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AB-120 Human services. (2023-2024)

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Assembly Bill No. 120

CHAPTER 43

An act to add Section 49557.6 to the Education Code, to amend Sections 8521, 8530, 8533, 8609, 8610, and 8621 of, to add Sections 8623, 8624, and 8625 to, to repeal Section 8921 of, and to repeal Chapter 1.5 (commencing with Section 8623) of Part 2 of Division 13 of, the Family Code, to amend Sections 12803, 12803.3, and 12803.35 of the Government Code, to amend Sections 1502, 1503.5, 1505, 1522.41, 1562.3, 1567.50, 1569.616, 1796.37, 1796.47, and 1796.49 of, and to add Sections 1503.1, 1796.18, and 1796.54 to, the Health and Safety Code, and to amend Sections 10072.3, 10075.6, 10553.13, 10553.14, 10618.8, 10625, 10626, 10626.5, 10823, 10823.1, 10823.2, 11157, 11330.6, 11361, 11362, 11363, 11364, 11391, 11450.025, 11450.027, 11461, 12201.06, 12300, 12306.16, 12316.1, 13275, 13276, 13284, 13285, 13301, 13303, 13304, 14043.51, 15770, 15771, 15925, 16501.7, 16523, 16523.1, 16523.2, 16551, 16552, 16555, 16556, 18901.25, 18997, 18997.3, 18999.1, and 18999.4 of, to amend, repeal, and add Sections 11265, 12301.61, and 17602.05 of, to add Sections 18901.26 and 18901.57 to, to add and repeal Section 12106 of, to repeal Section 13282.1 of, and to repeal and add Section 16501.9 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefore, to take effect immediately, bill related to the budget.

[Approved by Governor July 10, 2023. Filed with Secretary of State July 10, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 120, Committee on Budget. Human services.

(1) Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, including group home facilities, short-term residential therapeutic programs (STRTPs), and adult residential facilities (ARFs), by the State Department of Social Services. Under existing law, the department similarly regulates residential care facilities for the elderly. A violation of provisions relating to these facilities is a misdemeanor. Existing law requires administrators of these facilities, with specified exemptions, to complete a department-approved certification program, uniformly referred to as administrator certification training programs. Under existing law, these programs require a specified minimum number of hours, depending on the facility type, of classroom instruction that provides training on a uniform core of knowledge in specified areas. Existing law also requires administrator certificates to be renewed every 2 years, conditional upon the certificate holder submitting documentation of a specified number of hours of continuing education, based on the facility type. Existing law permits up to one-half of the required continuing education hours to be satisfied through online courses, and the remainder to be completed in a classroom instructional setting, as prescribed.

This bill would revise those provisions by deleting the classroom instruction requirement for initial certification and continuing education purposes, and instead would require instruction that is conducive to learning and allows participants to simultaneously interact with each other as well as with the instructor. The bill would authorize up to one-half of continuing education hours to be satisfied through self-paced courses, rather than online courses. The bill would make various conforming changes.

Existing law authorizes the department to license as ARFs, subject to specified conditions, adult residential facilities for persons with special health care needs (ARFPSHNs), which provide 24-hour services to up to 5 adults with developmental disabilities who have special health care and intensive support needs, as defined. Existing law requires the department to ensure that an ARFPSHN meets specified administrative requirements, including requirements related to fingerprinting and criminal records.

This bill additionally would require an ARFPSHN to meet the administrator certification requirements of an ARF, including, but not limited to, completing a department-approved administrator certification training program requiring a designated minimum number of hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor, that provides training on the uniform core of knowledge applicable to ARFs, as specified. The bill would require an applicant for an administrator's certificate to submit an application for certification to the department and pass an examination, as prescribed.

Because a violation of the above-described requirements would be a crime, this bill would create a state-mandated local program.

Existing law includes within the definition of a community care facility, full-service adoption agencies and noncustodial adoption agencies, both of which are licensed entities authorized to provide specified adoption services. Under existing law, a facility is deemed to be an unlicensed community care facility and maintained and operated to provide nonmedical care if it is unlicensed, not exempt from licensure, and if it satisfies one of several specified conditions, including, among others, performing any of the functions of an adoption agency or holding itself out as performing any of the functions of an adoption agency, as specified. Existing law prohibits the operation of an unlicensed community care facility in the state and makes a violation of these provisions punishable as a misdemeanor.

Existing law generally sets forth the procedures and requirements for an adoption. Existing law authorizes an adoption facilitator to provide specific adoption services, including advertising for the purpose of soliciting parties to an adoption, locating children for an adoption, or acting as an intermediary between the parties to an adoption, and charging a fee or other valuable consideration for services rendered. Existing law makes it a crime for an unlicensed person or organization to advertise that they or it will place, accept, supply, provide, or obtain children for adoption, or to cause any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption.

This bill would repeal the provisions relating to adoption facilitators and would expressly state that an adoption facilitator that continues to operate on or after January 1, 2024, shall be deemed an unlicensed adoption agency. The bill would prohibit a person or organization from engaging in specified activities relating to adoption unless the person or organization has a valid and unrevoked license to operate as a licensed adoption agency, as defined, that is authorized to place children for adoption, or the person or organization is exempt from licensure, as specified. The bill would make various conforming changes. By changing the scope of existing crimes, this bill would impose a state-mandated local program.

The bill would authorize the department to make referrals to law enforcement agencies based on these violations and would authorize a person aggrieved by these violations to bring a civil action for relief, as specified. The bill would authorize any other interested person who, based upon information or belief, claims a person or entity is continuing to operate as an unlicensed adoption agency on or after January 1, 2024, to bring a civil action for injunctive relief on behalf of the general public.

The bill would require the department to create a section on its internet website dedicated to educating the public on unlicensed adoption agencies, as specified, including, among other things, a statement notifying the public of the prohibition against adoption facilitators in the state after January 1, 2024, and a listing of all persons or organizations on the department's statewide adoption facilitator registry as of December 31, 2023. The bill would require the department to individually notify each adoption facilitator on the registry as of July 1, 2023, that operations must cease and require the adoption facilitators to provide specified notices to the public and to individuals under contract that they will be ceasing operation. The bill would appropriate \$317,000 from the Federal Trust Fund to the department for the implementation of these provisions.

(2) Existing law, the Home Care Services Consumer Protection Act (act), provides for the licensure and regulation of home care organizations by the State Department of Social Services and the registration of home care aides. A violation of the act is a misdemeanor. Existing law authorizes the department to issue a license to a home care organization, and requires the license to be renewed every 2 years. Existing law requires an applicant for licensure to satisfy certain requirements, including, but not limited to, submitting proof of general and professional liability insurance, workers' compensation insurance, and an employee dishonesty bond, as specified. Existing law requires proof of that coverage to be provided at the time of each license renewal. Existing law requires the department to notify a licensed home care organization in writing of its registration expiration date and the process of renewal, as specified.

This bill would revise the provisions relating to the licensure of home care organizations, including, but not limited to, deleting the requirement for a home care organization licensee to provide proof of the insurance and bond coverage at the time of renewal. The bill would require the department to adopt regulations, on or before January 1, 2026, to require biennial inspections to ensure

that licensed home care organizations possess those policies. The bill would specify that a home care organization license that is not renewed expires 2 years after the date of issuance.

Existing law requires the administration of the act to be fully supported by fees and not civil penalties, as specified. Existing law creates the Home Care Fund to fund the administration of the act, which consists of all licensure and registration fees authorized by the act.

This bill, notwithstanding those provisions, would authorize General Fund moneys, as appropriated in the Budget Act of 2023 and the Budget Act of 2024, to be used to administer the act. The bill would require the department to submit a report to the Legislature, by January 10, 2025, on the solvency of the Home Care Fund, including any new resources, and recommendations on a new fee structure that allows the home care program to be self-sustaining or request any additional resource needs. The bill would require the department, beginning January 1, 2024, to submit quarterly written progress updates, including specified information regarding the department's progress within the home care program, to the relevant legislative budget subcommittees and the Legislative Analyst's Office. The bill would make the quarterly update requirements inoperative on the later of January 10, 2025, or when the department delivers the report on the solvency of the Home Care Fund to the Legislature.

Existing law authorizes the department to deny an application for licensure or suspend or revoke any license issued pursuant to the act on specified grounds, including, but not limited to, engaging in conduct that is inimical to the health, morals, welfare, or safety of either an individual receiving home care services or the people of the State of California.

This bill additionally would authorize the department to prohibit an individual from becoming a registered home care aide or remaining registered on the home care aide registry, or being a licensee of, or serving in other specified capacities for a home care organization if the individual has engaged in the above conduct or other specified behavior. Among other actions, the bill would authorize the department to remove the individual from contact with clients, prospective clients, or confidential client information of a home care organization, pending a final decision of the matter, and to serve an immediate order of exclusion on the individual. The bill would authorize an excluded individual to appeal that decision, as prescribed.

(3) Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families and individuals. Under existing law, the county is required to annually redetermine eligibility for CalWORKs benefits and, at the time of redetermination, require the family to complete a certificate of eligibility. Existing law additionally requires at the time of the redetermination, and at other intervals as deemed necessary, the county to require the family to complete a certificate of eligibility with a written declaration of the relevant information.

This bill would, beginning July 1, 2024, or on the date that the State Department of Social Services notifies the Legislature that the California Statewide Automated Welfare System (CalSAWS) can perform the necessary automation to implement this change, require, if contact is not made or the annual certificate of eligibility is not completed, the county to send a reminder notice to the recipient no later than 5 days prior to the end of the month. The bill would authorize the department to implement and administer these changes by all-county letter or similar directive until regulations are adopted, and would require the department to adopt regulations implementing the changes no later than July 1, 2025. By increasing the duties of counties administering the CalWORKs program, the bill would impose a state-mandated local program.

Under existing law, guaranteed income payments received by an individual from the California Guaranteed Income Pilot Program are not considered income or resources for purposes of determining eligibility for benefits or assistance under any state or local benefit or assistance program, as specified.

This bill would exempt all guaranteed income payments from consideration as income or resources for purposes of the CalWORKs program. The bill would authorize the department to implement, interpret, or make specific this provision through all-county letters or similar instructions from the department until regulations are adopted, as specified. By expanding the scope of CalWORKs eligibility, and thereby increasing the duties of counties administering the CalWORKs program, the bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would provide that the continuous appropriation would not be made for purposes of implementing the provisions relating to the redetermination notice and exempt income and resources.

Existing law establishes maximum aid grant amounts to be provided to each family receiving aid under CalWORKs. Existing law requires, effective October 1, 2022, and through September 30, 2024, that the maximum aid payments in effect on July 1, 2022, be increased by 10%, in addition to another specified percentage increase. Effective October 1, 2024, existing law conditions an increase in the maximum aid payments in effect on July 1, 2024, on an appropriation for this purpose in the Budget Act of 2024.

This bill would remove the expiration set for September 30, 2024, thereby extending indefinitely the 10% increase for the CalWORKs maximum aid payments. The bill would also remove the above-described appropriation condition for an increase in maximum aid payments. The bill would also, commencing on October 1, 2023, increase the maximum aid payments in effect on July 1, 2023, by 3.6%. Because moneys from the General Fund are continuously appropriated to defray a portion of county costs under the CalWORKs program, this bill would make an appropriation for the maximum aid payment increases. By increasing the duties of counties relating to these CalWORKs maximum aid payments, the bill would impose a state-mandated local program.

Existing law requires that if a family does not include a needy child qualified for aid under CalWORKs, aid will be paid to a pregnant person as of the date of the application for aid, as specified. Existing law establishes the CalWORKs Home Visiting Program (home visiting program), a voluntary program for the purpose of supporting positive health, development, and well-being outcomes for pregnant and parenting people, families, and infants born into poverty. Subject to an appropriation in the annual Budget Act, existing law requires the department to award funds to participating counties in order to provide voluntary evidence-based home visiting services to assistance units that meet specified requirements. Existing law requires a participating county to describe in its application for funding, among other things, the voluntary populations of CalWORKs applicants and recipients that the county intends to serve. Existing law requires those populations to include individuals who are pregnant or are parents or caretaker relatives of a child less than 24 months of age at the time the individual enrolls in the program. Existing law also requires pregnant individuals who have applied for CalWORKs aid within 60 calendar days before reaching the 2nd trimester of pregnancy, and are otherwise eligible for CalWORKs aid, to be eligible for the home visiting program.

This bill would delete the provision limiting eligibility for the home visiting program with respect to pregnant CalWORKs applicants who have not reached the 2nd trimester. The bill would authorize the department to implement and administer these provisions by means of all-county letters or similar instructions from the department until regulations are adopted.

(4) Existing law requires the State Department of Social Services, subject to an appropriation in the annual Budget Act, to administer the California Guaranteed Income Pilot Program to provide grants to eligible entities for the purpose of administering pilot programs and projects that provide a guaranteed income to participants. Existing law defines an eligible entity, for purposes of the program, as a nonprofit organization, as specified, or a city, county, or city and county. Existing law requires the department to review and evaluate the pilot programs and projects funded to determine the economic impact of the programs and projects and their impact on the outcomes of individuals who receive guaranteed income payments. Existing law authorizes the department to accept and expend funds from nongovernmental sources for any grants awarded pursuant to the program and for the review and evaluation of pilot programs.

This bill would require the department's evaluation to include the applicability of the lessons learned from the pilot program for the state's California Work Opportunity and Responsibility to Kids (CalWORKs) program, with the objective of reaching the goals of improved outcomes for families and children living in poverty. The bill would authorize the department to accept and expend funds from any source, public or private, to administer the program. The bill would revise the definition of an eligible entity to also include a tribe, consortium of tribes, or tribal organization, or any combination thereof.

(5) Existing federal law establishes the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law sets maximum allotment amounts by household size. Existing law establishes a statewide electronic benefits transfer (EBT) system, administered by the State Department of Social Services, for the purpose of providing cash and food assistance benefits, including CalFresh benefits.

This bill would, subject to an appropriation by the Legislature, require the department to administer the CalFresh Minimum Nutrition Benefit Pilot Program to provide an eligible household receiving a monthly CalFresh allotment of less than a minimum monthly benefit, established by the bill to be \$50, with an additional 12 months of state-funded nutrition benefits that when added together with the federal allotment, totals no less than \$50 per month. The bill would confer the department with sole discretion to identify additional eligibility criteria and to define the scope of the pilot program, and would require the department to consult with counties and stakeholders to identify and prioritize populations or regions with persistently higher levels of hunger. The bill would require these benefits to be delivered through the EBT system, and would, to the extent permitted by federal law, exclude these benefits from being considered income for any means-tested program. By imposing additional duties on counties administering the program, the bill would impose a state-mandated local program.

Existing law, until July 1, 2024, requires the State Department of Social Services to create the Safe Drinking Water Supplemental Benefit Pilot Program to provide time-limited additional CalFresh nutrition benefits to residents of prioritized disadvantaged communities that are served by public water systems that consistently fail to meet primary drinking water standards.

The bill would extend that program to July 1, 2025, and would repeal those provisions on January 1, 2026.

Existing law establishes the California Fruit and Vegetable EBT Pilot Project and requires the State Department of Social Services, in consultation with the Department of Food and Agriculture and specified stakeholders, to include within the EBT

system a supplemental benefits mechanism that allows an authorized retailer to deliver and redeem supplemental benefits. Existing law defines supplemental benefits for these purposes to mean additional funds delivered to a CalFresh recipient's EBT card upon purchase of California-grown fresh fruits and vegetables using CalFresh benefits. Existing law requires the department to submit a report to the Legislature, including the results of an evaluation of the pilot projects, as specified, 9 months after the department has received sufficient data to evaluate the pilot projects, but not later than January 1, 2022. Existing law specifies that the pilot project is to remain in effect until January 1, 2024, and is repealed as of that date.

This bill would remove the requirement that agricultural products be California-grown. The bill would extend the pilot program provisions to January 1, 2027, and repeal them as of that date. The bill would extend the deadline for the department to submit a report including the results of an evaluation of the pilot projects from January 1, 2022, to September 1, 2025. The bill would require the department to submit a report to the Legislature by March 1, 2026, regarding the transition of the California Fruit and Vegetable EBT Pilot Project to a supplemental benefits program that is fully state-managed, without grantee intermediaries, as specified.

Existing federal law provides for the Summer Electronic Benefit Transfer for Children (Summer EBT) program, under which states and covered Indian tribal organizations that elect to participate provide nutrition assistance through electronic benefit transfer or other methods, as specified, during the summer months for eligible children, as defined, to ensure continued access to food when school is not in session for the summer. The Summer EBT program requires, for calendar year 2024, a benefit to be provided in an amount equal to \$40, for each eligible child in an eligible household per month during the summer operational period. Under existing federal law, eligible children may include, among others, those who are certified to receive free or reduced-price school breakfast or lunch, as specified.

Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires that all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of law relating to free or reduced-price meal eligibility be kept confidential, subject to specified exceptions.

This bill would require the State Department of Social Services, as the lead agency in partnership with the State Department of Education, to maximize participation in the Summer EBT benefit program. The bill, notwithstanding specified provisions relating to the confidentiality of certain pupil records, would authorize the department and the State Department of Education to share data for the limited purpose of administering the Summer EBT benefit program, including, but not limited to, identifying eligible students and evaluating program outcomes.

(6) Existing law authorizes, in certain circumstances, a child who has been removed from their parent or guardian to be placed with a relative or nonrelative extended family member if the relative or nonrelative extended family member is either an approved resource family or has been assessed by a county social worker or a county probation agency and, among other things, the relative or nonrelative extended family member has not been convicted of a crime for which a criminal record exemption cannot be granted, has been granted a criminal record exemption, or, in certain circumstances, a criminal record exemption is pending. Existing law, notwithstanding those provisions, authorizes the court to order placement with a relative, regardless of the status of any criminal exemption or resource family approval, if the court finds that the placement does not pose a risk to the health and safety of the child, as specified.

Under existing law, Kinship Guardianship Assistance Payments (Kin-GAP) provide aid on behalf of children eligible for financial participation under certain federal provisions who are in kinship care, as specified. Existing law also establishes the state-funded Kinship Guardianship Assistance Payment Program (state Kin-GAP), which provides aid on behalf of eligible children who are placed in the home of a relative guardian. Existing law requires aid in the form of state-funded Kin-GAP to be provided on behalf of any child under 18 years of age and to any eligible youth under 19 years of age who has had a kinship guardianship established, as described above, and who meets other requirements, including that the child or youth has been adjudicated a dependent child or ward of the juvenile court, has been residing for at least 6 consecutive months in the approved home of the prospective relative guardian, and has had a kinship guardianship established and the dependency jurisdiction or wardship terminated, as specified.

This bill would revise provisions relating to eligibility for Kin-GAP and state Kin-GAP aid by defining "approved home of the prospective relative guardian," for purposes of those programs, to include specific references to a relative approved as a resource family or a tribally approved home, as specified. With respect to state Kin-GAP, the bill also would include within that definition the home of a relative that has been assessed by the juvenile court and into which the court has authorized placement. The bill also would revise the definition of a "relative" under Kin-GAP to include an adult who meets the definition of an extended family member under the federal Indian Child Welfare Act of 1978 (ICWA), as specified. The bill also would make various technical changes. To the extent that this bill would impose new administrative duties on county welfare departments, the bill would create a state-mandated local program.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law establishes a schedule of basic rates to be paid for the care and supervision of each foster child, administered by the State Department of Social Services. Existing law also establishes the Approved Relative Caregiver Funding Program (ARC), which provides payments to approved relative caregivers who are caring for children and nonminor dependents who are ineligible for AFDC-FC payments.

Existing law requires a monthly basic rate to be paid for 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 approved home of a nonrelative extended family member, or placed in a supervised independent living placement, as specified.

This bill would, commencing July 1, 2025, subject to an appropriation in the annual Budget Act, create a housing supplement to the basic rate paid for a nonminor dependent placed in a supervised independent living placement, as specified. The bill would require the department to work with the County Welfare Directors Association of California and CalSAWS to develop and implement the necessary system changes to implement the housing supplement. The bill would require the monthly housing supplement payment to be added to the rate paid to the nonminor dependent and prorated based on the number of days in a month the dependent is in a placement eligible for the supplement. The bill would prohibit an overpayment from being collected on this housing supplement. The bill would require the department to calculate this housing supplement by November 1 of each year and inform county welfare agencies, by means of all-county letters or similar written instructions, in the month of July of the following year of the amount of the supplement. Because counties would administer these extended benefits, this bill would impose a state-mandated local program.

ICWA governs the proceedings for determining the placement of an Indian child when that child is removed from the custody of the child's parent or guardian. Existing law specifies that the state is committed to protecting the essential tribal relations and best interest of an Indian child by promoting practices in accordance with ICWA. Existing law authorizes a federally recognized tribe to approve a home for the purpose of foster or adoptive placement of an Indian child pursuant to ICWA and authorizes a tribe to designate a tribal organization to do the same.

Existing law, the Tribally Approved Homes Compensation Program, provides funding to federally recognized Indian tribes to assist in funding the costs associated with recruiting and approving homes for the purpose of foster or adoptive placement of an Indian child pursuant to ICWA, as described above. Existing law requires an Indian tribe, to be eligible for the funding allocation, to enter into an agreement, as specified, with the department on or before May 1 prior to the fiscal year for which funding is requested.

This bill would delete the May 1 deadline and instead require an Indian tribe that seeks funding to submit a letter of interest each year to the department by a deadline established by the department, as specified.

Existing law establishes the Tribal Dependency Representation Program to provide funding to assist any federally recognized Indian tribe located in California, or with lands that extend into California, in funding legal counsel to represent the Indian tribe in a California Indian child custody proceeding that is initiated or ongoing in the juvenile court. Existing law requires an Indian tribe that seeks funding for this purpose to submit an annual letter of interest to the State Department of Social Services. Existing law requires the department, subject to an appropriation in the annual Budget Act for this purpose, to provide each Indian tribe that enters into a specified agreement and submits a letter of interest an annual base allocation of \$15,000 for legal counsel, except that if the annual Budget Act provides for an allocation of funds of more than \$15,000 per eligible tribe, then each eligible tribe would receive an adjusted allocation, subject to a requirement that the adjusted allocation be based on a methodology considering the number of Indian children in foster care or prospective adoptive placements through the juvenile court. Existing law requires that the allocation and implementation plan be established by the department in government-to-government consultation with tribes on or before June 30, 2023.

This bill would remove the requirement that the adjusted allocation be based on a methodology considering the number of Indian children in foster care or prospective adoptive placements through the juvenile court. This bill would remove the requirement that the allocation plan be established on or before June 30, 2023.

Existing law establishes the Bringing Families Home Program, and, subject to an appropriation, requires the State Department of Social Services to award program funds to counties and tribal governments for the purpose of providing housing-related supports to eligible families experiencing homelessness, as defined, if that homelessness prevents reunification between an eligible family and a child receiving child welfare services, as defined, or when lack of housing prevents a parent or guardian from addressing issues that could lead to foster care placement.

This bill would, for purposes of the program, expand the definition of "child welfare services" to include those services provided by a tribe, or tribal entity or agency, in accordance with tribal law or custom, if it provides at least one of specified child welfare services. The bill would expand the definition of "homeless" to include an individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to

violence, as specified, has no other residence, and lacks the resources or support networks to obtain other permanent housing. The bill would also make certain changes to the existing definition of “permanent housing” for purposes of the program.

Existing law requires the department to award the above-described program funds to county child welfare agencies and tribes according to specified criteria, including a requirement for a county or tribe receiving state funds to provide matching funds, except between July 1, 2021, and June 30, 2024. Existing law requires the department, no later than July 1, 2024, to adopt regulations implementing specified changes to the program that were enacted in 2021, including changes to the definitions of “homeless” and “eligible family” and the exception period for the fund-matching requirement.

This bill would extend the exception period to June 30, 2025, for the fund-matching requirement. This bill would instead require the department to adopt regulations implementing all provisions of the program no later than July 1, 2024.

Existing law requires the State Department of Social Services, jointly with the State Department of Health Care Services, to establish the Children’s Crisis Continuum Pilot Program for the purpose of developing treatment options that are needed to support California’s commitment to eliminate the placement of foster youth with complex needs in out-of-state facilities. Existing law requires proposals for participation in the pilot program to be submitted no later than January 31, 2022, and that grant funds be disbursed no later than March 31, 2022. Existing law requires the State Department of Social Services, jointly with the State Department of Health Care Services, to submit an interim report to the Assembly Committee on Human Services and the Senate Committee on Human Services by April 1, 2025. Existing law authorizes the departments to issue guidance without taking further regulatory action until March 1, 2022. Existing law authorizes the pilot program to be implemented for 5 years from the date of a specified appropriation.

This bill would require that the pilot program be implemented for 5 years from the date grant recipients are selected. The bill would extend the deadline for proposal submissions from January 31, 2022, to December 1, 2022, and the deadline for disbursement of grant funds from March 31, 2022, to June 30, 2023. The bill would extend the date by which the interim report is due from April 1, 2025, to April 1, 2027. The bill would extend the date that any guidance issued without taking further regulatory action is to be provided from March 2022 to on an ongoing basis during the pilot program.

Existing law establishes a system of statewide child welfare services, administered by the State Department of Social Services and county child welfare agencies, with the intent that all children are entitled to be safe and free from abuse and neglect. Existing law requires the department to implement the Child Welfare Services/Case Management System (CWS/CMS) to administer and evaluate the state’s child welfare services and foster care programs. Existing law also requires the department and the Office of Systems Integration, in collaboration with the County Welfare Directors Association of California, to seek resources to enable the necessary level of engagement by the counties in the Child Welfare Services-New System (CWS-NS), a successor information system, as specified. Existing law requires the existing (CWS/CMS) operations and functionality to be maintained at a level at least commensurate with its December 2015 status, and not to be decommissioned prior to the full statewide implementation of the CWS-NS in all counties, as specified.

This bill would replace various references to CWS-NS with updated references to the Child Welfare Services – California Automated Response and Engagement System (CWS-CARES). The bill would make declarations of legislative intent for the CWS-CARES information technology (IT) project to meet specified objectives, intended to align with the scope approved in the most recent Special Project Report for the system. Those objectives would include, among others, replacing the CWS/CMS with a federally compliant Comprehensive Child Welfare Information System, incorporating relevant end-user feedback into product design, development, and implementation, and limiting any additional delays to the project design, development, and implementation that could lead to federal noncompliance penalties or the potential loss of federal funding, as specified. The bill would make additional findings and declarations with respect to the need for ongoing oversight of the CWS-CARES IT project by the Legislature and designated state departments, and would update and expand existing oversight criteria. The criteria would include, among others, requiring the department and the Office of Technology and Solutions Integration to convene monthly meetings with specified government entities, and to submit monthly project status reports to the Legislature and other relevant stakeholders, including updates on the progress made toward successful completion on the project and other prescribed information.

(7) Existing law establishes the State Supplementary Program for the Aged, Blind and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement Supplemental Security Income (SSI) payments made available pursuant to the federal Social Security Act. Existing law requires the department to submit, by January 1, 2024, a report to the Legislature that includes recommendations on the administration of the program.

This bill would require the department, on or before February 1, 2024, to provide a written communication to the Joint Legislative Budget Committee and the appropriate fiscal and policy committees of the Legislature describing the process that would need to occur in order to switch the method the state uses to meet the federal maintenance of supplementary payment levels requirement for the State Supplementary Program for the Aged, Blind and Disabled from the current payment level method to the total

expenditures method. The bill would require the written communication to include, among other things, a feasible timeline for notifying the federal Social Security Administration of the change. This bill would make these provisions inoperative on July 1, 2025, and repeal them as of January 1, 2026.

Under existing law, benefit payments under SSP are calculated by establishing the maximum level of nonexempt income and federal SSI and state SSP benefits for each category of eligible recipient, and the state SSP payment for a recipient is the amount required, when added to the nonexempt income and SSI benefits available to the recipient, to provide the maximum benefit payment. Existing law continuously appropriates funds for the implementation of SSP.

Existing law, subject to an appropriation in the Budget Act of 2022, and commencing January 1, 2023, increases the amount of aid paid under SSP by a percentage increase calculated by the department and the Department of Finance, and requires those departments to notify specified legislative committees and the Legislative Analyst's Office of the final percentage increase effectuated by the appropriation in the Budget Act of 2022 for the purposes of implementing the increase.

This bill would, subject to an appropriation in the Budget Act of 2023, and commencing January 1, 2024, similarly increase the amount of aid paid under SSP by a percentage increase calculated by the same 2 departments, and would require those departments to notify the same legislative committees and the Legislative Analyst's Office of the final percentage increase effectuated by the appropriation in the Budget Act of 2023 for the purposes of implementing the increase.

(8) Existing law establishes the In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and counties, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes. Existing law requires remuneration to a provider who has the legal duty to provide for the care of their child who is the recipient of supportive services only when the provider leaves full-time employment or is prevented from obtaining full-time employment because no other suitable provider is available and when the inability of the provider to provide supportive services may result in inappropriate placement or inadequate care.

This bill would delete those above-described conditions under which a provider who has the legal duty to provide for the care of their child who is the recipient of supportive services may be remunerated for the services provided. The bill would require that these policy changes to minor provider eligibility guidelines are to take effect 60 days after the department issues policy guidance and, if needed, fiscal guidance through all-county letter or similar written instructions.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. Existing law requires the State Department of Social Services to administer the Career Pathways Program for providers of in-home supportive services, related services, or waiver personal care services, to increase the quality of care, recruitment and retention of providers for recipients and to provide training opportunities for career advancement in the home care and health care industries. Existing law requires the program to be implemented as a pilot project no later than September 1, 2022, or as otherwise specified, until March 31, 2024, or until a later date, subject to an appropriation. Existing law requires the submission of an interim report, as specified, to the Legislature by no later than May 1, 2023, with a final report of the evaluation of the pilot project submitted to the Legislature by December 31, 2024.

This bill would extend the deadline of the final report from December 31, 2024, to September 30, 2025. The bill would also extend the operative end date of the pilot program from March 31, 2024, to March 31, 2025.

Existing law requires a specified mediation process, including a factfinding panel recommending settlement terms, to be held if a public authority or nonprofit consortium and the employee organization fail to reach agreement on a bargaining contract with in-home supportive service (IHSS) workers on or after October 1, 2021. Existing law subjects a county to a one-time withholding of 1991 Realignment funds if, among other things, the county does not reach an agreement with the employee organization within 90 days after the release of the factfinding panel's recommended settlement terms. Existing law specifies that the amount of the 1991 Realignment funding withholding would be 7% of the county's 2020–2021 fiscal year IHSS Maintenance of Effort (MOE) requirement. Existing law requires the State Controller to deposit any amounts withheld pursuant to these provisions into the continuously appropriated General Growth Subaccount of the Sales Tax Growth Account of the Local Revenue Fund, as specified.

This bill would, beginning October 1, 2023, increase the amount of the 1991 Realignment funding withholding to 10% of the county's prior fiscal year IHSS MOE requirement and would require that the withholding continue once each fiscal year, until the county enters into a collective bargaining agreement. The bill would make other conforming changes. By increasing the amounts withheld from the counties and deposited into the continuously appropriated General Growth Subaccount of the Sales Tax Growth Account of the Local Revenue Fund, this bill would make an appropriation.

Under existing law, the county's allocation is increased by the amount of the prior year's reduction when the penalty above is imposed.

This bill would provide that the county's allocation be increased by the prior year's reduction only in the year after the county enters into a collective bargaining agreement with the employee organization.

Existing law requires the state and counties to share the annual cost of providing IHSS pursuant to a specified cost ratio, and requires all counties to have a rebased County IHSS MOE, and requires the rebased MOE to be adjusted for the annualized cost of increases in provider wages, health benefits, or other benefits, as prescribed. Existing law authorizes a county to negotiate a wage supplement, and requires the wage supplement to subsequently be applied to the minimum wage when the minimum wage increase is equal to or exceeds the county wage paid without the inclusion of the wage supplement and the increase to the county wage paid takes effect at the same time as the minimum wage increase.

Existing law provides that the above-described requirement does not apply for any changes to provider wages or health benefits locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, for which a rate change request was submitted to the State Department of Social Services for review prior to January 1, 2018, and instead requires that in these cases, the wage supplement subsequently be applied to the minimum wage when the minimum wage is equal to or exceeds the county individual provider wage including the wage supplement.

This bill would delete the above provision.

(9) Existing law requires public social services for deaf and hard-of-hearing persons to be available in at least 3 regions throughout the state. Under existing law, those services include, among other things, complete communication services through interpreter services by a professional interpreter, job development, and counseling. Existing law requires the State Department of Social Services to establish the criteria for funding those services and to contract with public agencies or private nonprofit corporations for purposes of these provisions. Existing law requires those contracts to be competitively bid pursuant to a request for proposals, as specified.

This bill would authorize grants to, as an alternative to contracts with, public agencies or private nonprofit corporations for purposes of the department's requirements regarding those public social services. The bill would require those contracts or grants to be competitively bid pursuant to a request for proposals or applications. The bill would make conforming changes to related provisions.

(10) Existing law establishes the Home Safe Program, which requires the State Department of Social Services to award grants to counties, tribes, or groups of counties or tribes, that provide services to elder and dependent adults who experience abuse, neglect, self-neglect, or exploitation and otherwise meet the eligibility criteria for adult protective services, for the purpose of providing prescribed housing-related supports to eligible individuals. Existing law defines various terms for purposes of the program, including "adult protective services," which is defined to mean activities performed on behalf of elders and dependent adults who have come to the attention of the adult protective services agency due to potential abuse or neglect. Existing law requires grantees that receive grants under the Home Safe Program to provide matching funds, but exempts that requirement for the period between July 1, 2021, and June 30, 2024.

This bill would expand the definition of "adult protective services" to include activities performed, in accordance with tribal law or custom, on behalf of older and dependent adults who have come to the attention of a tribe, or tribal entity or agency, due to potential abuse or neglect. The bill would define "older adult" for purposes of the program to mean any person residing in this state who is 60 years of age or older and, for individuals receiving services from a tribe, or tribal entity or agency, any person residing in this state within the age range established by tribal law or custom for tribal programs serving needy and vulnerable older adults. The bill would also extend the exemption period for required matching funds to June 30, 2025.

Existing law establishes the Housing and Disability Income Advocacy Program under the administration of the State Department of Social Services. Under the existing program, state funds are granted, subject to an appropriation in the annual Budget Act, to a participating county for the provision of outreach, case management, and advocacy services to assist clients who are homeless or at risk of becoming homeless to obtain disability benefits. Existing law requires a grantee, with the assistance of the department, to seek reimbursement of funds used for housing assistance, general assistance, or general relief from the federal Commissioner of Social Security pursuant to an interim assistance reimbursement agreement, as specified. Existing law also requires a grantee that receives state funds to provide matching funds. Existing law waives the requirement to seek reimbursement of funds through June 30, 2024, and exempts a grantee from the requirement to match certain funds between July 1, 2021, and June 30, 2024. Existing law allows any changes made to the procedure for matching funds put in place by prior legislation to be made by all-county letters or similar instructions from the department. Existing law requires the department to adopt regulations regarding those specific changes by July 1, 2024.

This bill would extend the reimbursement waiver and exemption for a grantee to match certain funds through June 30, 2025. The bill would require the department to adopt regulations for the Housing and Disability Income Advocacy Program as a whole by July 1, 2024.

Existing law authorizes the State Department of Social Services, utilizing no more than \$10,500,000 of one-time funds appropriated in the Budget Act of 2021 for the purposes of the CalWORKs Housing Support Program, the Home Safe Program, the Bringing Families Home Program, and the Housing and Disability Income Advocacy Program, to contract with vendors for the purpose of establishing a system to collect data and track outcomes, and to contract with independent evaluation and research agencies to evaluate the impacts of each of those programs. Existing law authorizes the department, utilizing no more than an equivalent amount of those appropriated funds, to contract with entities to provide technical assistance for each of those programs.

This bill would authorize the department to utilize no more than \$10,500,000 of the combined one-time funds appropriated in the Budget Act of 2021 and the Budget Act of 2022 for the above-described purposes. The bill would also authorize the department to utilize no more than \$10,500,000 of the one-time funds appropriated in the Budget Act of 2022 in a manner consistent with those purposes to contract with entities to provide technical assistance for each of those programs.

Existing law requires the department to report annually to the Legislature on contracts and expenditures made, data collected, and evaluations performed pursuant to the above-described provisions by February 1 of each year.

This bill would instead require the department to report specified information under that timeline, including information on the dollar amounts and contracted entities, the number of requests for service, the number of families or individuals approved to receive program services as applicable to each program, certain information about the Community Care Expansion Program, and trend information on the capacity of the programs.

If any provisions of tribal law, tribal governance, tribal charter, or difference in tribal entity or agency legal structure would cause a violation of, would fail to satisfy, or would create inconsistencies with, program requirements for the above-described housing programs or the Community Care Expansion Program, the bill would authorize the modification or waiver of any regulatory or other program requirement set forth by the department, as necessary to ensure program compatibility or to avoid an unnecessary administrative burden on tribes. The bill would authorize the department to implement this provision without taking regulatory action.

(11) Existing law requires the State Department of Social Services to allocate federal funds for refugee social services programs to eligible counties and, in certain circumstances, to qualified nonprofit organizations.

This bill would authorize the department to also allocate funds, as described, to private for-profit organizations. The bill would require the department to prioritize funding qualified nonprofit organizations and counties over for-profit organizations, when practicable. The bill would require the department to track and document the funding provided to each type of service provider and the purposes for use of the funding, and to report this information to the appropriate fiscal and policy staff of the Legislature on a semiannual basis.

Existing federal regulations provide that certain persons who do not have legal status in the United States and who meet specified guidelines may apply for deferred action on removal from the United States, as specified.

Existing law requires the State Department of Social Services, subject to the availability of funding, to contract with qualified nonprofit legal services organizations to provide legal services to unaccompanied, undocumented minors, as defined, who are transferred to the care and custody of the federal Office of Refugee Resettlement and who are present in this state. Existing law specifies various requirements for those contracts, including, among other things, that they be executed only with nonprofit legal services organizations that meet specified requirements and that they provide for legal services to unaccompanied undocumented minors on a fee-per-case basis, as specified.

Existing law also requires the department, subject to the availability of funding, to provide grants to qualified organizations, as specified, to be used to provide persons living in California with specified services, including, but not limited to, services to assist with the application process for initial or renewal requests of deferred action under the federal Deferred Action for Childhood Arrivals policy and services to obtain other immigration remedies. Existing law requires the grants to be awarded only to qualified nonprofit organizations that meet specified requirements, including a specified number of years of experience relating to immigration issues, as provided. Existing law requires a legal services organization that provides legal training and technical assistance, as defined, to, among other things, have at least 10 years of experience conducting immigration legal services and technical assistance.

This bill would remove the requirement that contracts provide for legal services to unaccompanied minors on a fee-per-case basis and instead require the department to determine the funding method. The bill would allow grants to be used to provide immigration benefits, as defined. This bill would also authorize the department to approve a nonprofit legal service organization to receive a grant if it has at least 3 years of experience, as specified, and has conducted trainings on immigration issues for persons beyond its staff.

(12) Existing law establishes the California Health and Human Services Agency and includes within the agency, among others, the Office of Systems Integration, under the control of the Director of the Office of Systems Integration. Existing law requires the Office of Systems Integration to implement a statewide automated welfare system for public assistance programs, including, among others, the CalWORKs program.

This bill would, among other things, rename that office the Office of Technology and Solutions Integration. The bill would authorize the Director of Finance to authorize a loan from the General Fund to the California Health and Human Services Automation Fund, if various requirements are met.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(14) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 49557.6 is added to the Education Code, to read:

49557.6. Notwithstanding Sections 49076, 49557.3, and 49558, and accompanying regulations, the State Department of Education and the State Department of Social Services may share data for the limited purpose of administering the federal Summer Electronic Benefit Transfer for Children (Summer EBT) program established pursuant to Section 1762 of Title 42 of the United States Code, including, but not limited to, identifying eligible students and evaluating program outcomes.

SEC. 2. Section 8521 of the Family Code is amended to read:

8521. (a) "Full-service adoption agency" means a licensed or authorized entity engaged in the business of providing adoption services, that does all of the following:

- (1) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.
- (2) Assesses the birth parents, prospective adoptive parents, or child.
- (3) Places children for adoption.
- (4) Supervises adoptive placements.
- (5) Recruits prospective adoptive parents, locates children for adoption, or acts as an intermediary between the parties to an adoption.

(b) Private full-service adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a private full-service adoption agency shall be accredited by the Council on Accreditation, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

SEC. 3. Section 8530 of the Family Code is amended to read:

8530. "Licensed adoption agency" means any agency licensed by the department to provide the adoption services specified in paragraphs (9) and (10) of subdivision (a) of Section 1502 of the Health and Safety Code.

SEC. 4. Section 8533 of the Family Code is amended to read:

8533. (a) "Noncustodial adoption agency" means any licensed entity engaged in the business of providing adoption services, which does all of the following:

- (1) Assesses the prospective adoptive parents.

(2) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved prospective adoptive parents.

(3) Cooperatively supervises adoptive placements with a full-service adoption agency, but does not disrupt a placement or remove a child from a placement.

(4) Recruits prospective adoptive parents, locates children for an adoption, or acts as an intermediary between the parties to an adoption.

(b) Private noncustodial adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a noncustodial adoption agency shall be accredited by the Council on Accreditation, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

SEC. 5. Section 8609 of the Family Code is amended to read:

8609. (a) Any person or organization that advertises in any periodical or newspaper, by radio, or other public medium, that the person or organization will place children for adoption, or accept, supply, provide, or obtain children for adoption, or that causes any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption, is guilty of a misdemeanor, unless one of the following conditions apply:

(1) The person or organization holds a valid and unrevoked license to operate as a licensed adoption agency, as defined in Section 8530, and is authorized to place children for adoption.

(2) The person or organization is exempt from licensure pursuant to subdivisions (v) through (x), inclusive, of Section 1505 of the Health and Safety Code.

(b) Any person, organization, association, or corporation that seeks to place any child for adoption is guilty of a misdemeanor, unless one of the following conditions applies:

(1) The person, organization, or corporation holds a valid and unrevoked license to operate as a licensed adoption agency, as defined in Section 8530, and is authorized to place children for adoption.

(2) The person, organization, or corporation is exempt from licensure pursuant to subdivisions (v) through (x), inclusive, of Section 1505 of the Health and Safety Code.

(3) The person is the birth parent.

(c) Any person or organization that performs any of the functions of an adoption agency or holds itself out as performing any of the functions of an adoption agency, as described in paragraphs (9) and (10) of subdivision (a) of Section 1502 of the Health and Safety Code, without a valid and unrevoked license issued by the department shall be deemed an unlicensed adoption agency, as referenced in paragraph (6) of subdivision (a) of Section 1503.5 of Health and Safety Code.

SEC. 6. Section 8610 of the Family Code is amended to read:

8610. (a) The petitioners in a proceeding for adoption of a child shall file with the court a full accounting report of all disbursements of anything of value made or agreed to be made by them or on their behalf in connection with the birth of the child, the placement of the child with the petitioners, any medical or hospital care received by the child's birth mother or by the child in connection with the child's birth, any other expenses of either birth parent, or the adoption. The accounting report shall be made under penalty of perjury and shall be submitted to the court on or before the date set for the hearing on the adoption petition, unless the court grants an extension of time.

(b) The accounting report shall be itemized in detail and shall show the services relating to the adoption or to the placement of the child for adoption that were received by the petitioners, by either birth parent, or by the child. The report shall also include the dates of each payment, the names and addresses of each attorney, physician and surgeon, hospital, licensed adoption agency, or any other person or organization that received payment.

(c) This section does not apply to an adoption by a stepparent where one birth parent or adoptive parent retains custody and control of the child.

SEC. 7. Section 8621 of the Family Code is amended to read:

8621. (a) The department shall adopt regulations regarding the provision of adoption services by the department, county adoption agencies, licensed adoption agencies, and other adoption service providers authorized pursuant to this division and shall monitor

the provision of those services by county adoption agencies, licensed adoption agencies, and other adoption service providers as provided by law. The department shall report any violations of these regulations to the appropriate licensing authority.

(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, interpret, or make specific the changes made to this chapter by the act adding this subdivision by means of all-county letters, written directives, interim licensing standards, or similar written instructions from the department until regulations are adopted. These all-county letters, written directives, interim licensing standards, or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

SEC. 8. Chapter 1.5 (commencing with Section 8623) of Part 2 of Division 13 of the Family Code is repealed.

SEC. 9. Section 8623 is added to the Family Code, to read:

8623. Notwithstanding any other law, all adoption facilitators registered with the department on its statewide registry as of July 1, 2023, shall cease operation in this state on or before December 31, 2023. An adoption facilitator that continues to operate on or after January 1, 2024, shall be deemed an unlicensed adoption agency as referenced in paragraph (6) of subdivision (a) of Section 1503.5 of the Health and Safety Code.

SEC. 10. Section 8624 is added to the Family Code, to read:

8624. (a) A person aggrieved by a violation of Section 8609 may bring a civil action for damages, rescission, injunctive relief, or any other civil or equitable remedy. Operation of an unlicensed adoption agency, as referenced in paragraph (6) of subdivision (a) of Section 1503.5 of the Health and Safety Code, shall be an act of unfair competition and an unfair business practice within the meaning of Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.

(b) If the court finds that a person has violated Section 8609, it shall award actual damages plus an amount equal to treble the amount of the actual damages or two thousand five hundred dollars (\$2,500) per violation, whichever is greater.

(c) In a civil action under this section, a prevailing party may recover reasonable attorney's fees and costs.

(d) The Attorney General, a district attorney, or a city attorney may bring a civil action for injunctive relief, restitution, or other equitable relief against an unlicensed adoption agency as referenced in paragraph (6) of subdivision (a) of Section 1503.5 of the Health and Safety Code pursuant to this section in the name of the people of the State of California.

(e) Any other interested person who, based upon information or belief, claims a violation of Section 8609 has been committed may bring a civil action for injunctive relief on behalf of the general public. This section authorizes a referral by the department to the appropriate law enforcement entities consistent with these provisions.

SEC. 11. Section 8625 is added to the Family Code, to read:

8625. (a) The department shall create a section on its internet website dedicated to educating the public on unlicensed adoption agencies. The section shall include both of the following:

(1) A statement informing the public that, as of January 1, 2024, operating as an "adoption facilitator" in the state is prohibited. The statement shall include common practices and services undertaken by adoption facilitators. The statement shall also inform the public that only the authorized persons or organizations specified in Section 8609 may engage in the practices described in that section.

(2) A listing of all persons or organizations on the department's adoption facilitator registry as of December 31, 2023.

(b) The department shall individually notify each adoption facilitator on the registry as July 1, 2023, that operations must cease pursuant to Section 8623. The notice shall also require each adoption facilitator to comply with both of the following:

(1) Publish the statement described in subdivision (a) on any internet website operated by the adoption facilitator.

(2) Provide written notice to any individuals under contract indicating that the adoption facilitator must cease operation on or before December 31, 2023. This written notice must also include information on licensed entities that can provide adoption services and any additional information the department deems necessary.

SEC. 12. Section 8921 of the Family Code is repealed.

SEC. 13. Section 12803 of the Government Code is amended to read:

12803. (a) The California Health and Human Services Agency consists of the following departments: Aging; Community Services and Development; Developmental Services; Health Care Services; Managed Health Care; Public Health; Rehabilitation; Social Services; and State Hospitals.

(b) The agency also includes the Center for Data Insights and Innovation, the Emergency Medical Services Authority, the Office of Statewide Health Planning and Development, the Office of Technology and Solutions Integration, the Office of Law Enforcement Support, the Office of the Surgeon General, the Office of Youth and Community Restoration, and the State Council on Developmental Disabilities.

(c) The Department of Child Support Services is hereby created within the agency and is the single organizational unit designated as the state's Title IV-D agency with the responsibility for administering the state plan and providing services relating to the establishment of paternity or the establishment, modification, or enforcement of child support obligations as required by Section 654 of Title 42 of the United States Code. State plan functions shall be performed by other agencies as required by law, by delegation of the department, or by cooperative agreements.

(d) This section shall become operative on July 1, 2021.

SEC. 14. Section 12803.3 of the Government Code is amended to read:

12803.3. (a) For purposes of this section, the following definitions shall apply:

(1) "Director" means the Director of the Office of Technology and Solutions Integration.

(2) "Office" means the Office of Technology and Solutions Integration.

(3) "Services" means all functions, responsibilities, and services deemed to be functions, responsibilities, and services of the Systems Integration Division, also known as Systems Management Services, of the California Health and Human Services Agency Data Center, as determined by the Secretary of California Health and Human Services.

(b) (1) The Systems Integration Division of the California Health and Human Services Agency Data Center is hereby transferred to the California Health and Human Services Agency and shall be known as the Office of Technology and Solutions Integration. The Office of Technology and Solutions Integration shall be the successor to, and is vested with, all of the duties, powers, purposes, responsibilities, and jurisdiction of the Systems Integration Division of the California Health and Human Services Agency Data Center.

(2) Notwithstanding any other law, all services of the Systems Integration Division of the California Health and Human Services Agency Data Center shall become the services of the Office of Technology and Solutions Integration.

(c) The office shall be under the supervision of a director, known as the Director of the Office of Technology and Solutions Integration, who shall be appointed by, and serve at the pleasure of, the Secretary of California Health and Human Services.

(d) No contract, lease, license, or any other agreement to which the California Health and Human Services Data Center is a party on the date of the transfer as described in paragraph (1) of subdivision (b) shall be void or voidable by reason of this section, but shall continue in full force and effect. The office shall assume from the California Health and Human Services Data Center all of the rights, obligations, and duties of the Systems Integration Division. This assumption of rights, obligations, and duties shall not affect the rights of the parties to the contract, lease, license, or agreement.

(e) All books, documents, records, and property of the Systems Integration Division shall be in the possession and under the control of the office.

(f) All officers and employees of the Systems Integration Division shall be designated as officers and employees of the agency. The status, position, and rights of any officer or employee shall not be affected by this designation and all officers and employees shall be retained by the agency pursuant to the applicable provisions of the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5), except as to any position that is exempt from civil service.

(g) (1) All contracts, leases, licenses, or any other agreements to which the California Health and Human Services Data Center is a party regarding any of the following are hereby assigned from the California Health and Human Services Data Center to the office:

(A) Statewide Automated Welfare System (SAWS).

(B) Child Welfare Services/Case Management System (CWS/CMS).

(C) Electronic Benefit Transfer (EBT).

(D) Case Management Information Payrolling System (CMIPS).

(2) All other contracts, leases, or agreements necessary or related to the operation of the Systems Integration Division of the California Health and Human Services Data Center are hereby assigned from the California Health and Human Services Data Center to the office.

(h) It is the intent of the Legislature that the transfer of the Systems Integration Division of the California Health and Human Services Agency Data Center pursuant to this section shall be retroactive to the passage and enactment of the Budget Act of 2005 and that existing employees of the Systems Integration Division of the California Health and Human Services Agency Data Center and the newly established Office of Technology and Solutions Integration shall not be negatively impacted by the reorganization and transfer conducted pursuant to this section.

(i) It is the intent of the Legislature to review fully implemented information technology projects managed by the office to assess the viability of placing the management responsibility for those projects in the respective program department.

(j) On or before April 1, 2006, the Department of Finance shall report to the Chairperson of the Joint Legislative Budget Committee the date that the administration shall conduct an assessment for each of the projects managed by the office. The California Health and Human Services Agency, the California Health and Human Services Agency Data Center, or its successor, the State Department of Social Services, and the office shall provide to the Department of Finance all information and analysis the Department of Finance deems necessary to conduct the assessment required by this section. Each assessment shall consider the costs, benefits, and any associated risks of maintaining the project management responsibility in the office and of moving the project management responsibility to its respective program department.

SEC. 15. Section 12803.35 of the Government Code is amended to read:

12803.35. (a) There is hereby established in the State Treasury, the California Health and Human Services Automation Fund. The moneys in the fund shall be available upon appropriation by the Legislature for expenditure by the Office of Technology and Solutions Integration, established pursuant to Section 12803.3, for support of that office.

(b) The fund shall consist of the following:

(1) All moneys appropriated to the fund in accordance with law.

(2) The balance of all moneys available for expenditure by the Systems Integration Division of the Office of Technology Services.

(3) An amount of funding transferred from the Department of Technology Services Revolving Fund to this fund determined by the Department of Finance.

(4) Funds appropriated to the State Department of Social Services in the annual Budget Act for the management, including, as needed, procurement, design, development, testing, implementation, oversight, and maintenance, of the following projects shall be transferred to this fund upon order of the Department of Finance:

(A) Statewide Automated Welfare System (SAWS), including Statewide Project Management, WCDS, C-IV, LEADER, LRS, and the migration of C-IV to LRS pursuant to Section 10823 of the Welfare and Institutions Code, as amended by Section 9 of Chapter 13 of the First Extraordinary Session of the Statutes of 2011.

(B) Child Welfare Services/Case Management System (CWS/CMS).

(C) Child Welfare Services/Case Management System (CWS/CMS) new system project.

(D) Electronic Benefit Transfer (EBT).

(E) Case Management Information Payrolling System (CMIPS) Reprocurement.

(F) Welfare Data Tracking Implementation Project (WDTIP).

(5) Funds appropriated to the Department of Health Care Services and the Managed Risk Medical Insurance Board in the annual Budget Act for the management, including procurement, design, development, testing, implementation, oversight, and maintenance, of the California Healthcare Eligibility, Enrollment, and Retention System shall be transferred to the fund from the Department of Finance.

(6) Funds from the California Health Benefit Exchange may be transferred upon order of the Department of Finance pursuant to an interagency agreement between the California Health Benefit Exchange and the Office of Technology and Solutions Integration to support the California Healthcare Eligibility, Enrollment, and Retention System.

(c) Notwithstanding any other law, the Director of Finance may authorize a loan from the General Fund to the California Health and Human Services Automation Fund, in an amount not to exceed two hundred million dollars (\$200,000,000), if all of the

following requirements are met:

- (1) The loan is to meet cash needs resulting from the delay in receipt of reimbursements for services provided.
- (2) The loan is short term and is repaid by October 31 of the fiscal year following the year in which the loan was authorized.
- (3) The Office of Technology and Solutions Integration frontloads payments from contracts to the extent possible to minimize need for General Fund loans.
- (4) Interest charges may be waived pursuant to subdivision (e) of Section 16314.
- (5) The Director of Finance shall not approve the loan unless the approval is made in writing and filed with the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the committees in each house of the Legislature that consider appropriations not later than 30 days prior to the effective date of the approval, or not later than whatever lesser time prior to that effective date that the chairperson of the joint committee, or the chairperson's designee, may determine.

SEC. 16. Section 1502 of the Health and Safety Code is amended to read:

1502. As used in this chapter:

(a) "Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

(1) "Residential facility" means any family home, group care facility, or similar facility determined by the department, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(2) "Adult day program" means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

(3) "Therapeutic day services facility" means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by the department, pursuant to Section 1530, in consultation with therapeutic day services and foster care providers.

(4) "Foster family agency" means any public agency or private organization, organized and operated on a nonprofit basis, engaged in any of the following:

(A) Recruiting, certifying, approving, and training of, and providing professional support to, foster parents and resource families.

(B) Coordinating with county placing agencies to find homes for foster children in need of care.

(C) Providing services and supports to licensed or certified foster parents, county-approved resource families, and children to the extent authorized by state and federal law.

(5) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. It also means a foster family home described in Section 1505.2.

(6) "Small family home" means any residential facility, in the licensee's family residence, that provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs, pursuant to subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the department may approve placement of children without special health care needs, up to the licensed capacity.

(7) "Social rehabilitation facility" means any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

(8) (A) "Community treatment facility" means any residential facility that provides mental health treatment services to children in a group setting and that has the capacity to provide secure containment. Program components shall be subject to program standards developed and enforced by the State Department of Health Care Services pursuant to Section 4094 of the Welfare and Institutions Code.

(B) This section does not prohibit or discourage placement of persons who have mental or physical disabilities into any category of community care facility that meets the needs of the individual placed, if the placement is consistent with the licensing regulations of the department.

(9) (A) "Full-service adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

- (i) Assumes care, custody, and control of a child through relinquishment of the child to the agency or involuntary termination of parental rights to the child.
- (ii) Assesses the birth parents, prospective adoptive parents, or child.
- (iii) Places children for adoption.
- (iv) Supervises adoptive placements.
- (v) Recruits prospective adoptive parents, locates children for an adoption, or acts as an intermediary between the parties to an adoption.

(B) Private full-service adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a full-service adoption agency shall be accredited and in good standing according to Part 96 (commencing with Section 96.1) of Title 22 of the Code of Federal Regulations, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

(10) (A) "Noncustodial adoption agency" means any licensed entity engaged in the business of providing adoption services, that does all of the following:

- (i) Assesses the prospective adoptive parents.
- (ii) Cooperatively matches children freed for adoption, who are under the care, custody, and control of a licensed adoption agency, for adoption, with assessed and approved adoptive applicants.
- (iii) Cooperatively supervises adoption placements with a full-service adoptive agency, but does not disrupt a placement or remove a child from a placement.
- (iv) Recruits prospective adoptive parents, locates children for an adoption, or acts as an intermediary between the parties to an adoption.

(B) Private noncustodial adoption agencies shall be organized and operated on a nonprofit basis. As a condition of licensure to provide intercountry adoption services, a noncustodial adoption agency shall be accredited and in good standing according to Part 96 (commencing with Section 96.1) of Title 22 of the Code of Federal Regulations, or supervised by an accredited primary provider, or acting as an exempted provider, in compliance with Subpart F (commencing with Section 96.29) of Part 96 of Title 22 of the Code of Federal Regulations.

(11) "Transitional shelter care facility" means any group care facility that provides for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. Program components shall be subject to program standards developed by the State Department of Social Services pursuant to Section 1502.3.

(12) "Transitional housing placement provider" means an organization licensed by the department pursuant to Section 1559.110 to provide transitional housing to foster children who are at least 16 years of age to promote their transition to adulthood. A transitional housing placement provider shall be privately operated and organized on a nonprofit basis.

(13) "Group home" means a residential facility that provides 24-hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law.

(14) "Youth homelessness prevention center" means a group home licensed by the department to operate a program pursuant to Section 1502.35 to provide voluntary, short-term, shelter and personal services to homeless youth, youth who are at risk of

homelessness, youth who are exhibiting status offender behavior, or runaway youth, as defined in paragraph (2) of subdivision (a) of Section 1502.35.

(15) "Enhanced behavioral supports home" means a facility certified by the State Department of Developmental Services pursuant to Article 3.6 (commencing with Section 4684.80) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, and licensed by the State Department of Social Services as an adult residential facility or a group home that provides 24-hour nonmedical care to individuals with developmental disabilities who require enhanced behavioral supports, staffing, and supervision in a homelike setting. An enhanced behavioral supports home shall have a maximum capacity of four consumers, shall conform to Section 441.530(a)(1) of Title 42 of the Code of Federal Regulations, and shall be eligible for federal Medicaid home- and community-based services funding.

(16) "Community crisis home" means a facility certified 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, and licensed by the State Department of Social Services pursuant to Article 9.7 (commencing with Section 1567.80), as an adult residential facility, providing 24-hour nonmedical care to individuals with developmental disabilities receiving regional center service, in need of crisis intervention services, and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5 of the Welfare and Institutions Code, or an out-of-state placement. A community crisis home shall have a maximum capacity of eight consumers, as defined in subdivision (a) of Section 1567.80, shall conform to Section 441.530(a)(1) of Title 42 of the Code of Federal Regulations, and shall be eligible for federal Medicaid home- and community-based services funding.

(17) "Crisis nursery" means a facility licensed by the department to operate a program pursuant to Section 1516 to provide short-term care and supervision for children under six years of age who are voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation.

(18) "Short-term residential therapeutic program" means a residential facility operated by a public agency or private organization and licensed by the department pursuant to Section 1562.01 that provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour care and supervision to children that is trauma-informed, as defined in standards and regulations adopted by the department. The care and supervision provided by a short-term residential therapeutic program shall be nonmedical, except as otherwise permitted by law. Private short-term residential therapeutic programs shall be organized and operated on a nonprofit basis. A short-term residential therapeutic program may be operated as a children's crisis residential program.

(19) "Private alternative boarding school" means a group home licensed by the department to operate a program pursuant to Section 1502.2 to provide youth with 24-hour residential care and supervision, that, in addition to providing educational services to youth, provides, or holds itself out as providing, behavioral-based services to youth with social, emotional, or behavioral issues. The care and supervision provided by a private alternative boarding school shall be nonmedical, except as otherwise permitted by law.

(20) "Private alternative outdoor program" means a group home licensed by the department to operate a program pursuant to Section 1502.21 to provide youth with 24-hour residential care and supervision, that provides, or holds itself out as providing, behavioral-based services in an outdoor living setting to youth with social, emotional, or behavioral issues. The care and supervision provided by a private alternative outdoor program shall be nonmedical, except as otherwise permitted by law.

(21) "Children's crisis residential program" means a facility licensed by the department as a short-term residential therapeutic program pursuant to Section 1562.02 and approved by the State Department of Health Care Services, or a county mental health plan to which the State Department of Health Care Services has delegated approval authority, to operate a children's crisis residential mental health program with approval pursuant to Section 11462.011 of the Welfare and Institutions Code, to serve children experiencing mental health crises as an alternative to psychiatric hospitalization.

(22) "Group home for children with special health care needs" means a group home certified by the State Department of Developmental Services pursuant to Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code and licensed by the State Department of Social Services pursuant to Article 9 (commencing with Section 1567.50) of this code that provides 24-hour health care and intensive support services in a homelike setting. A group home for children with special health care needs shall have a maximum capacity of five children with developmental disabilities, as defined in subdivision (a) of Section 4512 of the Welfare and Institutions Code.

(b) "Department" or "state department" means the State Department of Social Services.

(c) "Director" means the Director of Social Services.

SEC. 17. Section 1503.1 is added to the Health and Safety Code, to read:

1503.1. (a) An adoption agency is subject to licensure and regulation by the department and shall comply with both of the following requirements:

(1) Meet applicable licensing standards as set forth in this chapter, comply with the rules, regulations, and interim licensing standards adopted pursuant to this chapter, and comply with all other applicable laws to maintain licensure.

(2) Comply with Division 13 (commencing with Section 8500) of the Family Code, and all regulations promulgated pursuant to those provisions.

(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 department may implement, interpret, or make specific this section by means of all-county letters, written directives, interim licensing standards, or similar written instructions from the department until regulations are adopted. These all-county letters, written directives, interim licensing standards, or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

SEC. 18. Section 1503.5 of the Health and Safety Code is amended to read:

1503.5. (a) A facility shall be deemed to be an "unlicensed community care facility" and "maintained and operated to provide nonmedical care" if it is unlicensed and not exempt from licensure and any one of the following conditions is satisfied:

(1) The facility is providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.

(2) The facility is held out as or represented as providing care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.

(3) The facility accepts or retains residents who demonstrate the need for care or supervision, as defined by this chapter or the rules and regulations adopted pursuant to this chapter.

(4) The facility represents itself as a licensed community care facility.

(5) The facility is performing any of the functions of a foster family agency or holding itself out as a foster family agency.

(6) The facility is performing any of the functions of an adoption agency or holding itself out as performing any of the functions of an adoption agency as specified in paragraphs (9) and (10) of subdivision (a) of Section 1502, or any of the functions described in Section 8521, Section 8533, or subdivision (b) of Section 8900.5 of the Family Code.

(b) No unlicensed community care facility, as defined in subdivision (a), shall operate in this state.

(c) Upon discovery of an unlicensed community care facility, the department shall refer residents to the appropriate local or state ombudsman, or placement, adult protective services, or child protective services agency if either of the following conditions exist:

(1) There is an immediate threat to the clients' health and safety.

(2) The facility will not cooperate with the licensing agency to apply for a license, meet licensing standards, and obtain a valid license.

SEC. 19. Section 1505 of the Health and Safety Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) A transitional living setting, as described in paragraph (3) of subdivision (x) of Section 11400 of the Welfare and Institutions Code.

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

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

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

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

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

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

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

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

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

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

(p) (1) (A) Housing occupied by elderly or disabled persons, or both, that is initially approved and operated under a regulatory agreement pursuant to Section 202 of Public Law 86-372 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625 (42 U.S.C. Sec. 8013), or that receives mortgage assistance pursuant to Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or whose mortgage is insured pursuant to Section 221d(3) of Public Law 87-70 (12 U.S.C. Sec. 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) Housing that qualifies for a low-income housing credit pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42) or that is subject to the requirements for rental dwellings for low-income families pursuant to Section 8 of Public Law 93-383 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled persons, or both, where supportive services are made available to residents at their option, as long as the project owner or operator does not contract for or provide the supportive services.

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

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

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

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

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

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

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

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

(x) Any similar facility determined by the department.

SEC. 20. Section 1522.41 of the Health and Safety Code is amended to read:

1522.41. (a) (1) The department, in consultation and collaboration with county placement officials, group home provider organizations, the Director of Health Care Services, and the Director of Developmental Services, shall develop and establish an administrator certification training program to ensure that administrators of group homes have appropriate training to provide the care and services for which a license or certificate is issued.

(2) The department shall develop and establish an administrator certification training program to ensure that administrators of short-term residential therapeutic programs have appropriate training to provide the care and services for which a license or certificate is issued.

(b) (1) In addition to any other requirements or qualifications required by the department, an administrator of a group home or short-term residential therapeutic program shall successfully complete a department-approved administrator certification training program, pursuant to subdivision (c), prior to employment.

(2) If an individual is both the licensee and the administrator of a licensed facility, the individual shall comply with all of the licensee and administrator requirements of this section.

(3) Failure to comply with this section shall constitute cause for revocation of the license of the facility.

(4) The licensee shall notify the department within 10 days of any change in administrators.

(c) (1) An administrator certification training program for group homes shall require a minimum of 40 hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor, and that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of a group home.

(B) Business operations.

(C) Management and supervision of staff.

(D) Psychosocial and educational needs of the children, including, but not limited to, the information described in subdivision (d) of Section 16501.4 of the Welfare and Institutions Code.

(E) Community and support services.

(F) Physical needs of the children.

(G) Assistance with self-administration, storage, misuse, and interaction of medication used by the children.

(H) Resident admission, retention, and assessment procedures, including the right of a foster child 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.

(I) Instruction on cultural competency and sensitivity and related best practices for providing adequate care for children across diverse ethnic and racial backgrounds, as well as children identifying as lesbian, gay, bisexual, or transgender.

(J) Nonviolent emergency intervention and reporting requirements.

(K) Basic instruction on existing laws and procedures regarding the safety of foster youth at school and ensuring of a harassment- and violence-free school environment.

(L) The information described in subdivision (i) of Section 16521.5 of the Welfare and Institutions Code. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5 of the Welfare and Institutions Code.

(2) An administrator certification training program for short-term residential therapeutic programs shall require a minimum of 40 hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor, and that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of a short-term residential therapeutic program.

(B) Business operations and management and supervision of staff, including staff training.

(C) Physical and psychosocial needs of the children, including behavior management, de-escalation techniques, and trauma informed crisis management planning.

(D) Permanence, well-being, and educational needs of the children.

(E) Community and support services, including accessing local behavioral and mental health supports and interventions, substance use disorder treatments, and culturally relevant services, as appropriate.

(F) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, uses, benefits, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.

(G) Admission, retention, and assessment procedures, including the right of a foster child 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.

(H) 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 as including culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(I) Instruction on cultural competency and sensitivity and related best practices for providing adequate care for children across diverse ethnic and racial backgrounds, as well as children identifying as lesbian, gay, bisexual, or transgender.

(J) Nonviolent emergency intervention and reporting requirements.

(K) Basic instruction on existing laws and procedures regarding the safety of foster youth at school and ensuring of a harassment- and violence-free school environment.

(L) The information described in subdivision (i) of Section 16521.5 of the Welfare and Institutions Code. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5 of the Welfare and Institutions Code.

(d) A group home administrator who possesses a group home license, issued by the department, is exempt from completing an approved administrator certification training program and taking an examination, provided the individual completes 12 hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor, in the following uniform core of knowledge areas:

(1) Laws, regulations, and policies and procedural standards that impact the operations of a short-term residential therapeutic program.

(2) (A) Authorization, uses, benefits, side effects, interactions, assistance with self-administration, misuse, documentation, and storage of medications.

(B) Metabolic monitoring of children prescribed psychotropic medications.

(3) Admission, retention, and assessment procedures, including the right of a foster child 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.

(4) 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 as including culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(5) Instruction on cultural competency and sensitivity and related best practices for providing adequate care for children across diverse ethnic and racial backgrounds, as well as children identifying as lesbian, gay, bisexual, or transgender.

(6) Physical and psychosocial needs of children, including behavior management, deescalation techniques, and trauma informed crisis management planning.

(e) Individuals applying for administrator certification under this section shall successfully complete an approved administrator certification training program, pass an examination administered by the department within 60 days of completing the program, submit to the department an administrator certification application, and submit to the department the documentation required by subdivision (f) within 30 days after being notified of having passed the examination. The department may extend these time deadlines for good cause. The department shall notify the applicant of their examination results within 30 days of administering the examination.

(f) The department shall not begin the process of issuing an administrator certificate until receipt of all of the following:

(1) An administrator certification application.

(2) A certificate of completion of the administrator certification training program required pursuant to this section.

(3) The fee for processing an administrator certification application, including the issuance of the administrator certificate, as specified in subparagraph (A) of paragraph (1) of subdivision (l).

(4) Documentation that the applicant has passed the examination.

(5) Submission of fingerprints pursuant to Section 1522. The department may waive the submission for those persons who have a current criminal record clearance or exemption on file.

(6) Proof that the person is at least 21 years of age.

(g) It is unlawful for a person not certified under this section to hold themselves out as a certified administrator of a group home or short-term residential therapeutic program. A person willfully making a false representation as being a certified administrator or facility manager is guilty of a misdemeanor.

(h) (1) Administrator certificates issued under this section shall be renewed every two years and renewal shall be conditional upon the certificate holder submitting documentation of completion of 40 hours of continuing education related to the uniform core

of knowledge specified in subdivision (c). No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through self-paced courses. All other continuing education hours shall be completed in an instructional setting conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor. For purposes of this section, an individual who is a group home or short-term residential therapeutic program administrator and who is required to complete the continuing education hours required by the regulations of the State Department of Developmental Services, and approved by the regional center, may have up to 24 of the required continuing education course hours credited toward the 40-hour continuing education requirement of this section. The department shall accept for certification, community college course hours approved by the regional centers.

(2) Every administrator of a group home or short-term residential therapeutic program shall complete the continuing education requirements described in this subdivision.

(3) An administrator certificate issued under this section shall expire every two years on the anniversary date of the initial issuance of the certificate, except that an administrator receiving an initial certification on or after July 1, 1999, shall make an irrevocable election to have their recertification date for a subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification. The department shall send a renewal notice to the certificate holder 90 days prior to the expiration date of the certificate. If the certificate is not renewed prior to its expiration date, reinstatement shall be permitted only after the certificate holder has paid a delinquency fee, as specified in subparagraph (C) of paragraph (1) of subdivision (l), has submitted to the department an administrator certification renewal application, and has provided evidence of completion of the continuing education required.

(4) To renew an administrator certificate, the certificate holder shall, on or before the certificate expiration date, submit to the department an administrator certification renewal application and documentation of completion of the required continuing education courses and pay the renewal fee, as specified in subparagraph (A) of paragraph (1) of subdivision (l), irrespective of receipt of the department's notification of the renewal. A renewal request postmarked on or before the expiration of the certificate shall be proof of compliance with this paragraph.

(5) A suspended or revoked administrator certificate shall be subject to expiration as provided for in this section. If reinstatement of the certificate is approved by the department, the certificate holder, as a condition precedent to reinstatement, shall submit proof of compliance with paragraphs (1) and (2) of this subdivision, and shall pay a fee in an amount equal to the renewal fee, plus the delinquency fee, if any, as specified in subparagraphs (A) and (C) of paragraph (1) of subdivision (l), accrued at the time of its revocation or suspension. Delinquency fees, if any, accrued subsequent to the time of its revocation or suspension and prior to an order for reinstatement, shall be waived for a period of 12 months to allow the individual sufficient time to complete the required continuing education units and to submit the required documentation. Individuals whose certificates will expire within 90 days after the order for reinstatement may be granted a three-month extension to renew their certificates during which time the delinquency fees shall not accrue.

(6) An administrator certificate that is not renewed within four years after its expiration shall not be renewed, restored, reissued, or reinstated except upon completion of an administrator certification training program, passing any examination that may be required of an applicant for a new certificate at that time, and paying the fee specified in subparagraph (A) of paragraph (1) of subdivision (l).

(7) The department shall charge a fee for the reissuance of a lost administrator certificate, as specified in subparagraph (B) of paragraph (1) of subdivision (l).

(8) A certificate holder shall inform the department of their employment status and change of mailing address within 30 days of any change.

(i) Unless otherwise ordered by the department, an administrator certificate shall be considered forfeited under either of the following conditions:

(1) The administrator has had a license revoked, suspended, or denied as authorized under Section 1550.

(2) The department has issued an exclusion order against the administrator pursuant to Section 1558, 1568.092, 1569.58, or 1596.8897, after the department issued the certificate, and the administrator did not appeal the exclusion order or, after the appeal, the department issued a decision and order that upheld the exclusion order.

(j) (1) The department, in consultation and collaboration with county placement officials, provider organizations, the State Department of Health Care Services, and the State Department of Developmental Services, shall establish, by regulation, the program content, the testing instrument, the process for approving administrator certification training programs, and criteria to be used in authorizing individuals, organizations, or educational institutions as vendors to conduct administrator certification training programs and continuing education courses. The department may also grant continuing education hours for courses offered by

accredited educational institutions that are consistent with the requirements in this section. The department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department.

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in group homes or short-term residential therapeutic programs.

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in group homes or short-term residential therapeutic programs and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the administrator certification training programs and continuing education courses.

(2) The department may authorize vendors to conduct administrator certification training programs and continuing education courses pursuant to this section. The department shall conduct the examination pursuant to regulations adopted by the department.

(3) The department shall prepare and maintain an updated list of approved training vendors.

(4) The department may inspect administrator certification training programs and continuing education courses, including online courses, at no charge to the department, to determine if content and teaching methods comply with this section and applicable regulations. If the department determines that any vendor is not complying with the requirements of this section, the department shall take appropriate action to bring the program into compliance, which may include removing the vendor from the approved training vendors list.

(5) The department shall establish reasonable procedures and timeframes, not to exceed 30 days, for the approval of vendor training programs.

(6) The department shall charge a fee for an administrator certification training program vendor application or renewal, as specified in subparagraph (A) of paragraph (3) of subdivision (I).

(7) (A) A vendor of a self-paced online course shall ensure that each course contains all of the following:

(i) An interactive portion in which the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number or personal identification information to confirm the identity of the participant.

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. A person who certifies as true any material matter pursuant to this clause that the person knows to be false is guilty of a misdemeanor.

(B) This subdivision does not prohibit the department from approving online programs that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department's satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section.

(8) The department shall charge a fee for processing a continuing education training program vendor application or renewal, as specified in subparagraph (B) of paragraph (3) of subdivision (I).

(9) The department shall charge a fee for processing a continuing education course, as specified in paragraph (4) of subdivision (I).

(k) The department shall establish a registry for certificate holders that shall include, at a minimum, information on employment status and criminal record clearance.

(l) The department shall charge nonrefundable fees, as follows:

(1) Commencing July 1, 2021, the fee amount in subparagraph (A) shall be incrementally increased by 10 percent each year, not to exceed 40 percent, over a four-year period. The current fee specified in subparagraph (A) shall be the base for each yearly increase, which shall be effective July 1 of each year.

(A) The fee for processing an administrator certification application or renewal, including the issuance of the administrator certificate, is one hundred dollars (\$100).

(B) The fee for the reissuance of a lost administrator certificate is twenty-five dollars (\$25).

(C) The delinquency fee for processing a late administrator certification renewal application is three hundred dollars (\$300), which shall be charged in addition to the fee specified in subparagraph (A).

(2) Commencing July 1, 2021, the fee for the administrator certification examination is one hundred dollars (\$100), for up to three attempts.

(3) Commencing July 1, 2021, fee amounts in subparagraphs (A) and (B) shall be incrementally increased by 10 percent each year, not to exceed 40 percent, over a four-year period. The current fee specified in subparagraphs (A) and (B) shall be the base for each yearly increase and each increase shall be effective July 1 of each year.

(A) The fee for processing an administrator certification training program vendor application or renewal is one hundred fifty dollars (\$150) for each licensed facility type.

(B) The fee for processing a continuing education training program vendor application or renewal is one hundred dollars (\$100) for each licensed facility type.

(4) Commencing July 1, 2021, the fee for processing a continuing education course is ten dollars (\$10) per continuing education unit for each licensed facility type.

(5) Notwithstanding paragraphs (1) to (4), inclusive, a fee charged pursuant to this subdivision shall not exceed the reasonable costs to the department of conducting the certification training program.

(m) Notwithstanding any law to the contrary, a vendor approved by the department who exclusively provides continuing education courses for administrators of a group home or short-term residential therapeutic program, as defined in Section 1502, shall be regulated solely by the department pursuant to this chapter. No other state or local governmental entity shall be responsible for regulating the activity of those vendors.

SEC. 21. Section 1562.3 of the Health and Safety Code is amended to read:

1562.3. (a) The department, in consultation with the Director of Health Care Services and the Director of Developmental Services, shall establish a training program to ensure that licensees, operators, and staffs of adult residential facilities, as defined in paragraph (1) of subdivision (a) of Section 1502, have appropriate training to provide the care and services for which a license or certificate is issued. The training program shall be developed in consultation with provider organizations.

(b) (1) An administrator of an adult residential facility, as defined in paragraph (1) of subdivision (a) of Section 1502, shall successfully complete a department-approved administrator certification training program pursuant to subdivision (c) prior to employment.

(2) If the individual is both the licensee and the administrator of a licensed facility, the individual shall comply with both the licensee and administrator requirements of this section.

(3) Failure to comply with this section shall constitute cause for revocation of the license of the facility.

(4) The licensee shall notify the department within 30 days of any change in administrators.

(c) (1) An administrator certification training program for adult residential facilities shall require a minimum of 35 hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor, and that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of the adult residential facility.

(B) Business operations.

(C) Management and supervision of staff.

(D) Psychosocial needs of the facility residents.

(E) Community and support services.

(F) Physical needs for facility residents.

(G) Use, misuse, and interaction of medication commonly used by facility residents.

(H) Resident admission, retention, and assessment procedures.

(I) Nonviolent crisis intervention for administrators.

(J) Cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.

(2) The requirement for 35 hours of instruction pursuant to this subdivision shall not apply to persons who were employed as administrators prior to July 1, 1996. A person holding the position of administrator of an adult residential facility on June 30, 1996, shall file a completed application for certification with the department on or before April 1, 1998. In order to be exempt from the 35-hour training program and the test component, the application shall include documentation showing proof of continuous employment as the administrator of an adult residential facility between, at a minimum, June 30, 1994, and June 30, 1996. An administrator of an adult residential facility who became certified as a result of passing the department-administered challenge test, that was offered between October 1, 1996, and December 23, 1996, shall be deemed to have fulfilled the requirements of this paragraph.

(3) Unless an extension is granted to the applicant by the department, an applicant for an administrator's certificate shall, within 60 days of the applicant's completion of instruction, pass the examination provided in this section.

(d) The department shall not begin the process of issuing an administrator certificate until receipt of all of the following:

(1) An administrator certification application.

(2) A certificate of completion of the administrator certification training program required pursuant to this section.

(3) The fee for processing an administrator certification application, including the issuance of the administrator certificate, as specified in subparagraph (A) of paragraph (1) of subdivision (j).

(4) Documentation that the applicant has passed the examination.

(5) Submission of fingerprints pursuant to Section 1522. The department and the Department of Justice shall expedite the criminal record clearance for holders of certificates of completion. The department may waive the submission for those persons who have a criminal record clearance or exemption on file.

(e) It shall be unlawful for a person not certified under this section to hold themselves out as a certified administrator of an adult residential facility. A person willfully making a false representation as being a certified administrator is guilty of a misdemeanor.

(f) (1) An administrator certificate issued under this section shall be renewed every two years and renewal shall be conditional upon the certificate holder submitting documentation of completion of 40 hours of continuing education related to the uniform core of knowledge specified in subdivision (c). No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through self-paced courses. All other continuing education hours shall be completed in an instructional setting conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor. For purposes of this section, an individual who is an adult residential facility administrator and who is required to complete the continuing education hours required by the regulations of the State Department of Developmental Services, and approved by the regional center, shall be permitted to have up to 24 of the required continuing education course hours credited toward the 40-hour continuing education requirement of this section. Community college course hours approved by the regional centers shall be accepted by the department for certification.

(2) A licensee and administrator of an adult residential facility is required to complete the continuing education requirements of this subdivision.

(3) An administrator certificate issued under this section shall expire every two years, on the anniversary date of the initial issuance of the certificate, except that any administrator receiving an initial certification on or after January 1, 1999, shall make an irrevocable election to have their recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification. The department shall send a renewal notice to the certificate holder 90 days prior to the expiration date of the certificate. If the certificate is not renewed prior to its expiration date, reinstatement shall only be permitted after the certificate holder has paid a delinquency fee, as specified in subparagraph (C) of paragraph (1) of subdivision (j), has submitted to the department an administrator certification renewal application, and has provided evidence of completion of the continuing education required.

(4) To renew an administrator certificate, the certificate holder shall, on or before the certificate expiration date, submit to the department an administrator certification renewal application and documentation of completion of the required continuing education courses, and pay the renewal fee specified in subparagraph (A) of paragraph (1) of subdivision (j), irrespective of

receipt of the department's notification of the renewal. A renewal request postmarked on or before the expiration of the certificate is proof of compliance with this paragraph.

(5) A suspended or revoked administrator certificate is subject to expiration as provided for in this section. If reinstatement of the certificate is approved by the department, the certificate holder, as a condition precedent to reinstatement, shall submit proof of compliance with paragraphs (1) and (2) and shall pay a fee in an amount equal to the renewal fee, plus the delinquency fee, if any, as specified in subparagraphs (A) and (C) of paragraph (1) of subdivision (j), accrued at the time of its revocation or suspension. Delinquency fees, if any, accrued subsequent to the time of its revocation or suspension and prior to an order for reinstatement, shall be waived for one year to allow the individual sufficient time to complete the required continuing education units and to submit the required documentation. Individuals whose certificates will expire within 90 days after the order for reinstatement may be granted a three-month extension to renew their certificates during which time the delinquency fees shall not accrue.

(6) An administrator certificate that is not renewed within four years after its expiration shall not be renewed, restored, reissued, or reinstated except upon completion of an administrator certification training program, passing any test that may be required of an applicant for a new certificate at that time, and paying the fee specified in subparagraph (A) of paragraph (1) of subdivision (j).

(7) The department shall charge a fee for the reissuance of a lost administrator certificate, as specified in subparagraph (B) of paragraph (1) of subdivision (j).

(8) A certificate holder shall inform the department of their employment status within 30 days of any change.

(g) Unless otherwise ordered by the department, an administrator certificate shall be considered forfeited under either of the following conditions:

(1) The administrator has had a license revoked, suspended, or denied as authorized under Section 1550.

(2) The administrator has been denied employment, residence, or presence in a facility based on action resulting from an administrative hearing pursuant to Section 1522 or 1558.

(h) (1) The department, in consultation with the State Department of Health Care Services and the State Department of Developmental Services, shall establish, by regulation, the program content, the testing instrument, the process for approving administrator certification training programs, and criteria to be used in authorizing individuals, organizations, or educational institutions as vendors to conduct administrator certification training programs and continuing education courses. These regulations shall be developed in consultation with provider organizations, and shall be made available at least six months prior to the deadline required for administrator certification. The department may deny vendor approval to any agency or person in any of the following circumstances:

(A) The applicant has not provided the department with evidence satisfactory to the department of the ability of the applicant to satisfy the requirements of vendorization set out in the regulations adopted by the department.

(B) The applicant person or agency has a conflict of interest in that the person or agency places its clients in adult residential facilities.

(C) The applicant public or private agency has a conflict of interest in that the agency is mandated to place clients in adult residential facilities and to pay directly for the services. The department may deny vendorization to this type of agency only as long as there are other vendor programs available to conduct the administrator certification training programs and continuing education courses.

(2) The department may authorize vendors to conduct administrator certification training programs and continuing education courses pursuant to this section. The department shall conduct the examination pursuant to regulations adopted by the department.

(3) The department shall prepare and maintain an updated list of approved training vendors.

(4) The department may inspect administrator certification training programs and continuing education courses, including online courses, at no charge to the department, to determine if content and teaching methods comply with this section and applicable regulations. If the department determines that any vendor is not complying with the requirements of this section, the department shall take appropriate action to bring the program into compliance, which may include removing the vendor from the approved training vendors list.

(5) The department shall establish reasonable procedures and timeframes not to exceed 30 days for the approval of vendor training programs.

(6) The department shall charge a fee for an administrator certification training program vendor application or renewal, as specified in subparagraph (A) of paragraph (3) of subdivision (j).

(7) (A) A vendor of a self-paced online course shall ensure that each course contains all of the following:

(i) An interactive portion in which the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number or personal identification information to confirm the identity of the participant.

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. A person who certifies as true any material matter pursuant to this clause that the person knows to be false is guilty of a misdemeanor.

(B) This subdivision shall not prohibit the department from approving online programs that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department's satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section.

(8) The department shall charge a fee for processing a continuing education training program vendor application or renewal, as specified in subparagraph (B) of paragraph (3) of subdivision (j).

(9) The department shall charge a fee for processing a continuing education course, as specified in paragraph (4) of subdivision (j).

(i) The department shall establish a registry for certificate holders that shall include, at a minimum, information on employment status and criminal record clearance.

(j) The department shall charge nonrefundable fees, as follows:

(1) Commencing July 1, 2021, the fee amount in subparagraph (A) shall be incrementally increased by 10 percent each year, not to exceed 40 percent, over a four-year period. The current fee specified in subparagraph (A) shall be the base for the yearly increase and shall be effective July 1 of each year.

(A) The fee for processing an administrator certification application or renewal, including the issuance of the administrator certificate, is one hundred dollars (\$100).

(B) The fee for the reissuance of a lost administrator certificate is twenty-five dollars (\$25).

(C) The delinquency fee for processing a late administrator certification renewal application is three hundred dollars (\$300), which shall be charged in addition to the fee specified in subparagraph (A).

(2) Commencing July 1, 2021, a fee for the administrator certification examination is one hundred dollars (\$100), for up to three attempts.

(3) Commencing July 1, 2021, fee amounts in subparagraphs (A) and (B) shall be incrementally increased by 10 percent each year, not to exceed 40 percent, over a four-year period. The current fee specified in subparagraphs (A) and (B) will be the base for the increase each year and is effective July 1 of each year.

(A) The fee for processing an administrator certification training program vendor application or renewal is one hundred fifty dollars (\$150) for each licensed facility type.

(B) The fee for processing a continuing education training program vendor application or renewal is one hundred dollars (\$100) for each licensed facility type.

(4) Commencing July 1, 2021, the fee for processing a continuing education course is ten dollars (\$10) per continuing education unit for each licensed facility type.

(5) Notwithstanding paragraphs (1) to (4), inclusive, a fee charged pursuant to this subdivision shall not exceed the reasonable costs to the department of conducting the certification training program.

(k) Notwithstanding any law to the contrary, a vendor approved by the department who exclusively provides either an administrator certification training program or continuing education course for administrators of an adult residential facility, as

defined in paragraph (1) of subdivision (a) of Section 1502, shall be regulated solely by the department pursuant to this chapter. No other state or local governmental entity shall be responsible for regulating the activity of those vendors.

SEC. 22. Section 1567.50 of the Health and Safety Code is amended to read:

1567.50. (a) Notwithstanding that a community care facility means a place that provides nonmedical care under subdivision (a) of Section 1502, pursuant to Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, the department shall jointly implement with the State Department of Developmental Services a licensing program to provide special health care and intensive support services to adults in homelike community settings.

(b) The State Department of Social Services may license, subject to the following conditions, an Adult Residential Facility for Persons with Special Health Care Needs to provide 24-hour services to up to five adults with developmental disabilities who have special health care and intensive support needs, as defined in subdivisions (f) and (g) of Section 4684.50 of the Welfare and Institutions Code.

(1) The State Department of Developmental Services shall be responsible for granting the certificate of program approval for an Adult Residential Facility for Persons with Special Health Care Needs (ARFPSHN). The State Department of Social Services shall not issue a license unless the applicant has obtained a certification of program approval from the State Department of Developmental Services.

(2) The State Department of Social Services shall ensure that the ARFPSHN meets the administration requirements under Article 2 (commencing with Section 1520) including, but not limited to, requirements relating to fingerprinting and criminal records under Section 1522 and administrator certification requirements of an adult residential facility pursuant Section 1562.3, including, but not limited to, the following:

(A) Successfully complete a department-approved administrator certification training program requiring a minimum of 35 hours of instruction conducive to learning in which participants are able to simultaneously interact with each other as well as with the instructor, and that provides training on a uniform core of knowledge under Section 1562.3.

(B) Unless an extension is granted to the applicant by the department, an applicant for an administrator's certificate shall, within 60 days of the applicant's completion of instruction, pass the examination provided for in Section 1562.3.

(C) Submit an application for administrator certification to the department to include:

(i) An administrator certification application.

(ii) A certificate of completion of the administrator certification training program required pursuant to this section.

(iii) The fee for processing an administrator certification application, including the issuance of the administrator certificate, as specified in 1562.3.

(iv) Documentation that the applicant has passed the examination.

(3) The State Department of Social Services shall administer employee actions under Article 5.5 (commencing with Section 1558).

(4) The regional center shall monitor and enforce compliance of the program and health and safety requirements, including monitoring and evaluating the quality of care and intensive support services. The State Department of Developmental Services shall ensure that the regional center performs these functions.

(5) The State Department of Developmental Services may decertify any ARFPSHN that does not comply with program requirements. When the State Department of Developmental Services determines that urgent action is necessary to protect clients of the ARFPSHN from physical or mental abuse, abandonment, or any other substantial threat to their health and safety, the State Department of Developmental Services may request the regional center or centers to remove the clients from the ARFPSHN or direct the regional center or centers to obtain alternative services for the consumers within 24 hours.

(6) The State Department of Social Services may initiate proceedings for temporary suspension of the license pursuant to Section 1550.5.

(7) The State Department of Developmental Services, upon its decertification, shall inform the State Department of Social Services of the licensee's decertification, with its recommendation concerning revocation of the license, for which the State Department of Social Services may initiate proceedings pursuant to Section 1550.

(8) The State Department of Developmental Services and the regional centers shall provide the State Department of Social Services all available documentation and evidentiary support necessary for any enforcement proceedings to suspend the

license pursuant to Section 1550.5, to revoke or deny a license pursuant to Section 1551, or to exclude an individual pursuant to Section 1558.

(9) The State Department of Social Services Community Care Licensing Division shall enter into a memorandum of understanding with the State Department of Developmental Services to outline a formal protocol to address shared responsibilities, including monitoring responsibilities, complaint investigations, administrative actions, and closures.

(10) The licensee shall provide documentation that, in addition to the administrator requirements set forth under paragraph (4) of subdivision (a) of Section 4684.63 of the Welfare and Institutions Code, the administrator, prior to employment, has completed a minimum of 35 hours of initial training in the general laws, regulations and policies and procedural standards applicable to facilities licensed by the State Department of Social Services under Article 2 (commencing with Section 1520).

(11) An administrator certificate issued under this section shall expire every two years, on the anniversary date of the initial issuance of the certificate.

(12) An administrator certificate issued under this section shall be renewed every two years and renewal shall be conditional upon the certificate holder submitting documentation of completion of 40 hours of continuing education related to the uniform core of knowledge specified in Section 1562.3. No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through self-paced courses. All other continuing education hours shall be completed in an instructional setting conducive to learning in which participants must be able to simultaneously interact with each other as well as with the instructor. For purposes of this section, an individual who is an adult residential facility administrator and who is required to complete the continuing education hours required by the regulations of the State Department of Developmental Services, and approved by the regional center, shall be permitted to have up to 24 hours of the required continuing education course hours credited toward the 40-hour continuing education requirement of this section. Community college course hours approved by the regional centers shall be accepted by the department for certification.

(c) The training specified in this section shall be provided by a vendor approved by the State Department of Social Services and the cost of the training shall be borne by the administrator or licensee.

(d) This article shall only be implemented to the extent that funds are made available through an appropriation in the annual Budget Act.

SEC. 23. Section 1569.616 of the Health and Safety Code is amended to read:

1569.616. (a) (1) An administrator of a residential care facility for the elderly shall successfully complete a department-approved administrator certification training program pursuant to subdivision (c) prior to employment.

(2) If an individual is both the licensee and the administrator of a licensed facility, or a licensed nursing home administrator, the individual shall comply with the requirements of this section unless they qualify for one of the exemptions provided for in subdivision (b).

(3) Failure to comply with this section shall constitute cause for revocation of the license of the facility where an individual is functioning as the administrator.

(4) The licensee shall notify the department within 30 days of any change in administrators.

(b) Individuals seeking exemptions under paragraph (2) of subdivision (a) shall meet the following criteria and fulfill the required portions of the certification program, as the case may be:

(1) An individual designated as the administrator of a residential care facility for the elderly who holds a valid license as a nursing home administrator issued in accordance with Chapter 2.35 (commencing with Section 1416) of Division 2 shall be required to complete the areas in the uniform core of knowledge required by this section that pertain to the law, regulations, policies, and procedural standards that impact the operations of residential care facilities for the elderly, the use, misuse, and interaction of medication commonly used by the elderly in a residential setting, and resident admission, retention, and assessment procedures, equal to 12 hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other as well as with the instructor. An individual meeting the requirements of this paragraph shall not be required to take an examination.

(2) If an individual was both the licensee and administrator on or before July 1, 1991, the individual shall be required to complete all the areas specified for the administrator certification training program, but shall not be required to take the examination required by this section. Those individuals exempted from the examination shall be issued a conditional certification that is valid only for the administrator of the facility for which the exemption was granted.

(A) As a condition to becoming an administrator of another facility, the individual shall be required to pass the examination provided for in this section.

(B) As a condition to applying for a new facility license, the individual shall be required to pass the examination provided for in Section 1569.23.

(c) (1) An administrator certification training program for residential care facilities for the elderly shall require a minimum of 80 hours of coursework, which shall include at least 60 hours of instruction conducive to learning, in which participants are able to simultaneously interact with each other, as well as with the instructor, and that provides training on a uniform core of knowledge in each of the following areas:

(A) Laws, regulations, and policies and procedural standards that impact the operations of residential care facilities for the elderly.

(B) Business operations.

(C) Management and supervision of staff.

(D) Psychosocial needs of the elderly.

(E) Community and support services.

(F) Physical needs for elderly persons.

(G) Medication management, including the use, misuse, and interaction of medication commonly used by the elderly, including antipsychotics and the adverse effects of psychotropic drugs for use in controlling the behavior of persons with dementia.

(H) Resident admission, retention, and assessment procedures.

(I) Managing Alzheimer's disease and related dementias, including nonpharmacologic, person-centered approaches to dementia care.

(J) Cultural competency and sensitivity in issues relating to the underserved aging lesbian, gay, bisexual, and transgender community.

(K) Residents' rights and the importance of initial and ongoing training for all staff to ensure that residents' rights are fully respected and implemented.

(L) Managing the physical environment, including, but not limited to, maintenance and housekeeping.

(M) Postural supports, restricted health conditions, and hospice care.

(2) Individuals applying for administrator certification under this section shall successfully complete an approved administrator certification training program, pass an examination administered by the department within 60 days of completing the program, submit to the department an administrator certification application and the documentation required by subdivision (d) to the department within 30 days of being notified of having passed the test. The department may extend these time deadlines for good cause. The department shall notify the applicant of the results within 30 days of administering the test.

(3) The department shall ensure the test consists of at least 100 questions and allows an applicant to have access to the California Residential Care Facilities for the Elderly Act and related regulations during the test. The department, no later than July 1 of every other year, shall review and revise the test in order to ensure the rigor and quality of the test. Each year, the department shall ensure, by January 1, that the test is not in conflict with current law. The department may convene a stakeholder group to assist in developing and reviewing test questions.

(d) The department shall not begin the process of issuing an administrator certificate until receipt of all of the following:

(1) An administrator certification application.

(2) A certificate of completion of the administrator certification training program required pursuant to this section.

(3) The fee for processing an administrator certification application, including the issuance of the administrator certificate, as specified in subparagraph (A) of paragraph (1) of subdivision (l).

(4) Documentation that the applicant has passed the examination or of qualifying for an exemption pursuant to subdivision (b).

(5) Submission of fingerprints pursuant to Section 1569.17. The department and the Department of Justice shall expedite the criminal record clearance for holders of certificates of completion. The department may waive the submission for those persons who have a current criminal record clearance or exemption on file.

(e) It shall be unlawful for a person not certified under this section to hold themselves out as a certified administrator of a residential care facility for the elderly. A person willfully making a false representation as being a certified administrator is guilty of a misdemeanor.

(f) (1) An administrator certificate issued under this section shall be renewed every two years and renewal shall be conditional upon the certificate holder submitting documentation of completion of 40 hours of continuing education related to the uniform core of knowledge specified in paragraph (1) of subdivision (c). No more than one-half of the required 40 hours of continuing education necessary to renew the certificate may be satisfied through self-paced courses. All other continuing education hours shall be completed in an instructional setting, conducive to learning, and in which participants are able to simultaneously interact with each other as well as with the instructor. For purposes of this section, individuals who hold a valid license as a nursing home administrator issued in accordance with Chapter 2.35 (commencing with Section 1416) of Division 2 and meet the requirements of paragraph (1) of subdivision (b) shall only be required to complete 20 hours of continuing education.

(2) A certified administrator of a residential care facility for the elderly is required to renew their administrator certificate and shall complete the continuing education requirements of this subdivision whether the person is certified according to subdivision (a) or (b). At least eight hours of the 40-hour continuing education requirement for a certified administrator of a residential care facility for the elderly shall include instruction on serving clients with dementia, including, but not limited to, instruction related to direct care, physical environment, and admissions procedures and assessment.

(3) An administrator certificate issued under this section shall expire every two years, on the anniversary date of the initial issuance of the certificate, except that any administrator receiving their initial certification on or after January 1, 1999, shall make an irrevocable election to have the recertification date for any subsequent recertification either on the date two years from the date of issuance of the certificate or on the individual's birthday during the second calendar year following certification. The department shall send a renewal notice to the certificate holder 90 days prior to the expiration date of the certificate. If the certificate is not renewed prior to its expiration date, reinstatement shall only be permitted after the certificate holder has paid a delinquency fee specified in subparagraph (C) of paragraph (1) of subdivision (l), and has provided evidence of completion of the continuing education required.

(4) To renew an administrator certificate, the certificate holder shall, on or before the certificate expiration date, submit to the department an administrator certification renewal application and documentation of completion of the required continuing education courses and pay the renewal fee specified in subparagraph (A) of paragraph (1) of subdivision (l), irrespective of receipt of the department's notification of the renewal. A renewal request postmarked on or before the expiration of the certificate is proof of compliance with this paragraph.

(5) A suspended or revoked administrator certificate is subject to expiration as provided for in this section. If reinstatement of the certificate is approved by the department, the certificate holder, as a condition precedent to reinstatement, shall submit proof of compliance with paragraphs (1) and (2) of this subdivision, and shall pay a fee in an amount equal to the renewal fee, plus the delinquency fee, if any, as specified in subparagraphs (A) and (C) of paragraph (1) of subdivision (l), accrued at the time of its revocation or suspension.

(6) An administrator certificate that is not renewed within four years after its expiration shall not be renewed, restored, reissued, or reinstated except upon completion of an administrator certification training program, passing any test that may be required of an applicant for a new certificate at that time, and paying the fee specified in subparagraph (A) of paragraph (1) of subdivision (l).

(7) The department shall charge a fee for the reissuance of a lost administrator certificate, as specified in subparagraph (B) of paragraph (1) of subdivision (l).

(8) A certificate holder shall inform the department of their employment status within 30 days of any change.

(g) The department may revoke a certificate issued under this section for any of the following:

(1) Procuring a certificate by fraud or misrepresentation.

(2) Knowingly making or giving any false statement or information in conjunction with the application for issuance of a certificate.

(3) Criminal conviction, unless an exemption is granted pursuant to Section 1569.17.

(h) Unless otherwise ordered by the department, an administrator certificate shall be considered forfeited under either of the following conditions:

(1) The administrator has had a license revoked, suspended, or denied as authorized under Section 1569.50.

(2) The administrator has been denied employment, residence, or presence in a facility based on action resulting from an administrative hearing pursuant to Section 1569.58.

(i) (1) The department shall establish, by regulation, the program content, the testing instrument, the process for approving administrator certification training programs, and criteria to be used in authorizing individuals, organizations, or educational institutions as vendors to conduct administrator certification training programs and continuing education courses. These regulations shall be developed in consultation with provider and consumer organizations, and shall be made available at least six months prior to the deadline required for certification. The department may deny vendor approval to any agency or person that has not provided satisfactory evidence of their ability to meet the requirements of vendorization set out in the regulations adopted pursuant to subdivision (j).

(2) (A) A vendor of a self-paced online course shall ensure that each course contains all of the following:

(i) An interactive portion where the participant receives feedback, through online communication, based on input from the participant.

(ii) Required use of a personal identification number or personal identification information to confirm the identity of the participant.

(iii) A final screen displaying a printable statement, to be signed by the participant, certifying that the identified participant completed the course. The vendor shall obtain a copy of the final screen statement with the original signature of the participant prior to the issuance of a certificate of completion. The signed statement of completion shall be maintained by the vendor for a period of three years and be available to the department upon demand. A person who certifies as true any material matter pursuant to this section that the person knows to be false is guilty of a misdemeanor.

(B) This section does not prohibit the department from approving online programs that do not meet the requirements of subparagraph (A) if the vendor demonstrates to the department's satisfaction that, through advanced technology, the course and the course delivery meet the requirements of this section.

(3) The department may authorize vendors to conduct the administrator certification training program and continuing education courses pursuant to this section. The department shall conduct the examination pursuant to regulations adopted by the department.

(4) The department shall prepare and maintain an updated list of approved training vendors.

(5) The department may inspect administrator certification training programs and continuing education courses, including online courses, at no charge to the department, in order to determine if content and teaching methods comply with paragraphs (1) and (2), if applicable, and with regulations. If the department determines that a vendor is not complying with the requirements of this section, the department shall take appropriate action to bring the program into compliance, which may include removing the vendor from the approved training vendor list.

(6) The department shall establish reasonable procedures and timeframes, not to exceed 30 days, for the approval of vendor training programs.

(7) The department shall charge a fee for an administrator certification training program vendor application or renewal, as specified in subparagraph (A) of paragraph (3) of subdivision (l).

(8) The department shall charge a fee for processing a continuing education training program vendor application or renewal, as specified in subparagraph (B) of paragraph (3) of subdivision (l).

(9) The department shall charge a fee for processing a continuing education training course, as specified in paragraph (4) of subdivision (l).

(j) This section shall be operative upon regulations being adopted by the department to implement the administrator certification training program as provided for in this section.

(k) The department shall establish a registry for certificate holders that shall include, at a minimum, information on employment status and criminal record clearance.

(l) The department shall charge nonrefundable fees, as follows:

(1) Commencing July 1, 2021, the fee amount in subparagraph (A) shall be incrementally increased by 10 percent each year, not to exceed 40 percent, over a four-year period. The current fee specified in subparagraph (A) will be the base for the increase each year and is effective July 1 of each year.

(A) The fee for processing an administrator certification application or renewal, including the issuance of the administrator certificate, is one hundred dollars (\$100).

(B) The fee for the reissuance of a lost administrator certificate is twenty-five dollars (\$25).

(C) The delinquency fee for processing a late administrator certification renewal application is three hundred dollars (\$300), which shall be charged in addition to the fee specified in subparagraph (A).

(2) Commencing July 1, 2021, the fee for the administrator certification examination is one hundred dollars (\$100), for up to three attempts.

(3) Commencing July 1, 2021, fee amounts in subparagraphs (A) and (B) shall be incrementally increased by 10 percent each year, not to exceed 40 percent, over a four-year period. The current fee specified in subparagraphs (A) and (B) will be the base for the increase each year and is effective July 1 of each year.

(A) The fee for processing an administrator certification training program vendor application or renewal is one hundred fifty dollars (\$150) for each licensed facility type.

(B) The fee for processing a continuing education training program vendor application or renewal is one hundred dollars (\$100) for each licensed facility type.

(4) Commencing July 1, 2021, the fee for processing a continuing education course is ten dollars (\$10) per continuing education unit for each licensed facility type.

(5) Notwithstanding paragraphs (1) to (4), inclusive, a fee charged pursuant to this subdivision shall not exceed the reasonable costs to the department of conducting the certification training program.

(m) Notwithstanding any law to the contrary, a vendor approved by the department who exclusively provides either an administrator certification training program or continuing education courses for administrators of a residential care facility for the elderly, as defined in Section 1569.2, shall be regulated solely by the department pursuant to this chapter. No other state or local governmental entity shall be responsible for regulating the activity of those vendors.

SEC. 24. Section 1796.18 is added to the Health and Safety Code, to read:

1796.18. (a) The department may prohibit an individual from becoming a registered home care aide, or remaining registered on the home care aide registry, if the individual has done any of the following:

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

(2) Engaged in conduct that is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from a home care organization, or the people of the State of California.

(3) Been denied a criminal record exemption by the department, when that person has been convicted of a crime specified in Section 1522.

(4) Engaged in any other conduct that would constitute a basis for disciplining a registered home care aide or licensee of a home care organization.

(5) Engaged in acts of financial malfeasance.

(b) (1) The department may require the immediate removal of an individual listed in subdivision (a) from contact with clients, prospective clients, or confidential client information of a home care organization, and the home care aide registry shall reflect this action pending a final decision on the matter, when it is necessary to protect a client 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 an individual listed in subdivision (a), the department shall serve an order of immediate exclusion upon the excluded person, which shall notify the excluded person of the basis of the department's action and of the excluded person's right to a hearing. The department shall provide copies of this order to all home care organizations to which the registered home care aide is affiliated.

(3) The notice shall be served either by personal service or registered mail. Within 15 calendar 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 calendar days of receipt of the appeal, serve an accusation upon the excluded person.

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

(4) An order of immediate exclusion may exclude an individual listed in subdivision (a) from a home care organization, the home care aide registry, or both, and 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 calendar days after the proposed decision is issued.

(c) An excluded person who files a written appeal with the department pursuant to this section shall, as part of the written request, provide their current mailing address. The excluded person shall subsequently notify the department in writing of any change in mailing address within 48 hours of the change, until the hearing process has been completed or terminated.

(d) 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. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department.

(e) (1) The department may institute or continue a disciplinary proceeding against an individual listed in subdivision (a), upon any ground provided by this section, or enter an order prohibiting any person from being a member of the board of directors or governing body, an executive director, an officer, a licensee, or from contact with clients, prospective clients, or access to confidential client information of the home care organization or otherwise take disciplinary action against the excluded person, notwithstanding any withdrawal of registry application, withdrawal of home care organization application, resignation, withdrawal of employment application, surrender of registration, surrender of home care organization license, forfeiture, change of duties, discharge, failure to hire, reassignment of the excluded person by the licensee, or that the excluded person no longer has contact with clients of the home care organization.

(2) A licensee'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 1796.38.

(f) If the excluded person appealed the exclusion order, and the exclusion order was upheld through the administrative hearing process, the person shall be prohibited for the remainder of the excluded person's life, unless otherwise ordered by the department, from doing any of the following:

(1) Serving as a member of the board of directors or governing body, an executive director, an officer, or a licensee of a home care organization.

(2) Being employed at, continuing employment of, or volunteering at a home care organization if the individual has contact with clients, prospective clients, or confidential client information of a home care organization.

(3) Becoming, or continuing to be, a registered home care aide.

(4) Having contact with clients, prospective clients, or access to confidential client information of a home care organization.

(g) If the department informed the excluded person of their right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the excluded person shall be prohibited by the department from engaging in the activities set forth in paragraphs (1) to (4), inclusive, of subdivision (f) for the remainder of the excluded person's life, unless otherwise ordered by the department.

(h) 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.

SEC. 25. Section 1796.37 of the Health and Safety Code is amended to read:

1796.37. (a) The department may issue a home care organization license to a home care organization applicant that satisfies the requirements set forth in this chapter, including all of the following:

(1) Files a complete home care organization application, including the fees required pursuant to Section 1796.49.

(2) Submits proof of general and professional liability insurance in the amount of at least one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) in the aggregate.

(3) Submits proof of a valid workers' compensation policy covering its affiliated home care aides. The proof shall consist of the policy number, the effective and expiration dates of the policy, and the name and address of the policy carrier.

(4) Submits proof of an employee dishonesty bond, including third-party coverage, with a minimum limit of ten thousand dollars (\$10,000).

(5) Provides the department, upon request, with a complete list of its affiliated home care aides, and proof that each satisfies the requirements of Sections 1796.43, 1796.44, and 1796.45.

(6) Passes a background examination, as required pursuant to Section 1796.33.

(7) Completes a department orientation.

(8) Does not have any outstanding fees or civil penalties due to the department.

(9) Discloses prior or present service as an administrator, general partner, corporate officer, or director of, or discloses that the applicant has held or holds a beneficial ownership of 10 percent or more in, any of the following:

(A) A community care facility, as defined in Section 1502.

(B) A residential care facility, as defined in Section 1568.01.

(C) A residential care facility for the elderly, as defined in Section 1569.2.

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

(E) A day care center, as described in Chapter 3.5 (commencing with Section 1596.90).

(F) A family day care home, as described in Chapter 3.6 (commencing with Section 1597.30).

(G) An employer-sponsored childcare center, as described in Chapter 3.65 (commencing with Section 1597.70).

(H) A home care organization licensed pursuant to this chapter.

(10) Discloses any revocation or other disciplinary action taken, or in the process of being taken, against a license held or previously held by the entities specified in paragraph (9).

(11) Provides evidence that every member of the board of directors, if applicable, understands their legal duties and obligations as a member of the board of directors and that the home care organization's operation is governed by laws and regulations that are enforced by the department.

(12) Provides any other information as may be required by the department for the proper administration and enforcement of this chapter.

(13) Cooperates with the department in the completion of the home care organization license application process. Failure of the home care organization licensee to cooperate may result in the withdrawal of the home care organization license application. For purposes of this section, "failure to cooperate" means that the information described in this chapter and in any rules and regulations promulgated pursuant to this chapter has not been provided, or not provided in the form requested by the department, or both.

(b) A home care organization licensee shall renew the home care organization license every two years. The department may renew a home care organization license if the licensee satisfies the requirements set forth in this chapter, including the following:

(1) Submits the nonrefundable fees required pursuant to Section 1796.49, which shall be postmarked on or before the expiration of the license. A home care organization license that is not renewed shall expire two years after the date of issuance.

(2) Does not have any outstanding fees or civil penalties due to the department.

(3) Provides any other information as may be required by the department for the proper administration and enforcement of this chapter.

(4) Cooperates with the department in the completion of the home care organization license renewal process. Failure of the home care organization licensee to cooperate may result in the expiration of the home care organization license or a denial of the home care organization license renewal. For purposes of this section, "failure to cooperate" means that the information

described in this chapter and in any rules and regulations promulgated pursuant to this chapter has not been provided, or not provided in the form requested by the department, or both.

(c) (1) The department shall notify a licensed home care organization in writing of its renewal fee.

(2) Written notification pursuant to this subdivision shall be mailed to the licensed home care organization's mailing address of record at least 60 days before the effective renewal date of the license.

SEC. 26. Section 1796.47 of the Health and Safety Code is amended to read:

1796.47. (a) (1) Administration of this program shall be fully supported by fees and not civil penalties. Initial costs to implement this chapter may be provided through a General Fund loan that is to be repaid in accordance with a schedule provided by the Department of Finance. The department shall assess fees for home care organization licensure, and home care aide registration related to activities authorized by this chapter. The department may adjust fees as necessary to fully support the administration of this chapter. Except for General Fund moneys that are otherwise transferred or appropriated for the initial costs of administering this chapter, or penalties collected pursuant to this chapter that are appropriated by the Legislature for the purposes of this chapter, no General Fund moneys shall be used for any purpose under this chapter.

(2) A portion of moneys collected in the administration of this chapter, as designated by the department, may be used for community outreach consistent with this chapter.

(3) Notwithstanding the requirements of paragraph (1), General Fund moneys may be used to administer this chapter, as appropriated by the Budget Act of 2023 and the Budget Act of 2024.

(b) The Home Care Fund is hereby created within the State Treasury for the purpose of this chapter. All licensure and registration fees authorized by this chapter shall be deposited into the Home Care Fund, except the fingerprint fees collected pursuant to Section 1796.23, which shall be deposited into the Fingerprint Fees Account. Moneys in this fund shall, upon appropriation by the Legislature, be made available to the department for purposes of administering this chapter.

(c) Any fines and penalties collected pursuant to this chapter shall be deposited into the Home Care Technical Assistance Fund, which is hereby created as a subaccount within the Home Care Fund. Moneys in the Home Care Technical Assistance Fund shall, upon appropriation by the Legislature, be available to the department for the purposes of providing technical assistance, training, and education pursuant to this chapter.

(d) (1) The department shall submit a report to the Legislature, no later than January 10, 2025, providing an update to the following:

(A) The solvency of the Home Care Fund, including any new resources.

(B) Recommendations on a new fee structure that allows the program to be self-sustaining or request any additional resource needs.

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

(e) (1) Beginning January 1, 2024, the department shall submit quarterly written progress updates to the relevant legislative budget subcommittees and the Legislative Analyst's Office, to facilitate the Legislature's oversight of the department's progress within the home care program. These updates shall include information regarding, at a minimum, all of the following:

(A) Staffing, including progress on hiring for the 15 new positions requested as part of the Budget Act of 2023, and progress on efforts toward elevating the Home Care Services Bureau into a branch of the department.

(B) Licensing, investigations, enforcement, and oversight, including up-to-date workload metrics, including all of the following:

(i) Home care aides, including the number of applications received and the number processed, including both new applications and renewals, as well as the average processing time.

(ii) Home care organizations, including the number of applications received and the number processed, including both new applications and renewals, as well as the average processing time.

(iii) Home care organization visits, including the number of visits completed.

(iv) Complaints, including the number received, the number investigated, and descriptions of the most common types of complaints.

(v) Businesses providing unlicensed home care services, including a description of any enforcement actions taken against businesses providing unlicensed home care services, and the estimated number continuing to operate.

(C) Fee structure review, including progress toward assessing the home care licensing fee structure and identifying any new resources that would facilitate the sustainability of the Home Care Fund.

(2) This subdivision shall become inoperative on January 10, 2025, or when the department delivers the report described in subdivision (d), whichever is later.

SEC. 27. Section 1796.49 of the Health and Safety Code is amended to read:

1796.49. (a) A home care organization applicant or home care organization licensee shall pay the following fees:

(1) A nonrefundable 24-month initial license fee, as prescribed by the department, for a home care organization application.

(2) A two-year nonrefundable license renewal fee, as determined by the department.

(3) Other reasonable fees as prescribed by the department necessary for the administration of this chapter.

(b) The fees collected shall be deposited into the Home Care Fund pursuant to subdivision (b) of Section 1796.47, except the fingerprint fees collected pursuant to Section 1796.23, which shall be deposited into the Fingerprint Fees Account.

SEC. 28. Section 1796.54 is added to the Health and Safety Code, to read:

1796.54. (a) (1) The department may prohibit an individual from serving as a member of the board of directors or governing body, an executive director, an officer, or being a licensee of a home care organization, if the individual has done any of the following:

(A) Violated, or aided or permitted the violation by any other person of, any provisions of this chapter or implementing regulations.

(B) Engaged in conduct that is inimical to the health, morals, welfare, or safety of either an individual in or receiving services from a home care organization, or the people of the State of California.

(C) Been denied a criminal record exemption by the department when that person has been convicted of a crime specified in Section 1522.

(D) Engaged in any other conduct that would constitute a basis for disciplining a licensee of a home care organization.

(E) Engaged in acts of financial malfeasance concerning the operation of a home care organization.

(2) The department also may prohibit a licensee from employing or continuing to employ an individual, or allowing an individual to volunteer at a home care organization if there is contact with clients, prospective clients, or confidential client information, if the individual has engaged in any conduct described in subparagraphs (A) to (E), inclusive, of paragraph (1).

(b) (1) The department may require the immediate removal of an individual listed in subdivision (a) from contact with clients, prospective clients, or confidential client information of a home care organization, pending a final decision of the matter, when the action is necessary to protect 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 an individual listed in subdivision (a), the department shall serve an order of immediate exclusion upon the excluded person, which shall notify the excluded person of the basis of the department's action and of the excluded person's right to a hearing.

(3) The notice shall be served either by personal service or registered mail. Within 15 calendar days after the department serves an order of immediate exclusion, the excluded person may file a written appeal of the exclusion with the department.

(4) 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 calendar days of receipt of the appeal, serve an accusation upon the excluded person.

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

(5) An order of immediate exclusion may exclude an individual listed in subdivision (a) from a home care organization, the home care aide registry, or both, and 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 to be vacated if the director fails to make a final determination on the merits within 60 calendar days after the proposed decision is issued.

(c) An excluded person who files a written appeal with the department pursuant to this section shall, as part of the written request, provide their current mailing address. The excluded person shall subsequently notify the department in writing of any change in mailing address, within 48 hours of the change, until the hearing process has been completed or terminated.

(d) 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. The standard of proof shall be the preponderance of the evidence and the burden of proof shall be on the department.

(e) (1) The department may institute or continue a disciplinary proceeding against an individual listed in subdivision (a) upon any ground provided by this section, or enter an order prohibiting any person from being a member of the board of directors or governing body, an executive director, an officer, a licensee, or from contact with clients, prospective clients, or access to confidential client information of the home care organization or otherwise take disciplinary action against the excluded person, notwithstanding any withdrawal of home care organization application, withdrawal of registry application, resignation, withdrawal of employment application, surrender of registration, surrender of home care organization license, forfeiture, change of duties, discharge, failure to hire, or reassignment of the excluded person by the licensee or that the excluded person no longer has contact with clients of the home care organization.

(2) A licensee'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 1796.38.

(f) If the excluded person appealed the exclusion order, and the exclusion order was upheld through the administrative hearing process, the person shall be prohibited for the remainder of the excluded person's life, unless otherwise ordered by the department, from doing any of the following:

(1) Serving as a member of the board of directors or governing body, an executive director, an officer, or a licensee of a home care organization.

(2) Being employed at, continuing employment, or volunteering at a home care organization if the individual has contact with clients, prospective clients, or confidential client information of a home care organization.

(3) Becoming, or continuing to be, a registered home care aide.

(4) Having contact with clients, prospective clients, or access to confidential client information of a home care organization.

(g) If the department informed the excluded person of their right to appeal the exclusion order and the excluded person did not appeal the exclusion order, the excluded person shall be prohibited by the department from engaging in the activities set forth in paragraphs (1) to (4), inclusive, of subdivision (f) for the remainder of the excluded person's life, unless otherwise ordered by the department.

(h) 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.

SEC. 29. The State Department of Social Services shall adopt regulations, on or before January 1, 2026, to require biennial inspections to ensure licensed home care organizations possess the policies as described in paragraphs (2), (3), and (4) of subdivision (b) of Section 1796.37 of the Health and Safety Code, as those provisions read on January 1, 2023.

SEC. 30. Section 10072.3 of the Welfare and Institutions Code is amended to read:

10072.3. (a) This section shall be known, and may be cited, as the California Fruit and Vegetable EBT Pilot Project.

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

(1) "Authorized pilot retailer" means any retail establishment that is authorized to accept CalFresh benefits, including, but not limited to, grocery stores, corner stores, farmers' markets, farm stands, and mobile markets.

(2) "Fresh fruits and vegetables" means any variety of whole or cut fruits and vegetables without added sugars, fats, oils, or salt and that have not been processed with heat, drying, canning, or freezing.

(3) "Supplemental benefits" means additional funds delivered to a CalFresh recipient's EBT card upon purchase of fresh fruits and vegetables using CalFresh benefits, and to be redeemed only for purchases allowed under the CalFresh program at an authorized retailer.

(c) The department, in consultation with the Department of Food and Agriculture, county CalFresh administrators, and stakeholders with experience operating CalFresh nutrition incentive programs, shall include within the EBT system a supplemental benefits mechanism that allows an authorized pilot retailer to deliver and redeem supplemental benefits. The supplemental benefits mechanism shall be compatible with operational procedures at farmers' markets with centralized point-of-sale terminals and at grocery stores with integrated point-of-sale terminals. The supplemental benefits mechanism shall ensure all of the following:

- (1) Supplemental benefits can be transferable across any CalFresh program authorized retailer.
- (2) Supplemental benefits can be accrued, tracked, and redeemed by CalFresh recipients in a seamless, integrated process through the EBT system.
- (3) Supplemental benefits can only be accrued by CalFresh recipients through the purchase of fresh fruits and vegetables from an authorized pilot retailer.
- (4) Supplemental benefits can only be redeemed to make eligible purchases under the CalFresh program from an authorized retailer.
- (5) The supplemental benefits mechanism complies with all applicable state and federal laws governing procedures to ensure privacy and confidentiality.
- (6) Authorized pilot retailers that use EBT-only point-of-sale terminals, such as farmers' markets, and those that use integrated point-of-sale terminals, such as grocery stores, shall be able to integrate the new supplemental benefits mechanism into their existing systems, including the free state-issued hardware provided to certified farmers' markets and farmers.
- (7) The supplemental benefits mechanism provides a CalFresh benefits to supplemental benefits match ratio of at least 1:1.
- (8) A CalFresh household may only accrue up to a limited amount of supplemental benefits, as determined by the department.
- (9) There shall be no expiration date for use of supplemental benefits, but the benefits may be expunged in accordance with federal Supplemental Nutrition Assistance Program (SNAP) regulations.

(d) There is hereby created in the State Treasury the California Fruit and Vegetable EBT Grant Fund. The fund shall consist of moneys from state, federal, and other public and private sources to provide grants pursuant to subdivision (e).

(e) Upon the deposit of sufficient moneys into the California Fruit and Vegetable EBT Grant Fund, as determined by the department, and upon the appropriation of moneys from the fund by the Legislature for this purpose, the department shall provide grants for pilot projects to implement and test the supplemental benefits mechanism in existing retail settings. The goal of the pilot project is to develop and refine a scalable model for increasing the purchase and consumption of fresh fruits and vegetables by delivering supplemental benefits to CalFresh recipients in a way that can be easily adopted by authorized retailers of various types, sizes, and locations in the future. The department, in consultation with the Department of Food and Agriculture, shall develop and adopt guidelines for awarding the grants, which shall include, at a minimum, all of the following requirements:

- (1) (A) A minimum of three grants shall be awarded to nonprofit organizations or government agencies.

(B) At least one of the grants shall provide the ability to test the supplemental benefit mechanism at farmers' markets. A farmers' market that operates a centralized point-of-sale terminal and a scrip system and that also participates as a pilot project pursuant to this section may disburse scrips for supplemental benefits and for fresh fruits and vegetables concurrently.
- (2) Selection criteria shall require that grant applicants demonstrate all of the following:
 - (A) Previous experience and effectiveness in administering CalFresh nutrition incentive programs, or similar supplemental benefits programs.
 - (B) Partnership commitment from at least one existing authorized retailer that already accepts CalFresh benefits and sells fresh fruits and vegetables.
 - (C) Ability to ensure that supplemental benefits are only accrued and delivered when purchasing fresh fruits and vegetables with CalFresh benefits and will be used only to make purchases authorized under the CalFresh program.
 - (D) Status as a nonprofit organization or government agency.
 - (E) Ability to provide the minimum data deemed necessary for the department to successfully evaluate the pilot project, as described in paragraph (1) of subdivision (f).

(F) Any other criteria that the department deems necessary for successful pilot project implementation, such as the level of need in the community, the size of the CalFresh population, and the need for geographic diversity.

(3) Grantees shall be responsible for all of the following:

(A) Securing the commitment of at least one authorized retailer willing to participate in the pilot project.

(B) Conducting community outreach.

(C) Providing evaluation data to the department.

(D) Ensuring the integrity of the pilot project following guidelines adopted by the department pursuant to this subdivision.

(f) (1) The department shall evaluate the pilot projects and make recommendations to further refine and expand the supplemental benefits mechanism. These recommendations shall also include a strategy for CalFresh client education, developed in consultation with county CalFresh administrators and advocates. The evaluation shall examine the efficacy of supplemental benefits accrual, delivery, and redemption from the perspective of CalFresh recipients, participating retailers, and state administrators. The evaluation shall also provide recommendations for further modifications that would make the mechanism easier for CalFresh recipients to use, for a variety of authorized retailer types to adopt, and for the department to administer. The department may contract with an independent evaluator to conduct this evaluation.

(2) Nine months after the department has received sufficient data to evaluate the pilot projects, but no later than September 1, 2025, the department shall submit a report to the Legislature that includes the results of the evaluation required pursuant to paragraph (1).

(3) (A) The department shall submit a report to the Legislature by March 1, 2026, pursuant to Section 9795 of the Government Code, on the timing and steps that would be necessary to transition the California Fruit and Vegetable EBT Pilot Project to a supplemental benefits program that is fully state-managed, without grantee intermediaries.

(B) The report to be submitted under this paragraph shall include, but is not limited to, scoping the staff or other resources and timelines for all of the following:

(i) Engaging with and enrolling interested retailers directly on an ongoing basis, if the state makes additional funding available for further expansion.

(ii) The staffing and technical resources needed by the Office of Technology and Solutions Integration to certify new retailers' EBT systems when they are onboarded into the program.

(iii) Resources needed to align the EBT system and the California Statewide Automated Welfare System (CalSAWS) to fully automate financial reconciliation of fruit and vegetable supplemental benefits as the program expands.

(iv) Expansion to include online CalFresh transactions and grocery delivery services.

(g) Notwithstanding any other law, all of the following apply for the purposes of this section:

(1) Contracts or grants awarded pursuant to this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(2) Contracts or grants awarded pursuant to this section are exempt from the Public Contract Code and the State Contracting Manual, and are not subject to the approval of the Department of General Services or the Department of Technology.

(3) The state is immune from any liability resulting from the implementation of this section.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section without taking any regulatory action.

(h) Notwithstanding Sections 18927 and 11004, the supplemental benefits described in this section are not subject to recovery for an overissuance caused by intentional program violation, fraud, inadvertent household error, or administrative error, and are not subject to review under Section 10950.

(i) The supplemental benefits described in this section are not entitlement benefits, and the department shall provide those benefits pursuant to this section only to the extent that funding is appropriated in the annual Budget Act for purposes of this section.

(j) The department shall seek any necessary federal approvals to establish this pilot project.

(k) This section shall remain in effect only until January 1, 2027, and as of that date is repealed.

SEC. 31. Section 10075.6 of the Welfare and Institutions Code is amended to read:

10075.6. The Office of Technology and Solutions Integration shall be the project manager of the electronic benefits transfer system, and shall be responsible for system planning, procurement, development, implementation, conversion, maintenance and operations, contract management, and all other activities that are consistent with a state-managed project and a statewide system.

SEC. 32. Section 10553.13 of the Welfare and Institutions Code is amended to read:

10553.13. (a) (1) The Tribally Approved Homes Compensation Program is hereby established to provide funding, as described in this section, to eligible Indian tribes to assist in funding the costs associated with recruiting and approving homes for the purpose of foster or adoptive placement of an Indian child pursuant to the federal Indian Child Welfare Act, as described in Section 10553.12. Funding is limited to eligible Indian tribes as described in subdivision (b).

(2) Subject to an appropriation in the annual Budget Act for the express purpose described in paragraph (1), the department shall provide each eligible Indian tribe, as described in subdivision (b), an annual allocation of seventy-five thousand dollars (\$75,000) for the purpose described in paragraph (1). If the annual Budget Act provides for an allocation of more than seventy-five thousand dollars (\$75,000) per eligible tribe, then each eligible tribe shall receive an adjusted allocation within and for that same fiscal year. The adjusted allocation shall be based on a methodology considering the number of Indian children in foster care or prospective adoptive placements through the juvenile court. The allocation methodology and the implementation plan shall be established by the department in government-to-government consultation with tribes no later than June 30, 2023. The department shall provide an update to legislative staff and stakeholders on the progress of implementation of this section, preferably by January 1, 2023, but no later than February 1, 2023.

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

(A) "Department" means the State Department of Social Services.

(B) "Indian tribe" means any federally recognized Indian tribe located in California or with lands that extend into California.

(b) To be eligible for an allocation of funds under this section, an Indian tribe shall enter into an agreement with the department pursuant to subdivision (a) of Section 10553.1 or in accordance with Section 1919 of Title 25 of the United States Code. An Indian tribe may designate another entity to administer the allocation of funds on a tribe's behalf upon designation by the tribe for this purpose. An Indian tribe that seeks funding pursuant to this section shall submit a letter of interest to the department each year by a deadline established by the department through government-to-government consultation with tribes. The agreement shall contain, but not be limited to, the following terms:

(1) A timeline for the distribution of funds by the department.

(2) A description of how the tribe will administer the funds.

(3) A description of the tribe's staffing needs to administer the program, including recruitment, retention, and training.

(4) The estimated number of homes the tribe will assess and potentially approve for foster or adoptive placement per year.

(5) The number of existing foster or prospective adoptive homes approved by the tribe, if applicable.

(6) A description of the existing or planned recruitment activities and processes that will be developed, including meeting criminal background check requirements.

(7) If the tribe plans to designate another entity to administer the funds, the name of that entity.

(c) An Indian tribe that receives funding pursuant to this section shall submit a progress report to the department. The progress report shall be submitted to the department on or before September 1 following the close of the fiscal year in which the tribe received an allocation. The progress report shall include all of the following information for the fiscal year that was funded:

(1) A description of how the tribe administered the funds.

(2) A description of how the funds were used to meet the tribe's staffing needs to administer the program, including recruitment, retention, and training.

(3) The number of homes the tribe assessed and approved for foster or adoptive placement for the fiscal year the funds were allocated.

(4) The number of existing foster or prospective adoptive homes approved by the tribe, if applicable.

(5) A description of the existing or planned recruitment activities and processes that were developed, including meeting the criminal background check requirements.

(d) The department shall annually provide to the budget committees of the Legislature a report summarizing the information and data provided by the Indian tribes in their progress reports to the department. The annual report shall be submitted to the budget committees no later than January 31 following the close of the fiscal year covered by the tribe's progress reports. The report shall include, but be not be limited to, all of the following:

(1) The total amount of funds allocated by the department for the program.

(2) The number of tribes that received an allocation of funds during the fiscal year and the amount of funds allocated to each tribe.

(3) A summary of the data submitted to the department by the tribes pursuant to paragraphs (1) to (3), inclusive, of subdivision (c).

(e) The department shall seek federal approvals or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) in order to maximize funding for the purpose described in this section.

(f) An agreement entered into pursuant to this section may be revoked by either party upon a 180-day written notice to the other party.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may issue written guidance to implement, interpret, or make specific this section without taking any regulatory action.

SEC. 33. Section 10553.14 of the Welfare and Institutions Code is amended to read:

10553.14. (a) The Tribal Dependency Representation Program is hereby established to provide funding to assist any federally recognized Indian tribe located in California, or with lands that extend into California, in funding legal counsel to represent the Indian tribe in a California Indian child custody proceeding, as defined by subdivision (d) of Section 224.1, that is initiated or ongoing in the juvenile court. An Indian tribe may designate another entity to administer the allocation of funds on a tribe's behalf upon designation by the tribe for this purpose. There shall be no tribal share of cost for any agreement executed under this section.

(b) To be eligible for an allocation of funds under this allocation, an Indian tribe shall enter into an agreement with the department pursuant to subdivision (a) of Section 10553.1 or in accordance with Section 1919 of Title 25 of the United States Code.

(c) An Indian tribe that seeks funding pursuant to this section shall submit an annual letter of interest to the State Department of Social Services. The letter shall include all of the following:

(1) The approximate number of Indian child custody proceedings, as defined by subdivision (d) of Section 224.1, involving an Indian child who is a member of the tribe or eligible for membership in the tribe that were initiated or ongoing in the juvenile court in the preceding 12 months.

(2) The approximate number of cases in an appellate court or the California Supreme Court involving an Indian child in which the tribe was an active participant in the preceding 12 months.

(3) The approximate number of Indian child custody cases for which the tribe will be served by the legal counsel funded through the allocation provided by this section in the upcoming year.

(4) If the tribe plans to designate another entity for representation, the name of that entity.

(d) Subject to an appropriation in the annual Budget Act for the express purpose described in this section, the State Department of Social Services shall provide each eligible Indian tribe, as described in subdivision (a), that enters into an agreement pursuant to subdivision (b) and submits a letter of interest pursuant to subdivision (c), an annual base allocation of fifteen thousand dollars (\$15,000) for the purpose described in subdivision (a). If the annual Budget Act provides for an allocation of funds of more than fifteen thousand dollars (\$15,000) per eligible tribe, then each eligible tribe shall receive an adjusted allocation within and for that same fiscal year. The allocation methodology and the implementation plan shall be established by the department in government-to-government consultation with tribes. The department shall provide an update to legislative staff and stakeholders on the progress of implementation of this section, preferably by January 1, 2023, but no later than February 1, 2023.

(e) An Indian tribe that receives funds pursuant to this section shall submit a progress report to the department. The progress report shall be submitted on or before September 30 following the close of the fiscal year in which funding was received. The report shall include all of the following information:

(1) The total number of Indian child custody proceeding hearings and the number of hearings attended by the Indian tribe with legal representation paid for with this allocation.

(2) The counties in which the hearings were held.

(3) The total number of appellate proceedings and the number of appellate proceedings in which counsel paid for with this allocation appeared on behalf of the tribe.

(f) The department shall seek federal approvals or waivers necessary to claim federal reimbursement under Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) in order to maximize funding for the purpose described in this section.

(g) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section without taking any regulatory action.

(h) This section shall be implemented only to the extent that funding is expressly provided in the annual Budget Act for this purpose.

(i) It is the intent of the Legislature that the state provide the adequate level of funding for legal representation for tribes in child welfare proceedings pursuant to this section, and that the state consider how well the objectives of this policy are being met with the funding appropriated in the annual Budget Act.

SEC. 34. Section 10618.8 of the Welfare and Institutions Code is amended to read:

10618.8. (a) Utilizing no more than ten million five hundred thousand dollars (\$10,500,000) of the combined one-time funds appropriated in the Budget Act of 2021 and the Budget Act of 2022 for the purposes of the CalWORKs Housing Support Program (Article 3.3 (commencing with Section 11330) of Chapter 2 of Part 3), the Home Safe Program (Chapter 14 (commencing with Section 15770) of Part 3), the Bringing Families Home Program (Article 6 (commencing with Section 16523) of Chapter 5 of Part 4), and the Housing and Disability Income Advocacy Program (Chapter 17 (commencing with Section 18999) of Part 6), the department may contract with one or more vendors for the purpose of establishing a system to collect data and track outcomes, and may, in consultation with the Legislature, the County Welfare Directors Association of California, advocates for clients, and housing and homelessness stakeholders, contract with one or more independent evaluation and research agencies to evaluate the impacts of each of these programs, which may include, but are not limited to, all of the following:

(1) Outcomes for recipients, including achievement of housing stability.

(2) Demographic information about recipients.

(3) The likelihood of future homelessness and housing instability among recipients.

(4) Program costs and benefits.

(b) Program evaluation efforts described in subdivision (a) shall complement evaluation efforts specified in subdivision (g) of Section 15771.

(c) Utilizing no more than ten million five hundred thousand dollars (\$10,500,000) of the one-time funds appropriated in the Budget Act of 2021, and no more than ten million five hundred thousand dollars (\$10,500,000) of the one-time funds appropriated in the Budget Act of 2022 in a manner consistent with the purpose of this subdivision, for the purposes of the CalWORKs Housing Support Program (Article 3.3 (commencing with Section 11330) of Chapter 2 of Part 3), the Home Safe Program (Chapter 14 (commencing with Section 15770) of Part 3), the Bringing Families Home Program (Article 6 (commencing with Section 16523) of Chapter 5 of Part 4), and the Housing and Disability Income Advocacy Program (Chapter 17 (commencing with Section 18999) of Part 6), the department may, in consultation with the Legislature, County Welfare Directors Association of California, advocates for clients, and housing and homelessness stakeholders, contract with one or more entities to provide technical assistance for each of these programs, which may include, but is not limited to, all of the following:

(1) Implementing and administering programs that incorporate evidence-based and emerging promising practices in homeless assistance and homelessness prevention that support the advancement of racial equity.

(2) Scaling housing navigation and location services.

(3) Coordination and integration between the social services department, homelessness system of care, and health systems.

(4) Streamlining administrative efficiencies.

(5) Data collection and reporting, outcomes monitoring, and continuous quality improvement.

(d) On or before February 1 of each year, the department shall report annually to the Legislature, in accordance with Section 9795 of the Government Code, on all of the following:

(1) Detailed information on the dollar amounts and entities for contracts entered into and other activities funded pursuant to the amounts authorized in subdivisions (a), (b), and (c).

(2) Data regarding implementation for each of the programs specified in subdivision (a), including all of the following:

(A) All actual expenditures against the total appropriations provided, noting funds remaining and expenditure deadlines. If the program is subject to a regional allocation approach, this information shall be provided by region.

(B) For the state as a whole and on a regional basis, the number of requests for service, where available, the number of families or individuals approved to receive program services as applicable to each program, and net expenditures. For the Community Care Expansion Program (Chapter 20 (commencing with Section 18999.97) of Part 6), the department shall report the number of awards funded, the amount of these awards, the number of proposed beds to be expanded through the expansion component of the program, and the number of existing beds to be preserved through the preservation component of the program.

(C) For the state as a whole and on a regional basis, the housing status of families or individuals, as applicable to each program, at exit from the program, including those who exit to permanent housing, temporary housing, homelessness, unknown, or other exit destinations, including institutions, as available by program.

(D) For the state as a whole and on a regional basis, the relevant information reported to the department historically across at least the previous seven fiscal years to ascertain and display trend data reported pursuant to subparagraphs (B) and (C). For programs that have not been operational for at least seven years, the historical information shall be provided for as long as relevant program data was being reported to the department.

(E) Trend information across California, even if informal and by observation, about the increasing or decreasing of housing and homelessness needs for families, adults with disabilities, and older adults.

(e) For purposes of subdivision (d), "regional" and "regional basis" shall, at a minimum, include information about all of the following:

(1) County of Los Angeles.

(2) Bay area: Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

(3) Southern California: Counties of Imperial, Orange, Riverside, San Bernardino, San Diego, and Ventura.

(4) San Joaquin Valley: Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare.

(5) Sacramento area: Counties of El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba.

(6) Central coast: Counties of Monterey, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz.

(7) Balance of the state: Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Nevada, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity, and Tuolumne.

(f) For purposes of implementing this section, contracts entered into or amended shall be exempt from all of the following:

(1) Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code.

(2) The personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(3) Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and the State Contracting Manual.

(4) Notwithstanding Section 11546 of the Government Code, from the review or approval of any division of the Department of Technology, upon approval from the Department of Finance.

(5) From the review or approval of any division of the Department of General Services.

(g) (1) If any provisions of tribal law, tribal governance, tribal charter, or difference in tribal entity or agency legal structure would cause a violation of, would fail to satisfy, or would create inconsistencies with, program requirements for the CalWORKs Housing Support Program (Article 3.3 (commencing with Section 11330) of Chapter 2 of Part 3), the Home Safe Program (Chapter 14 (commencing with Section 15770) of Part 3), the Bringing Families Home Program (Article 6 (commencing with Section 16523) of Chapter 5 of Part 4), the Housing and Disability Income Advocacy Program (Chapter 17 (commencing with Section 18999) of Part 6), or the Community Care Expansion Program (Chapter 20 (commencing with Section 18999.97) of Part 6), any regulatory or other program requirement set forth by the department may be modified or waived, at the discretion of the department, as necessary to ensure program compatibility or to avoid an unnecessary administrative burden on tribes.

(2) Paragraph (1) shall not be applied or interpreted to permit the modification or waiver of any federal regulation or statute.

(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 department may implement, interpret, or make specific paragraph (1) without taking any regulatory action.

SEC. 35. Section 10625 of the Welfare and Institutions Code is amended to read:

10625. The department shall do all of the following:

- (a) Determine the number and location of regions of the state providing public social services.
- (b) Coordinate the provision of services with the Department of Rehabilitation.
- (c) Establish uniform accounting procedures and contracts or grant agreements for use with regard to this chapter.
- (d) Promulgate requests for proposals or applications and conduct bidders' conferences, if applicable.
- (e) Establish by regulation the definitions of deafness and significantly hard of hearing.
- (f) Conduct a management or fiscal audit of any contract or grant whenever it is necessary for proper supervision of a contract or grant.

SEC. 36. Section 10626 of the Welfare and Institutions Code is amended to read:

10626. (a) The department shall contract with, or award grants to, public agencies or private nonprofit corporations for purposes of this chapter. Those contracts or grants shall be competitively bid pursuant to a request for proposals or applications, either statewide or by specific region or regions. Each contract or grant shall have a term not to exceed five years. Before the end of each contract or grant term, the department shall conduct a timely competitive request for proposals or applications that allows sufficient time for execution of a subsequent contract or grant to avoid a lapse in services.

(b) Notwithstanding any other law, contracts necessary pursuant to this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(c) A private nonprofit corporation shall submit a complete financial statement for its most recent fiscal year as prepared by a certified public accountant prior to a renewal or new award of a contract or grant.

SEC. 37. Section 10626.5 of the Welfare and Institutions Code is amended to read:

10626.5. (a) A public agency or nonprofit corporation, or a combination thereof, providing the public social services listed in Section 10621, may charge a fee to all public and private agencies when providing public social services to those agencies. The charge shall be based on a standard schedule of fees established and maintained by the service provider. The amount charged shall equal the sum of all costs, direct and indirect, for providing the public social services listed in Section 10621. This fee shall be referred to as program income.

(b) The purpose of program income shall be for either (1) expanding, or (2) continuing the provision of public social services as listed in Section 10621, irrespective of the state fiscal year in which the program income was earned or collected. In the event of cancellation or nonrenewal of a contract or grant, all program income not expended shall be remitted to the department.

(c) Except as otherwise provided by law, all program income received shall be accounted for to the State Department of Social Services at the close of each fiscal year, or more frequently if required by the State Department of Social Services, or the Department of Finance, in such form as prescribed. It is the intent of the Legislature to allow prior collected funds currently in the possession of the service providers to be expended on the provision of the public social services as listed in Section 10621.

SEC. 38. Section 10823 of the Welfare and Institutions Code, as amended by Section 1 of Chapter 846 of the Statutes of 2014, is amended to read:

10823. (a) (1) The Office of Technology and Solutions Integration shall implement a statewide automated welfare system for the following public assistance programs:

- (A) The CalWORKs program.
- (B) CalFresh.
- (C) The Medi-Cal program.
- (D) The foster care program.
- (E) The refugee program.
- (F) County medical services programs.

(2) Statewide implementation of the statewide automated welfare system for the programs listed in paragraph (1) shall be achieved through no more than four county consortia, including the Interim Statewide Automated Welfare System Consortium, and the Los Angeles Eligibility, Automated Determination, Evaluation, and Reporting System.

(3) Notwithstanding paragraph (2), the Office of Technology and Solutions Integration shall migrate the 35 counties that currently use the Interim Statewide Automated Welfare System (SAWS) into the C-IV system within the following timeline:

- (A) Complete Migration System Test and begin User Acceptance Testing on or before June 30, 2009.
- (B) Complete implementation in at least five counties by February 28, 2010.
- (C) Complete implementation in at least 14 additional counties on or before May 31, 2010.
- (D) Complete implementation in all 35 counties on or before August 31, 2010.
- (E) Decommission the Interim Statewide Automated Welfare System on or before January 31, 2011.

(4) Notwithstanding paragraph (2), the Office of Technology and Solutions Integration shall oversee the migration of the 39 counties composing the C-IV Consortium into a system jointly designed by the 39 counties plus Los Angeles County under the LEADER Replacement System contract. This migration shall result in a new consortium to replace the LEADER and C-IV Consortia.

(5) The consortia and the state shall take any action necessary to ensure that the current SAWS maintenance and operations agreements are extended for the LEADER and C-IV Consortia, pending the completion of the LEADER Replacement System and migration of the C-IV Consortium as set forth in paragraph (4), and for the continuation of the Welfare Client Data System Consortium.

(6) Each SAWS consortium shall provide a seat on its governing body for a representative of the state and shall allow for the stationing of state staff at the project site.

(b) Nothing in subdivision (a) transfers program policy responsibilities related to the public assistance programs specified in subdivision (a) from the State Department of Social Services or the State Department of Health Care Services to the Office of Technology and Solutions Integration.

(c) (1) On February 1 of each year, the Office of Technology and Solutions Integration shall provide an annual report to the appropriate committees of the Legislature on the statewide automated welfare system implemented under this section. The report shall address the progress of state and consortia activities and any significant schedule, budget, or functionality changes in the project.

(2) The report provided pursuant to this subdivision in 2012 shall also include the projected timeline and key milestones for the development of the LEADER Replacement System and of the new consortium described in paragraph (4) of subdivision (a).

(d) Notwithstanding any other law, the Statewide Automated Welfare System consortia shall have the authority to expend within approved annual state budgets for each system as follows:

- (1) Make changes within any line item, provided that the change does not create additional project costs in the current or in a future budget year.

(2) Make a change of up to one hundred thousand dollars (\$100,000) or 10 percent of the total for the line item from which the funds are derived, whichever is greater, between line items with notice to the Office of Technology and Solutions Integration, provided that the change does not create additional project costs in the current or in a future budget year.

(3) Make requests to the Office of Technology and Solutions Integration for changes between line items of greater than one hundred thousand dollars (\$100,000) or 10 percent of the total for the line item from which the funds are derived, which do not increase the total cost in the current or a future budget year. The Office of Technology and Solutions Integration shall take action to approve or deny the request within 10 days.

(e) (1) The Statewide Automated Welfare System shall be the system of record for Medi-Cal and shall contain all Medi-Cal eligibility rules and case management functionality.

(2) Notwithstanding paragraph (1), the business rules necessary for an eligibility determination to be made under the Modified Adjusted Gross Income (MAGI) rules pursuant to the federal Patient Protection and Affordable Care Act (Public Law 111-148) may be housed in the California Healthcare Eligibility, Enrollment, and Retention System developed pursuant to Section 15926, hereafter referred to as CalHEERS. If that authority is exercised, the business rules contained in CalHEERS shall be made available to the Statewide Automated Welfare System consortia, through an automated interface, in order for the consortia to determine eligibility for Medi-Cal under the MAGI rules.

(3) Effective January 1, 2016, the functionality to create and send notices of action for Medi-Cal and premium tax credit programs, as described in Section 36B of Title 26 of the United States Code, shall be implemented consistent with the following:

(A) Except as specified in subparagraphs (B) and (C), the Statewide Automated Welfare System shall be used to generate noticing language and notice of action documents and to send notice of action documents for all Medi-Cal programs, including, but not limited to, MAGI and non-MAGI based programs.

(B) If authority is exercised pursuant to paragraph (2), CalHEERS shall be used to generate noticing language for the premium tax credit program, including, but not limited to, Medi-Cal denial noticing language related to tax subsidy approvals, and shall be used to generate and send notice of action documents for the premium tax credit only program.

(C) If authority is exercised pursuant to paragraph (2), in any mixed eligibility cases that include an approval or approvals for MAGI Medi-Cal eligibility determinations, non-MAGI Medi-Cal eligibility determinations, or both, and premium tax credit approvals, the Statewide Automated Welfare System shall be used to combine the noticing language for Medi-Cal programs generated by the Statewide Automated Welfare System and the noticing language for the premium tax credit program generated by CalHEERS into one notice, and the Statewide Automated Welfare System shall be used to send the document, as one combined notice, for all programs.

SEC. 39. Section 10823.1 of the Welfare and Institutions Code is amended to read:

10823.1. (a) It is the intent of the Legislature that representatives from the State Department of Social Services, the State Department of Health Care Services, the Office of Technology and Solutions Integration, the SAWS consortia, and the counties meet with advocates, clients, and other stakeholders no less than quarterly to review the development status of the California Automated Consortium Eligibility System (CalACES) and the California Statewide Automated Welfare System (CalSAWS) projects.

(b) Meeting agendas shall be established based on input from all parties, who may indicate their priorities for discussion.

(c) The State Department of Social Services, the State Department of Health Care Services, the Office of Technology and Solutions Integration, and the SAWS consortia shall engage with stakeholders to discuss current and planned functionality changes, system demonstrations of public portals and mobile applications, and advocates' identification of areas of concern, especially with the design of public-facing elements and other areas that directly impact clients.

(d) These meetings shall commence in the summer of 2018 and shall continue at least quarterly through development, implementation, and maintenance.

SEC. 40. Section 10823.2 of the Welfare and Institutions Code is amended to read:

10823.2. (a) The State Department of Social Services, the State Department of Health Care Services, and the Office of Technology and Solutions Integration shall develop, in consultation with the County Welfare Directors Association of California, the SAWS consortia, and stakeholders, a formal process for health and human services advocates and clients to provide input into new or changing public-facing elements of CalACES and CalSAWS.

(b) The process described in subdivision (a) shall include public portals, mobile applications, notices, certain ancillary services, and intercounty transfers.

(c) The process described in subdivision (a) may include focus groups, user-centered design sessions, and user acceptance testing.

SEC. 41. Section 11157 of the Welfare and Institutions Code is amended to read:

11157. (a) Notwithstanding Section 11008, all lump-sum income received by an applicant or recipient shall be regarded as income in the month received, except nonrecurring lump-sum social insurance payments, which shall include social security income, railroad retirement benefits, veteran's benefits, workers' compensation, and disability insurance.

(b) Except as otherwise provided in this part, for purposes of this chapter and Chapter 2 (commencing with Section 11200), "income" shall be deemed to be the same as applied under the Aid to Families with Dependent Children program on August 21, 1996, except that the following are exempt from consideration as income:

(1) Income that is received too infrequently to be reasonably anticipated, as exempted in federal Supplemental Nutrition Assistance Program (SNAP) regulations.

(2) Income from a college work-study program under Title IV of the federal Higher Education Act or Article 18 (commencing with Section 69950) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code or college work-study program, as established in the annual Budget Act, for individuals receiving aid under Chapter 2 (commencing with Section 11200).

(3) (A) Except as provided in in subparagraph (B), an award or scholarship provided by a public or private entity to or on behalf of a dependent child based on the child's academic or extracurricular achievement or participation in a scholastic, educational, or extracurricular competition.

(B) For purposes of Chapter 2 (commencing with Section 11200), an award or scholarship provided by a public or private entity to or on behalf of a dependent child.

(c) (1) For purposes of Chapter 2 (commencing with Section 11200), any income or stipend paid by the United States Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to the decennial census shall not be considered income.

(2) Paragraph (1) shall be retroactive and shall apply to any income or stipend paid by the United States Census Bureau, a governmental entity, or a nonprofit organization for temporary work related to the most recent decennial census.

(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 department may implement, interpret, or make specific this subdivision by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

(d) (1) Any federal pandemic unemployment compensation, as described under Subchapter 2 (commencing with Section 9021) of Chapter 116 of Title 15 of the United States Code, is exempt from consideration as income and resources for the purposes of determining initial and continued eligibility and grant amount for the CalWORKs program.

(2) The exemption described under paragraph (1) shall remain in effect so long as federal pandemic unemployment compensation is exempt as income for purposes of establishing eligibility for the CalFresh program (Chapter 10 (commencing with Section 18900) of Part 6), pursuant to the federal Consolidated Appropriations Act of 2021 or any other law.

(e) (1) Notwithstanding any other law, for the purposes of this chapter and Chapter 2 (commencing with Section 11200), guaranteed income payments shall be exempt from consideration as income and resources.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this subdivision through all-county letters or similar instructions that shall have the same force and effect as regulations until regulations are adopted.

SEC. 42. Section 11265 of the Welfare and Institutions Code is amended to read:

11265. (a) The county shall redetermine eligibility annually. The county shall at the time of the redetermination, and may at other intervals as may be deemed necessary, require the family to complete a certificate of eligibility containing a written declaration of the information that may be required to establish the continuing eligibility and amount of grant pursuant to Section 11004.

(b) (1) The certificate shall include blanks wherein shall be stated the names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, the name and, if known, the social security number and present whereabouts of a parent who is not living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property.

(2) Each adult member of the family shall provide, under penalty of perjury, the information necessary to complete the certificate.

(3) When completing the annual certificate of eligibility, a recipient shall provide information on the certificate about income received during the 30 days prior to submission.

(c) (1) If the certificate is mailed to the family, it shall be mailed no later than the end of the month prior to the month it is due and shall be accompanied by a postage-paid envelope for its return. If a complete certificate is not received by the 15th day of the month in which the certificate is due, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact by a county worker via telephone or, if consent has been provided, text message or electronically, to remind the recipient that a completed certificate is due and attempt to collect the necessary information to complete the certificate. The certificate shall be completed with the assistance of the eligibility worker, if needed. For recipients also receiving CalFresh benefits, the certificate shall be completed pursuant to the timeframes required by federal and state law for the CalFresh program.

(2) The department may adopt regulations providing for waiver of the deadline for returning the completed certificate when the recipient is considered to be mentally or physically unable to meet the deadline.

(d) This section shall become inoperative on July 1, 2024, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement Section 11265, as added by the act that added this subdivision, whichever date is later, and, as of January 1 of the following year, is repealed.

SEC. 43. Section 11265 is added to the Welfare and Institutions Code, to read:

11265. (a) The county shall redetermine eligibility annually. The county shall at the time of the redetermination, and may at other intervals as may be deemed necessary, require the family to complete a certificate of eligibility containing a written declaration of the information that may be required to establish the continuing eligibility and amount of grant pursuant to Section 11004.

(b) (1) The certificate shall include blanks wherein shall be stated the names of all children receiving aid, their present place of residence, the names and status of any other adults living in the home, the name and, if known, the social security number and present whereabouts of a parent who is not living in the home, and any outside income that may have been received through employment, gifts, or the sale of real or personal property.

(2) Each adult member of the family shall provide, under penalty of perjury, the information necessary to complete the certificate.

(3) When completing the annual certificate of eligibility, a recipient shall provide information on the certificate about income received during the 30 days prior to submission.

(c) (1) If the certificate is mailed to the family, it shall be mailed no later than the end of the month prior to the month it is due and shall be accompanied by a postage-paid envelope for its return. If a complete certificate is not received by the 15th day of the month in which the certificate is due, the county shall provide the recipient with a notice that the county will terminate benefits at the end of the month. Prior to terminating benefits, the county shall attempt to make personal contact by a county worker via telephone or, if consent has been provided, text message or electronically, to remind the recipient that a completed certificate is due and attempt to collect the necessary information to complete the certificate. The certificate shall be completed with the assistance of the eligibility worker, if needed. If contact is not made or the annual certificate of eligibility is not completed, the county shall send a reminder notice to the recipient no later than five days prior to the end of the month. For recipients also receiving CalFresh benefits, the certificate shall be completed pursuant to the timeframes required by federal and state law for the CalFresh program.

(2) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made to this section by the act that added this section by all-county letter or similar directive until regulations are adopted.

(3) The department shall adopt regulations implementing the changes specified in paragraph (2) no later than July 1, 2025.

(4) The department may adopt regulations providing for waiver of the deadline for returning the completed certificate when the recipient is considered to be mentally or physically unable to meet the deadline.

(d) This section shall become operative on July 1, 2024, or on the date that the department notifies the Legislature that the California Statewide Automated Welfare System can perform the necessary automation to implement this section, whichever is later.

SEC. 44. Section 11330.6 of the Welfare and Institutions Code is amended to read:

11330.6. (a) (1) The Legislature hereby establishes the CalWORKs Home Visiting Program as a voluntary program for the purpose of supporting positive health, development, and well-being outcomes for pregnant and parenting people, families, and infants born into poverty, expanding their future educational, economic, and financial capability opportunities, and improving the likelihood that they will exit poverty.

(2) The program shall provide high-quality, evidence-based, culturally competent services to pregnant people, parents or caretaker relatives, and children for 24 months or until the child's second birthday, whichever is later, that meet the needs of at-risk assistance units, including those in underserved, rural, tribal, impoverished, and other communities.

(b) Subject to an appropriation in the annual Budget Act, the department shall award funds to participating counties for the purposes of this article in order to provide voluntary evidence-based home visiting services to any assistance unit that meets the requirements of this article. Services authorized pursuant to this section are not entitlement services and participating counties may limit the number of families participating in the program to ensure that the costs do not exceed the amount of funds awarded to the county for this purpose. Funding awarded for the purpose of home visiting services provided under this article shall not supplant expenditures from any other existing funding sources subject to county control for home visiting services. Funding appropriated may be used in combination with funding from other sources if the entirety of services provided meet the award requirements of the program.

(c) (1) Participation in the program established in this article is optional for counties, and counties that apply for, and are awarded, funds shall agree to the terms of this article. A county's application for funding shall describe all of the following:

(A) How the program's purposes, as specified in subdivision (a), will be accomplished.

(B) How the county will integrate and coordinate the evidence-based home visiting programs with county workers and core CalWORKs services to maximize the utilization of those services provided to CalWORKs recipients.

(C) How the county consulted with existing home visiting programs, if applicable.

(D) The county's plan to recruit and retain home visitors that reflect the population of its CalWORKs program.

(E) The voluntary population of CalWORKs applicants and recipients the county intends to serve, which shall include those populations identified in paragraph (2).

(2) A voluntary participant shall meet both of the following criteria:

(A) The individual is one of the following:

(i) A member of a CalWORKs assistance unit.

(ii) The parent or caretaker relative for a child-only case.

(iii) An individual who is apparently eligible for CalWORKs aid.

(B) (i) The individual is pregnant or the individual is a parent or caretaker relative of a child less than 24 months of age at the time the individual enrolls in the program.

(ii) A county may serve additional individuals not described in clause (i) with departmental approval.

(3) The department shall work with counties to develop the outreach and engagement process that will effectively reach the priority populations.

(4) The county shall demonstrate in its application to the department how services will be designed and provided as specified in Section 11330.7.

(d) (1) Participation in the program for eligible assistance units shall not be considered a condition of CalWORKs eligibility and this shall be explained in the document required pursuant to paragraph (2).

(2) Participation in the program shall be offered in writing to an eligible parent or caretaker relative. A document that includes a description of the program, its anticipated benefits and duration, a description of how to opt into the home visiting program, and

a description of how to terminate participation shall be given to the parent or caretaker relative. Other forms of outreach are permitted and encouraged.

(3) An assistance unit agreeing to receive services under this article need not be eligible for, nor shall be required to participate in, the welfare-to-work program established pursuant to Article 3.2 (commencing with Section 11320). If an assistance unit elects to participate in the welfare-to-work program, the scheduled hours to be spent directly with the home visitor shall count toward allowable activities under a welfare-to-work plan.

(4) Participation in this program shall not affect a family's application for aid nor eligibility for any other CalWORKs benefits, supports, or services, including, but not limited to, welfare-to-work exemptions pursuant to subdivision (b) of Section 11320.3, good cause for not participating pursuant to subdivision (f) of Section 11320.3, participating in housing support services pursuant to Article 3.3 (commencing with Section 11330), or participating in family stabilization pursuant to Section 11325.24.

(5) If the parent or assisted caretaker has been removed from the assistance unit or exits the CalWORKs program, voluntary home visiting services may continue until completion of the evidence-based home visiting program or until the parent or assisted caretaker relative terminates their own participation.

(6) A county and the home visiting program may incorporate participation of the noncustodial parent of a child who is a member of a CalWORKs assistance unit into home visiting services, subject to the mutual agreement of the custodial and noncustodial parents.

(e) The following definitions shall apply for purposes of this article:

(1) "Cultural competence" means the ability to interact effectively with people of different cultures.

(2) "Evidence-based home visiting" means a home visiting model approved by the department, which shall be evaluated considering criteria developed by the United States Department of Health and Human Services for evidence-based home visiting.

(3) "Home" means a temporary or permanent residence or living space, or another location identified by the assistance unit.

(f) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made to this section by the act that added this subdivision by means of all-county letters or similar instructions from the department that shall have the same force and effect as regulations until regulations are adopted.

(2) The department shall adopt regulations implementing the changes specified in paragraph (1) no later than December 31, 2024.

SEC. 45. Section 11361 of the Welfare and Institutions Code is amended to read:

11361. The Legislature finds and declares that the continuation of the state-funded Kinship Guardianship Assistance Payment Program is intended to enhance family preservation and stability by recognizing that some dependent children and wards of the juvenile court who are not otherwise eligible under Subtitle IV-E (commencing with Section 470) of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) are in long-term, stable placements with relatives, that these placements are the permanent plan for the child, that dependencies can be dismissed pursuant to Section 366.3 with legal guardianship granted to the relative, and that there is no need for continued governmental intervention in the family life through ongoing, scheduled court and social services supervision of the placement. Continuation of the state-funded Kin-GAP Program is necessary to ensure that wards and dependent children of the juvenile court whose placement in the home of an approved relative are equally eligible for the benefits derived from legal permanency with the related guardian and that the state can maximize improvements to federal permanency outcome measures by exiting nonfederally eligible youth to the state's subsidized kinship guardianship program.

SEC. 46. Section 11362 of the Welfare and Institutions Code is amended to read:

11362. For purposes of this article, the following definitions shall apply:

(a) "Kinship Guardianship Assistance Payments (Kin-GAP)" means the state-funded aid provided under the terms of this article on behalf of children in kinship care who are not eligible for federally funded Kin-GAP pursuant to Section 11385.

(b) "Kinship guardian" means a person who (1) has been appointed the legal guardian of a dependent child pursuant to Section 360 or 366.26, or a ward of the juvenile court pursuant to subdivision (d) of Section 728 and (2) is a relative of the child.

(c) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse

of any of those persons even if the marriage was terminated by death or dissolution.

(d) "Approved home of the prospective relative guardian" means any of the following:

- (1) The home of a relative who has been approved as a resource family home pursuant to Section 16519.5 of this code or Section 1517 of the Health and Safety Code.
- (2) The home of a relative who has been approved as a tribally approved home, as defined in subdivision (r) of Section 224.1.
- (3) The home of a relative who has been assessed pursuant to subdivision (a) of Section 361.3 and Section 361.4, and into which the juvenile court has authorized placement.

SEC. 47. 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, as defined in subdivision (d) of Section 11362, 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 their dependency jurisdiction terminated after January 1, 2000, pursuant to Section 366.3, or their 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 resumes 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 the child or nonminor former dependent meets one of the following age criteria:

- (1) The person is under 18 years of age.
- (2) The person is under 21 years of age and has a physical or mental disability that warrants the continuation of assistance.
- (3) Through December 31, 2011, the person satisfies the conditions of Section 11403, and on and after January 1, 2012, the person satisfies the conditions of Section 11403.01.
- (4) The person 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. 48. Section 11364 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) The county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 shall provide the relative guardian with information, in writing, on the availability of the Kin-GAP program with an explanation of the difference between these benefits and Adoption Assistance Program benefits and AFDC-FC benefits. The agency shall also provide the relative guardian with information on the availability of mental health services through the Medi-Cal program or other programs.

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

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

SEC. 49. Section 11391 of the Welfare and Institutions Code is amended to read:

11391. For purposes of this article, the following definitions shall apply:

(a) "Kinship Guardianship Assistance Payments (Kin-GAP)" means the aid provided on behalf of children eligible for federal financial participation under Section 671(a)(28) of Title 42 of the United States Code in kinship care under the terms of this article.

(b) "Kinship guardian" means a person who meets both of the following criteria:

(1) The person has been appointed the legal guardian of a dependent child pursuant to Section 366.26 or Section 360 or a ward of the juvenile court pursuant to subdivision (d) of Section 728.

(2) The person is a relative of the child.

(c) "Relative," subject to federal approval of amendments to the state plan, means any of the following:

(1) An adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(2) An adult who meets the definition of an approved, nonrelated extended family member, as described in Section 362.7.

(3) An adult who is either a member of the Indian child's tribe, or an Indian custodian, as defined in Section 1903(6) of Title 25 of the United States Code.

(4) An adult who is the current foster parent of a child under the juvenile court's jurisdiction, who has established a significant and family-like relationship with the child, and the child and the county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to Section 10553.1 identify this adult as the child's permanent connection.

(5) An adult who meets the definition of an extended family member as described in Section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(d) "Sibling" means a child related to the identified eligible child by blood, adoption, or affinity through a common legal or biological parent.

(e) "Approved home of the prospective relative guardian" means either of the following:

(1) The home of a relative who has been approved as a resource family home pursuant to Section 16519.5 of this code, or Section 1517 of the Health and Safety Code.

(2) The home of a relative who has been approved as a tribally approved home, as defined in subdivision (r) of Section 224.1.

SEC. 50. Section 11450.025 of the Welfare and Institutions Code is amended to read:

11450.025. (a) (1) Notwithstanding any other law, effective on March 1, 2014, the maximum aid payments in effect on July 1, 2012, as specified in subdivision (b) of Section 11450.02, shall be increased by 5 percent.

(2) Effective April 1, 2015, the maximum aid payments in effect on July 1, 2014, as specified in paragraph (1), shall be increased by 5 percent.

(3) Effective October 1, 2016, the maximum aid payments in effect on July 1, 2016, as specified in paragraph (2), shall be increased by 1.43 percent.

(4) (A) Effective January 1, 2017, households eligible for aid under this chapter shall receive an increased aid payment consistent with the repeal of former Section 11450.04, as it read on January 1, 2016, known as the "maximum family grant rule."

(B) In recognition of the increased cost of aid payments resulting from that repeal, moneys deposited into the Child Poverty and Family Supplemental Support Subaccount shall be allocated to counties pursuant to Section 17601.50 as follows:

(i) One hundred seven million forty-seven thousand dollars (\$107,047,000) for January 1, 2017, to June 30, 2017, inclusive.

(ii) Two hundred twenty-three million four hundred fifty-four thousand dollars (\$223,454,000) for the 2017–18 fiscal year and for every fiscal year thereafter.

(5) Effective October 1, 2021, the maximum aid payments in effect on July 1, 2021, as specified in paragraph (3), shall be increased by 5.3 percent.

(6) Effective October 1, 2022, the maximum aid payments in effect on July 1, 2022, as specified in paragraph (5), shall be increased by 11 percent.

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

(b) Commencing in 2014 and annually thereafter, on or before January 10 and on or before May 14, the Director of Finance shall do all of the following:

(1) Estimate the amount of growth revenues pursuant to subdivision (f) of Section 17606.10 that will be deposited in the Child Poverty and Family Supplemental Support Subaccount of the Local Revenue Fund for the current fiscal year and the following fiscal year and the amounts in the subaccount carried over from prior fiscal years.

(2) For the current fiscal year and the following fiscal year, determine the total cost of providing the increases described in subdivision (a), as well as any other increase in the maximum aid payments subsequently provided only under this section, after adjusting for updated projections of CalWORKs costs associated with caseload changes, as reflected in the local assistance subvention estimates prepared by the State Department of Social Services and released with the annual Governor's Budget and subsequent May Revision update.

(3) If the amount estimated in paragraph (1) plus the amount projected to be deposited for the current fiscal year into the Child Poverty and Family Supplemental Support Subaccount pursuant to subparagraph (3) of subdivision (e) of Section 17600.15 is greater than the amount determined in paragraph (2), the difference shall be used to calculate the percentage increase to the CalWORKs maximum aid payment standards that could be fully funded on an ongoing basis beginning the following fiscal year.

(4) If the amount estimated in paragraph (1) plus the amount projected to be deposited for the current fiscal year into the Child Poverty and Family Supplemental Support Subaccount pursuant to subparagraph (3) of subdivision (e) of Section 17600.15 is equal to or less than the amount determined in paragraph (2), no additional increase to the CalWORKs maximum aid payment standards shall be provided in the following fiscal year in accordance with this section.

(5) (A) Commencing with the 2014–15 fiscal year and for all fiscal years thereafter, if changes to the estimated amounts determined in paragraphs (1) or (2), or both, as of the May Revision, are enacted as part of the final budget, the Director of Finance shall repeat, using the same methodology used in the May Revision, the calculations described in paragraphs (3) and (4) using the revenue projections and grant costs assumed in the enacted budget.

(B) If a calculation is required pursuant to subparagraph (A), the Department of Finance shall report the result of this calculation to the appropriate policy and fiscal committees of the Legislature upon enactment of the Budget Act.

(c) An increase in maximum aid payments calculated pursuant to paragraph (3) of subdivision (b), or pursuant to paragraph (5) of subdivision (b) if applicable, shall become effective on October 1 of the following fiscal year.

(d) (1) An increase in maximum aid payments provided in accordance with this section shall be funded with growth revenues from the Child Poverty and Family Supplemental Support Subaccount in accordance with paragraph (3) of subdivision (e) of Section 17600.15 and subdivision (f) of Section 17606.10, to the extent funds are available in that subaccount.

(2) If funds received by the Child Poverty and Family Supplemental Support Subaccount in a particular fiscal year are insufficient to fully fund any increases to maximum aid payments made pursuant to this section, the remaining cost for that fiscal year will be addressed through existing provisional authority included in the annual Budget Act. Additional increases to the maximum aid payments shall not be provided until and unless the ongoing cumulative costs of all prior increases provided pursuant to this section are fully funded by the Child Poverty and Family Supplemental Support Subaccount.

(e) Notwithstanding Section 15200, counties shall not be required to contribute a share of the costs to cover the increases to maximum aid payments made pursuant to this section.

SEC. 51. Section 11450.027 of the Welfare and Institutions Code is amended to read:

11450.027. (a) It is the intent of the Legislature that, upon an appropriation in the annual Budget Act, maximum aid payments in the CalWORKs program are sufficient to ensure that no child lives in deep poverty. As stated in Section 11450.022, it is the intent of the Legislature to increase CalWORKs maximum aid payments until the maximum aid payment levels reach 50 percent of the federal poverty level for the family size that is one greater than the assistance unit, accounting for families with an unaided family member and when children in these families receive a proportionally reduced grant. It is further the intent of the Legislature that, upon an appropriation in the annual Budget Act, maximum aid payments increase in accordance with the growth of the federal poverty level to continue to ensure that no child lives in deep poverty. For purposes of this subdivision, “deep poverty” means at or below 50 percent of the federal poverty level.

(b) Notwithstanding any other law, effective October 1, 2022, the maximum aid payments described in paragraph (1) of subdivision (a) of Section 11450, in effect on July 1, 2022, as specified in Section 11450.025, shall be increased by 10 percent in addition to the 11-percent increase specified in paragraph (6) of subdivision (a) of Section 11450.025.

(c) Commencing on January 1, 2023, and annually thereafter, on or before January 10, the State Department of Social Services shall provide a display in writing to the appropriate policy and fiscal committees of the Legislature, and on the department’s internet website, showing the CalWORKs maximum aid payment amounts compared to 50 percent of the federal poverty level for the family size that is one greater than the assistance unit.

SEC. 52. 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, 2024.

(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, 2025.

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

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

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

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

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

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

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

(h) 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. 53. Section 12106 is added to the Welfare and Institutions Code, to read:

12106. (a) On or before February 1, 2024, the State Department of Social Services shall provide to the Joint Legislative Budget Committee and the appropriate fiscal and policy committees of the Legislature a written communication that describes the process that would need to occur in order to switch the method the state uses to meet the federal maintenance of supplementary payment levels requirement for the State Supplementary Program for the Aged, Blind and Disabled from the current supplementary payment level method to the total expenditures method. This shall include, but not be limited to, all of the following:

(1) A feasible timeline for notifying the federal Social Security Administration of the change, or for meeting any other necessary associated federal requirements, including an identification of the optimal month of the year for notification given program operations and any other considerations.

(2) A calculation of the new total expenditure federal maintenance of supplementary payment levels for the State Supplementary Program for the Aged, Blind and Disabled if this change were to be made.

(3) Any other anticipated challenges, barriers, and considerations that should be taken into account in consideration of this methodology change for meeting the federal maintenance of supplementary payment levels requirement for the State Supplementary Program for the Aged, Blind and Disabled.

(b) This section shall become inoperative on July 1, 2025, and shall be repealed on January 1, 2026.

SEC. 54. Section 12201.06 of the Welfare and Institutions Code is amended to read:

12201.06. (a) Commencing January 1, 2017, the amount of aid paid pursuant to this article, in effect on December 31, 2016, less the federal benefit portion received under Part A of Title XVI of the federal Social Security Act, shall be increased by 2.76 percent.

(b) (1) Commencing January 1, 2022, the amount of aid paid pursuant to this article, in effect on December 31, 2021, less the federal benefit portion received under Part A of Title XVI of the federal Social Security Act, shall be increased by a percent increase, as determined by the State Department of Social Services and the Department of Finance that can be accomplished with two hundred ninety-one million two hundred eighty-seven thousand dollars (\$291,287,000).

(2) The State Department of Social Services and the Department of Finance shall provide a notice to the Assembly and Senate Health and Human Services budget subcommittees, Assembly and Senate Human Services policy committees, and the Legislative Analyst's Office of the final percent increase effectuated by the appropriation included in the Budget Act of 2021 for the purposes of implementing paragraph (1) 30 days prior to notifying the federal Social Security Administration to operationalize the grant increase in this subdivision.

(3) Subject to an appropriation in the Budget Act of 2022, commencing January 1, 2023, the amount of aid paid pursuant to this article, in effect on December 31, 2022, less the federal benefit portion received under Part A of Title XVI of the federal Social Security Act, shall be increased by a percent increase, as determined by the State Department of Social Services and the Department of Finance.

(4) The State Department of Social Services and the Department of Finance shall provide a notice to the Assembly and Senate Health and Human Services budget subcommittees, Assembly and Senate Human Services policy committees, and the Legislative Analyst's Office of the final percent increase effectuated by the appropriation included in the Budget Act of 2022 for the purposes of implementing paragraph (3) 30 days before notifying the federal Social Security Administration to operationalize the grant increase in this subdivision.

(c) (1) Subject to an appropriation in the Budget Act of 2023, commencing January 1, 2024, the amount of aid paid pursuant to this article, in effect on December 31, 2023, less the federal benefit portion received under Part A of Title XVI of the federal Social Security Act, shall be increased by a percent increase, as determined by the State Department of Social Services and the Department of Finance.

(2) The State Department of Social Services and the Department of Finance shall provide a notice to the Assembly and Senate Health and Human Services budget subcommittees, Assembly and Senate Human Services policy committees, and the Legislative Analyst's Office of the final percent increase effectuated by the appropriation included in the Budget Act of 2023 for the purposes of implementing paragraph (1) 30 days before notifying the federal Social Security Administration to operationalize the grant increase in this subdivision.

SEC. 55. Section 12300 of the Welfare and Institutions Code is amended to read:

12300. (a) The purpose of this article is to provide in every county, in a manner consistent with this chapter and the annual Budget Act, those supportive services identified in this section to aged, blind, or disabled persons, as defined under this chapter, who are unable to perform the services themselves and who cannot safely remain in their homes or abodes of their own choosing unless these services are provided.

(b) Supportive services shall include domestic services and services related to domestic services, heavy cleaning, personal care services, accompaniment by a provider when needed during necessary travel to health-related appointments or to alternative resource sites, yard hazard abatement, protective supervision, teaching and demonstration directed at reducing the need for other supportive services, and paramedical services that make it possible for the recipient to establish and maintain an independent living arrangement.

(c) Personal care services shall mean all of the following:

- (1) Assistance with ambulation.
- (2) Bathing, oral hygiene, and grooming.
- (3) Dressing.
- (4) Care and assistance with prosthetic devices.
- (5) Bowel, bladder, and menstrual care.
- (6) Repositioning, skin care, range of motion exercises, and transfers.
- (7) Feeding and assurance of adequate fluid intake.
- (8) Respiration.
- (9) Assistance with self-administration of medications.

(d) Personal care services are available if these services are provided in the beneficiary's home and other locations as may be authorized by the director. Among the locations that may be authorized by the director under this subdivision is the recipient's place of employment if all of the following conditions are met:

(1) The personal care services are limited to those services that are currently authorized for a recipient in the recipient's home and those services are to be utilized by the recipient at the recipient's place of employment to enable the recipient to obtain, retain, or return to work. Authorized services utilized by the recipient at the recipient's place of employment shall be services that are relevant and necessary in supporting and maintaining employment. However, workplace services shall not be used to supplant any reasonable accommodations required of an employer by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.; ADA) or other legal entitlements or third-party obligations.

(2) The provision of personal care services at the recipient's place of employment shall be authorized only to the extent that the total hours utilized at the workplace are within the total personal care services hours authorized for the recipient in the home. Additional personal care services hours may not be authorized in connection with a recipient's employment.

(e) When supportive services are provided to a minor, the provider of supportive services shall be paid only for the following:

- (1) Services related to domestic services.
- (2) Personal care services.
- (3) Accompaniment by a provider when needed during necessary travel to health-related appointments or to alternative resource sites.
- (4) Protective supervision only as needed because of the functional limitations of the child.
- (5) Paramedical services.

(f) The policy changes made to minor provider eligibility guidelines in subdivision (e) by the act that added this subdivision shall take effect 60 days after the State Department of Social Services issues policy guidance and, if needed, fiscal guidance through all-county letter or similar written instructions.

(g) To encourage maximum voluntary services, so as to reduce governmental costs, respite care shall also be provided. Respite care is temporary or periodic service for eligible recipients to relieve persons who are providing care without compensation.

(h) A person who is eligible to receive a service or services under an approved federal waiver authorized pursuant to Section 14132.951, or a person who is eligible to receive a service or services authorized pursuant to Section 14132.95, shall not be eligible to receive the same service or services pursuant to this article. If the waiver authorized pursuant to Section 14132.951, as approved by the federal government, does not extend eligibility to all persons otherwise eligible for services under this article, or does not cover a service or particular services, or does not cover the scope of a service that a person would otherwise be eligible to receive under this article, those persons who are not eligible for services, or for a particular service under the waiver or Section 14132.95, shall be eligible for services under this article.

(i) A person who is eligible for state-only funded full-scope Medi-Cal benefits under Chapter 7 (commencing with Section 14000), and who meets all other applicable eligibility criteria for receiving services under this article, shall be eligible for services available under this article.

(j) (1) All services provided pursuant to this article shall be equal in amount, scope, and duration to the same services provided pursuant to Section 14132.95, including any adjustments that may be made to those services pursuant to subdivision (e) of Section 14132.95.

(2) Notwithstanding any other provision of this article, the rate of reimbursement for in-home supportive services provided through any mode of service shall not exceed the rate of reimbursement established under subdivision (j) of Section 14132.95 for the same mode of service unless otherwise provided in the annual Budget Act.

(3) The maximum number of hours available under Section 14132.95, Section 14132.951, and this section, combined, shall be 283 hours per month. Any recipient of services under this article shall receive no more than the applicable maximum specified in Section 12303.4.

SEC. 56. Section 12301.61 of the Welfare and Institutions Code is amended to read:

12301.61. (a) On or after October 1, 2021, if a public authority or nonprofit consortium established pursuant to Section 12301.6, acting as the employer of record, and the employee organization have not reached an agreement on a bargaining contract with in-home supportive services workers, either party may request mediation, pursuant to Section 3505.2 of the Government Code, which shall be mandatory. If the parties fail to agree on a mediator, the Public Employment Relations Board shall appoint one from the pool described in subdivision (c). The mediation shall be held no more than 15 business days from the date requested by either party.

(b) If the parties are unable to effect settlement through mediation, as described in subdivision (a), the parties shall submit their differences to factfinding, pursuant to Sections 3505 and 3505.4 of the Government Code. Alternatively, if both parties agree, the parties may bypass the mediation process in subdivision (a) and move directly to factfinding.

(1) The factfinding panel shall make findings of fact and recommend terms of settlement, which shall be advisory only, within 30 days after the panel is appointed by the Public Employment Relations Board.

(2) Within 15 days after the factfinding panel has released its findings of fact and recommended settlement terms, either party may request postfactfinding mediation consistent with Section 3505.2 of the Government Code, which shall be mandatory. If the parties fail to agree on a mediator, the Public Employment Relations Board shall appoint one from the pool described in subdivision (c).

(3) If either party elects postfactfinding mediation, the findings of fact and recommended settlement terms shall not be made public until the mediation has concluded.

(4) Mediation shall be held no more than 15 days from the date requested, and may include, at the mediator's discretion, the factfinding panel and representatives of both parties. The director, or the director's designee, shall be available to provide information and expertise, as necessary.

(5) The county board of supervisors shall hold a public hearing within 30 days of the factfinding panel's public release of its findings of fact and recommended settlement terms.

(c) The Public Employment Relations Board shall designate a pool of no more than five qualified individuals to serve as mediators or on a factfinding panel. The pool shall consist of individuals with relevant subject matter expertise. The board shall select

individuals for the pool in consultation with the department and the affected employers and employee organizations. Priority shall be given to individuals with knowledge of the In-Home Supportive Services program. The board may designate the mediator to serve as the neutral member of the factfinding panel.

(d) The costs for the services of the factfinding panel and the mediator shall be equally divided between the parties, and shall include per diem fees, if any, and actual and necessary travel and subsistence expenses.

(e) If no individual is available to serve as a mediator or factfinder within the timelines specified in this section, the timelines shall be extended until the next mediator or factfinder is available.

(f) A county shall be subject to a one-time withholding of 1991 Realignment funds pursuant to a schedule developed by the Department of Finance and provided to the Controller if all of the following conditions are met:

(1) The parties have completed the process described in subdivisions (a) to (c), inclusive.

(2) The factfinding panel has issued findings of fact and recommended settlement terms that are more favorable to the employee organization than those proposed by the employer of record described in subdivision (a).

(3) The parties do not reach a collective bargaining agreement within 90 days after the release of the factfinding panel's recommended settlement terms described in paragraph (2). The parties shall make every good faith effort to reach an alternative mutually accepted agreement within this timeframe.

(4) The collective bargaining agreement for IHSS providers in the county has expired.

(g) (1) On and after July 1, 2021, a county that has not reached an agreement after the release of the factfinding panel's recommended settlement terms released prior to June 30, 2021, shall have 90 days to reach an agreement with the employee organization. If an agreement is not reached within 90 days, the withholding described in subdivision (f) shall occur on October 1, 2021.

(2) This subdivision shall become inoperative on August 1, 2022.

(h) The Public Employment Relations Board shall provide written notification to the county and the employee organization within 15 days of determining that the county is subject to a withholding pursuant to subdivision (f). The board shall also notify the Department of Finance and the State Controller of the withholding assessment.

(i) The amount of the 1991 Realignment funding withholding pursuant to subdivision (f) shall be equivalent to 7 percent of the county's 2020–21 fiscal year IHSS Maintenance of Effort requirement, as reported by the department, prior to applying any offsets pursuant to Section 12306.17.

(j) This section shall become inoperative on October 1, 2023, and, as of January 1, 2024, is repealed.

SEC. 57. Section 12301.61 is added to the Welfare and Institutions Code, to read:

12301.61. (a) On or after October 1, 2023, if a public authority or nonprofit consortium established pursuant to Section 12301.6, acting as the employer of record, and the employee organization have not reached an agreement on a bargaining contract with in-home supportive services workers, either party may request mediation, pursuant to Section 3505.2 of the Government Code, which shall be mandatory. If the parties fail to agree on a mediator, the Public Employment Relations Board shall appoint one from the pool described in subdivision (c). The mediation shall be held no more than 15 business days from the date requested by either party.

(b) If the parties are unable to effect settlement through mediation, as described in subdivision (a), the parties shall submit their differences to factfinding, pursuant to Sections 3505 and 3505.4 of the Government Code. Alternatively, if both parties agree, the parties may bypass the mediation process in subdivision (a) and move directly to factfinding.

(1) The factfinding panel shall make findings of fact and recommend terms of settlement, which shall be advisory only, within 30 days after the panel is appointed by the Public Employment Relations Board.

(2) Within 15 days after the factfinding panel has released its findings of fact and recommended settlement terms, either party may request postfactfinding mediation consistent with Section 3505.2 of the Government Code, which shall be mandatory. If the parties fail to agree on a mediator, the Public Employment Relations Board shall appoint one from the pool described in subdivision (c).

(3) If either party elects postfactfinding mediation, the findings of fact and recommended settlement terms shall not be made public until the mediation has concluded.

(4) Mediation shall be held no more than 15 days from the date requested, and may include, at the mediator's discretion, the factfinding panel and representatives of both parties. The director, or the director's designee, shall be available to provide information and expertise, as necessary.

(5) The county board of supervisors shall hold a public hearing within 30 days of the factfinding panel's public release of its findings of fact and recommended settlement terms.

(c) The Public Employment Relations Board shall designate a pool of no more than five qualified individuals to serve as mediators or on a factfinding panel. The pool shall consist of individuals with relevant subject matter expertise. The board shall select individuals for the pool in consultation with the department and the affected employers and employee organizations. Priority shall be given to individuals with knowledge of the In-Home Supportive Services program. The board may designate the mediator to serve as the neutral member of the factfinding panel.

(d) The costs for the services of the factfinding panel and the mediator shall be equally divided between the parties, and shall include per diem fees, if any, and actual and necessary travel and subsistence expenses.

(e) If no individual is available to serve as a mediator or factfinder within the timelines specified in this section, the timelines shall be extended until the next mediator or factfinder is available.

(f) A county shall be subject to a withholding of 1991 Realignment funds as described in subdivision (h) pursuant to a schedule developed by the Department of Finance and provided to the Controller if all of the following conditions are met:

(1) The parties have completed the process described in subdivisions (a) to (c), inclusive.

(2) The factfinding panel has issued findings of fact and recommended settlement terms that are more favorable to the employee organization than those proposed by the employer of record described in subdivision (a).

(3) The parties do not reach a collective bargaining agreement within 90 days after the release of the factfinding panel's recommended settlement terms described in paragraph (2). The parties shall make every good faith effort to reach an alternative mutually accepted agreement within this timeframe.

(4) The collective bargaining agreement for IHSS providers in the county has expired.

(g) The Public Employment Relations Board shall provide written notification to the county and the employee organization within 15 days of determining that the county is subject to a withholding pursuant to subdivision (f). The board shall also notify the Department of Finance and the State Controller of the withholding assessment.

(h) The amount of the 1991 Realignment funding withholding pursuant to subdivision (f) shall be equivalent to 10 percent of the county's prior fiscal year IHSS Maintenance of Effort requirement, as reported by the department, prior to applying any offsets pursuant to Section 12306.17. This withholding shall continue once per fiscal year, each fiscal year, until the county enters into a collective bargaining agreement with the employee organization.

(i) This section shall become operative on October 1, 2023.

SEC. 58. Section 12306.16 of the Welfare and Institutions Code, as amended by Section 57 of Chapter 85 of the Statutes of 2021, is amended to read:

12306.16. (a) Commencing July 1, 2019, all counties shall have a rebased County IHSS Maintenance of Effort (MOE).

(b) (1) The statewide total rebased County IHSS MOE base for the 2019–20 fiscal year shall be established at one billion five hundred sixty-three million two hundred eighty-two thousand dollars (\$1,563,282,000).

(2) The Department of Finance shall consult with the department and the California State Association of Counties to determine each county's share of the statewide total rebased County IHSS MOE base amount. The rebased County IHSS MOE base shall be unique to each individual county.

(3) (A) The amount of General Fund moneys available for county administration and public authority administration is limited to the amount of General Fund moneys appropriated for those specific purposes in the annual Budget Act, and increases to this amount do not impact the rebased County IHSS MOE.

(B) The state shall pay 100 percent of the allowable nonfederal share of county administration and public authority administration costs for each county. Once the county's share of the appropriated General Fund moneys is exhausted, the county shall pay 100 percent of the remaining nonfederal share of county administration and public authority administration costs. Each county shall pay 100 percent of any costs for public authority administration that are in excess of the county's approved rate approved pursuant to subdivision (a) of Section 12306.1. At the end of the fiscal year, any remaining unspent

General Fund moneys allocated for IHSS county administration or public authority administration shall be redistributed through a methodology determined in conjunction with the County Welfare Directors Association of California or the California Association of Public Authorities.

(C) Amounts expended by a county or public authority on administration in excess of the amount described in subparagraphs (A) and (B) shall not be attributed towards the county meeting its rebased County IHSS MOE requirement.

(D) The department shall consult with the California State Association of Counties, the County Welfare Directors Association of California, and the California Association of Public Authorities to determine the county-by-county distribution of the amount of General Fund moneys appropriated in the annual Budget Act for county administration and public authority administration.

(c) Beginning on July 1, 2020, and annually thereafter, the rebased County IHSS MOE from the previous year shall be adjusted by an inflation factor of 4 percent.

(d) In addition to the adjustment in subdivision (c), the rebased County IHSS MOE shall be adjusted for the annualized cost of increases in provider wages, health benefits, or other benefits that are locally negotiated, mediated, or imposed, on or after July 1, 2019, including any increases in provider wages, health benefits, or other benefits adopted by ordinance pursuant to Article 1 (commencing with Section 9100) of Chapter 2 of Division 9 of the Elections Code or any future increases resulting from the same, including increases to health benefit premiums. For health benefit premium increases only, for any memorandum of understanding or collective bargaining agreement between the recognized employee organization and the county, public authority, or nonprofit consortium, executed or extended and submitted to the department for approval prior to July 1, 2019, through the end date, as specified in the memorandum of understanding or collective bargaining agreement described in this subdivision, the state shall cover 100 percent of the nonfederal share of health benefit premium increases, and there shall not be an adjustment to the rebased County IHSS MOE.

(1) (A) If the department approves the rate for an increase in provider wages or health benefits that are locally negotiated, mediated, imposed, or adopted by ordinance pursuant to Section 12306.1, the state shall pay 65 percent, and the affected county shall pay 35 percent, of the nonfederal share of the cost increase, in accordance with subparagraph (B).

(B) With respect to any increase in provider wages or health benefits approved on or after July 1, 2019, pursuant to subparagraph (A), the state shall participate in that increase as provided in subparagraph (A) up to the amount specified in paragraphs (1), (2), and (3) of subdivision (d) of Section 12306.1. The county shall pay the entire nonfederal share of any cost increase exceeding the amount specified in paragraphs (1), (2), and (3) of subdivision (d) of Section 12306.1.

(C) With respect to an increase in benefits, other than individual health benefits, locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, or adopted by ordinance, the county's County IHSS MOE shall include a one-time adjustment equal to 35 percent of the nonfederal share of the increased benefit costs. If the department, in consultation with the California State Association of Counties, determines that the increase is one in which the state does not participate, the county's County IHSS MOE shall include a one-time adjustment for the entire nonfederal share.

(2) If the department does not approve the rate for an increase in provider wages or health benefits, or increase in other benefits pursuant to subparagraph (C) of paragraph (1), that are locally negotiated, mediated, imposed, or adopted by ordinance pursuant to Section 12306.1, or increase to the public authority administrative rate, the county shall pay the entire cost of the increase.

(3) The county share of increased expenditures pursuant to subparagraphs (A) through (C) of paragraph (1), shall be included in the rebased County IHSS MOE, in addition to the amount established under subdivision (c). For any increase in provider wages or health benefits, or increase in other benefits pursuant to subparagraph (C) of paragraph (1), that becomes effective on a date other than July 1, the department shall adjust the county's rebased County IHSS MOE to reflect the annualized cost of the county's share of the nonfederal cost of the wage or health benefit increase. This adjustment shall be calculated based on the county's 2019–20 paid IHSS hours and the appropriate cost-sharing ratio as grown by the applicable number of inflation factors pursuant to subdivision (c) that have occurred up to and including the fiscal year in which the increase becomes effective.

(4) (A) With respect to any rate increases to existing contracts that a county has already entered into pursuant to Section 12302, the state shall pay 65 percent, and the affected county shall pay 35 percent, of the nonfederal share of the amount of the rate increase up to the maximum amounts established pursuant to Sections 12302.1 and 12303. The county shall pay the entire nonfederal share of any portion of the rate increase exceeding the maximum amount established pursuant to Sections 12302.1 and 12303. This adjustment shall be calculated based on the county's 2019–20 paid IHSS contract hours, or the paid contract hours in the fiscal year in which the contract becomes effective if the contract becomes effective on or after July 1,

2019, using the appropriate cost-sharing ratio as grown by the applicable number of inflation factors pursuant to subdivision (c) that have occurred up to and including the fiscal year in which the increase becomes effective.

(B) With respect to rates for new contracts entered into by a county pursuant to Section 12302 on or after July 1, 2019, the state shall pay 65 percent, and the affected county shall pay 35 percent, of the nonfederal share of the difference between the locally negotiated, mediated, imposed, or adopted by ordinance provider wage and the contract rate for all of the hours of service to IHSS recipients to be provided under the contract up to the maximum amounts established pursuant to Sections 12302.1 and 12303. The county shall pay the entire nonfederal share of any portion of the contract rate exceeding the maximum amount established pursuant to Sections 12302.1 and 12303. This adjustment shall be calculated based on the county's paid contract hours in the fiscal year in which the contract becomes effective using the appropriate cost-sharing ratio.

(5) The county share of the expenditures described in paragraph (4) shall be included in the rebased County IHSS MOE, in addition to the amounts established under subdivision (c). For any rate increases for existing contracts or rates for new contracts, entered into by a county pursuant to Section 12302 on or after July 1, 2019, that become effective on a date other than July 1, the department shall adjust the county's rebased County IHSS MOE to reflect the annualized cost of the county's share of the nonfederal cost of the increase or rate for new contracts. This adjustment shall be calculated as follows:

(A) For a contract described in subparagraph (A) of paragraph (4), the first-year cost of the amount of the rate increase calculated using the pro rata share of the number of hours of service provided in the contract for the fiscal year in which the increase became effective.

(B) For a contract described in subparagraph (B) of paragraph (4), the first-year cost of the difference between the locally negotiated, mediated, imposed, or adopted by ordinance provider wage and the contract rate for all of the hours of service to IHSS recipients calculated using the pro rata share of the number of hours of service provided in the contract for the fiscal year in which the contract became effective.

(6) If the state ceases to receive enhanced federal financial participation for the provision of services pursuant to Section 1915(k) of the federal Social Security Act (42 U.S.C. Sec. 1396n(k)), the rebased County IHSS MOE shall be adjusted one time to reflect a 35-percent share of the enhanced federal financial participation that would have been received pursuant to Section 1915(k) of the federal Social Security Act (42 U.S.C. Sec. 1396n(k)) for the fiscal year in which the state ceases to receive the enhanced federal financial participation.

(7) The rebased County IHSS MOE shall not be adjusted for increases in individual provider wages that are locally negotiated pursuant to subdivision (a) of, and paragraphs (1) and (2) of subdivision (d) of, Section 12306.1 when the increase has been specifically negotiated to take effect at the same time as, and to be the same amount as, state minimum wage increases.

(8) (A) A county may negotiate a wage supplement.

(i) The wage supplement shall be in addition to the highest wage rate paid in the county.

(ii) The first time the wage supplement is applied, the county's rebased County IHSS MOE shall include a one-time adjustment by the amount of the increased cost resulting from the supplement, as specified in paragraph (1).

(B) A wage supplement negotiated pursuant to subparagraph (A) shall subsequently be applied to the minimum wage when the minimum wage increase is equal to or exceeds the county wage paid without inclusion of the wage supplement and the increase to the county wage paid takes effect at the same time as the minimum wage increase.

(9) The Department of Finance shall consult with the California State Association of Counties to develop the computations for the annualized amounts pursuant to this subdivision.

(e) The rebased County IHSS MOE shall only be adjusted pursuant to subdivisions (c) and (d).

SEC. 59. Section 12316.1 of the Welfare and Institutions Code is amended to read:

12316.1. (a) (1) The department shall administer the Career Pathways Program for providers of in-home supportive services under this article, or Section 14132.95, 14132.952, or 14132.956, or waiver personal care services under Section 14132.97, to increase the quality of care, recruitment and retention of providers for recipients and to provide training opportunities for career advancement in the home care and health care industries. Providers who have completed provider enrollment but who may not currently be providing services to a recipient, and are eligible to work for a recipient, including registry and emergency backup providers, may participate in the Career Pathways Program.

(2) The objectives of the career pathways include, but are not limited to, all of the following:

(A) Promotion of recipient self-determination principles.

(B) Dignity in providing and receiving care through meaningful collaboration between the recipient and provider.

(C) Advancement of health and service equity, including the quality of care, care outcomes, and life.

(D) Promotion of a culturally and linguistically competent workforce to serve the growing racial, ethnic, and linguistic diversity of an aging population.

(E) Increase in both provider employment retention and recruitment of new providers to maintain a stable workforce for recipients.

(3) Each career pathway shall include multiple courses of related curriculum on a given topic. Five career pathways shall be offered, including all of the following:

(A) The basic skills career pathways are (i) general health and safety and (ii) adult education topics.

(B) The specialized skills career pathways are (i) cognitive impairments and behavioral health, (ii) complex physical care needs, and (iii) transitioning to home and community-based living from out-of-home care or homelessness.

(b) In administering this section, the department shall do all of the following:

(1) Review and approve proposed training curriculum that is consistent with the requirements of subdivision (a).

(2) Upon completion of a competitive process, enter into agreements with multiple qualified third-party entities that the department deems qualified to provide training as approved pursuant to subparagraph (1).

(3) Determine the methodology and distribution of appropriated funds pursuant to this section.

(c) (1) For purposes of this section, "qualified third-party entity" means a county, public authority, or nonprofit consortium as defined in Section 12301.6, a nonprofit entity that is tax exempt pursuant to Section 501(c)(3) of the Internal Revenue Code, or a Taft-Hartley Labor Management Partnership. For-profit entities are strictly excluded from this definition.

(2) A qualified third-party entity shall have both of the following:

(A) Experience in training in person or online, using live instructor-led sessions or self-paced learning modules, which include a competency-based curriculum that is grounded in adult educational principles and that supports multiple languages wherever possible.

(B) The capacity to recruit and enroll providers electronically, in person, or both.

(d) Provider participation in the training described in subdivision (a) shall be voluntary, and the training shall be offered at no cost to providers. Providers shall be compensated for each hour of training at a rate equivalent to the county's hourly negotiated wage rate for in-home supportive services providers. Counties and public authorities shall not be required to provide any funding for compensation to providers for training provided pursuant to this section.

(e) To the extent possible, career pathways may include curriculum that promotes retention of providers or that meets licensing and certification course requirements to assist providers in achieving their identified career advancement in the home care and health care industries.

(f) A provider shall be eligible to receive an incentive payment or multiple incentive payments, with an incentive payment available for each of the individual activities specified in paragraphs (1) to (3), inclusive. The amounts of the incentive payments shall be determined by the department, in collaboration with the employer representative unions, county human services agencies and their representatives, public authorities or nonprofit consortia as defined in Section 12301.6, and other relevant stakeholders. The individual activities eligible for incentive payments pursuant to this subdivision include all of the following:

(1) Successfully completing 15 hours of coursework for a specific career pathway.

(2) Successfully completing 15 hours of coursework for a specialized skills career pathway, subsequently beginning work for a recipient who needs that type of specialized care, and providing 40 authorized hours of care to one or more recipients in the first month of service.

(3) Successfully completing 15 hours of coursework for a specialized skills career pathway, subsequently beginning work for a recipient who needs that type of specialized care, and providing 40 authorized hours of care to one or more recipients per month for at least six months.

(g) A qualified third-party entity that has entered into an agreement with the department pursuant to subdivision (b) shall inform providers of the availability of career pathways training described in this section. The qualified third-party entity or entities,

pursuant to the aforementioned agreement or agreements, shall assist interested providers in registering for offered courses for desired career pathways identified by the provider and track the successful completion of the coursework by a provider.

(h) Incentive payments set forth in subdivision (f), when applicable, shall be issued by the department through the Case Management Information and Payrolling System (CMIPS).

(i) The recipient, as the provider's employer, shall continue to have the right to hire, fire, train, and direct services provided by their provider.

(j) This section shall be implemented as a pilot project no later than September 1, 2022, or as soon as the necessary automation occurs to implement this section. Except for subdivision (l) to accommodate the September 30, 2025, reporting deadline, this section shall remain operative until March 31, 2025, or until a later date, subject to an appropriation.

(k) The department shall contract with an entity, separate from the participating qualified third-party entities, to complete an evaluation of the pilot project that shall include all of the following criteria:

(1) The number of new and existing providers who enrolled in courses to pursue a career pathway.

(2) The number of providers that successfully completed a career pathway and identification of the career pathways completed.

(3) Pursuant to provider surveys, focus groups, and interviews, the effectiveness of the training and whether the successful completion of a career pathway resulted in a related license or certificate as well as new or retained employment in the home care and health care industries.

(4) The number of providers who were subsequently employed by a recipient with specialized care needs after completing a specialized career pathway and were retained in that employment for a period of at least six months.

(5) The number of providers who were subsequently employed by a recipient with specialized care needs after completing a specialized career pathway and were retained in that employment for a period of at least 12 months.

(6) The incentive payment amount administered to in-home supportive services providers and waiver personal care services providers for each incentive payment category, pursuant to this section.

(l) An interim report containing updated information on the components specified in subdivision (k) shall be submitted to the Legislature, in compliance with Section 9795 of the Government Code, by no later than May 1, 2023, with a final report of the evaluation of the pilot project submitted to the Legislature by September 30, 2025.

(m) Agreements entered into pursuant to this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, the Public Contract Code, and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

(n) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section by means of all-county letters or similar instructions.

(o) If funding is provided for purposes of this section pursuant to Section 11.95 of the Budget Act of 2021 (Chapter 69 of the Statutes of 2021), that funding shall only be used to implement the activities set forth in this section for which the State Department of Health Care Services obtains the necessary federal approval for the Career Pathways Program pursuant to paragraph (1) of subdivision (g) of Section 14124.12.

SEC. 60. Section 13275 of the Welfare and Institutions Code is amended to read:

13275. For the purposes of this chapter, the following terms have the following meanings:

(a) "Eligible county" means a county or city and county designated as impacted using a formula developed by the department based upon the refugee arrivals in the county during the preceding 60-month period for which the department has data.

(b) "Qualified nonprofit organization" means a nonprofit organization that is exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code and that satisfies any additional eligibility criteria established by the department.

(c) "Refugee social services" include, but are not limited to, English language and employment training, as funded through federal appropriations.

(d) "Service provider" means a qualified nonprofit organization or private for-profit organization selected by the department to administer refugee services.

SEC. 61. Section 13276 of the Welfare and Institutions Code is amended to read:

13276. (a) (1) After setting aside the necessary state administrative funds, the department shall allocate appropriated federal funds for refugee social services programs to each eligible county and, if the department exercises its discretion pursuant to subdivision (b), to a service provider, based on the number of refugees receiving aid in the eligible county or the number of refugees that reside in the eligible county. The department may, at its discretion, utilize funding adjustments based on the length of time that the refugees have resided in the United States.

(2) If an eligible county or service provider that receives funds under paragraph (1) declines all or part of those funds, or returns unexpended funds, the department may exercise its discretion to reallocate the declined or returned funds among eligible counties and service providers.

(3) If the federal Office of Refugee Resettlement provides funding in addition to the annual appropriation described in paragraph (1) or designates funding for services to a specific population of eligible individuals, the department may exercise its discretion to allocate those funds among eligible counties and service providers consistent with federal law.

(b) (1) Notwithstanding any other law, and to the extent permitted by federal law, the department may, at its discretion, contract with, or award grants to, service providers for the purpose of administering refugee social services programs within a county. An eligible county providing refugee social services pursuant to this chapter may continue to administer those services while a contractor or grantee is also providing refugee social services pursuant to this chapter within the county. The department shall prioritize funding qualified nonprofit organizations and counties over for-profit organizations, when practicable.

(2) If an eligible county and a service provider are administering refugee social services simultaneously within the same county, the department shall, at its discretion, determine the amount of the funds to be distributed to the eligible county and service provider.

(3) Contracts or grants awarded pursuant to this subdivision shall require reporting, monitoring, or audits of services provided, as determined by the department.

(c) The department shall track and document the funding provided to each type of service provider and the purposes for use of this funding, and report this information to the appropriate fiscal and policy staff of the Legislature on a semiannual basis.

SEC. 62. Section 13282.1 of the Welfare and Institutions Code is repealed.

SEC. 63. Section 13284 of the Welfare and Institutions Code is amended to read:

13284. (a) Notwithstanding any other law, and to the extent permitted by federal law, the department may, in its discretion, contract with, or issue grants to, service providers for the purpose of administering federally funded refugee cash assistance within a county. An eligible county providing refugee cash assistance pursuant to this section may continue to administer the refugee cash assistance while a contractor or grantee is also providing refugee cash assistance pursuant to this section within the county.

(b) The department shall require that service providers awarded contracts or grants pursuant to this section report, monitor, or audit the services provided, as determined by the department.

SEC. 64. Section 13285 of the Welfare and Institutions Code is amended to read:

13285. (a) Notwithstanding any other law, contracts or grants awarded by the department to a qualified service provider pursuant to this chapter shall be exempt from both of the following:

(1) The personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(2) The Public Contract Code and the State Contracting Manual.

(b) Notwithstanding any other law, contracts or grants awarded by the department to a service provider pursuant to this chapter shall not be subject to the approval of the Department of General Services.

SEC. 65. Section 13301 of the Welfare and Institutions Code is amended to read:

13301. Contracts awarded pursuant to Section 13300 shall fulfill all of the following:

(a) Be executed only with nonprofit legal services organizations that meet all of the following requirements:

(1) Have at least three years of experience handling asylum, T-Visa, U-Visa, or special immigrant juvenile status cases and have represented at least 25 individuals in these matters.

(2) Have experience in representing individuals in removal proceedings and asylum applications.

(3) Have conducted trainings on these issues for practitioners beyond their staff.

(4) Have experience guiding and supervising the work of attorneys whom themselves do not regularly participate in this area of the law but nevertheless work pro bono on the types of cases described in paragraph (1).

(5) Are accredited by the Board of Immigration Appeals under the United States Department of Justice's Executive Office for Immigration Review or meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

(b) Provide for legal services to unaccompanied undocumented minors through a funding method, as determined by the department, that shall include all administrative and supervisory costs and court fees.

(c) Require reporting, monitoring, or audits of services provided, as determined by the department.

(d) Require contractors to coordinate efforts with the federal Office of Refugee Resettlement Legal Access Project in order to respond to and assist or represent unaccompanied undocumented minors who could benefit from the services provided under this chapter.

(e) Require contractors to maintain adequate legal malpractice insurance and to indemnify and hold the state harmless from any claims that arise from the legal services provided pursuant to this chapter.

SEC. 66. Section 13303 of the Welfare and Institutions Code is amended to read:

13303. (a) Subject to the availability of funding in the act that added this section or the annual Budget Act, the department shall provide grants, as described in subdivision (b), to organizations qualified under Section 13304.

(b) Grants provided in accordance with subdivision (a) shall be for the purpose of providing one or more of the following services, as determined by the department:

(1) Services to persons residing in, or formerly residing in, California, including, but not limited to, any of the following:

(A) Services to assist with the application process for initial or renewal requests of deferred action under the DACA policy with the United States Citizenship and Immigration Services.

(B) Services to obtain other immigration remedies and benefits.

(C) Services to assist with the naturalization process and an appeal arising from the process.

(2) Services to provide legal training and technical assistance.

(3) (A) (i) Funds available for the purposes of this section shall not be used to provide legal services to an individual who has been convicted of, or who is currently appealing a conviction for, a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code, or a serious felony as defined in subdivision (c) of Section 1192.7 of the Penal Code.

(ii) For the purposes of this subparagraph, "legal services" does not include activities relating to client intake, which shall be provided regardless of an individual's criminal history.

(B) Notwithstanding subparagraph (A), this section does not prohibit eligibility for services pursuant to this section for an individual whose criminal record is shown to be inaccurate.

(c) For purposes of this chapter, the following terms shall have the following meanings:

(1) "DACA" refers to Deferred Action for Childhood Arrivals status as described in guidelines issued by the United States Department of Homeland Security.

(2) "Services to assist" includes, but is not limited to, outreach, workshop presentations, document review, Freedom of Information Act requests, and screening services that seek to assist individuals with the services described in subdivision (b).

(3) "Legal training and technical assistance" includes, but is not limited to, educational and capacity building activities that will augment the competent provision of legal services to immigrants, including for organizations located in and serving underserved communities.

(4) "Immigration remedies" include, but shall not be limited to, U-visas, T-visas, special immigrant juvenile status, Violence Against Women Act self-petitions, family-based petitions, cancellation of removal, and asylum or other remedies that may also include remedies necessary to enable pursuit of immigration protections.

(5) "Immigration benefits" include, but shall not be limited to, advanced parole, employment authorization documents, and lawful Permanent Resident Card renewal.

(d) No more than 40 percent of grant funds awarded to an organization qualified under Section 13304 shall be advanced to that organization.

(e) The department shall update the Legislature on the following information in the course of budget hearings:

(1) The timeline for implementation and administration of this section, including important upcoming dates.

(2) The participating organizations awarded contracts or grants, and the aggregate amounts awarded for each service described in subdivision (b).

(3) The number of applications submitted, and the aggregate amounts requested for each service described in subdivision (b).

(4) The number of clients served.

(5) The types of services provided and in what language or languages.

(6) The regions served.

(7) The ethnic communities served.

(8) The identification of further barriers and challenges to the provision of services described in subdivision (b).

(f) In accordance with Section 1621(d) of Title 8 of the United States Code, this section provides services for undocumented persons.

(g) The sum of twenty million dollars (\$20,000,000) is hereby appropriated to the Department of Social Services in the 2017–18 fiscal year for immigration services funding to be available for payment to existing entities under contract pursuant to this section for work on behalf of clients involved in, applying for, or subject to federal Deferred Action for Childhood Arrivals status.

(h) Notwithstanding any other law, payments shall be made by the Controller to existing entities under contract pursuant to this chapter upon receipt of written notification from the State Department of Social Services of the amounts, contractors, and timing of the payments.

SEC. 67. Section 13304 of the Welfare and Institutions Code is amended to read:

13304. (a) Any grant awarded pursuant to Section 13303 shall fulfill all of the following:

(1) Be executed only with a nonprofit organization that meets the requirements set forth in Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code and that meets all of the following requirements:

(A) Except as provided in clause (i) of subparagraph (D), have at least three years of experience handling the type of immigration issues for which the organization is requesting a grant.

(B) Have conducted trainings on immigration issues for persons beyond its staff.

(C) Is recognized and accredited by the Office of Legal Access Programs under the United States Department of Justice's Executive Office for Immigration Review or meets the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

(D) (i) For a legal services organization that provides legal training and technical assistance as defined in subdivision (c) of Section 13303, have at least 10 years of experience conducting immigration legal services and technical assistance and meet the requirements to receive funding from the Trust Fund Program administered by the State Bar of California.

(ii) Notwithstanding clause (i), a legal services organization, as described in clause (i), may, at the discretion of the department, instead meet the requirements listed in subparagraphs (A) and (B).

(2) Require reporting, monitoring, or audits of services provided, as determined by the department.

(3) Require grant recipients to maintain adequate legal malpractice insurance and to indemnify and hold the state harmless from any claims that arise from the legal services provided pursuant to this chapter.

(b) For grants awarded prior to the effective date of the act that added this subdivision, with the consent of the department and the grantee, the grantee may provide any of the services described in Section 13303, as amended by that act, and any agreement between the department and grantee shall be deemed to authorize the provision of those services.

SEC. 68. Section 14043.51 of the Welfare and Institutions Code is amended to read:

14043.51. (a) For purposes of this section, the following definitions apply:

(1) "Department" means the State Department of Health Care Services.

(2) "Electronic visit verification system" has the same meaning as that term is defined in subsection (l) of Section 1396b of Title 42 of the United States Code.

(3) "Partners" means governmental entities, including, but not limited to, the State Department of Social Services, the State Department of Developmental Services, the State Department of Public Health, the California Department of Aging, and the Office of Technology and Solutions Integration.

(4) "Provider" means a provider who is enrolled in the Medi-Cal program, as specified in subdivision (h) of Section 14043.1.

(b) The department, as the single state agency for the Medicaid program in California, may undertake action, as determined by the director to be appropriate, to implement an electronic visit verification system for purposes of obtaining and maintaining federal approval or ensuring federal financial participation is available or not otherwise jeopardized.

(c) The department may collaborate and contract with other governmental entities, including its partners, to comply with federal requirements relating to electronic visit verification.

(d) (1) If a provider renders Medi-Cal services that are subject to electronic visit verification, they shall comply with requirements, as established by the department and its partners, relating to electronic verification of those services.

(2) Except as provided in paragraph (3), if the department determines a provider has failed to comply with the established requirements, the department and its partners, as may be appropriate under the circumstances, may take any of the following action to address the noncompliance of the provider:

(A) Provide technical assistance on compliance.

(B) Require an approved corrective action plan.

(C) Recover associated overpayments.

(D) Impose enrollment or monetary sanctions.

(E) Take any other remedial action, as deemed appropriate.

(3) Individual providers of in-home supportive services, and individual providers of waiver personal care services, who are not employed by an agency, are not subject to the actions described in paragraph (2) for purposes of noncompliance with requirements established pursuant to paragraph (1), and are instead subject to the electronic visit verification system development and implementation principles set forth in Section 10836 and the provisions of Sections 12305.82 and 12305.83.

(e) (1) The department and its partners may enter into exclusive or nonexclusive contracts, or amend existing contracts, on a bid or negotiated basis to implement this section and an electronic visit verification system.

(2) In developing and implementing electronic visit verification, the department and its partners may continue to utilize services performed under existing contracts if those services involve planning, developing, or establishing an electronic visit verification protocol or system.

(f) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department and its partners may implement, interpret, or make specific this section, in whole or in part, by means of provider bulletins, plan letters, or other similar instructions, without taking any further regulatory action.

SEC. 69. Section 15770 of the Welfare and Institutions Code is amended to read:

15770. For purposes of this chapter, the following definitions shall apply:

(a) "Adult protective services" means any of the following:

(1) The same meaning as defined in Section 15610.10.

(2) Activities performed, in accordance with tribal law or custom, on behalf of older adults and dependent adults who have come to the attention of a tribe, or tribal entity or agency, due to potential abuse or neglect.

(b) "Dependent adult" has the same meaning as defined in paragraph (1) of subdivision (b) of Section 15750.

(c) "Older adult" means any of the following:

(1) The same meaning as "elder," as defined in paragraph (2) of subdivision (b) of Section 15750.

(2) For individuals receiving services from a tribe, or tribal entity or agency, any person residing in this state within the age range established by tribal law or custom for tribal programs serving needy and vulnerable older adults.

(d) "Eligible individual" means an individual who, at a minimum, meets all of the following conditions:

(1) Is an adult protective services client, is in the process of intake to adult protective services, or is an individual who may be served through a tribe, or tribal entity or agency, who appears to be eligible for adult protective services.

(2) Is homeless or at imminent risk of homelessness as a result of elder or dependent abuse, neglect, self-neglect, or financial exploitation, as determined by the adult protective services agency or tribal agency.

(3) Voluntarily agrees to participate in the program.

(e) "Homeless or at risk of homelessness" means any of the following:

(1) A person who lacks a fixed or regular nighttime residence and either of the following apply:

(A) The person has a primary nighttime residence that is a supervised publicly or privately operated shelter, hotel, or motel, designed to provide temporary living accommodations.

(B) The person resides in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(2) A person who is in receipt of a judgment for eviction, as ordered by the court.

(3) A person who has received a pay rent or quit notice or who will otherwise imminently lose their primary nighttime residence, which may include individuals who have not yet received an eviction notice, if all of the following are true:

(A) The right or permission to occupy their current housing or living situation will be, or there is credible evidence that it will be, terminated within 21 days after the date of application for assistance.

(B) A subsequent residence has not been identified or secured, including, but not limited to, an individual exiting a medical facility, long-term care facility, prison, or jail.

(C) The individual lacks the resources or support network, including, but not limited to, family, friends, or faith-based or other social network, needed to obtain other permanent housing.

(4) A person who has a primary nighttime residence or living situation that is either directly associated with a substantiated report of abuse, neglect, or financial exploitation or that poses an imminent health and safety risk, and the person lacks the resources or support network needed to obtain other permanent housing.

(f) "Multidisciplinary personnel team" has the same meaning as defined in Section 15610.55.

(g) "Permanent housing" means a place to live without a predetermined limit on the length of stay subject to landlord-tenant laws pursuant to Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(h) "Primary nighttime residence or living situation" includes housing that an individual owns, rents, lives in without paying rent, or is sharing with others, or rooms in hotels or motels used as temporary shelter.

(i) "Program" means the Home Safe Program established pursuant to this chapter.

(j) "Supportive housing" has the same meaning as defined in paragraph (2) of subdivision (b) of Section 50675.14 of the Health and Safety Code, except that the program is not restricted to serving only projects with five or more units.

SEC. 70. Section 15771 of the Welfare and Institutions Code is amended to read:

15771. (a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the department shall award grants to counties, tribes, or groups of counties or tribes, that provide services to older adults and dependent adults who experience abuse,

neglect, self-neglect, or exploitation and otherwise meet the eligibility criteria for adult protective services, for the purpose of providing housing-related supports to eligible individuals.

(b) Notwithstanding subdivision (a), this section does not create an entitlement to housing-related assistance, which is to be provided at the discretion of the grantee as a service to eligible individuals.

(c) (1) It is the intent of the Legislature that housing-related assistance provided pursuant to this chapter utilize evidence-based practices in homeless assistance and prevention, including housing risk screening and assessments, housing first, rapid rehousing, and supportive housing.

(2) Housing-related supports and services available to participating individuals may include, but are not limited to, all of the following:

(A) An assessment of each individual's housing needs, including a plan to assist the individual in meeting those needs, consistent with the case plan, as developed by the adult protective services agency. To the extent feasible, the plan shall be developed in coordination with a multidisciplinary team that may include housing program providers, mental health providers, local law enforcement, legal assistance providers, and others as deemed relevant by the adult protective services agency.

(B) Navigation or search assistance to recruit landlords and assist individuals in locating affordable or subsidized housing.

(C) Enhanced case management, including motivational interviewing and trauma-informed care, to help the individual recover from elder abuse, neglect, or financial exploitation.

(D) Housing-related financial assistance, including rental assistance, security deposit assistance, utility payments, moving cost assistance, and interim housing assistance while housing navigators are actively seeking permanent housing options for the individual.

(E) Housing stabilization services, including ongoing landlord engagement, case management, public systems assistance, legal services, tenant education, eviction protection, credit repair assistance, life skills training, heavy cleaning, and conflict mediation with landlords, neighbors, and families.

(F) If the individual requires supportive housing, referral to the local homeless continuum of care for long-term services promoting housing stability.

(G) Referrals and coordination of services to access mental or behavioral health assistance, as necessary or appropriate.

(d) The department shall provide grants to counties and tribes according to criteria and procedures developed by the department, in consultation with the County Welfare Directors Association of California, tribes, the California Elder Justice Coalition, and the California Commission on Aging. These criteria shall include, but are not limited to, all of the following:

(1) Eligible sources of funds and in-kind contributions to match the grant, as described in paragraph (1) of subdivision (e).

(2) The proportion of funding to be expended on reasonable and appropriate administrative activities, in order to minimize overhead and maximize services.

(3) Tracking and reporting procedures for the program, which shall be conducted as a condition of receiving funds, including, but not limited to, collecting disaggregated data on all of the following:

(A) The number of people determined eligible for the program.

(B) The number of people receiving assistance from the program and the duration of that assistance.

(C) The types of housing assistance received by recipients.

(D) The housing status six months and one year after receiving assistance from the program.

(E) The number of substantiated adult protective services reports six months and one year after receiving assistance from the program.

(e) Grants shall be subject to all of the following requirements:

(1) (A) Except as otherwise provided in subparagraph (B), grantees shall match the funding on a dollar-for-dollar basis, which may be met by cash or in-kind contributions.

(B) Between July 1, 2021, and June 30, 2025, grantees that receive state funds under this chapter shall not be required to match any funding provided during that period.

(2) Grantees shall demonstrate the extent to which they will attempt to leverage county mental health services funds for participating individuals, and any barriers to leveraging these funds.

(3) Grantees shall agree to actively cooperate with tracking, reporting, and evaluation efforts.

(4) Grantees shall coordinate with the local homeless continuum of care network.

(f) Funding pursuant to this section shall supplement, and not supplant, the level of county or tribal funding spent on these purposes in the 2017–18 fiscal year.

(g) Utilizing the funds appropriated for purposes of this chapter, the department shall, in consultation with the County Welfare Directors Association of California, tribes, the California Elder Justice Coalition, and the California Commission on Aging, enter into a contract with an independent evaluation and research agency to evaluate the impacts of the program, which may include, but are not limited to, the following:

(1) The likelihood of future homelessness and housing instability among recipients.

(2) The likelihood of future instances of abuse and neglect among recipients.

(3) Program costs and benefits.

(h) This chapter shall not be construed to require a tribe, or tribal entity or agency, to comply with Chapter 13 (commencing with Section 15750) of this part, including, but not limited to, the requirement to establish a county adult protective services system or an emergency response adult protective services program.

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

SEC. 71. Section 15925 of the Welfare and Institutions Code is amended to read:

15925. (a) This part shall be known, and may be cited, as the Health Care Reform Eligibility, Enrollment, and Retention Planning Act.

(b) (1) The California Health and Human Services Agency, in consultation with the State Department of Health Care Services (department), Managed Risk Medical Insurance Board (MRMIB), the California Health Benefit Exchange (Exchange), the Office of Technology and Solutions Integration, counties, health care service plans, consumer advocates, and other stakeholders shall undertake a planning and development process regarding this part and aspects of the federal Patient Protection and Affordable Care Act (PPACA) (Public Law 111-148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), and regulations or guidance issued pursuant to these acts, related to eligibility for, and enrollment and retention in, state health subsidy programs.

(2) The planning and development process shall provide stakeholders the opportunity to provide meaningful input into the planning and development of the aspects of eligibility, enrollment, and retention identified in this section. This process shall be completed in time for all of the following to occur:

(A) The certification and approval of the eligibility, enrollment, and retention system, as required by PPACA and regulations and guidance issued thereunder.

(B) The approval of enhanced federal funding for Medi-Cal eligibility system development, implementation, and maintenance.

(C) The readiness of the eligibility, enrollment, and retention processes to accept and process applications, as required by federal law.

(3) The planning and development process shall consider issues, including, but not limited to, all of the following:

(A) Whether to use the application developed by the federal Secretary of Health and Human Services, pursuant to Section 1413 of the PPACA (42 U.S.C. Sec. 18083), or whether to develop a separate state form.

(B) What process to use for Medi-Cal eligibility determinations for non-Modified Adjusted Gross Income (MAGI) populations, including whether to develop a supplemental application form and how the applications will be processed.

(C) Whether to adopt a process for hospitals to enroll infants deemed eligible for Medi-Cal under Section 1396a(e)(4) of Title 42 of the United States Code or the Healthy Families Program under Section 12693.70 of the Insurance Code immediately online, without an application.

(D) What data collection standards to utilize for the collection of race, ethnicity, primary language, and disability status.

(E) Whether to create a process to allow recipients to provide an update to eligibility information in between renewal dates and to have the option to renew eligibility at the time of the update, resetting the renewal date.

(F) Whether to renew eligibility for a state health subsidy program based on information from a public benefits program, if the recipient is otherwise eligible.

(G) Protections for the confidentiality of personal information.

(H) What process to use to enable applicants determined eligible for and recipients of a state health subsidy program to choose a health plan, if applicable.

(4) The agency shall provide the appropriate fiscal and policy committees of the Legislature with information reflecting the process conducted pursuant to paragraph (1) by July 1, 2012, regarding policy and statutory changes needed to develop and implement the eligibility, enrollment, and retention system for health coverage in compliance with this part.

(c) The information reporting requirement imposed under paragraph (4) of subdivision (b) is inoperative on January 1, 2016, pursuant to Section 10231.5 of the Government Code.

SEC. 72. Section 16501.7 of the Welfare and Institutions Code is amended to read:

16501.7. (a) On or before December 1, 2005, the State Department of Social Services shall develop, and provide to the Chairperson of the Joint Legislative Budget Committee, a Child Welfare Services/Case Management System system performance commitments plan. The plan shall be developed in conjunction with the Office of Technology and Solutions Integration, the Office of Technology Services, and the County Welfare Directors Association.

(b) (1) The plan developed as required by subdivision (a) shall include, but not be limited to, performance standards for system availability, application transaction time, batch processing windows, data downloads, a process for the identification, tracking, and response of repair service requests, data backup and recovery, help desk responsiveness, and a process for security incidents.

(2) The plan may include print time.

(3) The plan shall describe all of the following:

(A) The mechanism for tracking system performance.

(B) Corrective action protocols.

(C) The steps that will be taken should performance fall below standards for a specified period of time.

(c) It is the intent of the Legislature that the plan developed pursuant to this section shall do all of the following:

(1) Appropriately assign responsibility for ensuring service levels to the entity accountable.

(2) Prioritize implementation of components of the plan.

(3) Address implementation feasibility of the plan's components, including any issues regarding plan implementation that need to be addressed.

SEC. 73. Section 16501.9 of the Welfare and Institutions Code is repealed.

SEC. 74. Section 16501.9 is added to the Welfare and Institutions Code, to read:

16501.9. (a) (1) The Legislature hereby finds and declares the Child Welfare Services – California Automated Response and Engagement System (CWS-CARES), also known as the Child Welfare Services-New System (CWS-NS), is the most important system in the state for child welfare services staff to verify the safety and well-being of California's children. It is the intent of the Legislature that the system shall meet the following objectives, which are intended to align with, and not materially differ from, the scope approved in the most recent Special Project Report:

(A) Replace the state's Child Welfare Services/Case Management System (CWS/CMS) with a federally compliant Comprehensive Child Welfare Information System (CCWIS).

(B) Replace the counties' external child welfare services systems with functionalities that are within the project's approved scope, and streamline the design and configuration of county and state forms and reports during the development and implementation of each product milestone.

(C) Develop and implement application programming interfaces and other integrations within the approved project scope to exchange data critical for child welfare services between applicable federal, state, local, and other partners' information technology (IT) systems.

(D) Improve the accuracy, availability, completeness, and timeliness of all data, documentation, and information needed by child welfare services staff, while reducing duplicative or manual data entry to the extent possible.

(E) Facilitate better communication and collaboration between child welfare services staff and other critical partners such as community organizations, multidisciplinary teams, and service providers.

(F) Incorporate relevant end-user feedback into product design, development, and implementation, to the extent possible, without significant increases in the total CWS-CARES IT project cost, schedule, and scope.

(G) Transition county and tribal users from CWS/CMS to CWS-CARES through effective engagement activities and stakeholder communications that drive user adoption.

(H) Maximize system availability and performance through service level agreements to avoid potential disruptions to child welfare services program operations.

(I) Minimize any potential risks to children and their families associated with CWS-CARES IT project development and implementation, and CWS-CARES maintenance and operations thereafter.

(J) Limit any additional delays to CWS-CARES IT project design, development, and implementation that could lead to federal noncompliance penalties, the potential loss of federal funding, or both.

(2) The Legislature further finds and declares that the successful completion of the CWS-CARES IT project shall be defined as the implementation of a federally compliant CCWIS that meets the Legislature's objectives for the system, as established in paragraph (1). To the extent possible, project completion shall be accomplished within the baseline cost, schedule, and scope approved in the most recent Special Project Report. Any significant deviation from the project baseline in the most recent Special Project Report, excluding the refinement of product and project scope, may be considered as the basis for legislative action to achieve the objectives established in the most recent Special Project Report. Potential legislative action may include actions the Legislature may take to oversee or modify the project in order for it to be completed on time or within the existing budget without potential noncompliance with the CCWIS.

(b) (1) The Legislature further finds and declares that this project requires significant engagement with the end user throughout the life of the system, including the county human services agencies and child welfare services and probation staff.

(2) The State Department of Social Services and the Office of Technology and Solutions Integration (OTSI), in collaboration with the County Welfare Directors Association of California (CWDA), shall seek resources to enable the necessary level of engagement by the counties in the development and implementation of the CWS-CARES IT project and the maintenance and operations of CWS-CARES to prevent the disruption of services to at-risk families and children. This shall include, but not be limited to, timely and expeditious execution of contracts and contract amendments for participation in this effort, effective monitoring and evaluation of the CWS-CARES IT project, and implementation of any necessary mitigation strategies for risks and issues that arise in the development and implementation of the CWS-CARES IT project, or maintenance and operations of CWS-CARES thereafter.

(3) The department and OTSI shall provide a voting seat for a CWDA representative on all governance bodies of CWS-CARES, and shall support and provide necessary accommodation for the stationing of county representatives at the project site.

(c) (1) The Legislature further finds and declares that the CWS-CARES IT project requires ongoing oversight by the Legislature, the Department of Technology (CDT), and the Department of Finance (DOF). The Legislature intends that project oversight activities focus on the project making satisfactory progress towards its completion, including full achievement of the system objectives, as described in subdivision (a).

(2) The department and OTSI shall convene monthly meetings with the Legislative Analyst's Office (LAO), legislative staff, CDT, DOF, CWDA, and other relevant parties to review project status reports. All reports shall be provided at least three business days before the monthly meeting. Monthly meetings shall continue until the CDT approves the postimplementation evaluation report for the CWS-CARES IT project.

(3) The department and OTSI shall submit monthly project status reports to the Legislature and other relevant stakeholders, including CWDA, regarding efforts to develop and implement CWS-CARES. The reports shall include, but not be limited to, the following information:

(A) An update on progress made towards successful completion of the project, as described in subdivision (a), including the status of product milestone development and implementation. Updates on the status of product milestones shall include the project's progress on any data conversion, hardening, and testing that is associated with each milestone.

(B) The status of the project's incorporation of end-user feedback, to the extent possible within the baseline cost, schedule, and scope approved in the most recent Special Project Report, during product discovery, milestone testing, scenario testing, and validation sprints. For major product and project decisions, reports shall include relevant documentation, showing consideration of end-user feedback, decisions made by the project about incorporation of the feedback, and the project's justification for its decisions.

(C) An update on progress made towards user adoption of the system. Reports shall include relevant information about the status of current and upcoming end-user communications, stakeholder engagements, and training efforts.

(D) Any amendment to existing and any newly executed vendor contracts for the project, including the contract or amendment's purpose, total cost, and term.

(E) A current list of project issues and risks. Reports shall highlight any high-level issues or risks that may do one or more of the following:

(i) Jeopardize the project's successful completion.

(ii) Negatively impact county child welfare programs.

(iii) Result in a significant deviation from the baseline project cost, schedule, and scope in the most recent Special Project Report.

(F) Project performance related to scope, schedule, and budget, in accordance with the methodology developed with the independent advisor.

(4) (A) The department and OTSI, in coordination with the CDT and CWDA, shall schedule annual development progress demonstrations to provide an opportunity for the CWS-CARES IT project to demonstrate that they are making satisfactory progress towards project completion. Satisfactory progress shall include all of the following:

(i) The completion of planned product milestones, including all planned data conversion, hardening, and testing, without significant deviation from the baseline project cost, schedule, and scope in the most recent Special Project Report.

(ii) The incorporation of relevant end-user feedback into product design, development, and implementation, to the extent possible, without significant increases in the total CWS-CARES baseline project cost, schedule, and scope in the most recent Special Project Report.

(iii) Demonstrable progress made towards user adoption, consistent with the project's strategic plan for user engagement, communication, and adoption, including clearly defined processes that measure and report on stakeholder engagements with the project, including, for example, stakeholder impact assessments.

(B) All parties responsible for oversight of the project, including the LAO, shall be permitted to attend the demonstration.

(d) The existing CWS/CMS operations and functionality shall be maintained at a level that is at least commensurate with its December 2015 status and shall not be decommissioned prior to the full statewide implementation of the CWS-CARES in all counties. For purposes of this subdivision, "full statewide implementation" means after all existing CWS/CMS core system functionality has been replaced in CWS-CARES and has been implemented in all 58 counties for a minimum of six months with no significant defects outstanding.

SEC. 75. Section 16523 of the Welfare and Institutions Code is amended to read:

16523. For purposes of this article, the following definitions shall apply:

(a) "Child welfare services" means either of the following:

(1) The same meaning as defined in Section 16501, including those services provided by a tribe, or tribal entity or agency.

(2) Child welfare services provided by a tribe, or tribal entity or agency, in accordance with tribal law or custom, if the tribe, or tribal entity or agency, provides at least one of the services described in paragraph (1) or (2) of subdivision (a) of Section

16501.

(b) "Department" means the State Department of Social Services.

(c) "Eligible family" means any individual or family that, at a minimum, meets all of the following conditions:

(1) Receives child welfare services at the time eligibility is determined.

(2) Is homeless, is at risk of homelessness, or is in a living situation that cannot accommodate the child or multiple children in the home, which may include, but is not limited to, individuals who have not yet received an eviction notice.

(3) Voluntarily agrees to participate in the program.

(4) Either of the following:

(A) Has been determined appropriate for reunification of a child to a biological parent or guardian by the county human services agency or tribe handling the case, the court with jurisdiction over the child, or both.

(B) A child or children in the family is or are at risk of foster care placement, and the county human services agency or tribe determines that safe and stable housing for the family will prevent the need for the child's or children's removal from the parent or guardian.

(d) "Homeless" means any of the following:

(1) An individual or family who lacks a fixed, regular, and adequate nighttime residence.

(2) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including, but not limited to, a car, park, abandoned building, bus station, train station, airport, or camping ground.

(3) An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements, including hotels or motels paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, congregate shelters, or transitional housing.

(4) An individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where the individual temporarily resided.

(5) An individual or family who will imminently lose their housing, including, but not limited to, housing they own, rent, or live in without paying rent, are sharing with others, or rooms in hotels or motels not paid for by federal, state, or local government programs for low-income individuals or by charitable organizations, if any of the following criteria are met:

(A) The primary nighttime residence will be lost within 14 days, as evidenced by any of the following:

(i) A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days.

(ii) The individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days.

(iii) Credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause.

(B) The individual or family has no subsequent residence identified.

(C) The individual or family lacks the resources or support networks needed to obtain other permanent housing.

(6) Unaccompanied youth and homeless families with children and youth defined as homeless under any other federal statute, as of the effective date of this program, who meet all of the following:

(A) Have experienced a long-term period without living independently in permanent housing.

(B) Have experienced persistent instability as measured by frequent moves over that long-term period.

(C) Can be expected to continue in that status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

(7) An individual or family who meets all of the following:

(A) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence.

(B) Has no other residence.

(C) Lacks the resources or support networks, including, but not limited to, family, friends, or faith-based or other social networks, to obtain other permanent housing.

(e) "Homelessness" means the status of being homeless, as defined in subdivision (d).

(f) "Permanent housing" means a place to live without a predetermined limit on the length of stay, subject to landlord-tenant laws pursuant to Chapter 2 (commencing with Section 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

(g) "Program" means the Bringing Families Home Program established pursuant to this article.

(h) "Supportive housing" has the same meaning as defined in paragraph (2) of subdivision (b) of Section 50675.14 of the Health and Safety Code, except that the program is not restricted to serving only projects with five or more units.

SEC. 76. Section 16523.1 of the Welfare and Institutions Code is amended to read:

16523.1. (a) To the extent funds are appropriated in the annual Budget Act, the department shall award program funds to counties and tribal governments for the purpose of providing housing-related supports to eligible families experiencing homelessness if that homelessness prevents reunification between an eligible family and a child receiving child welfare services, or where lack of housing prevents a parent or guardian from addressing issues that could lead to foster care placement.

(b) Notwithstanding subdivision (a), this section does not create an entitlement to housing-related assistance, which is intended to be provided at the discretion of the county or tribe as a service to eligible families.

(c) (1) It is the intent of the Legislature that housing-related assistance provided pursuant to this article utilize evidence-based models, including evidence-based practices in rapid rehousing and supportive housing.

(2) Housing-related supports available to participating families shall include, but not be limited to, the following:

(A) An assessment of each family's housing and service needs, including a plan to assist them in meeting those needs, using an assessment tool developed in the local community or an assessment tool used in other jurisdictions.

(B) Housing navigation or search assistance to recruit landlords, and assist families in locating housing affordable to the family.

(C) The use of evidence-based models, such as motivational interviewing and trauma-informed care, to build relationships with a parent or guardian.

(D) Housing-related financial assistance, including rental assistance, security deposit assistance, utility payments, moving cost assistance, and interim housing assistance while housing navigators are actively seeking permanent housing options for the family.

(E) (i) Housing stabilization services, including ongoing tenant engagement, case management, public systems assistance, legal services, credit repair assistance, life skills training, and conflict mediation with landlords and neighbors.

(ii) Services provided pursuant to clause (i) shall be provided with input from the family, based on the needs of the family, and in coordination with other services being provided by child welfare services or tribes, family resource centers, family courts, and other services.

(F) If the family requires supportive housing, long-term housing through tenant or project-based rental assistance or operating subsidies and services promoting housing stability, subject to available funding pursuant to subdivision (a).

(d) The department shall award program funds to county child welfare agencies and tribes according to criteria developed by the department, in consultation with the County Welfare Directors Association of California, the Corporation for Supportive Housing, and Housing California, subject to all of the following requirements:

(1) (A) Except as otherwise provided in subparagraph (B), a county or tribe that receives state funds under this program shall match that funding on a dollar-by-dollar basis. The county or tribal funds used for this purpose shall supplement, not supplant,

county or tribal funding already intended for these purposes.

(B) Between July 1, 2021, and June 30, 2025, a county or tribe that receives state funds under this article shall not be required to match any funding provided during that period.

(2) A county or tribe that receives state funds under this program shall partner with a local homeless continuum of care that participates in a homeless services coordinated entry and assessment system, as required by the United States Department of Housing and Urban Development.

(3) A county or tribe that receives state funds under the program shall utilize a cross-agency liaison to coordinate activities under the program with the homeless continuum of care and the county child welfare or tribal agency, including housing-related and child welfare services for families.

(e) The department, in consultation with Housing California, the Corporation for Supportive Housing, and the County Welfare Directors Association of California, shall develop all of the following:

(1) The criteria by which counties and tribal governments may be awarded funds to provide housing-related assistance to eligible families pursuant to this article.

(2) The proportion of program funding to be expended on reasonable and appropriate administrative activities to minimize overhead and maximize services.

(3) Eligible sources of funds for a county's or tribe's matching contribution.

(4) Tracking and reporting procedures for the program.

(5) A process for evaluating program data.

SEC. 77. Section 16523.2 of the Welfare and Institutions Code is amended to read:

16523.2. (a) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made to this article by the act that added this section by means of all-county letters or similar instructions from the department that shall have the same force and effect as regulations until regulations are adopted.

(b) The department shall adopt regulations implementing this article no later than July 1, 2024.

SEC. 78. Section 16551 of the Welfare and Institutions Code is amended to read:

16551. (a) The department, jointly with the State Department of Health Care Services, and with input from county child welfare departments, probation departments, tribes, impacted youth and families, youth advocates, service providers, community-based organizations, county behavioral health departments, foster youth, families, and other stakeholders, shall establish the Children's Crisis Continuum Pilot Program, including guidelines for foster youth eligibility and the selection, operation, and evaluation of the pilots, for the purpose of developing treatment options that are needed to support California's commitment to keep youth in families to the greatest possible degree based on the best interest of the youth, and to eliminate the placement of foster youth with complex needs in out-of-state facilities whenever possible.

(b) The guidelines for the operation of the pilots shall, at a minimum, include the tracking of the elements required in Section 16555 and provision of each of the following within the structure of the pilot:

(1) Family supports and services to keep youth in family settings from escalating to more restrictive settings whenever possible.

(2) Limits on placements in the restrictive treatment settings operated within the pilot to the most critical and urgent situations where supports and services cannot be provided to keep a youth safe in a family setting.

(3) Limits on length of stay in the restrictive treatment settings operated within the pilot consistent with state law requirements and to the time needed to stabilize the youth and transition the youth to a family setting.

(4) In facility plans of operation, identification of the strategies, treatment, services, and supports that the facility will employ to protect youth served by the program and in each youth's treatment and needs and services plans, identification of the specific strategies, treatment, services, and supports that will be used to protect that individual youth.

(5) Require that when youth are placed in restrictive treatment settings within the pilot that youth and families are connected seamlessly to a continuum of care and services to promote healing and step down to family-based care.

(6) Require all facilities, services providers, and agencies used by the pilot to meet all state law requirements for their licensure category, align their services and programs to the trauma-informed care required by federal and state laws, and comply with all state laws, guidelines, and policies established for the pilot.

(c) In implementing the pilot program, the department, jointly with the State Department of Health Care Services, shall do all of the following:

(1) Incentivize participation in the pilot program by counties or regional collaboratives of counties in order to develop or enhance comprehensive, integrated, high-end continuums of care, as defined jointly by the department and the State Department of Health Care Services, for foster youth.

(2) (A) Provide technical assistance to applicants, including those that are not selected to participate, and the selected participating entities. Technical assistance shall include guidance on program implementation and leveraging multiple sources of public revenue to support long-term sustainability.

(B) When providing technical assistance to small and rural counties, the department shall consider the unique needs of those counties and, in addition to any other technical assistance needed, shall assist the county to mitigate barriers to participation in the pilot program, including by designing an adjusted or modified continuum of care, as described in paragraph (2) of subdivision (b) of Section 16553.

(3) Identify and seek to address any regulatory barriers to support the successful implementation of the pilot program.

(4) Award grants pursuant to this chapter and oversee the successful implementation of the pilot program.

(d) The State Department of Health Care Services shall determine if any federal approvals related to the Medi-Cal program are necessary to implement one or more components of any of the proposals selected for participation in the pilot program and, if necessary, seek approval no later than June 1, 2022. It is the intent of the Legislature to maximize federal funding received pursuant to Subchapter XIX (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(e) Any component of a proposal selected for participation in the pilot program that requires federal approval shall be implemented only to the extent that all necessary federal approvals are obtained and only if and to the extent that federal financial participation is available and is not otherwise jeopardized.

(f) The pilot program shall be implemented for five years from the date the grant recipients are selected. This subdivision also applies to any pilot program funds allocated pursuant to this chapter prior to July 1, 2023.

SEC. 79. Section 16552 of the Welfare and Institutions Code is amended to read:

16552. (a) The department, jointly with the State Department of Health Care Services, shall develop and administer a request for proposals process, and shall develop selection criteria, to determine which applicants shall be selected to participate in the pilot program. At a minimum, the selection criteria shall include both of the following requirements:

(1) A lead county applicant. To become a participating entity, each lead county applicant shall designate either the county child welfare department, the county behavioral health department, the county mental health plan, or the probation department to lead the application and implementation process.

(2) Submission of a Children's Crisis Continuum Pilot Program plan by the applicant that includes, at a minimum, a plan to contract with community-based providers or entities to meet all of the following requirements:

(A) A demonstrated ability to partner and collaborate across county child welfare, behavioral health, probation, developmental services, and education departments in the design, delivery, and evaluation of the pilot program.

(B) A clear articulation of the funding streams and how they will be used and demonstration of the ability to maximize all sources of local, state, and federal funding.

(C) An oversight plan, pursuant to guidance developed by the department, that includes utilization review controls to ensure appropriate usage of the continuum of care that serves children at all times in the least restrictive setting, in a manner that is consistent with applicable federal and state law and the intent of the Legislature in enacting this chapter.

(D) A commitment to gathering and providing necessary youth-specific information and data, and information that may pertain to the overall pilot site, consistent with the evaluation criteria set forth in Section 16555 and any other outcomes reporting that the department may require.

(b) The department shall require proposals to participate in the pilot program to be submitted no later than December 1, 2022, and shall disburse grant funds no later than June 30, 2023.

(c) The department shall select counties or regional collaboratives of counties to participate in the pilot program on a competitive basis to ensure that the process is fair.

SEC. 80. Section 16555 of the Welfare and Institutions Code is amended to read:

16555. (a) No later than April 1, 2027, the department, jointly with the State Department of Health Care Services, shall submit an interim report to the Assembly Committee on Human Services and the Senate Committee on Human Services that includes, at a minimum, all of the following:

(1) A description of the impact of the pilot program on desired outcomes, including any reduced reliance on hospitals, emergency departments, out-of-state facilities, and law enforcement in responding to the acute needs of foster youth who require more intensive short-term treatment, and reduced absences from placement by youth who received services within the pilot program.

(2) An analysis that includes all of the following elements:

(A) The reasons youth were served by the pilot program.

(B) To the extent not covered in subparagraph (A), a discussion of the most common needs of youth placed into the pilot program that could not be met in family care and the services available in the pilot program to meet those needs.

(C) The number of youth served in the pilot program, including the number of youth receiving services in each component or level of care in the pilot program, and the length of time youth were served for each service and level of care in the pilot program, including time spent in congregate care settings.

(D) Types of services provided by the pilot program.

(E) Outcomes for youth who received services within the pilot program related to youth safety, well-being, and permanency at 6 months and 12 months after participating in the pilot program, or upon exit from foster care.

(F) Other impacts of the pilot program interventions and services on the youth.

(G) The impact of the pilot program on the goals of building trauma-informed, in-home and community-based services.

(3) A description of the reasons foster youth were served by the pilot, the specific needs of the foster youth that could not be met in a family setting, services available to the foster youth in the pilot program and the actual services received, the impact of the interventions, services, and treatment on foster youth safety, well-being, and permanency, and the lengths of stay of the foster youth in the pilot program.

(4) Best practice recommendations related to the provision of services to foster youth with high acuity mental health needs, including, but not limited to, recommendations relating to program structure, cross-sector partnership and collaboration, and local financing.

(b) (1) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section shall become inoperative on April 1, 2031, and, as of January 1, 2032, is repealed.

SEC. 81. Section 16556 of the Welfare and Institutions Code is amended to read:

16556. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department and the State Department of Health Care Services may implement, interpret, or make specific this chapter, in whole or in part, by means of plan or county letters, information notices, plan or provider bulletins, or other similar instruction, without taking any further regulatory action. Any guidance issued pursuant to this section shall be issued on an ongoing basis during the pilot program implemented pursuant to this chapter.

SEC. 82. Section 17602.05 of the Welfare and Institutions Code is amended to read:

17602.05. (a) (1) Upon notification by the Department of Finance, the State Controller shall reduce a county's allocation pursuant to subdivision (e) of Section 17602 by any realignment withholding amount assessed on the county pursuant to Section 12301.61.

(2) For the fiscal year following the fiscal year in which the reduction pursuant to paragraph (1) occurs, the county's allocation pursuant to subdivision (e) of Section 17602 shall be increased by the amount of the reduction.

(b) The State Controller shall deposit any amounts withheld from counties pursuant to paragraph (1) of subdivision (a) into the General Growth Subaccount of the Sales Tax Growth Account of the Local Revenue Fund for distribution pursuant to Section 17606.10. The amounts distributed from the General Growth Subaccount pursuant to this subdivision shall be considered one-time deposits and shall not be included in the realignment bases for the Health Subaccount, Mental Health Subaccount, and Child Poverty and Family Supplemental Support Subaccount pursuant to Section 17600.15 in subsequent years.

(c) This section shall become inoperative on October 1, 2023, and, as of January 1, 2024, is repealed.

SEC. 83. Section 17602.05 is added to the Welfare and Institutions Code, to read:

17602.05. (a) (1) Upon notification by the Department of Finance, the State Controller shall reduce a county's allocation pursuant to subdivision (e) of Section 17602 by any realignment withholding amount assessed on the county pursuant to Section 12301.61.

(2) For the fiscal year following the fiscal year in which the county enters into a collective bargaining agreement with the employee organization, the county's allocation pursuant to subdivision (e) of Section 17602 shall be increased by the amount of the reduction made in the prior fiscal year pursuant to paragraph (1).

(b) The State Controller shall deposit any amounts withheld from counties pursuant to paragraph (1) of subdivision (a) into the General Growth Subaccount of the Sales Tax Growth Account of the Local Revenue Fund for distribution pursuant to Section 17606.10. The amounts distributed from the General Growth Subaccount pursuant to this subdivision shall be considered one-time deposits and shall not be included in the realignment bases for the Health Subaccount, Mental Health Subaccount, and Child Poverty and Family Supplemental Support Subaccount pursuant to Section 17600.15 in subsequent years.

(c) This section shall become operative on October 1, 2023.

SEC. 84. Section 18901.25 of the Welfare and Institutions Code is amended to read:

18901.25. (a) There is hereby created the Safe Drinking Water Supplemental Benefit Pilot Program, a state-funded program to provide additional CalFresh nutrition benefits for interim assistance to purchase safe drinking water in areas where it is necessary.

(b) The State Department of Social Services shall use moneys allocated for this program to provide time-limited additional state-funded nutrition benefits to residents of prioritized disadvantaged communities that are served by public water systems that consistently fail to meet primary drinking water standards, as defined in Section 116275 of the Health and Safety Code. Benefits shall be in addition to benefits provided for pursuant to Article 6 (commencing with Section 11450) of Chapter 2 of Part 3, and shall not be considered as income for any program established in this code.

(c) The department may use its own existing databases and databases from the State Water Resources Control Board to determine which CalFresh households are eligible to receive benefits pursuant to this section. The following households shall receive priority:

(1) CalFresh recipients served by persistently noncompliant public water systems in disadvantaged communities, as defined in Section 79505.5 of the Water Code, as determined by the location of the recipient's residence.

(2) CalFresh recipients in communities deemed eligible for interim emergency drinking water benefits by the State Water Resources Control Board, as determined by the recipient's residence.

(d) Benefits granted pursuant to this section shall be delivered through the electronic benefits transfer (EBT) system created pursuant to Sections 10072 and 10072.2.

(e) The benefits authorized pursuant to this section are not entitlement benefits. A county shall comply with this section only to the extent funding for this purpose is appropriated in the annual Budget Act and available to the county. A county shall not be required to expend county funds for the provision of benefits authorized under this section.

(f) This section shall become inoperative on July 1, 2025, and, as of January 1, 2026, is repealed.

SEC. 85. Section 18901.26 is added to the Welfare and Institutions Code, to read:

18901.26. (a) Subject to an appropriation by the Legislature in the annual Budget Act or another statute for this purpose, the department shall administer the CalFresh Minimum Nutrition Benefit (MNB) Pilot Program to provide 12 months of additional state-funded nutrition benefits to ensure eligible households receive a supplement that, when added together with the federal allotment, totals no less than fifty dollars (\$50).

(b) (1) The department shall use funds appropriated for the pilot program established in subdivision (a) to provide eligible households a state-funded monthly minimum nutrition benefit that is no less than the difference between the household's monthly CalFresh allotment and the minimum monthly benefit threshold established in subdivision (c).

(2) (A) For purposes of this section, "eligible household" means a household that is approved to receive a federally funded or state-funded monthly CalFresh allotment that is less than the minimum monthly benefit threshold established in subdivision (c) and is identified by the department to participate in the CalFresh MNB Pilot Program.

(B) The department shall retain sole discretion to identify additional eligibility criteria and define the scope of the CalFresh MNB Pilot Program, and shall consult with counties and stakeholders to identify and prioritize populations or regions that have persistently high levels of hunger.

(c) The minimum monthly benefit threshold for this section is fifty dollars (\$50).

(d) (1) Except as otherwise provided in this section, the federal and state laws and regulations governing the federal Supplemental Nutrition Assistance Program (Chapter 51 (commencing with Section 2011) of Title 7 of the United States Code) shall also govern the program provided for under this section.

(2) Benefits granted pursuant to this section shall be delivered through the electronic benefits transfer (EBT) system created pursuant to Sections 10072 and, to the extent permitted by federal law, shall not be considered income for any means-tested program.

(e) The pilot program established pursuant to subdivision (a) shall be implemented on the date that the Statewide Automated Welfare System can perform the automation necessary to implement this section.

(f) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through all-county letters or similar instructions without taking regulatory action.

SEC. 86. Section 18901.57 is added to the Welfare and Institutions Code, to read:

18901.57. The department, as the lead agency in partnership with the State Department of Education, shall maximize participation in the federal Summer Electronic Benefit Transfer for Children (Summer EBT) program established pursuant to Section 1762 of Title 42 of the United States Code.

SEC. 87. Section 18997 of the Welfare and Institutions Code is amended to read:

18997. (a) Subject to an appropriation for this purpose in the annual Budget Act, the State Department of Social Services shall administer the California Guaranteed Income Pilot Program to provide grants to eligible entities for the purpose of administering pilot programs and projects that provide a guaranteed income to participants. The department shall prioritize funding for pilot programs and projects that serve California residents who age out of the extended foster care program at or after 21 years of age or who are pregnant individuals. The department, in consultation with relevant stakeholders, shall determine the methodology for, and manner of, distributing grants awarded pursuant to this chapter. In determining the methodology and manner of distributing grants, the department shall ensure that grant funds are awarded in an equitable manner to eligible entities in both rural and urban counties and in proportion to the number of individuals anticipated to be served by an eligible entity's pilot program or project.

(b) In order to receive grant funds pursuant to this chapter, an eligible entity shall do all of the following:

(1) Present commitments of additional funding for pilot programs and projects to be funded with a grant received pursuant to this chapter equal to or greater than 50 percent of the amount of funding to be provided to the pilot program or project from a grant received pursuant to this chapter.

(2) Present a plan for providing all individuals who receive guaranteed income payments funded with a grant provided under this chapter with sufficient benefits counseling and informational materials to ensure that they are aware of any impact the receipt of a guaranteed income payment from the pilot program or project may have on their eligibility for other public benefit programs.

(3) Agree to assist the department in obtaining, or to pursue, to the extent necessary, all available exemptions or waivers to ensure that guaranteed income payments made under those pilots and projects are not considered income or resources for the recipient of the guaranteed income payments or any member of their household in any means-tested federal, state, or local public benefit programs.

(c) (1) Notwithstanding any other law, guaranteed income payments received by an individual from a pilot program or project funded pursuant to this chapter shall not be considered income or resources for purposes of determining the individual's, or any member of their household's, eligibility for benefits or assistance, or the amount or extent of benefits or assistance, under any state or local benefit or assistance program.

(2) The department shall, in consultation with stakeholders, and after consultation with the Legislature, identify federal benefit and assistance programs that require an exemption or waiver in order for a guaranteed income payment funded with a grant provided under this chapter to be excluded from consideration as income or resources for purposes of the federal program. Notwithstanding any other law, a state department or agency that administers a program identified by the department shall, if possible, approve an exemption or waiver, or provide any other authority deemed necessary by the department, to exclude guaranteed income payments from consideration as income or resources for purposes of the federal program, or, if the state department or agency does not have that authority, seek a federal waiver or exemption. The state's failure to be granted a federal exemption or waiver, as described in this paragraph, shall not affect the department's ability to administer the California Guaranteed Income Pilot Program, and the department may consider alternatives to prevent adverse consequences for participants, in consultation with the Legislature and stakeholders.

(d) Notwithstanding any other law, for the purposes of determining eligibility to receive benefits, or the amount or extent of medical assistance, under the Medi-Cal program, a guaranteed income payment funded with a grant provided under this chapter shall not be considered income or resources for a period of 12 months from receipt. This subdivision shall only be implemented by the State Department of Health Care Services to the extent consistent with federal law and any waivers received for the implementation of this subdivision, and federal financial participation for the Medi-Cal program is available and not otherwise jeopardized.

(e) (1) The department shall review and evaluate the pilot programs and projects funded pursuant to this chapter to determine, at a minimum, the economic impact of the programs and projects and their impact on the outcomes of individuals who receive guaranteed income payments funded with a grant provided under this chapter. To the extent feasible within existing resources and evaluation design, the evaluation shall include the applicability of the lessons learned from the pilot program for the state's CalWORKs program, with the objective of reaching the goals of improved outcomes for families and children living in poverty. The department shall consult with stakeholders and legislative staff on the details of, and data components to include in, the evaluation, as well as any other topics to be addressed by the review and evaluation, in advance of any decision to contract for this evaluation. Notwithstanding any other law, the department may accept and, subject to an appropriation for this purpose, expend funds from any source, public or private, for the review and evaluation.

(2) (A) The department shall submit a report to the Legislature regarding the review and evaluation conducted pursuant to paragraph (1) and shall post a copy of the report on its internet website.

(B) The report described in subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Upon allocation of funding to eligible entities, as described in this section, the department shall report to the Legislature, and post publicly on its internet website, information about the grants funded, including which specific eligible entities received grants, the expected number of foster youth receiving guaranteed income payments funded with a grant provided under this chapter, characteristics about, and the number of, other populations receiving guaranteed income payments funded with a grant provided under this chapter, and the length of time each guaranteed income pilot program or project will be administered.

(g) For the purposes of this section, "eligible entity" means either of the following:

(1) A city, county, city and county, tribe, consortium of tribes, or tribal organization, or any combination thereof.

(2) A nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) or 501(c)(5) of the Internal Revenue Code of 1986, as amended, and that provides a letter of support for its pilot or project from any county or city and county in which the organization will operate its pilot or project.

SEC. 88. Section 18997.3 of the Welfare and Institutions Code is amended to read:

18997.3. Notwithstanding any other law, the department may accept and, subject to an appropriation for this purpose, expend funds from any source, public or private, to administer this chapter.

SEC. 89. Section 18999.1 of the Welfare and Institutions Code is amended to read:

18999.1. (a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the State Department of Social Services shall administer the Housing and Disability Income Advocacy Program to provide state funds to participating counties, tribes, or combinations of counties or tribes for the provision of outreach, case management, and advocacy services to individuals

as described in Section 18999. Housing assistance shall also be offered to individuals described in subdivision (b) of Section 18999.2.

(b) Funds appropriated for this chapter shall be awarded to grantees by the department according to criteria developed by the department, in consultation with the County Welfare Directors Association of California, tribes, and advocates for clients, subject to the following restrictions:

(1) State funds appropriated for this chapter shall be used only for the purposes specified in this chapter.

(2) (A) Except as specified in subparagraph (B), a grantee shall match state funds received, including any funds from the annual ongoing appropriation of funds for this chapter, which is defined as a twenty-five million dollar (\$25,000,000) General Fund appropriation, on a dollar-for-dollar basis. The grantee's matching funds used for this purpose shall supplement, and not supplant, other funding for these purposes.

(B) Notwithstanding subparagraph (A), between July 1, 2021, and June 30, 2025, a grantee that receives state funds under this chapter shall not be required to match any funding for that period that comes from an appropriation that is in excess of the annual ongoing appropriation of funds for this chapter, as defined in subparagraph (A).

(3) A grantee shall, at a minimum, maintain a level of funding for the outreach, active case management, advocacy, and housing assistance services described in this chapter that is at least equal to the total of the amounts expended by the grantee for those services in the 2015–16 fiscal year.

(4) As part of its application to receive state funds under this chapter, a prospective grantee shall identify how it will collaborate locally among, at a minimum, the county departments and tribal entities, as may be appropriate, that are responsible for health, including behavioral health, and human or social services in carrying out the activities required by this chapter. This collaboration shall include, but is not limited to, the sharing of information among these departments or other entities as necessary to carry out the activities required by this chapter.

(c) For purposes of this chapter, "grantee" means a participating county, tribe, or combination of counties or tribes receiving state funds pursuant to this chapter.

(d) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer the changes made to this section by the act that added this subdivision by means of all-county letters or similar instructions from the department that shall have the same force and effect as regulations until regulations are adopted.

(2) The department shall adopt regulations implementing this chapter no later than July 1, 2024.

SEC. 90. Section 18999.4 of the Welfare and Institutions Code is amended to read:

18999.4. (a) (1) Pursuant to Section 18999.1, a grantee shall offer housing assistance to individuals described in subdivision (b) of Section 18999.2 and shall use funds received under this program to establish or expand programs that provide housing assistance, including interim housing, recuperative care, rental subsidies, or, only when necessary, shelters, for clients receiving services under Section 18999.2 during the clients' application periods for disability benefits programs described in that section. The grantee shall make a reasonable effort to place a client who receives subsidies in housing that the client can sustain without a subsidy upon approval of disability benefits, or consider providing limited housing assistance until an alternative subsidy, affordable housing voucher, or other sustainable housing option is secured. Upon approval or denial of disability benefits, where needed, case management staff shall assist in developing a transition plan for housing support.

(2) A client's participation in housing assistance programs or services is voluntary.

(b) To the extent authorized under federal law, a grantee, with the assistance of the department, shall seek reimbursement of funds used for housing assistance, general assistance, or general relief from the federal Commissioner of Social Security pursuant to an interim assistance reimbursement agreement authorized by Section 1631(g) of the federal Social Security Act, and shall expend funds received as reimbursement for housing assistance only on additional housing assistance for clients receiving services under this chapter.

(c) The requirement to seek reimbursement of funds pursuant to subdivision (b) is waived through June 30, 2025.

SEC. 91. For the 2023–24 fiscal year, the sum of three hundred seventeen thousand dollars (\$317,000) in federal funds is hereby appropriated from the Federal Trust Fund to the State Department of Social Services for the implementation of Section 8625 of the Family Code.

SEC. 92. (a) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer the changes made in this act to Sections 16523 and 16523.1 of the Welfare and Institutions Code through all-county letters or similar instructions from the department that shall have the same force and effect as regulations until regulations are adopted.

(2) Notwithstanding subdivision (b) of Section 16523.2 of the Welfare and Institutions Code, the department shall adopt regulations implementing the changes specified in paragraph (1) no later than December 1, 2025.

(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 in this act to Section 18901.25 of the Welfare and Institutions Code through all-county letters or similar instructions from the department that shall have the same force and effect as regulations.

SEC. 93. No appropriation pursuant to Section 15200 of the Welfare and Institutions Code shall be made for purposes of implementing the changes to Sections 11157 and 11265 of the Welfare and Institutions Code made by this act.

SEC. 94. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district 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.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 95. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.