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AB-2466 Foster children. (2021-2022)

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Assembly Bill No. 2466

CHAPTER 967

An act to amend Section 1521.6 of the Health and Safety Code, and to amend Sections 15200 and 16518 of, and to add Section 16518.5 to, the Welfare and Institutions Code, relating to foster children.

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2466, Cervantes. Foster children.

Existing law generally provides for the placement of foster children in various placement settings, and governs the provision of child welfare services, which is defined to mean public social services that are directed toward the accomplishment of specified purposes, including protecting and promoting the welfare of all children, preventing the unnecessary separation of children from their families, and restoring to their families children who have been removed.

Existing law also prohibits the unlawful denial of full and equal access to the benefits of, or the unlawful discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, that is funded directly by the state, or that receives any financial assistance from the state, for a person on the basis of, among other classifications, sexual orientation.

This bill would explicitly prohibit placing agencies, when placing foster children, from declining to place a child with a resource family because of a resource family parent's actual or perceived sexual orientation, gender identity, or gender expression. The bill would also remove various uses of the phrase "hard-to-place children."

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

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

SECTION 1. Section 1521.6 of the Health and Safety Code is amended to read:

1521.6. (a) The Legislature recognizes the importance of ensuring that prospective foster family homes meet specified health and safety requirements. Moreover, the Legislature acknowledges that there is a further need to evaluate a licensed foster parent's ability, readiness, and willingness to meet the varying needs of children in order to ensure competent placement resources. Therefore, it is the intent of the Legislature that the State Department of Social Services, in consultation with county placement agencies, foster care providers, and other interested parties, develop and implement through regulations, a comprehensive home study process that integrates the decision outcome of the home study developed pursuant to Section 16518 of the Welfare and Institutions Code, as a criteria for placement.

(b) This section shall become inoperative on the date the regulations adopted pursuant to this section are filed with the Secretary of State.

SEC. 2. Section 15200 of the Welfare and Institutions Code is amended to read:

15200. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the following sums:

(a) To each county for the support and maintenance of needy children, the sums specified in subdivisions (a), (e), and (f) of Section 11450, after subtracting all the following amounts:

(1) (A) Except as described in subparagraph (B), a 2.5-percent county share of cost.

(B) If Section 1613 of Title 8 of the United States Code applies, a 5-percent county share of cost.

(C) The county share described in this paragraph shall not apply to increases in maximum aid payments made in accordance with Section 11450.025.

(2) Federal funds utilized for this purpose.

(3) The amount allocated to each county from the Family Support Subaccount pursuant to Section 17601.75.

(4) The amount allocated to each county from the Child Poverty and Family Supplemental Support Subaccount pursuant to Section 17601.50.

(5) The amount allocated to each county from the CalWORKs Maintenance of Effort Subaccount pursuant to Section 17601.25.

(b) To each county for the support and maintenance of pregnant mothers, the sums specified in subdivisions (b) and (c) of Section 11450 after subtracting all of the following amounts:

(1) (A) Except as described in subparagraph (B), a 2.5-percent county share of cost.

(B) If Section 1613 of Title 8 of the United States Code applies, a 5-percent county share of cost.

(C) The county share described in this paragraph shall not apply to increases in maximum aid payments made in accordance with Section 11450.025.

(2) Federal funds utilized for this purpose.

(3) The amount allocated to each county from the Family Support Subaccount pursuant to Section 17601.75.

(4) The amount allocated to each county from the Child Poverty and Family Supplemental Support Subaccount pursuant to Section 17601.50.

(5) The amount allocated to each county from the CalWORKs Maintenance of Effort Subaccount pursuant to Section 17601.25.

(c) After deducting federal funds available for the adequate care of each child pursuant to subdivision (d) of Section 11450, as follows:

(1) Prior to the 2011–12 fiscal year, an amount equal to 40 percent of the sum necessary for the adequate care of each child.

(2) Notwithstanding paragraph (1), 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.

(d) (1) Prior to the 2011–12 fiscal year for each county for the support and care of children who are eligible for financial assistance under the Adoption Assistance Program, and after deducting federal funds available, 75 percent of the nonfederal share of the amount specified in Section 16121.

(2) Notwithstanding paragraph (1), 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.

SEC. 3. Section 16518 of the Welfare and Institutions Code is amended to read:

16518. The State Department of Social Services, in consultation with county placement agencies, foster care providers, and other interested community parties, shall establish criteria to be used for conducting a comprehensive home study of a licensed or foster parent that evaluates the ability, readiness, and willingness of the licensed foster parent to meet the varying needs of

children. The department shall consult with the Task Force on Accreditation of Services for Children established pursuant to Section 1565 of the Health and Safety Code, and shall, as appropriate, consider the accreditation standards that are included in the accreditation plan when developing the home study criteria. The home study criteria developed pursuant to this section shall become operative at such time as the regulations adopted pursuant to Section 1521.6 of the Health and Safety Code are filed with the Secretary of State.

SEC. 4. Section 16518.5 is added to the Welfare and Institutions Code, to read:

16518.5. When placing foster children, the placing agency shall not decline to place a child with a resource family because of a resource family parent's actual or perceived sexual orientation, gender identity, or gender expression.