy of Section 11522 of the Government Code with the exclusion order and decision and order.
- (6) For purposes of this subdivision, a "facility licensed by the department" means a facility licensed pursuant to Chapter 3 (commencing with Section 1500) of, Chapter 3.01 (commencing with Section 1568.01) of, Chapter 3.2 (commencing with Section 1569) of, Chapter 3.3 (commencing with Section 1570) of, Chapter 3.4 (commencing with Section 1596.70) of, Chapter 3.5 (commencing with Section 1596.90) of, or Chapter 3.6 (commencing with Section 1597.30) of, Division 2 of the Health and Safety Code.
- (h) If a county or the department has issued a temporary suspension order, the hearing shall be held within 30 days following the receipt of a timely appeal for matters to be set before the State Hearings Division, or within 30 days following the receipt of a timely notice of defense for matters to be set before the Office of Administrative Hearings. The temporary suspension order shall remain in effect until the time the hearing is completed and the department has made a final determination on the merits. However, the temporary suspension order shall be deemed vacated if the department fails to make a final determination on the merits within 30 days after receipt of the proposed decision by the county or department.
- (i) Upon a finding of noncompliance, the department may require a foster family agency to deny a resource family application, rescind the approval of a resource family, or take other action deemed necessary for the protection of a child who is or who may be placed with the resource family. The resource family or applicant shall be afforded the due process provided pursuant to this section.
- (1) If the department requires a foster family agency to deny an application or rescind the approval of a resource family, the department shall serve an order of denial or rescission notifying the resource family, applicant, and foster family agency of the basis of the department's action and of the right to a hearing.
- (2) The department's order of the application denial or rescission of the approval shall remain in effect until the hearing is completed and the department has made a final determination on the merits.
- (3) A foster family agency's failure to comply with the department's order to deny an application or rescind the approval of a resource family by placing or retaining a child in care shall be grounds for disciplining the foster family agency pursuant to Section 1550 of the Health and Safety Code.
- (j) A resource family, applicant, excluded individual, or individual who is the subject of a criminal record exemption denial or rescission who files an appeal to a notice of action or exclusion order pursuant to this section shall, as part of the appeal, provide his or her current mailing address. The resource family, applicant, or individual who is the subject of a criminal record exemption denial or rescission shall subsequently notify the county, and the excluded individual shall notify the department, in writing of any change in mailing address, until the hearing process has been completed or terminated.
- (k) Service by mail of a notice or other writing on a resource family, applicant, excluded individual, or individual who is the subject of a criminal record exemption denial or rescission in a procedure provided herein is effective if served to the last mailing address on file with the county or department. Service of a notice of action shall be by personal service or by first-class mail, and service

of an exclusion order shall be by personal service or registered mail. If the last day for performance of any action required herein falls on a holiday, then such period shall be extended to the next day which is not a holiday.

(l) In all proceedings conducted in accordance with this section, the burden of proof on the department or county shall be by a preponderance of the evidence.

(m) (1) A county or the department may institute or continue an administrative proceeding against a resource family, applicant, or individual who is the subject of a criminal record exemption denial or rescission upon any ground provided by this section or Section 16519.61, enter an order denying an application or rescinding the approval of a resource family, exclude an individual, issue a temporary suspension order, or otherwise take disciplinary action against a resource family, applicant, or individual who is the subject of a criminal record exemption denial or rescission notwithstanding any resignation, withdrawal, surrender of approval, or denial or rescission of the approval by a foster family agency.

(2) The department may institute or continue an administrative proceeding against an excluded individual upon any ground provided by this section or Section 16519.61, enter an order to exclude an individual, or otherwise take disciplinary action against an excluded individual, notwithstanding any resignation, withdrawal, surrender of approval, or denial or rescission of the approval by a foster family agency.

(n) (1) Notwithstanding Sections 11425.10 and 11425.20 of the Government Code, a proceeding conducted pursuant to this section shall be confidential and not open to the public in order to preserve the confidential information of a child or resource family consistent with the confidentiality requirements in Sections 827, 10850, and 16519.55 of this code, Section 1536 of the Health and Safety Code, and Section 11167.5 of the Penal Code. Notwithstanding this requirement, an administrative law judge may admit persons deemed to have a direct and legitimate interest in the particular case or the work of the court on a case-by-case basis and with any admonishments, limitations, and protective orders as may be necessary to preserve the confidential nature of the proceedings.

(2) Except as otherwise required by law, in any writ of mandate proceeding related to an issue arising out of this article, the name, identifying information, or confidential information of a child as described in Sections 827, 10850, and 16519.55, and Section 11167.5 of the Penal Code, shall not be disclosed in a public document and a protective order shall be issued by the court in order to protect the confidential information of a child.

SEC. 50. Section 16601 of the Welfare and Institutions Code is amended to read:

16601. For purposes of this part, the following terms shall have the following meanings:

(a) "Adoption promotion and support services," as defined by Section 431 of the federal Social Security Act (42 U.S.C. Sec. 629a), means services and activities designed to encourage more adoptions out of the foster care system, when adoptions promote the best interests of children, including activities such as preadoptive and postadoptive services and activities designed to expedite the adoption process and support adoptive families.

(b) "Family preservative services," as defined by Section 431 of the federal Social Security Act (42 U.S.C. Sec. 629a), means services for children and families designed to help families, including adoptive and extended families, at risk or in crisis, including all of the following:

(1) Services programs designed to help children return to families from which they have been removed, where safe and appropriate, or be placed for adoption or with a legal guardian, or, if adoption or legal guardianship is determined not to be safe and appropriate for the child, in some other planned, permanent living arrangement.

(2) Preplacement preventive services programs, including, but not limited to, intensive family preservation programs designed to help children at risk of foster care placement remain safely with their families.

(3) Service programs designed to provide followup care to families to whom a child has been returned after a foster care placement.

(4) Respite care of children to provide temporary relief for parents and other caregivers, including, but not limited to, foster parents.

(5) Services designed to improve parenting skills by reinforcing parents' confidence in their strengths and helping them to identify where improvement is needed and to obtain assistance in improving those skills with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.

(6) Infant safe haven programs that provide a way for a parent to safely relinquish a newborn infant at a safe haven designated pursuant to state law.

(c) "Family support services," as defined by Section 431 of the federal Social Security Act (42 U.S.C. Sec. 629a), means community-based services, including mentoring, to promote the safety and well-being of children and families. This includes services designed to increase the strength and stability of families, including adoptive, foster, and extended families, to support and retain foster families so they can provide quality family-based settings for children in foster care, to increase parents' confidence and competence in their parenting abilities, to afford children a safe, stable, and supportive family environment, to strengthen parental relationships and promote healthy marriages, and otherwise to enhance child development.

(d) "Family reunification services," as defined by Section 431 of the federal Social Security Act (42 U.S.C. Sec. 629a), means the services and activities described in Section 629a(a)(7)(B) of Title 42 of the United States Code that are provided to a child that is removed from the child's home and placed in a foster family home or a child care institution or a child who has been returned home and to the parents or primary caregiver of the child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, and to ensure the strength and stability of the reunification. This includes peer-to-peer mentoring and support groups for parents and primary caregivers, as well as services and activities to facilitate access to and visitation of children with parents and siblings. In the case of a child who has been returned home, the services and activities shall only be provided during the 15-month period that begins on the date that the child returns home.

SEC. 51. Section 16604 of the Welfare and Institutions Code is amended to read:

16604. (a) Except as provided in subdivision (b), counties shall spend a minimum of 20 percent of its allocated funds in each of the following categories, for a total of 80 percent:

- (1) Family support services.
- (2) Family preservation services.
- (3) Family reunification services.
- (4) Adoption promotion and support services.

(b) A county may be authorized to spend less than 20 percent of funds in one or more of the categories identified in subdivision (a) for a limited time period, provided that the department determines in writing that good cause exists for the county's expenditures and determines the date by which the county shall fully comply with subdivision (a). The department may disallow a county's claims for costs under this section if the county's expenditure of funds, as specified in subdivision (a), does not conform to its approved county plan.

(c) Counties may expend the remaining 20 percent of funds not expended pursuant to subdivision (a) and any funds identified in subdivision (b), for any of the categories identified in subdivision (a).

SEC. 52. Section 18360 of the Welfare and Institutions Code is amended to read:

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

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

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

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

(d) "Intensive services foster care resource family" means a resource family, as defined in Section 16519.5 of this code or Section 1517 of the Health and Safety Code and, until December 31, 2019, 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.

SEC. 52.5. Section 18360 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

(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.

SEC. 53. Section 18360.10 of the Welfare and Institutions Code is amended to read:

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.

SEC. 54. (a) The State Department of Social Services shall adopt regulations necessary to implement this act.

(b) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer the changes made by this act through all-county letters or similar written instructions until regulations are adopted.

SEC. 55. The Legislature finds and declares that Section 18 of this act, which amends Section 1551.3 of the Health and Safety Code, and Section 47 of this act, which adds Section 16519.555 to the Welfare and Institutions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to preserve the confidential information of a foster child, resource family applicants, resource families, and other individuals who reside or are regularly present in the homes of resource family applicants or resource families that is disclosed during a proceeding conducted pursuant to Section 1534, 1551, or 1558 of the Health and Safety Code, or that is included within the written report completed pursuant to Section 1517 of the Health and Safety Code or Section 16519.5 of the Welfare and Institutions Code, which includes highly sensitive information, such as the mental health, physical, criminal, and abuse or trauma history of a resource family applicant, resource family, or an individual who resides or is regularly present in the home, it is necessary that the proceeding and written report remain exempt from disclosure to the public.

SEC. 56. (a) Section 5.5 of this bill incorporates amendments to Section 1517 of the Health and Safety Code proposed by both this bill and Senate Bill 1083. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 1517 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 1083, in which case Section 5 of this bill shall not become operative.

(b) Section 6.5 of this bill incorporates amendments to Section 1517.1 of the Health and Safety Code proposed by both this bill and Senate Bill 1083. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 1517.1 of the Health and Safety Code, and (3) this bill is enacted after Senate Bill 1083, in which case Section 6 of this bill shall not become operative.

(c) Section 8.5 of this bill incorporates amendments to Section 1522 of the Health and Safety Code proposed by both this bill and Assembly Bill 1437. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 1522 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 1437, in which case Section 8 of this bill shall not become operative.

(d) Section 21.5 of this bill incorporates amendments to Section 212.5 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill 3176. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 212.5 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 3176, in which case Section 21 of this bill shall not become operative.

(e) Section 23.5 of this bill incorporates amendments to Section 361.2 of the Welfare and Institutions Code proposed by both this bill and Assembly Bill 3176. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 361.2 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 3176, in which case Section 23 of this bill shall not become operative.

(f) Section 45.5 of this bill incorporates amendments to Section 16519.5 of the Welfare and Institutions Code proposed by both this bill and Senate Bill 1083. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 16519.5 of the Welfare and Institutions Code, and (3) this bill is enacted after Senate Bill 1083, in which case Section 45 of this bill shall not become operative.

(g) Section 52.5 of this bill incorporates amendments to Section 18360 of the Welfare and Institutions Code proposed by both this bill and Senate Bill 1083. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2019, (2) each bill amends Section 18360 of the Welfare and Institutions Code, and (3) this bill is enacted after Senate Bill 1083, in which case Section 52 of this bill shall not become operative.

SEC. 57. To the extent that this act has an overall effect of increasing certain costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for those cost increases. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state nor otherwise be subject to Section 6 of Article XIII B of the California Constitution.

With regard to certain other costs that may be incurred by a local agency or school district, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.