

## Assembly Bill No. 153

### CHAPTER 86

An act to amend Sections 7908, 7910, and 7912 of, and to repeal and add Sections 7911 and 7911.1 of, the Family Code, to amend Sections 1502, 1562.01, and 50807 of, and to add Chapter 11.8 (commencing with Section 50811) and Chapter 11.9 (commencing with Section 50820) to Part 2 of Division 31 of, the Health and Safety Code, and to amend Sections 319, 319.3, 358.1, 361.2, 361.21, 366, 366.1, 366.3, 366.31, 636, 706.5, 706.6, 727.1, 727.2, 4096, 4096.5, 4648, 11402, 11403.3, 11461.3, 11461.36, 11462.01, 11463, 11465, 16010.7, 16121, 16501, 16501.1, 16521.6, 16521.8, and 16530 of, to add Sections 361.22, 727.12, 4096.55, 4096.6, 11402.005, 16001.1, 16010.9, and 18257.5 to, to add Chapter 6 (commencing with Section 16550) and Chapter 7 (commencing with Section 16585) to Part 4 of Division 9 of, and to add and repeal Chapter 16 (commencing with Section 18997) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor July 16, 2021. Filed with Secretary of State July 16, 2021.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 153, Committee on Budget. Public social services.

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

Existing federal law, the Family First Prevention Services Act of 2018 (federal FFPSA), among other things, provides states with an option to use federal funds under Title IV of the federal Social Security Act to provide mental health and substance abuse prevention and treatment services and in-home parent skill-based programs to a child who is a candidate for foster care or a child in foster care who is a pregnant or parenting foster youth, as specified.

This bill would, among other things, state the intent of the Legislature to exercise the option afforded to states in the federal FFPSA to receive federal financial participation for the above-described prevention services that are provided for a candidate for foster care, a pregnant or parenting foster youth, and their parents or kin caregivers, and the allowable costs for the proper and efficient administration of the program. The bill would authorize a

county, or Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state regarding the care and custody of Indian children to elect to provide those prevention services, as prescribed. The bill would require the State Department of Social Services to have oversight of those prevention services and to seek all necessary federal approvals to obtain Title IV-E federal financial participation for those prevention services. The bill would require the department to develop an allocation methodology to distribute state funding for the prevention services program and would require counties to use the allocated funds and to document and report the services, as specified. The bill would authorize the State Department of Health Care Services to submit a Medicaid state plan amendment, waiver request, or both, to maximize federal financial participation under the Medi-Cal program for prevention services provided pursuant to these provisions, and would require the department to maintain oversight over the prevention services claimed under the Medi-Cal program.

(2) Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, including short-term residential therapeutic programs, by the State Department of Social Services, and defines a short-term residential therapeutic program as a residential facility licensed by the department and operated by any public agency or private organization 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, including foster children. A violation of the act is a misdemeanor.

This bill would require a short-term residential therapeutic program, as a condition of licensure, to provide specified trauma-informed support and transition services to foster youth as part of a planned or unplanned discharge. By creating requirements for short-term residential therapeutic programs, the violation of which is a crime, the bill would impose a state-mandated local program.

(3) The federal FFPSA, among other things, prohibits foster care maintenance payments to be made on behalf of a child placed in a qualified residential treatment program, among other childcare institutions, unless a court assesses the placement within 30 days of the placement being made and the program meets specified requirements, including the utilization of a trauma-informed treatment model, the participation of family members in the child's treatment program, and the provision of registered or licensed nursing staff and discharge planning and postdischarge supports and services. The federal FFPSA also requires, in the case of placement in a qualified residential treatment program, an assessment and determination by a qualified individual of which placement would best meet the needs of the child, and documentation in the child's case plan of these assessments, among other things.

This bill would make various changes to provisions relating to the licensing of, and the placement of foster youth in, short-term residential therapeutic programs in order to conform those provisions to the above-described federal FFPSA requirements, including requiring a qualified

individual, as defined and based on federal approval and a process developed jointly by specified departments, to conduct an assessment of certain placements to short-term residential therapeutic programs or out-of-state residential facilities, establishing a process for the juvenile court to review and approve the placement of a dependent child, ward, or nonminor dependent in a short-term residential therapeutic program, requiring county social workers and probation officers to include certain information in specified social studies, reports, and case plans, requiring short-term residential therapeutic programs to ensure the availability of nursing staff, and providing at least 6 months of family-based aftercare services postdischarge from a short-term residential therapeutic program or an out-of-state facility.

By creating requirements for short-term residential therapeutic programs, the violation of which is a crime, and by imposing new duties on county officials, the bill would impose a state-mandated local program.

(4) Existing law, subject to an annual appropriation in the annual Budget Act, requires the Department of Housing and Community Development to provide funding to counties for allocation to child welfare services agencies to help young adults who are 18 to 24 years of age, inclusive, secure and maintain housing, with priority given to young adults formerly in the state's foster care or probation systems. Existing law suspends this program on December 31, 2021, unless the Department of Finance makes a specified finding.

This bill would delete the provisions conditionally suspending that program. The bill would also require a child welfare agency that accepts any distribution of money to report specified information to the department on an annual basis.

(5) Existing law, the Budget Act of 2019, appropriated \$5,000,000 to the Department of Housing and Community Development to allocate to counties for the support of housing navigators to help young adults 18 to 21 years of age, inclusive, secure and maintain housing, with priority given to young adults in the foster care system.

This bill, subject to an appropriation in the annual Budget Act, would require the department to allocate funding to counties to continue that housing navigator program. The bill would require a child welfare agency that accepts any distribution of money to report specified information to the department on an annual basis. The bill would require the housing navigator program for any county that accepts any distribution of money to provide specified training to its child welfare agency social workers and probation officers who serve nonminor dependents, including training to address an overview of the housing resources available through the local coordinated entry system, homeless continuum of care, and county public agencies.

(6) Existing law establishes the Transitional Housing Placement-Plus program, which provides transitional housing for former foster youth who are at least 18 years of age and, except as specified, not more than 24 years of age. Existing law provides for the establishment of rates to be paid to providers of transitional housing.

This bill would establish the THP-Plus Housing Supplement Program and would require the Department of Housing and Community Development, subject to an appropriation in the annual Budget Act, to allocate and distribute funds to up to 11 counties under the program. The bill would specify that a county is eligible to receive this supplemental funding if the fair market rent for a 2-bedroom apartment in the county is one of the 11 most expensive in the state during the 2020–21 federal fiscal year. The bill would specify requirements for counties that elect to receive this funding, including, among others, that the county maintain the bed capacity for the Transitional Housing Program-Plus program that the county contracted for as of July 1, 2021. The bill would also prescribe the method of calculating the amount of supplemental funding a county receives pursuant to this program.

(7) Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families.

To maximize federal financial participation and facilitate timely access to residential placements of consumers in foster care, the bill would require the department to enter into interagency agreements, as specified, to obtain state and federal funding with the state departments that oversee the agencies that have the legal responsibility to serve all members of the general public and receive public funds for providing those services. The bill would require regional centers to fund the vendorized residential service types, as specified.

(8) Existing law establishes the Interstate Compact on the Placement of Children, which governs the conditions for placing children in out-of-state group homes. Under existing law, the State Department of Social Services is designated to act as the Compact Administrator for the state.

Existing law subjects a minor between 12 and 17 years of age, who violates a federal, state, or local law or ordinance, and a minor under 12 years of age who is alleged to have committed specified serious offenses, to the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. Existing law generally prohibits a court from placing a ward outside of the state, but authorizes a court to place a ward in an institution in another state pursuant to the compact if equivalent facilities are not available in this state or out-of-state institutional care is in the best interest of the child and will not produce undue hardship.

This bill would generally prohibit the placement of foster youth, nonminor dependents, and wards of the court in out-of-state residential facilities, as defined, on and after July 1, 2021. The bill would authorize those placements before July 1, 2022, if specified criteria are met, including that the facility has been certified for placement by the State Department of Social Services or is exempt from that certification. On and after July 1, 2022, the bill would prohibit the department from certifying new out-of-state residential facilities or seeking approval of new placements by county child welfare agencies or probation departments in out-of-state residential facilities. The bill would prohibit county child welfare agencies from placing a child in an out-of-state

residential facility, unless specified placement criteria are met and the agency completes specified tasks to seek a child-specific certification of an out-of-state residential facility. By creating new duties for counties, the bill would impose a state-mandated local program.

This bill would require the department to decertify all out-of-state residential facilities on January 1, 2023, and ensure that all children and youth have been returned to California by that date. The bill would set forth the duties of the department, as Compact Administrator, in reviewing a child-specific certification of a placement in an out-of-state residential facility. The bill would require the department to report the number of children placed in an out-of-state residential facility pursuant to the compact on or before September 1, 2021, and each month thereafter, as specified, and would require the department to report every 6 months beginning January 1, 2022, specified data on children placed in out-of-state residential facilities. The bill would also make conforming changes.

(9) Existing law states the intent of the Legislature to improve California's child welfare system and its outcomes by increasing the use of home-based family care and creating faster paths to permanency resulting in shorter durations of involvement in the child welfare and juvenile justice systems. Existing law authorizes foster youth to be placed in a short-term residential therapeutic program if an interagency placement committee determines that the foster youth meets certain criteria, including that the youth is assessed as seriously emotionally disturbed or has individual behavioral or treatment needs can only be met by the level of care provided in a short-term residential therapeutic program. Existing law also establishes an intensive services foster care program to provide specialized programs to serve children with specific needs, including behavioral and specialized health care needs.

This bill would require 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. The bill would require the department to establish guidelines for foster youth eligibility and the selection, operation, and evaluation of the 5-year pilot, including guidelines on specified aspects of the structure of the pilot. The bill would require the State Department of Social Services, jointly with the State Department of Health Care Services, to take specified actions, including providing technical assistance to applicants and participating entities, awarding grants to participating entities, and developing a request for proposal process and selection criteria to determine which applicants will participate in the pilot program. The bill would require the selection criteria to include certain components, including submission of a plan by an applicant. The bill would require proposals to be submitted no later than January 31, 2022, and would require grant funds to be disbursed no later than March 31, 2022.

This bill would require participating entities to develop, in collaboration with a workgroup, a highly integrated continuum of care for foster youth

served in the pilot program. The bill would require the continuum of care, across all service settings, to reflect specified core program features and service approaches, including highly individualized and trauma-informed services.

The bill would state the intent of the Legislature to appropriate moneys to the State Department of Social Services in the annual Budget Act or another statute for the purpose of administering a grant program to provide funding to participating entities for the duration of the pilot program. The bill would require the department, 3 years after commencement of the pilot project, and no later than April 1, 2025, to submit an interim report relating to the pilot program to the Assembly Committee on Human Services and the Senate Committees on Human Services. The bill would authorize the pilot program to be implemented through all-county letters or other similar instruction and would require any guidance issued pursuant to that authorization to be issued by March 1, 2022.

(10) Existing law requires the Secretary of California Health and Human Services and the Superintendent of Public Instruction to establish a joint interagency resolution team, consisting of representatives from specified state departments, whose primary roles would be to develop guidance and provide support and technical assistance to counties with regard to those children and youth and the memoranda of understanding, as specified. Existing law required the team, no later than January 1, 2020, to review the placement and service options available to county child welfare agencies and county probation departments for those children and youth, and to develop and submit recommendations to the Legislature, regarding identified gaps in placement, needed services, and a centralized process for services, as specified.

This bill would require the joint interagency resolution team to update that review and provide recommendations to the Legislature no later than December 31, 2022, that take into account the specific needs and characteristics of youth with unplanned discharges from short-term residential therapeutic programs and youth for whom counties were unable to, or have difficulty with, securing placements and providing trauma-informed services, as specified. The bill would additionally require the joint interagency resolution team to track and report deidentified information of children and nonminor dependents in foster care who have been assisted to preserve, or secure new, intensive therapeutic options and to post that information on the internet website of the California Health and Human Services Agency beginning July 1, 2022, and annually thereafter.

(11) Existing law requires the State Department of Social Services to provide technical assistance to encourage and facilitate the county placement agency's evaluation of placement needs and the development of needed placement resources and programs, and requires county placement agencies to conduct an evaluation of the county's placement resources and programs in relation to the needs of children and nonminor dependents placed in out-of-home care.

This bill would require the department to allocate specified funds appropriated to the department in the Budget Act of 2021 through contracts with community-based providers or entities or through local assistance allocations to counties or Indian tribes that support new or expanded programs, services, and practices that ensure the provision of a high-quality continuum of care that is designed to support foster children in the least restrictive setting. The bill would also require the department to use the allocated funds to supplement county efforts to build system capacity for specified activities, including specialized models of professional foster care.

(12) Existing law requires each county to, at the county's option, develop a county plan for wraparound services, as specified. Existing law requires the State Department of Social Services to seek applicable federal approval to make the maximum number of children being served through wraparound services eligible for federal financial participation, and to amend any applicable state regulations to the extent necessary to eliminate any limitations on the numbers of children who can participate in those programs.

This bill would additionally require the State Department of Social Services and the State Department of Health Care Services, in consultation with county representatives and other stakeholders, to develop recommendations for implementing and expanding high-fidelity wraparound services statewide.

(13) Existing law requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Existing law requires the case plan to include prescribed components, including, among other things, for certain youth and nonminor dependents, verification that the youth or nonminor dependent has received comprehensive sexual health education, as specified, and an indication that the youth or nonminor dependent has been informed about various topics relating to reproductive and sexual health care. Existing law requires the case plan to identify the person or persons responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education.

This bill would require a county social worker or probation officer to include in certain reports to the juvenile court a factual discussion of whether the youth or nonminor dependent has received comprehensive sexual health education and whether the youth or nonminor dependent has been informed of the topics relating to reproductive and sexual health care. The bill would require a county social worker or probation officer to include in certain reports to the juvenile court the identity of the person or persons responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, as specified. The bill would require the juvenile court to make a determination regarding whether the social worker has performed those duties. The bill would require the Judicial Council, on or before January 1, 2023, to amend and adopt rules of court and to develop appropriate forms necessary to implement these

provisions. By imposing additional duties on county social workers and probation officers, this bill would impose a state-mandated local program.

(14) 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. Existing law also establishes the Kinship Guardianship Assistance Payment Program (Kin-GAP), which provides aid on behalf of eligible children who are placed in the home of a relative caretaker.

Existing law requires, when a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, that the rate paid to the foster care provider on behalf of the parent include an additional amount, known as an infant supplement, for the care and supervision of the child.

This bill would make a pregnant minor or nonminor dependent eligible for the infant supplement for a specified period before the expected date of birth, as specified. The bill would require the department to develop and implement automated payments for these purposes, as specified. Because counties would administer these extended benefits, this bill would impose a state-mandated local program.

(15) Existing law establishes the Approved Relative Caregiver Funding Program, for the purpose of making the amount paid to approved relative caregivers for the in-home care of children and nonminor dependents placed with them who are ineligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments equal to the amount paid on behalf of children and nonminor dependents who are eligible for AFDC-FC payments. Under existing law, an approved relative caregiver payment may be provided on behalf of a child or nonminor dependent who meets specified criteria, including that the child or nonminor dependent resides in California.

This bill would extend eligibility for payments under the Approved Relative Caregiver Funding Program on behalf of a child or nonminor dependent placed out of state in the home of a relative, if the child or nonminor dependent is ineligible for AFDC-FC payments and meets other existing eligibility requirements, as specified. The bill would also require the home of the out-of-state relative to be licensed or approved as required by the state in which the home is located. To the extent that the bill would impose new duties on counties, the bill would impose a state-mandated local program.

(16) Existing law provides for the temporary or emergency placement of dependent children of the juvenile court and nonminor dependents with relative caregivers or nonrelative extended family members under specified circumstances. Existing law requires counties to provide a specified payment to an emergency caregiver if, among other things, the emergency caregiver has completed an application for resource family approval and an application for the Emergency Assistance Program. Existing law requires these payments to be made from Emergency Assistance Program funds included in the state's Temporary Assistance for Needy Families (TANF) block grant, with

the county solely responsible for the nonfederal share of cost, except as specified. Under existing law, during the 2021–22 fiscal year, and each fiscal year thereafter, these payments are ineligible for the federal or state share of payment upon approval or denial of the resource family application or beyond 90 days, whichever comes first, and requires the department to consider extending the required payments beyond 90 days if the resource family approval process cannot be completed within 90 days due to circumstances outside of a county's control.

This bill would instead make the time limits that were to begin in the 2021–22 fiscal year apply beginning in the 2022–23 fiscal year. The bill would, for the 2021–22 fiscal year, make these payments eligible for the federal and state share of payment until approval or denial of the resource family application or for up to 120 days, whichever comes first, and would authorize an extension of eligibility for the federal and state share of payment for up to 365 days if certain conditions are met by the county, including, among others, the provision of monthly documentation showing good cause for the delay in approving the resource family application that is outside the control of the county.

(17) Existing law requires the State Department of Social Services to develop a payment system for foster family agencies that provide treatment, intensive treatment, and therapeutic foster care programs. Existing law, commencing January 1, 2017, requires the department to establish interim rates, to be effective January 1, 2017, through December 31, 2021, as specified. Existing law, commencing July 1, 2019, requires that the rates paid to foster family agencies, except for the rate paid to a certified family home or resource family agency, be 4.15% higher than the rates paid to foster family agencies in the 2018–19 fiscal year, and suspends that rate increase on December 31, 2021, unless a specified circumstance applies. Existing law declares the intent of the Legislature to establish an ongoing payment structure no later than January 1, 2022.

This bill would extend the interim rates through December 31, 2022. The bill would also repeal the suspension of the above-described rate increase. The bill would increase the amount included for the component for social workers in the interim rates by \$50 per child, per month, effective July 1, 2021. The bill would instead state the intent of the Legislature to develop an ongoing payment structure no later than January 1, 2023, and would require the payment structure to be implemented when the department notifies the Legislature that the statewide automation systems can complete the necessary automation functions, as specified.

(18) Existing law establishes a child welfare public health nursing early intervention program in the County of Los Angeles. Existing law suspends that program, as of December 31, 2021, unless the Department of Finance makes a specified determination regarding General Fund revenues and expenditures.

This bill would repeal that conditional suspension, thereby extending the child welfare public health nursing early intervention program in the County of Los Angeles indefinitely.

(19) Existing law requires the State Department of Social Services to establish a statewide hotline as the entry point for a Family Urgent Response System, as defined, to respond to calls from caregivers or current or former foster children or youth during moments of instability. Existing law also requires county child welfare, probation, and behavioral health agencies, in each county or region of counties to establish a joint county-based mobile response system that includes a mobile response and stabilization team for the purpose of providing supportive services to, among other things, address situations of instability, preserve the relationship of the caregiver and the child or youth, and stabilize the situation. Existing law also suspends the implementation of these provisions on December 31, 2021, unless the Department of Finance makes a specified determination regarding General Fund revenues and expenditures.

The bill would repeal that conditional suspension, thereby making these provisions operative indefinitely. By requiring counties to operate county-based mobile response systems indefinitely, this bill would impose a state-mandated local program.

(20) Existing law requires the State Department of Social Services to administer 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, and the CalFresh program, under which supplemental nutrition assistance benefits allocated to the state by the federal government are distributed to eligible individuals by each county.

This bill would require the department, subject to an appropriation for this purpose 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. The bill would require the department to prioritize funding for pilot programs and projects that serve California residents who age out of the extended foster care program and pregnant individuals. The bill would require the department, in consultation with relevant stakeholders, to determine the methodology for, and manner of, distributing those grants, subject to certain requirements. The bill would require an eligible entity, in order to receive a grant, to take specified actions, including presenting commitments of additional, nongovernmental funding for the pilot programs and projects to be funded with the grant. The bill would prohibit payments received by an individual from a pilot program or project funded by those grants from being treated as income or resources for the purpose of determining eligibility or the amount of benefits under any state or local benefit or assistance program. The bill would require departments that administer certain federal benefit or assistance programs to, if possible, approve an exemption or waiver to exclude a guaranteed income payment from consideration as income or resources for purposes of the federal benefit or assistance program, or seek federal waivers or exemptions to do so. The bill would also require the department, upon allocation of funding to eligible entities, to report to the Legislature and

post publicly on its internet website information about the grants funded. The bill would also require the department to review and evaluate the pilot programs and projects funded pursuant to these provisions, provide a report to the Legislature regarding that review and evaluation, and post a copy of the report on its internet website.

This bill would exempt contracts or grants awarded under the California Guaranteed Income Pilot Program from specified personal services contracting requirements, the Public Contract Code, the State Contracting Manual, and approval by the Department of General Services. The bill would authorize the department to implement the program without taking any regulatory action.

This bill would make these provisions inoperative on July 1, 2026, and repeal them on January 1, 2027.

(21) The bill would authorize the State Department of Social Services to implement, interpret, or make specific specified provisions of this act through all-county letters or similar written instructions from the department until regulations are adopted no later than July 1, 2024, and would authorize the State Department of Health Care Services to implement, interpret, or make specific the provisions of this act by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, until the adoption of regulations no later than July 1, 2024.

(22) 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 specified reasons.

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.

(23) Existing law requires the State Department of Social Services, subject to an appropriation of funds in the annual Budget Act, to administer the California Newcomer Education and Well-Being (CalNEW) Program to provide services for refugees, unaccompanied undocumented minors, and immigrant families. Existing law requires the department to allocate funding to school districts with significant numbers of refugee pupils and unaccompanied undocumented minors, or a significant population of English learner pupils.

This bill, for the 2020–21 fiscal year, would appropriate \$5,000,000 from the General Fund to the State Department of Social Services to administer the CalNEW Program by allocating funding to school districts with a significant number of eligible refugee pupils to improve their well-being, English language proficiency, and academic performance. The funding would be available for encumbrance and expenditure until June 30, 2024.

The funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

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

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. (a) Regarding the addition of Chapter 11.8 (commencing with Section 50811) and Chapter 11.9 (commencing with Section 50820) to Part 2 of Division 31 of the Health and Safety Code, the Legislature finds and declares both of the following:

(1) There exists in the State of California long-standing racial inequities that result in a disproportionate number of children of color being subject to abuse and neglect and subsequently being placed into foster care.

(2) Youth who are in foster care face a disproportionate risk of experiencing homelessness while in foster care, during their transition out of foster care, and in adulthood.

(b) It is therefore the intent of the Legislature in enacting this act to address racial inequities by enacting policies that prevent foster youth from experiencing negative life outcomes, including homelessness, that result directly from their experience in foster care.

SEC. 2. (a) Regarding the addition of Chapter 6 (commencing with Section 16550) to Part 4 of Division 9 of the Welfare and Institutions Code, the Legislature finds and declares all of the following:

(1) Chapter 773 of the Statutes of 2015 and Chapter 425 of the Statutes of 2015 established the statutory framework to decrease the use of residential placement for youth and support a continuum of care inclusive of social and behavioral health services delivered in family-based and community-based settings. In the years since implementing this legislation, California has made clear and impactful progress in developing alternative, therapeutic, family-based placement options for foster youth.

(2) Further, Chapter 815 of the Statutes of 2018 built upon the Continuum of Care Reform effort by promoting a coordinated, timely, and trauma-informed system-of-care approach for children and youth in foster care who have experienced severe trauma.

(3) Despite these important gains, it remains that some child welfare-involved and juvenile-justice-involved youth have complex, persistent, and pervasive multisystem needs that require the development of innovative approaches and capacity to be met.

(4) Until December 2020, some California foster youth with the most complex, persistent, and pervasive needs were placed in out-of-state residential settings far from their homes and communities.

(5) After the State Department of Social Services decertified all out-of-state facilities that were certified as of December 2020, placing counties and the state conducted an expedited return of all foster youth residing in out-of-state placements to California.

(6) There is an urgent imperative to build capacity for this small population of youth through the development of a comprehensive continuum of services, supports and intensive treatment options that is accountable for serving youth in the least restrictive setting.

(7) Many children require specialized competencies and individually tailored services and supports that are not always available within California.

(8) Foster youth experiencing an acute behavioral health crisis must have access to an integrated continuum of intensive and highly individualized crisis treatment settings to support stabilization and step-down to home-based care.

(9) Only in the most critical and urgent situations where the safety of the youth is of concern should restrictive treatment settings be considered. When those options are utilized, facilities must align their services and programs to the trauma-informed care required by federal and state laws, with additional safeguards in place to ensure that lengths of stay are brief and that youth and families are connected seamlessly to a continuum of care and services to promote healing and timely step-downs to home-based care.

(b) It is the intent of the Legislature in enacting this act, in support of the development of systems of care to build trauma-informed services in home-based and community-based settings, to establish a roadmap with short-term and long-term strategies for state and local agencies, working in partnership, to ultimately meet these desired goals and improve safety, permanency, and well-being outcomes for children, youth, and families served by the foster care system.

SEC. 3. Section 7908 of the Family Code is amended to read:

7908. A court having jurisdiction to place children adjudged wards of the court may place a ward in an out-of-state facility, as defined in subdivision (b) of Section 7910, pursuant to Section 727.1 of the Welfare and Institutions Code and Article 6 of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article 5 of the compact.

SEC. 4. Section 7910 of the Family Code is amended to read:

7910. (a) Approval of an interstate placement of a child for adoption shall not be granted by the Compact Administrator if the placement is in violation of either Section 8801 of this code or Section 273 of the Penal Code.

(b) (1) The Compact Administrator shall not submit to a receiving state a request to place a dependent or ward for whom a county child welfare agency or county probation department has placement and care responsibility in an out-of-state residential facility, unless the requirements of Section 7911.1 of this code and Section 361.21 of, or subdivision (b) of Section 727.1 of, the Welfare and Institutions Code are met.

(2) For the purpose of this section, an “out-of-state residential facility” is a facility that is located in a state outside of California, is licensed or otherwise approved by the applicable state or tribal authority, and provides an integrated program of specialized and intensive care and supervision, services and supports, treatment, and short-term, 24-hour, trauma-informed

care and supervision to children. An out-of-state residential facility may be called another name, including a group home, a residential treatment facility, or a residential care treatment facility.

SEC. 5. Section 7911 of the Family Code is repealed.

SEC. 6. Section 7911 is added to the Family Code, to read:

7911. (a) The Legislature finds and declares all of the following:

(1) The health and safety of California children placed by a county child welfare agency or probation department out of state pursuant to the provisions of the Interstate Compact on the Placement of Children are a matter of statewide concern.

(2) The State Department of Social Services has full authority to require any placement of a child in an out-of-state residential facility by a county child welfare agency or county probation department be approved on a child-specific basis after the county has exhausted in-state placement and services options that meet the needs of the child and participated in the department's technical assistance program. Before the juvenile court approves the placement pursuant to Section 361.21 of, or subdivision (b) of Section 727.1 of, the Welfare and Institutions Code, the State Department of Social Services shall certify the out-of-state residential facility pursuant to Section 7911.1. Before processing an application for out-of-state placement in a residential facility pursuant to the Interstate Compact on the Placement of Children, the Compact Administrator shall verify that the placement was approved by the juvenile court and that it has been certified by the department.

(3) The Legislature further finds and declares that certification of facilities licensed under a separate state's licensing standards has not been sufficient to ensure that the stringent California short-term residential therapeutic programs requirements are maintained to safeguard the health, safety, and well-being of California's foster children and youth. Further research demonstrates that dependents and wards in foster care placements are generally better served when they are able to maintain and develop local community supports closer to their families and communities.

(b) (1) On and after July 1, 2021, foster care placements by county child welfare agencies or probation departments into out-of-state residential facilities shall not be made, except in the limited circumstances authorized by Section 361.21 of, or subdivision (b) of Section 727.1 of, the Welfare and Institutions Code, as applicable. Unless placement of a child in an out-of-state residential facility does not require certification pursuant to subdivision (h) of Section 7911.1, the Compact Administrator shall not seek approval of placement in an out-of-state residential facility from the receiving state unless all of the following criteria are met:

(A) The Compact Administrator has received from the county placing agency documentation that it has complied with the requirements of Section 16010.9 of the Welfare and Institutions Code.

(B) The Compact Administrator has received documentation that the out-of-state residential facility has been certified by the State Department

of Social Services, including documentation that the director of the State Department of Social Services has approved the certification.

(C) The Compact Administrator has received a copy of the juvenile court order authorizing placement of the child in the out-of-state residential facility pursuant to Section 361.21 or 727.1 of the Welfare and Institutions Code.

(2) On and after July 1, 2022, county child welfare agencies or probation departments shall not make new placements in out-of-state residential facilities, except for placements described in subdivision (h) of Section 7911.1.

(c) Notwithstanding any other law, on and after July 1, 2022, the State Department of Social Services shall not certify any new out-of-state residential facilities for placement by county child welfare agencies or probation departments. On and after July 1, 2022, the Compact Administrator shall not seek approval of any new placements by county child welfare agencies or probation departments in out-of-state residential facilities.

(d) The state shall decertify all out-of-state residential facilities for placement by county child welfare agencies or probation departments on January 1, 2023, and ensure that all children and youth placed in out of state residential facilities have been returned to California by that date.

(e) This section is declaratory of existing law with respect to the Governor's designation of the State Department of Social Services to act as the Compact Administrator and of that department to act as the single state agency charged with supervision of public social services under Section 10600 of the Welfare and Institutions Code.

SEC. 7. Section 7911.1 of the Family Code is repealed.

SEC. 8. Section 7911.1 is added to the Family Code, to read:

7911.1. (a) Notwithstanding any other law, the State Department of Social Services or its designee shall investigate any threat to the health and safety of children placed by a California county child welfare agency or probation department in an out-of-state residential facility, as defined in subdivision (b) of Section 7910, pursuant to the provisions of the Interstate Compact on the Placement of Children. This authority shall include the authority to interview children or staff in private or review their file at the out-of-state residential facility or wherever the child or files may be at the time of the investigation. Notwithstanding any other law, the State Department of Social Services or its designee shall require certified out-of-state residential facilities to comply with the reporting requirements applicable to short-term residential therapeutic programs licensed in California for each child in care, regardless of whether or not the child is a California placement, by submitting a copy of the required reports to the Compact Administrator within regulatory timeframes. The Compact Administrator, within one business day of receiving a serious incident report from a certified out-of-state residential facility, shall verbally notify any county child welfare agency or probation department with a child placed at the certified out-of-state residential facility of the serious incident report. The Compact Administrator, within five business days of receiving a written serious incident report from a certified out-of-state residential facility, shall

forward a copy of the written serious incident report to any county child welfare agency or probation department with a child placed at the certified out-of-state residential facility.

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

(c) Upon receipt of a request from a county child welfare agency or probation department for a child-specific certification of a placement in an out-of-state residential facility, the State Department of Social Services or its designee shall expedite the review of the request in order to determine any additional information needed, shall communicate with the requesting county agency regarding its review including regular status updates, and shall, in a timely manner, determine whether it will issue a child-specific certification to the out-of-state residential facility pursuant to this section.

(1) The licensing standards applicable to an out-of-state residential facility certified by the department shall be those required of short-term residential therapeutic programs operated in this state.

(2) Before issuing a child-specific certification to the out-of-state residential facility, the department shall do all of the following:

(A) Review documentation provided by the county placing agency pursuant to subdivision (e) of Section 16010.9 of the Welfare and Institutions Code.

(B) Perform an on-site inspection of the out-of-state residential facility's physical site.

(C) At a minimum, review all of the following sections of the out-of-state residential facility's program statement:

- (i) Core Services and Supports.
- (ii) Trauma Informed Interventions and Treatment Practices.
- (iii) Personal Rights.
- (iv) House Rules.
- (v) Discipline Policies and Procedures.
- (vi) Emergency Intervention Plan (Including Runaway Plan).

(D) Review the out-of-state residential facility's serious incident reports.

(E) Review the out-of-state residential facility's current license. In order for the out-of-state residential facility to receive a certification, the out-of-state residential facility shall have a current license, or an equivalent approval, in good standing issued by the appropriate authority or authorities of the state in which it is operating.

(F) Review the out-of-state residential facility's licensing history, including any substantiated complaints.

(G) Review the documentation provided by the State Department of Health Care Services pursuant to subdivision (d).

(H) Obtain approval from the director of the department of the child-specific certification for the out-of-state residential facility. Director

approval may be given after all of the requirements of subparagraphs (A) to (G), inclusive, have been satisfied.

(3) The department shall not issue a child-specific certification to the out-of-state residential facility if the out-of-state residential facility fails to cooperate during the certification process, including failing to provide any of the documentation listed in paragraph (2).

(4) If all the requirements of paragraph (2) have been satisfied, the department shall certify the out-of-state residential facility pursuant to this section. The department shall provide written documentation of this certification to the county placing agency.

(5) The child-specific certification is discontinued, effective immediately, upon the child transitioning out of the out-of-state residential facility's program.

(d) The licensing standards applicable to out-of-state residential facilities certified by the department, as described in subdivision (c), shall include the licensing standards for mental health program approval described in Section 1562.01 of the Health and Safety Code. These standards shall be satisfied if the State Department of Health Care Services determines that the out-of-state residential facility has an equivalent mental health program approval in the state in which it is operating. Upon receipt of a request for the State Department of Health Care Services to determine whether an out-of-state residential facility has an equivalent mental health program approval in the state in which it is operating, the State Department of Health Care Services shall expedite the review of the request in order to determine any additional information needed, shall communicate with the requesting county agency regarding its review including regular status updates, and shall, in a timely manner, make its determination. If an out-of-state residential facility cannot satisfy the licensing standards for an equivalent mental health program approval, the department shall not certify the facility.

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

(f) Certifications made pursuant to this section shall be reviewed as often as necessary to ensure the health and safety of children in care. At a minimum, certifications made pursuant to this section shall be reviewed semiannually. The department shall complete a full review of the facility's program statement semiannually.

(g) (1) The department may deny or discontinue the certification of the out-of-state residential facility if the department makes a finding that the out-of-state residential facility is not operating in compliance with the requirements of this section. The department shall engage with counties that have one or more youth at a facility proposed for decertification to allow for a transition to occur, to the extent possible while ensuring the youths' safety and well-being.

(2) If the out-of-state residential facility disagrees with any decision by the department to deny or discontinue the certification, the out-of-state residential facility may appeal the decision immediately upon receipt of the

notice of decertification. If the out-of-state residential facility decides to appeal the decision, the appeal shall be submitted to the department not later than 30 calendar days after the out-of-state residential facility receives the decision. The out-of-state residential facility's appeal shall be in writing and include all information, including supporting documents, that forms the basis of the appeal. The department shall issue a final determination not later than 30 calendar days after receipt of the appeal. If the out-of-state residential facility disagrees with the department's determination, the out-of-state residential facility may file a writ pursuant to paragraph (3). If the out-of-state residential facility decides to file a writ, the writ shall be filed not later than 30 calendar days after the out-of-state residential facility receives the final determination.

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

(h) The certification requirements of this section shall not impact any of the following:

(1) Placement of emotionally disturbed children made pursuant to an individualized education program developed pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) if the placement is not funded with federal or state foster care funds.

(2) Placement of Indian children, as defined by the Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et. seq.) and Section 224.1 of the Welfare and Institutions Code.

(i) Failure by an out-of-state residential facility to obtain or maintain its certification, as required by this section, shall preclude the use of any public funds, whether county, state, or federal, in the payment for the placement of any child in that out-of-state residential facility pursuant to the Interstate Compact on the Placement of Children.

(j) 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 and the State Department of Health Care Services 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. 9. Section 7912 of the Family Code is amended to read:

7912. (a) The Legislature finds and declares that the health and safety of children placed in out-of-state residential facilities pursuant to the Interstate Compact on the Placement of Children is a matter of statewide concern. The Legislature therefore affirms its intention that children placed by a county child welfare agency or probation department in out-of-state residential facilities be accorded the same personal rights and safeguards

of a child placed in a California licensed short-term residential therapeutic program. This section is in clarification of existing law.

(b) (1) On or before September 1, 2021, and each month thereafter, the department shall report to the relevant policy and fiscal committees of the Legislature the number of children placed by a county child welfare agency or probation department in out-of-state residential facilities pursuant to the Interstate Compact on the Placement of Children.

(2) On or before January 1, 2022, and every six months thereafter until facilities are decertified and all children returned to California on or before January 1, 2023, the department, in consultation with the counties, shall report to the relevant policy and fiscal committees of the Legislature on the capacity for serving all child welfare and probation-supervised foster children within California or in home-based settings outside of the state. The report shall also include all of the following data, as applicable:

(A) The number of children served by out-of-state residential facilities, disaggregated by child welfare services agency and probation department supervision.

(B) Data measures related to ongoing transition planning efforts, including child and family team meetings, child-specific recruitment and family finding activities, and multiagency care coordination efforts that occurred for each child before and during placement in the out-of-state residential facility.

(C) The lengths of stay of each child placed in an out-of-state residential facility by a California child welfare agency or probation department.

(D) The total number of all serious incident reports received regarding out-of-state residential facilities, and descriptions of the types of incidents reported.

(E) The total number of serious incident reports received regarding California children placed in out-of-state residential facilities, and descriptions of the types of incidents reported.

(3) Reports made pursuant to this subdivision shall not include any demographic data that would permit identification of any child or nonminor dependent.

SEC. 10. 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) "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.

Nothing in this section shall be construed to 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.

(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.

(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, Sonoma 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, which, 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, which 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.

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

(c) “Director” means the Director of Social Services.

SEC. 11. Section 1562.01 of the Health and Safety Code is amended to read:

1562.01. (a) The department shall license short-term residential therapeutic programs, as defined in paragraph (18) of subdivision (a) of Section 1502, pursuant to this chapter. A short-term residential therapeutic

program shall comply with all requirements of this chapter that are applicable to group homes and to the requirements of this section.

(b) (1) A short-term residential therapeutic program shall have national accreditation from an entity identified by the department pursuant to the process described in paragraph (6) of subdivision (b) of Section 11462 of the Welfare and Institutions Code.

(2) A short-term residential therapeutic program applicant shall submit documentation of accreditation or application for accreditation with its application for licensure.

(3) A short-term residential therapeutic program shall have up to 24 months from the date of licensure to obtain accreditation.

(4) A short-term residential therapeutic program shall provide documentation to the department reporting its accreditation status at 12 months and at 18 months after the date of licensure.

(5) This subdivision does not preclude the department from requesting additional information from the short-term residential therapeutic program regarding its accreditation status.

(6) The department may revoke a short-term residential therapeutic program's license pursuant to Article 5 (commencing with Section 1550) for failure to obtain accreditation within the timeframes specified in this subdivision.

(c) (1) A short-term residential therapeutic program shall have up to 12 months from the date of licensure to obtain in good standing a mental health program approval and Medi-Cal mental health certification, as set forth in Sections 4096.5 and 11462.01 of the Welfare and Institutions Code.

(2) A short-term residential therapeutic program shall maintain the program approval described in paragraph (1) in good standing during its licensure.

(3) The department shall track the number of licensed short-term residential therapeutic programs that were unable to obtain a mental health program approval and provide that information to the Legislature annually as part of the state budget process.

(d) (1) A short-term residential therapeutic program shall prepare and maintain a current, written plan of operation as required by the department.

(2) The plan of operation shall include, but not be limited to, all of the following:

(A) A statement of purposes and goals.

(B) A plan for the supervision, evaluation, and training of staff, designed to ensure the provision of trauma-informed services. The plan shall be appropriate to meet the needs of staff and children.

(C) A program statement that includes all of the following:

(i) On and after October 1, 2021, a description of how the short-term residential therapeutic program will meet standards, to be established by the department in collaboration with the State Department of Health Care Services, for both of the following:

(I) A comprehensive trauma-informed treatment model designed to address the individualized needs of children.

(II) A plan for how the short-term residential therapeutic program will make licensed nursing staff available, as set forth in subdivision (n).

(ii) Description of the short-term residential therapeutic program's ability to support the individual needs of children and their families with short-term, specialized, trauma-informed, and intensive treatment, including, but not limited to, treatment that implements child-specific short- and long-term needs and goals identified by the qualified individual's assessment of the child pursuant to subdivision (g) of Section 4096 of the Welfare and Institutions Code.

(iii) Description of the core services, as set forth in paragraph (1) of subdivision (b) of Section 11462 of the Welfare and Institutions Code, to be offered to children and their families, as appropriate or necessary.

(iv) Procedures for the development, implementation, and periodic updating of the needs and services plan for children served by the short-term residential therapeutic program and procedures for collaborating with the child and family team described in paragraph (4) of subdivision (a) of Section 16501 of the Welfare and Institutions Code, that include, but are not limited to, a description of the services to be provided or arranged to meet the short- and long-term needs and goals of the child as assessed by the qualified individual, pursuant to Sections 4096 and 11462.01 of the Welfare and Institutions Code, processes to ensure treatment is consistent with the short- and long-term needs and goals for the child, including, as specified in the child's permanency plan, the anticipated duration of the treatment, and processes to ensure that consistent progress is made toward the timeframe and plan for transitioning the child to a less restrictive family environment.

(v) A description of the population or populations to be served.

(vi) A description of compliance with the requirements in subdivision (c). A short-term residential therapeutic program that has not satisfied the requirements in subdivision (c) shall demonstrate the ability to meet the mental health service needs of children.

(vii) (I) A description of how the short-term residential therapeutic program, in accordance with the child's case plan and the child and family team recommendations, will provide for, arrange for the provision of, or assist in, all of the following:

(ia) Identification of home-based family care settings for a child who does not have a home-based caregiver identified for transition and pursuant to clause (viii).

(ib) Development of an individualized family-based aftercare support plan that identifies necessary supports, services, and treatment to be provided for at least six months postdischarge as a child moves from their short-term residential therapeutic program placement to home-based family care setting or to a permanent living situation through reunification, adoption, or guardianship, or to a transitional housing program. This plan shall be developed, pursuant to Section 4096.6 of the Welfare and Institutions Code, in collaboration with the county placing agency, the child and family team, and other necessary agencies or individuals for at least six months postdischarge. Federal financial participation under the Medi-Cal program

shall only be available if all state and federal requirements are met and the treatment is medically necessary, regardless of the six months postdischarge requirement.

(ic) Documentation of the process by which the short- and long-term, child-specific mental health goals identified by a qualified individual, as defined in Section 16501 of the Welfare and Institutions Code, pursuant to subdivision (g) of Section 4096 of the Welfare and institutions Code, will be implemented by the short-term residential therapeutic program.

(II) This clause shall not be interpreted to supersede the placement and care responsibility vested in the county child welfare agency or probation department.

(viii) (I) On and after October 1, 2021, a description of how the short-term residential therapeutic program will, to the extent clinically appropriate, consistent with any applicable court orders, and in accordance with the child's best interest, do all of the following:

(ia) Facilitate participation of family members in the child's treatment program.

(ib) Facilitate outreach to the family members of the child, including siblings, document how the outreach is made, including contact information, and maintain contact information for any known biological family and nonrelative extended family members of the child.

(ic) Document how family members will be integrated into the treatment process for the child, including postdischarge, and how sibling connections are maintained.

(II) This clause shall not be interpreted to supersede the placement and care responsibility vested in the county child welfare agency or probation department.

(ix) Any other information that may be prescribed by the department for the proper administration of this section.

(e) In addition to the rules and regulations adopted pursuant to this chapter, a county licensed to operate a short-term residential therapeutic program shall describe, in the plan of operation, its conflict of interest mitigation plan, as set forth in subdivision (g) of Section 11462.02 of the Welfare and Institutions Code.

(f) (1) (A) (i) A short-term residential therapeutic program applicant shall submit an application to the department that includes a letter of recommendation in support of its program from a county placing agency.

(ii) The letter of recommendation shall include a statement that the county placing agency reviewed a copy of the applicant's program statement.

(iii) If the letter of recommendation is not from the county in which the facility is located, the short-term residential therapeutic program applicant shall include, with its application, a statement that it provided the county in which the facility is located an opportunity for that county to review the program statement and notified that county that the facility has received a letter of recommendation from another county.

(B) If the application does not contain a letter of recommendation as described in subparagraph (A), then the department shall cease review of

the application. Nothing in this paragraph shall constitute a denial of the application for purposes of Section 1526 or any other law.

(C) A new letter of recommendation is not required when a short-term residential therapeutic program moves locations.

(2) A short-term residential therapeutic program shall submit a copy of its program statement to all county placing agencies from which the short-term residential therapeutic program accepts placements, including the county in which the facility is located, for optional review when the short-term residential therapeutic program updates its program statement.

(g) (1) The department shall adopt regulations to establish requirements for the education, qualification, and training of facility managers and staff who provide care and supervision to children or who have regular, direct contact with children in the course of their responsibilities in short-term residential therapeutic programs consistent with the intended role of these facilities to provide short-term, specialized, and intensive treatment.

(2) Requirements shall include, but not be limited to, all of the following:

(A) Staff classifications.

(B) Specification of the date by which employees shall be required to meet the education and qualification requirements.

(C) Any other requirements that may be prescribed by the department for the proper administration of this section.

(h) The department shall adopt regulations to specify training requirements for staff who provide care and supervision to children or who have regular, direct contact with children in the course of their responsibilities. These requirements shall include both of the following:

(1) Timeframes for completion of training, including the following:

(A) Training that shall be completed prior to unsupervised care of children.

(B) Training to be completed within the first 180 days of employment.

(C) Training to be completed annually.

(2) Topics to be covered in the training shall include, but are not limited to, the following:

(A) Child and adolescent development, including sexual orientation, gender identity, and gender expression.

(B) The effects of trauma, including grief and loss, and child abuse and neglect on child development and behavior and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) The rights of a child in foster care, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(D) Positive discipline and the importance of self-esteem.

(E) Core practice model.

(F) An overview of the child welfare and probation systems.

(G) Reasonable and prudent parent standard.

(H) 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.

(I) Awareness and identification of commercial sexual exploitation and best practices for providing care and supervision to commercially sexually exploited children.

(J) The federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

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

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

(M) Best practices for providing care and supervision to nonminor dependents.

(N) Health issues in foster care.

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

(i) (1) Each person employed as a facility manager or staff member of a short-term residential therapeutic program, who provides direct care and supervision to children and youth residing in the short-term residential therapeutic program shall be at least 21 years of age.

(2) This subdivision shall not apply to a facility manager or staff member employed, before October 1, 2014, at a short-term residential therapeutic program that was operating under a group home license prior to January 1, 2017.

(j) Notwithstanding any other section of this chapter, the department may establish requirements for licensed group homes that are transitioning to short-term residential therapeutic programs, which may include, but not be limited to, requirements related to application and plan of operation.

(k) A short-term residential therapeutic program shall have a qualified and certified administrator, as set forth in Section 1522.41.

(l) A short-term residential therapeutic program shall provide trauma-informed support and transition services to foster youth as part of a planned or unplanned discharge. This shall include participation in any county-level or state-level meetings pursuant to Section 16521.6 of the Welfare and Institutions Code with the goal of placement preservation whenever possible or, if necessary, identifying and working with alternative short-term residential therapeutic programs or other providers to directly transition the youth.

(m) The department shall have the authority to inspect a short-term residential therapeutic program pursuant to the system of governmental

monitoring and oversight developed by the department pursuant to subdivision (c) of Section 11462 of the Welfare and Institutions Code.

(n) (1) On and after October 1, 2021, a short-term residential therapeutic program shall ensure the availability of licensed nursing staff, which may include the nursing resources established pursuant to Section 4096.55 of the Welfare and Institutions Code.

(2) Nursing staff shall be onsite according to the treatment model of the short-term residential therapeutic program and as otherwise required by the needs of any child residing in the facility.

(3) Nursing staff shall be available 24 hours a day, 7 days a week, and shall provide care within the scope of their practice.

(4) If a child who is placed in a short-term residential therapeutic program by a county placing agency requires regular onsite nursing care and does not require inpatient care in a licensed health facility, the short-term residential therapeutic program shall provide the nursing care consistent with their treatment model, or shall partner with the county placing agency to arrange for the nursing care to be provided.

(5) The department, in consultation with the State Department of Health Care Services, county agencies, providers, and other stakeholders, shall develop guidance to implement this subdivision.

(o) The short-term residential therapeutic program shall maintain the interagency placement committee's written determination and the qualified individual's assessment of the child, required to be completed and provided to the short-term residential therapeutic program pursuant to subdivisions (f) and (g) of Section 4096 of the Welfare and Institutions Code, in the child's record.

(p) The short-term residential therapeutic program shall engage with the county placing agency in placement preservation strategies pursuant to Section 16010.7 of the Welfare and Institutions Code, as applicable. Nothing in this subdivision shall be interpreted to supersede the placement and care responsibility vested in the county placing agency or their responsibilities under Section 16010.7 of the Welfare and Institution Code.

(q) (1) The department shall adopt regulations to implement this section, collaborating with the State Department of Health Care Services, as necessary, to ensure alignment with mental health program approval requirements, as described in Section 4096.5 of the Welfare and Institutions Code.

(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 section by means of interim licensing standards until regulations are adopted. These interim licensing standards shall have the same force and effect as regulations until the adoption of regulations.

SEC. 12. Section 50807 of the Health and Safety Code is amended to read:

50807. (a) Subject to an appropriation in the annual Budget Act, the Department of Housing and Community Development shall allocate funding to county child welfare agencies to help young adults who are 18 to 24 years of age, inclusive, secure and maintain housing, with priority given to young adults formerly in the state's foster care or probation systems.

(b) The department shall consult with the Department of Social Services, the Department of Finance, and the County Welfare Directors Association of California to develop an allocation schedule for purposes of distributing funds allocated to counties pursuant to subdivision (a).

(c) If a child welfare agency accepts any distribution of money, it shall report the following data to the Department of Housing and Community Development on an annual basis:

- (1) The number of homeless youth served.
- (2) The number of former foster youth served.
- (3) The number of homeless youth who exited homelessness into temporary housing.
- (4) The number of homeless youth who exited homelessness into permanent housing.

SEC. 13. Chapter 11.8 (commencing with Section 50811) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

#### CHAPTER 11.8. HOUSING NAVIGATION FOR YOUNG ADULTS

50811. (a) Subject to an appropriation in the annual Budget Act to the Department of Housing and Community Development to continue the housing navigator program established as a result of the allocation in Provision (3) of Item 2240-103-0001 of the Budget Act of 2019, the department shall allocate funding to county child welfare agencies to provide housing navigators to help young adults between 18 years of age and 21 years of age, inclusive, secure and maintain housing. A county that receives an allocation pursuant to this subdivision shall give priority to young adults in the foster care system.

(b) The department shall consult with the State Department of Social Services, the Department of Finance, and the County Welfare Directors Association of California to develop an allocation schedule for purposes of distributing funds allocated to counties pursuant to subdivision (a).

(c) The housing navigator program for a county that accepts an allocation of money pursuant to this section shall provide training to its child welfare agency social workers and probation officers who serve nonminor dependents. The training shall address an overview of the housing resources available through the local coordinated entry system, homeless continuum of care, and county public agencies, including, but not limited to, housing navigation, permanent affordable housing, THP-Plus, and housing choice vouchers. The training shall also address how to access and receive a referral to existing housing resources, the social worker's and probation officer's

role in identifying unstable housing situations for youth, and referring youth to housing assistance programs.

(d) If a child welfare agency accepts any distribution of money, it shall report the following data to the Department of Housing and Community Development on an annual basis:

- (1) The number of homeless youth served.
- (2) The number of foster children served.
- (3) The number of homeless youth who exited homelessness into temporary housing.
- (4) The number of homeless youth who exited homelessness into permanent housing.

SEC. 14. Chapter 11.9 (commencing with Section 50820) is added to Part 2 of Division 31 of the Health and Safety Code, to read:

#### CHAPTER 11.9. THP-PLUS HOUSING SUPPLEMENT PROGRAM

50820. (a) The THP-Plus Housing Supplement Program is hereby established. Subject to an appropriation in the annual Budget Act for this purpose, the Department of Housing and Community Development shall allocate and distribute funds to up to 11 counties pursuant to this section.

(b) A county shall be eligible to receive funding pursuant to this section if the fair market rent, as defined in paragraph (4) of subdivision (i) of Section 11403.3 of the Welfare and Institutions Code, for a two-bedroom apartment in the county is one of the 11 most expensive in the state during the 2020–21 federal fiscal year.

(c) A county that elects to receive funding pursuant to this section shall comply with all of the following requirements:

(1) Expend all funds the county is required to maintain pursuant to paragraph (4) before using funding provided pursuant to this subdivision.

(2) Pay a monthly rate to Transitional Housing Program-Plus providers, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, that is no less than two thousand eight hundred eighty-two dollars (\$2,882) per youth per month or the rate paid per youth per month on July 1, 2021, whichever is greater.

(3) Maintain the bed capacity for the Transitional Housing Program-Plus that the county contracted for as of July 1, 2021.

(4) Maintain funding for the Transitional Housing Program-Plus from the Protective Services Subaccount within the Support Services Account of the county's County Local Revenue Fund 2011 at the amount listed for the county on page 25 of the State Department of Social Service's County Fiscal Letter No. 11/12-18, issued on September 16, 2011.

(d) (1) A county that receives funding pursuant to this section shall receive an amount that is the difference between the amount of funding the county is required to maintain pursuant to paragraph (4) of subdivision (c) and the amount required to maintain the bed capacity required by the county's contracts with Transitional Housing Program-Plus providers as of July 1,

2021, at a rate of two thousand eight hundred eighty-two dollars (\$2,882) per youth per month.

(2) A county shall not receive funding pursuant to this section if the amount of funding the county is required to maintain pursuant to paragraph (4) of subdivision (c) is sufficient to maintain the bed capacity required by the county's contracts with Transitional Housing Program-Plus providers as of July 1, 2021, at a rate of two thousand eight hundred eighty-two dollars (\$2,882) per youth per month.

(3) If, due to point-in-time differences in the data, the dollar amount provided in the Budget Act for the purpose of this section is less than or more than the dollar amount necessary to fund the THP-Plus Housing Supplement Program for eligible counties using the methodology described in this subdivision, the department shall determine how to adjust the amounts distributed to counties to accommodate a funding shortfall or additional funding in consultation with stakeholders, including representatives from the State Department of Social Services, the Department of Finance, the County Welfare Directors Association of California, and John Burton Advocates for Youth.

SEC. 15. Section 319 of the Welfare and Institutions Code is amended to read:

319. (a) At the initial petition hearing, the court shall examine the child's parents, guardians, Indian custodian, or other persons having relevant knowledge and hear the relevant evidence as the child, the child's parents or guardians, the child's Indian custodian, the petitioner, the Indian child's tribe, or their counsel desires to present. The court may examine the child, as provided in Section 350.

(b) The social worker shall report to the court on the reasons why the child has been removed from the parent's, guardian's, or Indian custodian's physical custody, the need, if any, for continued detention, the available services and the referral methods to those services that could facilitate the return of the child to the custody of the child's parents, guardians, or Indian custodian, and whether there are any relatives who are able and willing to take temporary physical custody of the child. If it is known or there is reason to know the child is an Indian child, the report shall also include all of the following:

(1) A statement of the risk of imminent physical damage or harm to the Indian child and any evidence that the emergency removal or placement continues to be necessary to prevent the imminent physical damage or harm to the child.

(2) The steps taken to provide notice to the child's parents, custodians, and tribe about the hearing pursuant to this section.

(3) If the child's parents and Indian custodians are unknown, a detailed explanation of what efforts have been made to locate and contact them, including contact with the appropriate Bureau of Indian Affairs regional director.

(4) The residence and the domicile of the Indian child.

(5) If either the residence or the domicile of the Indian child is believed to be on a reservation or in an Alaska Native village, the name of the tribe affiliated with that reservation or village.

(6) The tribal affiliation of the child and of the parents or Indian custodians.

(7) A specific and detailed account of the circumstances that caused the Indian child to be taken into temporary custody.

(8) If the child is believed to reside or be domiciled on a reservation in which the tribe exercises exclusive jurisdiction over child custody matters, a statement of efforts that have been made and that are being made to contact the tribe and transfer the child to the tribe's jurisdiction.

(9) A statement of the efforts that have been taken to assist the parents or Indian custodians so the Indian child may safely be returned to their custody.

(c) The court shall order the release of the child from custody unless a *prima facie* showing has been made that the child comes within Section 300, the court finds that continuance in the parent's or guardian's home is contrary to the child's welfare, and any of the following circumstances exist:

(1) There is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the parent's or guardian's physical custody.

(2) There is substantial evidence that a parent, guardian, or custodian of the child is likely to flee the jurisdiction of the court, and, in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.

(3) The child has left a placement in which the child was placed by the juvenile court.

(4) The child indicates an unwillingness to return home, if the child has been physically or sexually abused by a person residing in the home.

(d) If the court knows or there is reason to know the child is an Indian child, the court may only detain the Indian child if it also finds that detention is necessary to prevent imminent physical damage or harm. The court shall state on the record the facts supporting this finding.

(e) (1) If the hearing pursuant to this section is continued pursuant to Section 322 or for any other reason, the court shall find that the continuance of the child in the parent's or guardian's home is contrary to the child's welfare at the initial petition hearing or order the release of the child from custody.

(2) If the court knows or has reason to know the child is an Indian child, the hearing pursuant to this section may not be continued beyond 30 days unless the court finds all of the following:

(A) Restoring the child to the parent, parents, or Indian custodian would subject the child to imminent physical damage or harm.

(B) The court is unable to transfer the proceeding to the jurisdiction of the appropriate Indian tribe.

(C) It is not possible to initiate an Indian child custody proceeding as defined in Section 224.1.

(f) (1) The court shall also make a determination on the record, referencing the social worker's report or other evidence relied upon, as to whether reasonable efforts were made to prevent or eliminate the need for removal of the child from their home, pursuant to subdivision (b) of Section 306, and whether there are available services that would prevent the need for further detention. Services to be considered for purposes of making this determination are case management, counseling, emergency shelter care, emergency in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training, transportation, and any other child welfare services authorized by the State Department of Social Services pursuant to Chapter 5 (commencing with Section 16500) of Part 4 of Division 9. The court shall also review whether the social worker has considered whether a referral to public assistance services pursuant to Chapter 2 (commencing with Section 11200) and Chapter 7 (commencing with Section 14000) of Part 3 of, Chapter 1 (commencing with Section 17000) of Part 5 of, and Chapter 10 (commencing with Section 18900) of Part 6 of, Division 9 would have eliminated the need to take temporary custody of the child or would prevent the need for further detention.

(2) If the court knows or has reason to know the child is an Indian child, the court shall also determine whether the county welfare department made active efforts to provide remedial services and rehabilitation programs designed to prevent the breakup of the Indian family. The court shall order the county welfare department to initiate or continue services or programs pending disposition pursuant to Section 358.

(3) If the child can be returned to the custody of their parent, guardian, or Indian custodian through the provision of those services, the court shall place the child with their parent, guardian, or Indian custodian and order that the services shall be provided. If the child cannot be returned to the physical custody of their parent or guardian, the court shall determine if there is a relative who is able and willing to care for the child, and has been assessed pursuant to Section 361.4.

(4) In order to preserve the bond between the child and the parent and to facilitate family reunification, the court shall consider whether the child can be returned to the custody of their parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with their parent. The fact that the parent is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with their parent shall not be, for that reason alone, *prima facie* evidence of substantial danger. The court shall specify the factual basis for its conclusion that the return of the child to the custody of their parent would pose a substantial danger or would not pose a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child.

(g) If a court orders a child detained, the court shall state the facts on which the decision is based, specify why the initial removal was necessary, reference the social worker's report or other evidence relied upon to make

its determination whether continuance in the home of the parent or legal guardian is contrary to the child's welfare, order temporary placement and care of the child to be vested with the county child welfare department pending the hearing held pursuant to Section 355 or further order of the court, and order services to be provided as soon as possible to reunify the child and their family, if appropriate.

(h) (1) (A) If the child is not released from custody, the court may order the temporary placement of the child in any of the following for a period not to exceed 15 judicial days:

(i) The home of a relative, an extended family member, as defined in Section 224.1 and Section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.), or a nonrelative extended family member, as defined in Section 362.7, that has been assessed pursuant to Section 361.4.

(ii) The approved home of a resource family, as defined in Section 16519.5, or a home licensed or approved by the Indian child's tribe.

(iii) An emergency shelter or other suitable licensed place.

(iv) A place exempt from licensure designated by the juvenile court.

(B) A youth homelessness prevention center licensed by the State Department of Social Services pursuant to Section 1502.35 of the Health and Safety Code shall not be a placement option pursuant to this section.

(C) If the court knows or has reason to know that the child is an Indian child, the Indian child shall be detained in a home that complies with the placement preferences set forth in Section 361.31 and in the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.), unless the court finds good cause exists pursuant to Section 361.31 not to follow the placement preferences. If the court finds good cause not to follow the placement preferences for detention, this finding does not affect the requirement that a diligent search be made for a subsequent placement within the placement preferences.

(2) Relatives shall be given preferential consideration for placement of the child. As used in this section, "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 these persons, even if the marriage was terminated by death or dissolution.

(3) When placing in the home of a relative, an extended family member, as defined in Section 224.1 and Section 1903 of the federal Indian Child Welfare Act of 1978, or nonrelative extended family member, the court shall consider the recommendations of the social worker based on the assessment pursuant to Section 361.4 of the home of the relative, extended family member, or nonrelative extended family member, including the results of a criminal records check and prior child abuse allegations, if any, before ordering that the child be placed with a relative or nonrelative extended family member. The court shall order the parent to disclose to the social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child. The social worker shall

initiate the assessment pursuant to Section 361.3 of any relative to be considered for continuing placement.

(i) In the case of an Indian child, any order detaining the child pursuant to this section shall be considered an emergency removal within the meaning of Section 1922 of the federal Indian Child Welfare Act of 1978. The emergency proceeding shall terminate if the child is returned to the custody of the parent, parents, or Indian custodian, the child has been transferred to the custody and jurisdiction of the child's tribe, or the agency or another party to the proceeding recommends that the child be removed from the physical custody of their parent or parents or Indian custodian pursuant to Section 361 or 361.2.

(j) (1) At the initial hearing upon the petition filed in accordance with subdivision (c) of Rule 5.520 of the California Rules of Court or anytime thereafter up until the time that the minor is adjudged a dependent child of the court or a finding is made dismissing the petition, the court may temporarily limit the right of the parent or guardian to make educational or developmental services decisions for the child and temporarily appoint a responsible adult to make educational or developmental services decisions for the child if all of the following conditions are found:

(A) The parent or guardian is unavailable, unable, or unwilling to exercise educational or developmental services rights for the child.

(B) The county placing agency has made diligent efforts to locate and secure the participation of the parent or guardian in educational or developmental services decisionmaking.

(C) The child's educational and developmental services needs cannot be met without the temporary appointment of a responsible adult.

(2) If the court limits the parent's educational rights under this subdivision, the court shall determine whether there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child.

(3) If the court cannot identify a responsible adult to make educational decisions for the child and the appointment of a surrogate parent, as defined in subdivision (a) of Section 56050 of the Education Code, is not warranted, the court may, with the input of any interested person, make educational decisions for the child. If the child is receiving services from a regional center, the provision of any developmental services related to the court's decision shall be consistent with the child's individual program plan and pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)). If the court cannot identify a responsible adult to make developmental services decisions for the child, the court may, with the input of any interested person, make developmental services decisions for the child. If the court makes educational or developmental services decisions for the child, the court shall also issue appropriate orders to ensure that every effort is made to identify a responsible

adult to make future educational or developmental services decisions for the child.

(4) A temporary appointment of a responsible adult and temporary limitation on the right of the parent or guardian to make educational or developmental services decisions for the child shall be specifically addressed in the court order. An order made under this section shall expire at the conclusion of the hearing held pursuant to Section 361 or upon dismissal of the petition. Upon the entering of disposition orders, additional needed limitation on the parent's or guardian's educational or developmental services rights shall be addressed pursuant to Section 361.

(5) This section does not remove the obligation to appoint surrogate parents for students with disabilities who are without parental representation in special education procedures, as required by state and federal law, including Section 1415(b)(2) of Title 20 of the United States Code, Section 56050 of the Education Code, Section 7579.5 of the Government Code, and Rule 5.650 of the California Rules of Court.

(6) If the court appoints a developmental services decisionmaker pursuant to this section, the developmental services decisionmaker shall have the authority to access the child's information and records pursuant to subdivision (u) of Section 4514 and paragraph (23) of subdivision (a) of Section 5328, and to act on the child's behalf for the purposes of the individual program plan process pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing process pursuant to Chapter 7 (commencing with Section 4700) of Division 4.5, and as set forth in the court order.

(k) For a placement made on or after October 1, 2021, each temporary placement of the child pursuant to subdivision (h) in a short-term residential therapeutic program shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 361.22.

SEC. 16. Section 319.3 of the Welfare and Institutions Code is amended to read:

319.3. (a) Notwithstanding Section 319, a child who is the subject of a petition under Section 300 and who is 6 to 12 years of age, inclusive, may be placed in a community care facility licensed as a group home for children, a short-term residential therapeutic program, or in a temporary shelter care facility, as defined in Section 1530.8 of the Health and Safety Code, only when the court finds that placement is necessary to secure a complete and adequate evaluation, including placement planning and transition time. The placement period in a group home for children or a short-term residential therapeutic program shall not exceed 60 days unless a case plan has been developed and the need for additional time is documented in the case plan and has been approved by a deputy director or director of the county child welfare department or an assistant chief probation officer or chief probation officer of the county probation department. The placement period in a temporary shelter care facility shall not exceed 10 days.

(b) For a placement made on or after October 1, 2021, each placement of a child in a short-term residential therapeutic program pursuant to this

section shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 361.22.

SEC. 17. Section 358.1 of the Welfare and Institutions Code is amended to read:

358.1. Each social study or evaluation made by a social worker or child advocate appointed by the court, required to be received in evidence pursuant to Section 358, shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department or social worker has considered either of the following:

(1) Child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered these services to qualified parents if appropriate under the circumstances.

(2) Whether the child can be returned to the custody of the child's parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with the child's parent.

(b) What plan, if any, for return of the child to the child's parents and for achieving legal permanence for the child if efforts to reunify fail, is recommended to the court by the county welfare department or probation officer.

(c) Whether the best interest of the child will be served by granting reasonable visitation rights with the child to the child's grandparents, in order to maintain and strengthen the child's family relationships.

(d) (1) Whether the child has siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and the child's siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, all of the following:

(i) The frequency and nature of the visits between the siblings.

(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(iii) If there are visits between the siblings, a description of the location and length of the visits.

(iv) Any plan to increase visitation between the siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but not limited to, whether the siblings were raised together in the same home, whether the

siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with another sibling, as applicable, and whether ongoing contact is in the child's best emotional interest.

(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for their child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the study or evaluation makes that recommendation, it shall identify whether there is a responsible adult available to make educational decisions for the child pursuant to Section 361.

(f) Whether the child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(g) Whether the parent has been advised of the child's option to participate in adoption planning, including the option to enter into a postadoption contact agreement as described in Section 8616.5 of the Family Code, and to voluntarily relinquish the child for adoption if an adoption agency is willing to accept the relinquishment.

(h) The appropriateness of any relative placement pursuant to Section 361.3. However, this consideration may not be cause for continuance of the dispositional hearing.

(i) Whether the caregiver desires, and is willing, to provide legal permanency for the child if reunification is unsuccessful.

(j) For an Indian child, in consultation with the Indian child's tribe, whether tribal customary adoption is an appropriate permanent plan for the child if reunification is unsuccessful.

(k) On and after the date that the director executes a declaration pursuant to Section 11217, whether the child has been placed in an approved relative's home under a voluntary placement agreement for a period not to exceed 180 days, the parent or guardian is not interested in additional family maintenance or family reunification services, and the relative desires and is willing to be appointed the child's legal guardian.

(l) For a placement made on or after October 1, 2021, if the child has been placed in a short-term residential therapeutic program, the social study shall include the information specified in subdivision (c) of Section 361.22.

SEC. 18. Section 361.2 of the Welfare and Institutions Code is amended to read:

361.2. (a) If a court orders removal of a child pursuant to Section 361, the court shall first determine whether there is a parent of the child, with whom the child was not residing at the time that the events or conditions arose that brought the child within the provisions of Section 300, who desires to assume custody of the child. If that parent requests custody, the court shall place the child with the parent unless it finds that placement with that parent would be detrimental to the safety, protection, or physical or emotional

well-being of the child. The fact that the parent is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with their parent shall not be, for that reason alone, *prima facie* evidence that placement with that parent would be detrimental.

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

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

(2) Order that the parent assume custody subject to the jurisdiction of the juvenile court and require that a home visit be conducted within three months. In determining whether to take the action described in this paragraph, the court shall consider any concerns that have been raised by the child's current caregiver regarding the parent. After the social worker conducts the home visit and files their report with the court, the court may then take the action described in paragraph (1), (3), or this paragraph. However, this paragraph does not imply that the court is required to take the action described in this paragraph as a prerequisite to the court taking the action described in either paragraph (1) or (3).

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

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

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

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

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

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

(3) The approved home of a nonrelative extended family member, as defined in Section 362.7, or the home of a nonrelative extended family

member who has been assessed pursuant to Section 361.4 and is pending approval pursuant to Section 16519.5.

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

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

(6) If it is known or there is reason to know that the child is an Indian child, as defined by Section 224.1, a home or facility in accordance with the placement preferences contained in Section 361.31 and the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

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

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

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

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

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

(ii) The short-term, specialized, and intensive treatment period shall not exceed 120 days, unless the county has made progress toward or is actively working toward implementing the case plan that identifies the services or supports necessary to transition the child to a family setting, circumstances

beyond the county's control have prevented the county from obtaining those services or supports within the timeline documented in the case plan, and the need for additional time pursuant to the case plan is documented by the caseworker and approved by a deputy director or director of the county child welfare department.

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

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

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

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

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

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

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

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

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

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

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

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

(11) This subdivision does not allow a social worker to place any dependent child outside the United States, except as specified in subdivision (f).

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

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

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

(A) Placement with a relative.

(B) Placement of siblings in the same home.

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

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

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

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

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

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

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

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

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

(2) If there are no appropriate placements available in the parent's, guardian's, or Indian custodian's county of residence, a placement may be made in an appropriate place in another county, preferably a county located

adjacent to the parent's, guardian's, or Indian custodian's community of residence.

(3) This section does not require multiple disruptions of the child's placement corresponding to frequent changes of residence by the parent, guardian, or Indian custodian. In determining whether the child should be moved, the social worker shall take into consideration the potential harmful effects of disrupting the placement of the child and the parent's, guardian's, or Indian custodian's reason for the move.

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

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

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

(h) (1) Subject to paragraph (2), if the social worker must change the placement of the child and is unable to find a suitable placement within the

county and must place the child outside the county, the placement shall not be made until the social worker has served written notice on the parent, guardian, Indian custodian, the child's tribe, the child's attorney, and, if the child is 10 years of age or older, on the child, at least 14 days prior to the placement, unless the child's health or well-being is endangered by delaying the action or would be endangered if prior notice were given. The notice shall state the reasons that require placement outside the county. The child or parent, guardian, Indian custodian, or the child's tribe may object to the placement not later than seven days after receipt of the notice and, upon objection, the court shall hold a hearing not later than five days after the objection and prior to the placement. The court shall order out-of-county placement if it finds that the child's particular needs require placement outside the county.

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

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

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

(j) If the court has ordered removal of the child from the physical custody of the child's parents pursuant to Section 361, the court shall consider whether there are any siblings under the court's jurisdiction, or any

nondependent siblings in the physical custody of a parent subject to the court's jurisdiction, the nature of the relationship between the child and their siblings, the appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002, and the impact of the sibling relationships on the child's placement and planning for legal permanence.

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

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

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

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

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

SEC. 19. Section 361.21 of the Welfare and Institutions Code is amended to read:

361.21. (a) The court shall not order or approve the placement of a child or nonminor dependent in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, unless the court finds, in its order of placement and based on evidence presented by the county placing agency, that all of the following conditions have been met:

(1) The out-of-state group home is licensed or certified for the placement of children by an agency of the state in which the child or nonminor dependent will be placed.

(2) The out-of-state residential facility has been certified by the State Department of Social Services or is exempt from that certification, pursuant to Section 7911.1 of the Family Code.

(3) On and after July 1, 2021, the county placing agency has fulfilled its responsibilities as set forth in Sections 4096 and 16010.9.

(4) The court has reviewed the documentation of any required assessment, technical assistance efforts, or recommendations and finds that in-state facilities or programs are unavailable or inadequate to meet the needs of the child or nonminor dependent.

(b) At least every six months, the court shall review each placement made pursuant to subdivision (a) in order to determine compliance with that subdivision.

(c) A county shall not be entitled to receive or expend any public funds for the placement of a child or nonminor dependent in an out-of-state

residential facility unless the requirements of subdivisions (a) and (b) are met.

(d) Notwithstanding any other law, on and after July 1, 2022, the court shall not order or approve any new placement of a child by a county child welfare agency in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, except for placements described in subdivision (h) of Section 7911.1 of the Family Code.

(e) Notwithstanding any other law, the court shall order any child placed out of state by a county child welfare agency in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, to be returned to California no later than January 1, 2023, except for placements described in subdivision (h) of Section 7911.1 of the Family Code.

SEC. 20. Section 361.22 is added to the Welfare and Institutions Code, to read:

361.22. (a) For a placement made on or after October 1, 2021, each placement of a child or nonminor dependent in a short-term residential therapeutic program, including the initial placement and each subsequent placement into a short-term residential therapeutic program, shall be reviewed by the court within 45 days of the start of placement in accordance with this section. In no event shall the court grant a continuance that would cause the review to be completed more than 60 days after the start of the placement.

(b) (1) Within five calendar days of each placement of the child or nonminor dependent in a short-term residential therapeutic program, the social worker shall request the court to schedule a hearing to review the placement.

(2) The social worker shall serve a copy of the request on all parties to the proceeding, the child's or nonminor dependent's court appointed special advocate, if applicable, and the child's tribe in the case of an Indian child.

(c) (1) The social worker shall prepare and submit a report that shall include all of the following:

(A) A copy of the assessment, determination as to the services and care needs of the child or nonminor dependent, and documentation prepared by the qualified individual pursuant to paragraph (1) of subdivision (g) of Section 4096.

(B) The case plan documentation required pursuant to subparagraph (C) of paragraph (2) of subdivision (d) of Section 16501.1.

(C) In the case of an Indian child, a statement regarding whether the child's tribe had an opportunity to confer regarding the departure from the placement preferences described in Section 361.31, and the active efforts made prior to placement in a short-term therapeutic program to satisfy subdivision (f) of Section 224.1.

(D) A statement regarding whether the child or nonminor dependent or any party to the proceeding, or the child's tribe in the case of an Indian child, objects to the placement of the child or nonminor dependent in the short-term residential therapeutic program.

(2) The social worker shall serve a copy of the report to all parties to the proceeding no later than seven calendar days before the hearing.

(d) Within five calendar days of the request described in subdivision (b), the court shall set a hearing to be held within 45 days after the start of the placement and give notice of the hearing to all parties to the proceeding, and the child's tribe in the case of an Indian child.

(e) When reviewing each placement of the child or nonminor dependent in a short-term residential therapeutic program, the court shall do all of the following:

(1) Consider the information specified in subdivision (c).

(2) Determine whether the needs of the child or nonminor dependent can be met through placement in a family-based setting, or, if not, whether placement in a short-term residential therapeutic program provides the most effective and appropriate care setting for the child or nonminor dependent in the least restrictive environment. A shortage or lack of family homes shall not be an appropriate reason for determining that the needs of the child cannot be met in a family-based setting.

(3) Determine whether a short-term residential therapeutic program level of care is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.

(4) In the case of an Indian child, determine whether there is good cause to depart from the placement preferences set forth in Section 361.31.

(5) Approve or disapprove the placement.

(6) Make a finding, either in writing or on the record, of the basis for its determinations pursuant to this subdivision.

(f) If the court disapproves the placement, the court shall order the social worker to transition the child or nonminor dependent to a placement setting that is consistent with the determinations made pursuant to subdivision (e) within 30 days of the disapproval.

(g) This section does not prohibit the court from reviewing the placement of a child or nonminor dependent in a short-term residential therapeutic program pursuant to subdivision (a) at a regularly scheduled hearing if that hearing is held within 60 days of the placement and the information described in subdivision (c) has been presented to the court.

(h) On or before October 1, 2021, the Judicial Council shall amend or adopt rules of court and shall develop or amend appropriate forms, as necessary, to implement this section, including developing a procedure to enable the court to review the placement without a hearing.

SEC. 21. Section 366 of the Welfare and Institutions Code is amended to read:

366. (a) (1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement. If the child or nonminor dependent is placed in a short-term residential therapeutic program on or after October 1, 2021, the court shall consider the evidence and documentation submitted pursuant to subdivision (l) of Section 366.1 in making this determination.

(B) The extent of the agency's compliance with the case plan in making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts, to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests. Where it is known or there is reason to know that the child is an Indian child, as defined by Section 224.1, the court shall also determine whether the agency has made active efforts, as defined in Section 224.1 and as described in Section 361.7, to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

(C) Whether there should be any limitation on the right of the parent, guardian, or Indian custodian to make educational decisions or developmental services decisions for the child. That limitation shall be specifically addressed in the court order and shall not exceed those necessary to protect the child. Whenever the court specifically limits the right of the parent, guardian, or Indian custodian to make educational decisions or developmental services decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions or developmental services decisions for the child pursuant to Section 361.

(D) (i) Whether the child has other siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(I) The nature of the relationship between the child and the child's siblings.

(II) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(III) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(IV) If the siblings are not placed together, all of the following:

(ia) The frequency and nature of the visits between the siblings.

(ib) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(ic) If there are visits between the siblings, a description of the location and length of the visits.

(id) Any plan to increase visitation between the siblings.

(V) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(VI) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(ii) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(E) The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care.

(F) (i) For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent, whether the social worker or probation officer has verified that the child or nonminor dependent has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system or has ensured that the child will receive the instruction.

(ii) For a child or nonminor dependent described in clause (i), whether the social worker or probation officer has done all of the following:

(I) Informed the child or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(II) Informed the child or nonminor dependent, in an age and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.

(III) Informed the child or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(iii) This subparagraph does not affect any applicable confidentiality law.

(iv) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(G) (i) For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that

they do not want to pursue postsecondary education, including career or technical education.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(H) If the review hearing is the last review hearing to be held before the child attains 18 years of age, the court shall conduct the hearing pursuant to Section 366.31 or 366.32.

(2) The court shall project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption in the case of an Indian child, legal guardianship, placed with a fit and willing relative, or in another planned permanent living arrangement.

(b) Subsequent to the hearing, periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.3 and 16503.

(c) If the child has been placed out of state, each review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interests of the child.

(d) (1) A review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall not result in a placement of a child outside the United States prior to a judicial finding that the placement is in the best interest of the child, except as required by federal law or treaty.

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

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

- (A) Placement with a relative.
- (B) Placement of siblings in the same home.
- (C) Amount and nature of any contact between the child and the potential guardian or caretaker.
- (D) Physical and medical needs of the dependent child.
- (E) Psychological and emotional needs of the dependent child.
- (F) Social, cultural, and educational needs of the dependent child.
- (G) Specific desires of any dependent child who is 12 years of age or older.

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

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

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

(e) (1) On and after July 1, 2021, a child shall not be placed or remain in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, unless the placement is ordered or approved pursuant to Section 361.21.

(2) Notwithstanding any other law, on and after July 1, 2022, a child shall not be placed by a county child welfare agency in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, except for placements described in subdivision (h) of Section 7911.1 of the Family Code.

(3) Notwithstanding any other law, a child who is placed in an out-of-state residential facility by a county child welfare agency shall not remain in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, after January 1, 2023.

(f) The status review of every nonminor dependent, as defined in subdivision (v) of Section 11400, shall be conducted pursuant to the requirements of Sections 366.3, 366.31, or 366.32, and 16503 until dependency jurisdiction is terminated pursuant to Section 391.

SEC. 22. Section 366.1 of the Welfare and Institutions Code is amended to read:

366.1. Each supplemental report required to be filed pursuant to Section 366 shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department social worker has considered either of the following:

(1) Child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered those services to qualified parents, if appropriate under the circumstances.

(2) Whether the child can be returned to the custody of the child’s parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with the child’s parent.

(b) What plan, if any, for the return and maintenance of the child in a safe home is recommended to the court by the county welfare department social worker.

(c) Whether the subject child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(d) What actions, if any, have been taken by the parent to correct the problems that caused the child to be made a dependent child of the court.

(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for their child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational

decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the supplemental report makes that recommendation, the report shall identify whether there is a responsible adult available to make educational decisions for the child pursuant to Section 361.

(f) (1) The health and education of the minor, including a copy of the complete health and education summary, as required under Section 16010, including the name and contact information of the person or persons currently holding the right to make educational decisions for the child.

(2) In instances in which it is determined that disclosure pursuant to paragraph (1) of the contact information of the person or persons currently holding the right to make educational decisions for the child poses a threat to the health and safety of that individual or those individuals, that contact information shall be redacted or withheld from the health and education summary within the supplemental report described in this section.

(g) (1) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and the child's siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, all of the following:

(i) The frequency and nature of the visits between the siblings.

(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(iii) If there are visits between the siblings, a description of the location and length of the visits.

(iv) Any plan to increase visitation between the siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(h) (1) For a child who is 10 years of age or older and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent, either of the following:

(A) For a child in junior high or middle school, either that the child has already received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system while in junior high or middle school or how the county will ensure that the child receives that instruction at least once before completing junior high or middle school if the child remains under the jurisdiction of the juvenile court during that timeframe.

(B) For a child in high school or a nonminor dependent, either that the child has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system while in high school, or how the county will ensure that the child or nonminor dependent receives that instruction at least once before completing high school if the child remains under the jurisdiction of the juvenile court during that timeframe.

(2) For a child who is 10 years of age or older or a nonminor dependent, whether the social worker or probation officer has done all of the following:

(A) Informed the child or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(B) Informed the child or nonminor dependent, in an age and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.

(C) Informed the child or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(3) This subdivision does not affect any applicable confidentiality law.

(4) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subdivision.

(i) (1) For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(2) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subdivision.

(j) Whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with

individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and actions taken to maintain those relationships. The social worker shall ask every child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer to identify any individuals other than the child's siblings who are important to the child, consistent with the child's best interest. The social worker may ask any other child to provide that information, as appropriate.

(k) The implementation and operation of the amendments to subdivision (j) enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

(l) On and after October 1, 2021, for a child whose placement in a short-term residential therapeutic program has been reviewed and approved pursuant to Section 361.22, the supplemental report shall include evidence of all of the following:

(1) Ongoing assessment of the strengths and needs of the child that continues to support the determination that the needs of the child cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program continues to provide the most effective and appropriate care setting in the least restrictive environment, and placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child.

(2) Documentation of the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(3) Documentation of the intensive and ongoing efforts made by the child welfare department, consistent with the child's permanency plan, to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home or tribally approved home, or in another appropriate family-based setting.

SEC. 23. Section 366.3 of the Welfare and Institutions Code is amended to read:

366.3. (a) (1) If a juvenile court orders a permanent plan of adoption, tribal customary adoption, adoption of a nonminor dependent pursuant to subdivision (f) of Section 366.31, or legal guardianship pursuant to Section 360 or 366.26, the court shall retain jurisdiction over the child or nonminor dependent until the child or nonminor dependent is adopted or the legal guardianship is established, except as provided for in Section 366.29 or, on and after January 1, 2012, Section 366.32. The status of the child or nonminor dependent shall be reviewed every six months to ensure that the adoption or legal guardianship is completed as expeditiously as possible. Following a termination of parental rights, the parent or parents shall not be a party to, or receive notice of, any subsequent proceedings regarding the child.

(2) When the adoption of the child or nonminor dependent has been granted, or in the case of a tribal customary adoption, when the tribal customary adoption order has been afforded full faith and credit and the petition for adoption has been granted, the court shall terminate its jurisdiction over the child or nonminor dependent.

(3) Following establishment of a legal guardianship, the court may continue jurisdiction over the child as a dependent child of the juvenile court or may terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the legal guardianship, as authorized by Section 366.4. If, however, a relative or nonrelative extended family member of the child is appointed the legal guardian of the child and the guardian's home has been approved pursuant to Section 16519.5 for at least six months, the court shall, except if the relative or nonrelative extended family member guardian objects, or upon a finding of exceptional circumstances, terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship, as authorized by Section 366.4.

(b) (1) If the court has dismissed dependency jurisdiction following the establishment of a legal guardianship, or no dependency jurisdiction attached because of the granting of a legal guardianship pursuant to Section 360, and the legal guardianship is subsequently revoked or otherwise terminated, the county welfare department shall notify the juvenile court of this fact. The court may vacate its previous order dismissing dependency jurisdiction over the child.

(2) Notwithstanding Section 1601 of the Probate Code, the proceedings to terminate a legal guardianship that has been granted pursuant to Section 360 or 366.26 shall be held either in the juvenile court that retains jurisdiction over the guardianship, as authorized by Section 366.4, or the juvenile court in the county where the guardian and child currently reside, based on the best interests of the child, unless the termination is due to the emancipation or adoption of the child. The juvenile court having jurisdiction over the guardianship shall receive notice from the court in which the petition is filed within five calendar days of the filing. Prior to the hearing on a petition to terminate legal guardianship pursuant to this subdivision, the court shall order the county welfare department having jurisdiction or jointly with the county department where the guardian and child currently reside to prepare a report, for the court's consideration, that shall include an evaluation of whether the child could safely remain in, or be returned to, the legal guardian's home, without terminating the legal guardianship, if services were provided to the child or legal guardian. If applicable, the report shall also identify recommended family maintenance or reunification services to maintain the legal guardianship and set forth a plan for providing those services. If the petition to terminate legal guardianship is granted, either juvenile court may resume dependency jurisdiction over the child, and may order the county welfare department to develop a new permanent plan, which shall be presented to the court within 60 days of the termination. If no dependency jurisdiction has attached, the social worker shall make any investigation the social worker deems necessary to determine whether the

child may be within the jurisdiction of the juvenile court, as provided in Section 328.

(3) Unless the parental rights of the child's parent or parents have been terminated, they shall be notified that the legal guardianship has been revoked or terminated and shall be entitled to participate in the new permanency planning hearing. The court shall try to place the child in another permanent placement. At the hearing, the parents may be considered as custodians but the child shall not be returned to the parent or parents unless they prove, by a preponderance of the evidence, that reunification is the best alternative for the child. The court may, if it is in the best interests of the child, order that reunification services again be provided to the parent or parents.

(c) If, following the establishment of a legal guardianship, the county welfare department becomes aware of changed circumstances that indicate adoption or, for an Indian child, tribal customary adoption, may be an appropriate plan for the child, the department shall so notify the court. The court may vacate its previous order dismissing dependency jurisdiction over the child and order that a hearing be held pursuant to Section 366.26 to determine whether adoption or continued legal guardianship is the most appropriate plan for the child. The hearing shall be held no later than 120 days from the date of the order. If the court orders that a hearing shall be held pursuant to Section 366.26, the court shall direct the agency supervising the child and the county adoption agency, or the State Department of Social Services if it is acting as an adoption agency, to prepare an assessment under subdivision (b) of Section 366.22.

(d) (1) If the child or nonminor dependent is in a placement other than the home of a legal guardian and jurisdiction has not been dismissed, the status of the child shall be reviewed at least every six months. The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. The review of the status of a child or nonminor dependent for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption may be conducted by the court or an appropriate local agency. The court shall conduct the review under the following circumstances:

(A) Upon the request of the child's parents or legal guardians.

(B) Upon the request of the child or nonminor dependent.

(C) It has been 12 months since a hearing held pursuant to Section 366.26 or an order that the child remain in foster care pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision (h).

(D) It has been 12 months since a review was conducted by the court.

(2) The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

(e) Except as provided in subdivision (g), at the review held every six months pursuant to subdivision (d), the reviewing body shall inquire about the progress being made to provide a permanent home for the child, shall consider the safety of the child, and shall determine all of the following:

(1) The continuing necessity for, and appropriateness of, the placement. If the child is placed in a short-term residential therapeutic program on or after October 1, 2021, the court shall consider the evidence and documentation submitted pursuant to subdivision (l) of Section 366.1 in making this determination.

(2) Identification of individuals other than the child's siblings who are important to a child who is 10 years of age or older and has been in out-of-home placement for six months or longer, and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, as appropriate. The social worker shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(3) The continuing appropriateness and extent of compliance with the permanent plan for the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in out-of-home placement for six months or longer and individuals who are important to the child and efforts to identify a prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.

(4) The extent of the agency's compliance with the child welfare services case plan in making reasonable efforts either to return the child to the safe home of the parent or to complete whatever steps are necessary to finalize the permanent placement of the child. If the reviewing body determines that a second period of reunification services is in the child's best interests, and that there is a significant likelihood of the child's return to a safe home due to changed circumstances of the parent, pursuant to subdivision (f), the specific reunification services required to effect the child's return to a safe home shall be described.

(5) Whether there should be any limitation on the right of the parent or guardian to make educational decisions or developmental services decisions for the child. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the child. If the court specifically limits the right of the parent or guardian to make educational decisions or developmental services decisions for the child, the court shall at the same time appoint a responsible adult to make educational decisions or developmental services decisions for the child pursuant to Section 361.

(6) The adequacy of services provided to the child. The court shall consider the progress in providing the information and documents to the child, as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(7) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(8) The likely date by which the child may be returned to, and safely maintained in, the home, placed for adoption, legal guardianship, placed with a fit and willing relative, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption, or, if the child is 16 years of age or older, and no other permanent plan is appropriate at the time of the hearing, in another planned permanent living arrangement.

(9) (A) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(i) The nature of the relationship between the child and their siblings.

(ii) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002. At the first review conducted for a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, the court shall inquire into the status of the development of a voluntary postadoption sibling contact agreement pursuant to subdivision (e) of Section 16002.

(iii) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(iv) If the siblings are not placed together, all of the following:

(I) The frequency and nature of the visits between the siblings.

(II) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(III) If there are visits between the siblings, a description of the location and length of the visits.

(IV) Any plan to increase visitation between the siblings.

(v) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(B) The factors the court may consider as indicators of the nature of the child's sibling relationships include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(10) For a child who is 14 years of age or older and for a nonminor dependent, the services needed to assist the child or nonminor dependent to make the transition from foster care to successful adulthood.

(11) Whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

Each licensed foster family agency shall submit reports for each child in its care, custody, and control to the court concerning the continuing appropriateness and extent of compliance with the child's permanent plan,

the extent of compliance with the case plan, and the type and adequacy of services provided to the child.

(f) Unless their parental rights have been permanently terminated, the parent or parents of the child are entitled to receive notice of, and participate in, those hearings. It shall be presumed that continued care is in the best interests of the child, unless the parent or parents prove, by a preponderance of the evidence, that further efforts at reunification are the best alternative for the child. In those cases, the court may order that further reunification services to return the child to a safe home environment be provided to the parent or parents up to a period of six months, and family maintenance services, as needed for an additional six months in order to return the child to a safe home environment. This subdivision shall not apply to the parents of a nonminor dependent.

(g) At the review conducted by the court and held at least every six months, regarding a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption, or, for an Indian child for whom parental rights are not being terminated and a tribal customary adoption is being considered, the county welfare department shall prepare and present to the court a report describing the following:

- (1) The child's present placement.
- (2) The child's current physical, mental, emotional, and educational status.
- (3) If the child has not been placed with a prospective adoptive parent or guardian, identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The agency shall ask every child who is 10 years of age or older to identify any individuals who are important to the child, consistent with the child's best interest, and may ask any child who is younger than 10 years of age to provide that information as appropriate. The agency shall make efforts to identify other individuals who are important to the child.
- (4) Whether the child has been placed with a prospective adoptive parent or parents.
- (5) Whether an adoptive placement agreement has been signed and filed.
- (6) If the child has not been placed with a prospective adoptive parent or parents, the efforts made to identify an appropriate prospective adoptive parent or legal guardian, including, but not limited to, child-specific recruitment efforts and listing on an adoption exchange.
- (7) Whether the final adoption order should include provisions for postadoptive sibling contact pursuant to Section 366.29.
- (8) The progress of the search for an adoptive placement if one has not been identified.
- (9) Any impediments to the adoption or the adoptive placement.
- (10) The anticipated date by which the child will be adopted or placed in an adoptive home.

(11) The anticipated date by which an adoptive placement agreement will be signed.

(12) Recommendations for court orders that will assist in the placement of the child for adoption or in the finalization of the adoption.

The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made.

The court shall make appropriate orders to protect the stability of the child and to facilitate and expedite the permanent placement and adoption of the child.

(h) (1) At the review held pursuant to subdivision (d) for a child in foster care, the court shall consider all permanency planning options for the child including whether the child should be returned to the home of the parent, placed for adoption, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption, or appointed a legal guardian, placed with a fit and willing relative, or, if compelling reasons exist for finding that none of the foregoing options are in the best interest of the child and the child is 16 years of age or older, whether the child should be placed in another planned permanent living arrangement. The court shall order that a hearing be held pursuant to Section 366.26, unless it determines by clear and convincing evidence that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is being returned to the home of the parent, the child is not a proper subject for adoption, or no one is willing to accept legal guardianship as of the hearing date. If the county adoption agency, or the department when it is acting as an adoption agency, has determined it is unlikely that the child will be adopted or one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, that fact shall constitute a compelling reason for purposes of this subdivision. Only upon that determination may the court order that the child remain in foster care, without holding a hearing pursuant to Section 366.26. The court shall make factual findings identifying any barriers to achieving the permanent plan as of the hearing date. The nonminor dependent's legal status as an adult is in and of itself a compelling reason not to hold a hearing pursuant to Section 366.26.

(2) When the child is 16 years of age or older and in another planned permanent living arrangement, the court shall do all of the following:

(A) Ask the child about their desired permanency outcome.

(B) Make a judicial determination explaining why, as of the hearing date, another planned permanent living arrangement is the best permanency plan for the child.

(C) State for the record the compelling reason or reasons why it continues not to be in the best interest of the child to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, be placed with a legal guardian, or be placed with a fit and willing relative.

(3) When the child is 16 years of age or older and is in another planned permanent living arrangement, the social study prepared for the hearing shall include a description of all of the following:

(A) The intensive and ongoing efforts to return the child to the home of the parent, place the child for adoption, or establish a legal guardianship, as appropriate.

(B) The steps taken to do both of the following:

(i) Ensure that the child's care provider is following the reasonable and prudent parent standard.

(ii) Determine whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the child about opportunities for the child to participate in those activities.

(4) When the child is under 16 years of age and has a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative, the social study shall include a description of any barriers to achieving the permanent plan and the efforts made by the agency to address those barriers.

(i) If, as authorized by subdivision (h), the court orders a hearing pursuant to Section 366.26, the court shall direct the agency supervising the child and the county adoption agency, or the State Department of Social Services when it is acting as an adoption agency, to prepare an assessment, as provided for in subdivision (i) of Section 366.21 or subdivision (b) of Section 366.22. A hearing held pursuant to Section 366.26 shall be held no later than 120 days from the date of the 12-month review at which it is ordered, and at that hearing the court shall determine whether adoption, tribal customary adoption, legal guardianship, placement with a fit and willing relative, or, for a child 16 years of age or older, another planned permanent living arrangement is the most appropriate plan for the child. On and after January 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered if the child is a nonminor dependent, unless the nonminor dependent is an Indian child and tribal customary adoption is recommended as the permanent plan. The court may order that a nonminor dependent who otherwise is eligible pursuant to Section 11403 remain in a planned, permanent living arrangement. At the request of the nonminor dependent who has an established relationship with an adult determined to be the nonminor dependent's permanent connection, the court may order adoption of the nonminor dependent pursuant to subdivision (f) of Section 366.31.

(j) The reviews conducted pursuant to subdivision (a) or (d) may be conducted earlier than every six months if the court determines that an earlier review is in the best interests of the child or as court rules prescribe.

(k) On and after October 1, 2021, for reviews conducted pursuant to subdivisions (a) or (d) for the child whose placement in a short-term residential therapeutic program has been reviewed and approved pursuant to Section 361.22, the report prepared for the review shall include evidence of all of the following:

(1) Ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program continues to provide the most effective and appropriate care setting in the least restrictive environment, and the placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child.

(2) Documentation of the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(3) Documentation of the intensive and ongoing efforts made by the child welfare department, consistent with the child's permanency plan, to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home or tribally approved home, or in another appropriate family-based setting.

SEC. 24. Section 366.31 of the Welfare and Institutions Code is amended to read:

366.31. (a) If a review hearing is the last review hearing to be held before the child attains 18 years of age, the court shall ensure all of the following:

(1) The child's case plan includes a plan for the child to satisfy one or more of the participation conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, so that the child is eligible to remain in foster care as a nonminor dependent.

(2) The child has been informed of their right to seek termination of dependency jurisdiction pursuant to Section 391, and understands the potential benefits of continued dependency.

(3) The child is informed of their right to have dependency reinstated pursuant to subdivision (e) of Section 388, and understands the potential benefits of continued dependency.

(b) At the review hearing that occurs in the six-month period before the child attains 18 years of age, and at every subsequent review hearing for the nonminor dependent, as described in subdivision (v) of Section 11400, the report shall describe all of the following:

(1) The child's and nonminor dependent's plans to remain in foster care and plans to meet one or more of the participation conditions as described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403 to continue to receive AFDC-FC benefits as a nonminor dependent.

(2) The efforts made and assistance provided to the child and nonminor dependent by the social worker or the probation officer so that the child and nonminor dependent will be able to meet the participation conditions.

(3) Efforts toward completing the items described in paragraph (2) of subdivision (e) of Section 391.

(4) On and after October 1, 2021, for a child or nonminor dependent whose placement in a short-term residential therapeutic program has been reviewed and approved pursuant to Section 361.22, the report prepared for the review shall include evidence of all of the following:

(A) Ongoing assessment of the strengths and needs of the child or nonminor dependent continues to support the determination that the needs of the child or nonminor dependent cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program continues to provide the most effective and appropriate care setting in the least restrictive environment, and placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child or nonminor dependent.

(B) Documentation of the child or nonminor dependent's specific treatment or service needs that will be met in the placement and the length of time the child or nonminor dependent is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(C) Documentation of the intensive and ongoing efforts made by the child welfare department, consistent with the child or nonminor dependent's permanency plan, to prepare the child or nonminor dependent to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home, a tribally approved home, or in another appropriate family-based setting, or, in the case of a nonminor dependent, in a supervised independent living setting.

(5) (A) For a child or nonminor dependent in high school who has been under the jurisdiction of the juvenile court for a year or longer, the information in subparagraph (B) of paragraph (1) of subdivision (h) of Section 366.1.

(B) (i) Whether the social worker or probation officer has informed the minor or nonminor dependent of the information in paragraph (2) of subdivision (h) of Section 366.1.

(ii) This paragraph does not affect any applicable confidentiality law.

(6) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(c) The reviews conducted pursuant to this section for a nonminor dependent shall be conducted in a manner that respects the nonminor's status as a legal adult, focused on the goals and services described in the youth's transitional independent living case plan, as described in subdivision (y) of Section 11400, including efforts made to maintain connections with

caring and permanently committed adults, and attended, as appropriate, by additional participants invited by the nonminor dependent.

(d) For a nonminor dependent whose case plan is continued court-ordered family reunification services pursuant to Section 361.6, the court shall consider whether the nonminor dependent may safely reside in the home of the parent or guardian. If the nonminor cannot reside safely in the home of the parent or guardian or if it is not in the nonminor dependent's best interest to reside in the home of the parent or guardian, the court must consider whether to continue or terminate reunification services for the parent or legal guardian.

(1) The review report shall include a discussion of all of the following:

(A) Whether foster care placement continues to be necessary and appropriate.

(B) The likely date by which the nonminor dependent may reside safely in the home of the parent or guardian or will achieve independence.

(C) Whether the parent or guardian and nonminor dependent were actively involved in the development of the case plan.

(D) Whether the social worker or probation officer has provided reasonable services designed to aid the parent or guardian to overcome the problems that led to the initial removal of the nonminor dependent.

(E) The extent of progress the parents or guardian have made toward alleviating or mitigating the causes necessitating placement in foster care.

(F) Whether the nonminor dependent and parent, parents, or guardian are in agreement with the continuation of reunification services.

(G) Whether continued reunification services are in the best interest of the nonminor dependent.

(H) Whether there is a substantial probability that the nonminor dependent will be able to safely reside in the home of the parent or guardian by the next review hearing date.

(I) The efforts to maintain the nonminor's connections with caring and permanently committed adults.

(J) The agency's compliance with the nonminor dependent's transitional independent living case plan, including efforts to finalize the nonminor's permanent plan and prepare the nonminor dependent for independence.

(K) The progress in providing the information and documents to the nonminor dependent as described in Section 391.

(L) (i) For a nonminor dependent in high school who has been under the jurisdiction of the juvenile court for a year or longer, the information in subparagraph (B) of paragraph (1) of subdivision (h) of Section 366.1.

(ii) Whether the social worker or probation officer has informed the nonminor dependent of the information in paragraph (2) of subdivision (h) of Section 366.1.

(iii) This subparagraph does not affect any applicable confidentiality law.

(M) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the

child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education including career or technical education.

(2) The court shall inquire about the progress being made to provide a permanent home for the nonminor, shall consider the safety of the nonminor dependent, and shall determine all of the following:

(A) The continuing necessity for, and appropriateness of, the placement. If the child or nonminor dependent is placed in a short-term residential therapeutic program on or after October 1, 2021, the court shall consider the evidence and documentation submitted pursuant to paragraph (4) of subdivision (b) in making this determination.

(B) Whether the agency has made reasonable efforts to maintain relationships between the nonminor dependent and individuals who are important to the nonminor dependent.

(C) The extent of the agency's compliance with the case plan in making reasonable efforts or, in the case of an Indian child, active efforts, as described in Section 361.7, to create a safe home of the parent or guardian for the nonminor to reside in or to complete whatever steps are necessary to finalize the permanent placement of the nonminor dependent.

(D) The extent of the agency's compliance with the nonminor dependent's transitional independent living case plan, including efforts to finalize the youth's permanent plan and prepare the nonminor dependent for independence.

(E) The adequacy of services provided to the parent or guardian and to the nonminor dependent. The court shall consider the progress in providing the information and documents to the nonminor dependent as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(F) The extent of progress the parents or legal guardians have made toward alleviating or mitigating the causes necessitating placement in foster care.

(G) The likely date by which the nonminor dependent may safely reside in the home of the parent or guardian or, if the court is terminating reunification services, the likely date by which it is anticipated the nonminor dependent will achieve independence, or, for an Indian child, in consultation with the child's tribe, placed for tribal customary adoption.

(H) Whether the agency has made reasonable efforts as required in subparagraph (D) of paragraph (1) of subdivision (a) of Section 366 to establish or maintain the nonminor dependent's relationship with their siblings who are under the juvenile court's jurisdiction.

(I) The services needed to assist the nonminor dependent to make the transition from foster care to successful adulthood.

(J) Whether or not reasonable efforts to make and finalize a permanent placement for the nonminor dependent have been made.

(K) (i) If the nonminor dependent is in high school and has been under the jurisdiction of the juvenile court for a year or longer, whether the social

worker or probation officer has taken the actions described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 366.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(L) (i) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(3) If the court determines that a nonminor dependent may safely reside in the home of the parent or former guardian, the court may order the nonminor dependent to return to the family home. After the nonminor dependent returns to the family home, the court may terminate jurisdiction and proceed under applicable provisions of Section 391 or continue jurisdiction as a nonminor under subdivision (a) of Section 303 and hold hearings as follows:

(A) At every hearing for a nonminor dependent residing in the home of the parent or guardian, the court shall set a hearing within six months of the previous hearing. The court shall advise the parties of their right to be present. At least 10 calendar days before the hearing, the social worker or probation officer shall file a report with the court describing the services offered to the family and the progress made by the family in eliminating the conditions or factors requiring court supervision. The report shall address all of the following:

(i) Whether the parent or guardian and the nonminor dependent were actively involved in the development of the case plan.

(ii) Whether the social worker or probation officer has provided reasonable services to eliminate the need for court supervision.

(iii) The progress of providing information and documents to the nonminor dependent as described in Section 391.

(B) The court shall inquire about progress being made, shall consider the safety of the nonminor dependent, and shall determine all of the following:

(i) The continuing need for court supervision.

(ii) The extent of the agency's compliance with the case plan in making reasonable efforts to maintain a safe family home for the nonminor dependent.

(C) If the court finds that court supervision is no longer necessary, the court shall terminate jurisdiction under applicable provisions of Section 391.

(e) For a nonminor dependent who is no longer receiving court-ordered family reunification services and is in a permanent plan of another planned permanent living arrangement, at the review hearing held every six months pursuant to subdivision (d) of Section 366.3, the reviewing body shall inquire about the progress being made to provide permanent connections with caring, committed adults for the nonminor dependent, shall consider the safety of the nonminor, shall consider the transitional independent living case plan, and shall determine all of the following:

(1) The continuing necessity for, and appropriateness of, the placement.

(2) The continuing appropriateness and extent of compliance with the permanent plan for the nonminor dependent, including efforts to identify and maintain relationships with individuals who are important to the nonminor dependent.

(3) The extent of the agency's compliance with the nonminor dependent's transitional independent living case plan, including whether or not reasonable efforts have been made to make and finalize the youth's permanent plan and prepare the nonminor dependent for independence.

(4) Whether a prospective adoptive parent has been identified and assessed as appropriate for the nonminor dependent's adoption under this section, whether the prospective adoptive parent has been informed about the terms of the written negotiated adoption assistance agreement pursuant to Section 16120, and whether adoption should be ordered as the nonminor dependent's permanent plan. If nonminor dependent adoption is ordered as the nonminor dependent's permanent plan, a hearing pursuant to subdivision (f) shall be held within 60 days. When the court orders a hearing pursuant to subdivision (f), it shall direct the agency to prepare a report that shall include the provisions of paragraph (5) of subdivision (f).

(5) For the nonminor dependent who is an Indian child, whether, in consultation with the nonminor's tribe, the nonminor should be placed for tribal customary adoption.

(6) The adequacy of services provided to the nonminor dependent. The court shall consider the progress in providing the information and documents to the nonminor dependent as described in Section 391. The court shall also consider the need for, and progress in providing, the assistance and services described in Section 391.

(7) The likely date by which it is anticipated the nonminor dependent will achieve adoption or independence.

(8) Whether the agency has made reasonable efforts as required in subparagraph (D) of paragraph (1) of subdivision (a) of Section 366 to establish or maintain the nonminor dependent's relationship with their siblings who are under the juvenile court's jurisdiction.

(9) The services needed to assist the nonminor dependent to make the transition from foster care to successful adulthood.

(10) When the hearing described in this subdivision is held pursuant to paragraph (3) or (4) of subdivision (d) of Section 366.3, and the nonminor dependent has a permanent plan of another planned permanent living arrangement, the court shall do all of the following:

(A) Ask the nonminor dependent about their desired permanency outcome.

(B) Make a judicial determination explaining why, as of the hearing date, another planned permanent living arrangement is the best permanency plan for the nonminor dependent.

(C) State for the record the compelling reason or reasons why it continues not to be in the best interest of the nonminor dependent to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, be placed with a legal guardian, or be placed with a fit and willing relative.

(11) (A) If the nonminor dependent is in high school and has been under the jurisdiction of the juvenile court for a year or longer, whether the social worker or probation officer has taken the actions described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 366.

(B) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this paragraph.

(12) (A) Whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(B) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(f) (1) At a hearing to consider a permanent plan of adoption for a nonminor dependent, the court shall read and consider the report in paragraph (5) and receive other evidence that the parties may present. A copy of the executed negotiated agreement shall be attached to the report. If the court finds pursuant to this section that nonminor dependent adoption is the appropriate permanent plan, it shall make findings and orders to do the following:

(A) Approve the adoption agreement and declare the nonminor dependent is the adopted child of the adoptive parent, and that the nonminor dependent and adoptive parents agree to assume toward each other the legal relationship of parents and child and to have all of the rights and be subject to all of the duties and responsibilities of that relationship.

(B) Declare that the birth parents of the nonminor dependent are, from the time of the adoption, relieved of all parental duties toward, and responsibility for, the adopted nonminor dependent and have no rights over the adopted nonminor dependent.

(2) If the court finds that the nonminor dependent and the prospective adoptive parent have mutually consented to the adoption, the court may enter the adoption order after it determines all of the following:

(A) Whether the notice was given as required by law.

(B) Whether the nonminor dependent and prospective adoptive parent are present for the hearing.

(C) Whether the court has read and considered the assessment prepared by the social worker or probation officer.

(D) Whether the court considered the wishes of the nonminor dependent.

(E) If the nonminor dependent is eligible, the prospective adoptive parent has signed the negotiated adoption assistance agreement pursuant to subdivision (g) of Section 16120, and whether a copy of the executed negotiated agreement is attached to the report.

(F) Whether the adoption is in the best interest of the nonminor dependent.

(3) If the court orders the establishment of the nonminor dependent adoption, it shall dismiss dependency or transitional jurisdiction.

(4) If the court does not order the establishment of the nonminor dependent adoption, the nonminor dependent shall remain in a planned permanent living arrangement subject to periodic review of the juvenile court pursuant to this section.

(5) At least 10 calendar days before the hearing, the social worker or probation officer shall file a report with the court and provide a copy of the report to all parties. The report shall describe the following:

(A) Whether or not the nonminor dependent has any developmental disability and whether the proposed adoptive parent is suitable to meet the needs of the nonminor dependent.

(B) The length and nature of the relationship between the prospective adoptive parent and the nonminor dependent, including whether the prospective adoptive parent has been determined to have been established as the nonminor's permanent connection.

(C) Whether the nonminor dependent has been determined to be eligible for the adoption assistance program and, if so, whether the prospective adoptive parent has signed the negotiated adoption assistance agreement pursuant to subdivision (g) of Section 16120.

(D) Whether a copy of the executed negotiated agreement is attached to the report.

(E) Whether criminal background clearances were completed for the prospective adoptive parent as required by Section 671(a)(20)(A) and (a)(20)(C) of Title 42 of the United States Code.

(F) Whether the prospective adoptive parent who is married and not legally separated from that spouse has the consent of the spouse, provided that the spouse is capable of giving that consent.

(G) Whether the adoption of the nonminor dependent is in the best interests of the nonminor dependent and the prospective adoptive parent.

(H) Whether the nonminor dependent and the prospective adoptive parent have mutually consented to the adoption.

(6) The social worker or probation officer shall serve written notice of the hearing in the manner and to the persons set forth in Section 295, including the prospective adoptive parent or parents, except that notice to the nonminor's birth parents is not required.

(7) Nothing in this section shall prevent a nonminor dependent from filing an adoption petition pursuant to Section 9300 of the Family Code.

(g) Each licensed foster family agency shall submit reports for each nonminor dependent in its care to the court concerning the continuing appropriateness and extent of compliance with the nonminor dependent's permanent plan, the extent of compliance with the transitional independent living case plan, and the type and adequacy of services provided to the nonminor dependent. The report shall document that the nonminor has received all the information and documentation described in paragraph (2) of subdivision (e) of Section 391. If the court is considering terminating dependency jurisdiction for a nonminor dependent it shall first hold a hearing pursuant to Section 391.

(h) When the nonminor dependent is in another planned permanent living arrangement, the social study prepared for the hearing held under subdivision (e) shall include a description of all of the following:

(1) The intensive and ongoing efforts to return the nonminor dependent to the home of the parent, place the nonminor dependent for adoption, or place the nonminor dependent with a fit and willing relative, as appropriate.

(2) The steps taken to do both of the following:

(A) Ensure that the nonminor dependent's care provider is following the reasonable and prudent parent standard.

(B) Determine whether the nonminor dependent has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the nonminor dependent about opportunities for the nonminor dependent to participate in those activities.

SEC. 25. Section 636 of the Welfare and Institutions Code is amended to read:

636. (a) If it appears upon the hearing that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonably necessary for the protection of the person or property of another that the minor be detained or that the minor is likely to flee to avoid the jurisdiction of the court, and that continuance in the home is contrary to the minor's welfare, the court may make its order that the minor be detained in the juvenile hall or other suitable place designated by the juvenile court for a period not to exceed 15 judicial days and shall enter the order together with its findings of fact in support thereof in the records of the court. The circumstances and gravity of the alleged offense may be considered, in conjunction with other factors, to determine whether it is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another that the minor be detained. If a minor is a dependent of the court pursuant to Section 300, the court's decision to detain shall not be based on the minor's status as a dependent of the court or the child welfare services department's inability to provide a placement for the minor.

(b) If the court finds that the criteria of Section 628.1 are applicable, the court shall place the minor on home supervision for a period not to exceed

15 judicial days, and shall enter the order together with its findings of fact in support thereof in the records of the court. If the court releases the minor on home supervision, the court may continue, modify, or augment any conditions of release previously imposed by the probation officer, or may impose new conditions on a minor released for the first time. If there are new or modified conditions, the minor shall be required to sign a written promise to obey those conditions pursuant to Section 628.1.

(c) If the probation officer is recommending that the minor be detained, the probation officer shall submit to the court documentation, as follows:

(1) Documentation that continuance in the home is contrary to the minor's welfare shall be submitted to the court as part of the detention report prepared pursuant to Section 635.

(2) Documentation that reasonable efforts were made to prevent or eliminate the need for removal of the minor from the home and documentation of the nature and results of the services provided shall be submitted to the court either as part of the detention report prepared pursuant to Section 635, or as part of a case plan prepared pursuant to Section 636.1, but in no case later than 60 days from the date of detention.

(d) Except as provided in subdivision (e), before detaining the minor, the court shall determine whether continuance in the home is contrary to the minor's welfare and whether there are available services that would prevent the need for further detention. The court shall make that determination on a case-by-case basis and shall make reference to the documentation provided by the probation officer or other evidence relied upon in reaching its decision.

(1) If the minor can be returned to the custody of the minor's parent or legal guardian at the detention hearing, through the provision of services to prevent removal, the court shall release the minor to the physical custody of the minor's parent or legal guardian and order that those services be provided.

(2) If the minor cannot be returned to the custody of the minor's parent or legal guardian at the detention hearing, the court shall state the facts upon which the detention is based. The court shall make the following findings on the record and reference the probation officer's report or other evidence relied upon to make its setting determinations:

(A) Whether continuance in the home of the parent or legal guardian is contrary to the minor's welfare.

(B) Whether reasonable efforts have been made to safely maintain the minor in the home of the minor's parent or legal guardian and to prevent or eliminate the need for removal of the minor from the minor's home. This finding shall be made at the detention hearing if possible, but in no case later than 60 days following the minor's removal from the home.

(3) If the minor cannot be returned to the custody of the minor's parent or legal guardian at the detention hearing, the court shall make the following orders:

(A) The probation officer shall provide services as soon as possible to enable the minor's parent or legal guardian to obtain any assistance as may

be needed to enable the parent or guardian to effectively provide the care and control necessary for the minor to return to the home.

(B) The minor's placement and care shall be the responsibility of the probation department pending disposition or further order of the court.

(4) If the matter is set for rehearing pursuant to Section 637, or continued pursuant to Section 638, or continued for any other reason, the court shall find that the continuance of the minor in the parent's or guardian's home is contrary to the minor's welfare at the initial petition hearing or order the release of the minor from custody.

(e) For a minor who is a dependent of the court pursuant to Section 300, the court's decision to detain the minor shall not be based on a finding that continuance in the minor's current placement is contrary to the minor's welfare. If the court determines that continuance in the minor's current placement is contrary to the minor's welfare, the court shall order the child welfare services department to place the minor in another licensed or approved placement.

(f) For a placement made on or after October 1, 2021, each placement of the minor in a short-term residential therapeutic program shall comply with the requirements of Section 4096 and be reviewed by the court pursuant to Section 727.12.

(g) Whether the minor is returned home or detained, the court shall order the minor's parent or guardian to cooperate with the probation officer in obtaining those services described in paragraph (1) of, or in subparagraph (A) of paragraph (3) of, subdivision (d).

SEC. 26. Section 706.5 of the Welfare and Institutions Code is amended to read:

706.5. (a) If placement in foster care is recommended by the probation officer, or where the minor is already in foster care placement or pending placement pursuant to an earlier order, the social study prepared by the probation officer that is received into evidence at disposition pursuant to Section 706 shall include a case plan, as described in Section 706.6. If the court elects to hold the first status review at the disposition hearing, the social study shall also include, but not be limited to, the factual material described in subdivision (c).

(b) If placement in foster care is not recommended by the probation officer prior to disposition, but the court orders foster care placement, the court shall order the probation officer to prepare a case plan, as described in Section 706.6, within 30 days of the placement order. The case plan shall be filed with the court.

(c) At each status review hearing, the social study shall include, but not be limited to, an updated case plan as described in Section 706.6 and the following information:

(1) (A) The continuing necessity for and appropriateness of the placement.

(B) On and after October 1, 2021, for the minor or nonminor dependent whose placement in a short-term residential therapeutic program has been

reviewed and approved pursuant to Section 727.12, the social study shall include evidence of each of the following:

(i) Ongoing assessment of the strengths and needs of the minor or nonminor dependent continues to support the determination that the needs of the minor or nonminor dependent cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program continues to provide the most effective and appropriate level of care in the least restrictive environment, and the placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the minor or nonminor dependent.

(ii) Documentation of the minor or nonminor dependent's specific treatment or service needs that will be met in the placement, and the length of time the minor or nonminor dependent is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(iii) Documentation of the intensive and ongoing efforts made by the probation department, consistent with the minor or nonminor dependent's permanency plan, to prepare the minor or nonminor dependent to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home, tribally approved home, or in another appropriate family-based setting, or, in the case of a nonminor dependent, in a supervised independent living setting.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(4) If the first permanency planning hearing has not yet occurred, the social study shall include the likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative, or referred to another planned permanent living arrangement.

(5) Whether the minor has been or will be referred to educational services and what services the minor is receiving, including special education and related services if the minor has exceptional needs as described in Part 30 (commencing with Section 56000) of Division 4 of Title 2 of the Education Code or accommodations if the child has disabilities as described in Chapter 16 (commencing with Section 701) of Title 29 of the United States Code Annotated. The probation officer or child advocate shall solicit comments from the appropriate local education agency prior to completion of the social study.

(6) If the parent or guardian is unwilling or unable to participate in making an educational or developmental services decision for their child, or if other

circumstances exist that compromise the ability of the parent or guardian to make educational or developmental services decisions for the child, the probation department shall consider whether the right of the parent or guardian to make educational or developmental services decisions for the minor should be limited. If the study makes that recommendation, it shall identify whether there is a responsible adult available to make educational or developmental services decisions for the minor pursuant to Section 726.

(7) When the minor is 16 years of age or older and in another planned permanent living arrangement, the social study shall include a description of all of the following:

(A) The intensive and ongoing efforts to return the minor to the home of the parent, place the minor for adoption, or establish a legal guardianship, as appropriate.

(B) The steps taken to do both of the following:

(i) Ensure that the minor's care provider is following the reasonable and prudent parent standard.

(ii) Determine whether the minor has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consulting with the minor about opportunities for the minor to participate in the activities.

(8) When the minor is under 16 years of age and has a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative, the social study shall include a description of any barriers to achieving the permanent plan and the efforts made by the agency to address those barriers.

(9) (A) For a child who is 10 years of age or older and has been declared a ward of the juvenile court pursuant to Section 601 or 602 for a year or longer, the information in subparagraph (B) of paragraph (1) of subdivision (h) of Section 366.1.

(B) For a child who is 10 years of age or older, whether the probation officer has informed the minor or nonminor dependent of the information in paragraph (2) of subdivision (h) of Section 366.1.

(C) This paragraph does not affect any applicable confidentiality law.

(10) For a child who is 16 years of age or older or for a nonminor dependent, whether the probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(d) At each permanency planning hearing, the social study shall include, but not be limited to, an updated case plan as described in Section 706.6, the factual material described in subdivision (c) of this section, and a recommended permanent plan for the minor.

SEC. 27. Section 706.6 of the Welfare and Institutions Code is amended to read:

706.6. (a) Services to minors are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

(b) (1) For the purposes of this section, “child and family team” has the same meaning as in paragraph (4) of subdivision (a) of Section 16501.

(2) In its development of the case plan, the probation agency shall consider and document any recommendations of the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

(c) A case plan prepared as required by Section 706.5 shall be submitted to the court. It shall either be attached to the social study or incorporated as a separate section within the social study. The case plan shall include, but not be limited to, the following information:

(1) A description of the circumstances that resulted in the minor being placed under the supervision of the probation department and in foster care.

(2) Documentation of the preplacement assessment of the minor’s and family’s strengths and service needs showing that preventive services have been provided, and that reasonable efforts to prevent out-of-home placement have been made. The assessment shall include the type of placement best equipped to meet those needs.

(3) (A) A description of the type of home or institution in which the minor is to be placed, and the reasons for that placement decision, including a discussion of the safety and appropriateness of the placement, including the recommendations of the child and family team, if available.

(B) An appropriate placement is a placement in the least restrictive, most family-like environment that promotes normal childhood experiences, in closest proximity to the minor’s home, that meets the minor’s best interests and special needs.

(d) The following shall apply:

(1) The agency selecting a placement shall consider, in order of priority:

(A) Placement with relatives, nonrelated extended family members, and tribal members.

(B) Foster family homes and certified homes or resource families of foster family agencies.

(C) Treatment and intensive treatment certified homes or resource families of foster family agencies, or multidimensional treatment foster homes or therapeutic foster care homes.

(D) Group care placements in the following order:

(i) Short-term residential therapeutic programs.

(ii) Group homes vendored by a regional center.

(iii) Community treatment facilities.

(iv) Out-of-state residential facilities as authorized by subdivision (b) of Section 727.1.

(2) Although the placement options shall be considered in the preferential order specified in paragraph (1), the placement of a child may be with any of these placement settings in order to ensure the selection of a safe placement setting that is in the child's best interests and meets the child's special needs.

(3) (A) A minor may be placed into a community care facility licensed as a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400, provided the case plan indicates that the placement is for the purposes of providing short-term, specialized, intensive, and trauma-informed treatment for the minor, the case plan specifies the need for, nature of, and anticipated duration of this treatment, and the case plan includes transitioning the minor to a less restrictive environment and the projected timeline by which the minor will be transitioned to a less restrictive environment.

(B) On and after October 1, 2021, within 30 days of the minor's placement in a short-term residential therapeutic program, the case plan shall document all of the following:

(i) The reasonable and good faith effort by the probation officer to identify and include all required individuals in the child and family team.

(ii) All contact information for members of the child and family team, as well as contact information for other relatives and nonrelative extended family members who are not part of the child and family team.

(iii) Evidence that meetings of the child and family team, including the meetings related to the determination required under Section 4096, are held at a time and place convenient for the family.

(iv) If reunification is the goal, evidence that the parent from whom the minor or nonminor dependent was removed provided input on the members of the child and family team.

(v) Evidence that the determination required under Section 4096 was conducted in conjunction with the child and family team.

(vi) The placement preferences of the minor or nonminor dependent and the child and family team relative to the determination and, if the placement preferences of the minor or nonminor dependent or the child and family team are not the placement setting recommended by the qualified individual conducting the determination, the reasons why the preferences of the team or minor or nonminor dependent were not recommended.

(C) Following the court review required pursuant to Section 727.12, the case plan shall document the court's approval or disapproval of the placement.

(D) When the minor or nonminor dependent has been placed in a short-term residential therapeutic program for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a minor who has not attained 13 years of age, for more than six consecutive or nonconsecutive months, the case plan shall include both of the following:

(i) Documentation of the information submitted to the court pursuant to subparagraph (B) of paragraph (1) of subdivision (c) of Section 706.5.

(ii) Documentation that the chief probation officer of the county probation department, or their designee, has approved the continued placement of the minor or nonminor dependent in the setting.

(E) (i) On and after October 1, 2021, prior to discharge from a short-term residential therapeutic program, the case plan shall include a description of the type of in-home or institution-based services to encourage the safety, stability, and appropriateness of the next placement, including the recommendations of the child and family team, if available.

(ii) A plan, developed in collaboration with the short-term residential therapeutic program, for the provision of discharge planning and family-based aftercare support pursuant to Section 4096.6.

(e) Effective January 1, 2010, a case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(1) Assurances that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(2) An assurance that the placement agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement, or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

(f) Specific time-limited goals and related activities designed to enable the safe return of the minor to the minor's home, or in the event that return to the minor's home is not possible, activities designed to result in permanent placement or emancipation. Specific responsibility for carrying out the planned activities shall be assigned to one or more of the following:

(1) The probation department.

(2) The minor's parent or parents or legal guardian or guardians, as applicable.

(3) The minor.

(4) The foster parents or licensed agency providing foster care.

(g) The projected date of completion of the case plan objectives and the date services will be terminated.

(h) (1) Scheduled visits between the minor and the minor's family and an explanation if no visits are made.

(2) Whether the child has other siblings, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and the child's siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, all of the following:

(i) The frequency and nature of the visits between the siblings.

(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(iii) If there are visits between the siblings, a description of the location and length of the visits.

(iv) Any plan to increase visitation between the siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(F) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(3) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with the child's sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(i) (1) When placement is made in a resource family home, short-term residential therapeutic program, or other children's residential facility that is either a substantial distance from the home of the minor's parent or legal guardian or out of state, the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the minor.

(2) When an out-of-state residential facility placement is recommended or made, the case plan shall comply with Section 727.1 of this code and Section 7911.1 of the Family Code. In addition, the case plan shall include documentation that the county placing agency has satisfied Section 16010.9. The case plan shall also address what in-state services or facilities were used or considered and why they were not recommended.

(j) If applicable, efforts to make it possible to place siblings together, unless it has been determined that placement together is not in the best interest of one or more siblings.

(k) A schedule of visits between the minor and the probation officer, including a monthly visitation schedule for those children placed in group short-term residential therapeutic programs or out-of-state residential facilities, as defined in subdivision (b) of Section 7910 of the Family Code.

(l) Health and education information about the minor, school records, immunizations, known medical problems, and any known medications the minor may be taking, names and addresses of the minor's health and educational providers; the minor's grade level performance; assurances that the minor's placement in foster care takes into account proximity to the

school in which the minor was enrolled at the time of placement; and other relevant health and educational information.

(m) When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, those services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail.

(n) (1) The updated case plan prepared for a permanency planning hearing shall include a recommendation for a permanent plan for the minor. The identified permanent plan for a minor under 16 years of age shall be return home, adoption, legal guardianship, or placement with a fit and willing relative. The case plan shall identify any barriers to achieving legal permanence and the steps the agency will take to address those barriers.

(2) If, after considering reunification, adoptive placement, legal guardianship, or permanent placement with a fit and willing relative the probation officer recommends placement in a planned permanent living arrangement for a minor 16 years of age or older, the case plan shall include documentation of a compelling reason or reasons why termination of parental rights is not in the minor's best interest. For purposes of this subdivision, a "compelling reason" shall have the same meaning as in subdivision (c) of Section 727.3. The case plan shall also identify the intensive and ongoing efforts to return the minor to the home of the parent, place the minor for adoption, establish a legal guardianship, or place the minor with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the minor.

(o) Each updated case plan shall include a description of the services that have been provided to the minor under the plan and an evaluation of the appropriateness and effectiveness of those services.

(p) A statement that the parent or legal guardian, and the minor have had an opportunity to participate in the development of the case plan, to review the case plan, to sign the case plan, and to receive a copy of the plan, or an explanation about why the parent, legal guardian, or minor was not able to participate or sign the case plan.

(q) For a minor in out-of-home care who is 16 years of age or older, a written description of the programs and services, which will help the minor prepare for the transition from foster care to successful adulthood.

SEC. 28. Section 727.1 of the Welfare and Institutions Code is amended to read:

727.1. (a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727, the decision regarding choice of placement, pursuant to Section 706.6, shall be based upon selection of a safe setting that is the least restrictive or most family-like, and the most appropriate setting that meets the individual needs of the minor and is available, in proximity to the parent's home, consistent with the selection of the environment best suited to meet the minor's special needs and best interests. The selection shall consider, in order of priority, placement with

relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code.

(b) Unless otherwise authorized by law, the court shall not order the placement of a minor who is adjudged a ward of the court on the basis that the ward is a person described by either Section 601 or 602 in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, unless the court finds, in its order of placement and based on evidence presented by the county probation department, that all of the following conditions are met:

(1) The out-of-state residential facility is licensed or certified for the placement of children by an agency of the state in which the ward will be placed.

(2) The out-of-state residential facility has been certified by the State Department of Social Services or is exempt from that certification, pursuant to Section 7911.1 of the Family Code.

(3) On and after July 1, 2021, the county probation department has fulfilled its responsibilities as set forth in Sections 4096 and 16010.9.

(4) The court has reviewed the documentation of any required assessment, technical assistance efforts, or recommendations and finds that in-state facilities or programs are unavailable or inadequate to meet the needs of the ward.

(c) If, upon inspection, the probation officer of the county in which the minor is adjudged a ward of the court determines that the out-of-state facility or program is not in compliance with the standards required under paragraph (2) of subdivision (b) or has an adverse impact on the health and safety of the minor, the probation officer may temporarily remove the minor from the facility or program. The probation officer shall promptly inform the court of the minor's removal, and shall return the minor to the court for a hearing to review the suitability of continued out-of-state placement. The probation officer shall, within one business day of removing the minor, notify the State Department of Social Services' Compact Administrator, and, within five working days, submit a written report of the findings and actions taken.

(d) The court shall review each of these placements for compliance with the requirements of subdivision (b) at least once every six months.

(e) The county shall not be entitled to receive or expend any public funds for the placement of a minor in an out-of-state group home or short-term residential therapeutic program, unless the conditions of subdivisions (b) and (d) are met.

(f) Notwithstanding any other law, on and after July 1, 2022, the court shall not order or approve any new placement of a minor by a county probation department in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, except for placements described in subdivision (h) of Section 7911.1 of the Family Code.

(g) Notwithstanding any other law, the court shall order any minor placed out of state by a county probation department in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code,

to be returned to California no later than January 1, 2023, except for placements described in subdivision (h) of Section 7911.1 of the Family Code.

SEC. 29. Section 727.12 is added to the Welfare and Institutions Code, to read:

727.12. (a) For a placement made on and after October 1, 2021, each placement of the minor or nonminor dependent in a short-term residential therapeutic program, including the initial placement and each subsequent placement into a short-term residential therapeutic program, shall be reviewed by the court within 45 days of the start of placement in accordance with this section. In no event shall the court grant a continuance that would cause the review to be completed more than 60 days after the start of the placement.

(b) (1) Within five calendar days of each placement of the minor or nonminor dependent in a short-term residential therapeutic program, the probation officer shall request the juvenile court to schedule a hearing to review the placement.

(2) The probation officer shall serve a copy of the request on all parties to the delinquency proceeding, and the minor's tribe in the case of an Indian child to whom subparagraph (E) of paragraph (1) of subdivision (d) of Section 224.1 applies.

(c) (1) The probation officer shall prepare and submit a report that shall include all of the following:

(A) A copy of the assessment, determination, and documentation prepared by the qualified individual pursuant to subdivision (g) of Section 4096.

(B) The case plan documentation required pursuant to subparagraph (B) of paragraph (3) of subdivision (d) of Section 706.6.

(C) In the case of an Indian child, a statement regarding whether the minor's tribe had an opportunity to confer regarding the departure from the placement preferences described in Section 361.31, and the active efforts made prior to placement in a short-term therapeutic program to satisfy subdivision (f) of Section 224.1.

(D) A statement regarding whether the minor or nonminor dependent or any party to the proceeding, or minor's tribe in the case of an Indian child to whom subparagraph (E) of paragraph (1) of subdivision (d) of Section 224.1 applies, objects to the placement of the minor or nonminor dependent in the short-term residential therapeutic program.

(2) The probation officer shall serve a copy of the report on all parties to the proceeding no later than seven calendar days before the hearing.

(d) Within five calendar days of the request described in subdivision (b), the court shall set a hearing to be held within 45 days after the start of the placement and give notice of the hearing to all parties to the proceeding, and the minor's tribe in the case of an Indian child to whom subparagraph (E) of paragraph (1) of subdivision (d) of Section 224.1 applies.

(e) When reviewing each placement of the minor or nonminor dependent in a short-term residential therapeutic program, the court shall do all of the following:

(1) Consider the information specified in subdivision (c).

(2) Determine whether the needs of the minor or nonminor dependent can be met through placement in a family-based setting, or, if not, whether placement in a short-term residential therapeutic program provides the most effective and appropriate care setting for the minor or nonminor dependent in the least restrictive environment. A shortage or lack of resource family homes shall not be an acceptable reason for determining that the needs of the minor or nonminor dependent cannot be met in a family-based setting.

(3) Determine whether the short-term residential therapeutic program is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the minor or nonminor dependent.

(4) In the case of an Indian child, determine whether there is good cause to depart from the placement preferences set forth in Section 361.31.

(5) Approve or disapprove the placement.

(6) Make a finding, either in writing or on the record, of the basis for its determinations pursuant to this subdivision.

(f) If the court disapproves the placement, the court shall order the probation officer to transition the minor or nonminor dependent to a placement setting that is consistent with the determinations made pursuant to subdivision (e) within 30 days of the disapproval.

(g) This section does not prohibit the court from reviewing the placement of a minor or nonminor dependent in a short-term residential therapeutic program pursuant to subdivision (a) at a regularly scheduled hearing if that hearing is held within 60 days of the placement and the information described in subdivision (c) has been presented to the court.

(h) On or before October 1, 2021, the Judicial Council shall amend or adopt rules of court and shall develop or amend appropriate forms, as necessary, to implement this section, including developing a procedure to enable the court to review the placement without a hearing.

SEC. 30. Section 727.2 of the Welfare and Institutions Code is amended to read:

727.2. The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care who has been declared a ward of the juvenile court pursuant to Section 601 or 602 and to ensure that everything reasonably possible is done to facilitate the safe and early return of the minor to the minor's home or to establish an alternative permanent plan for the minor.

(a) If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement pursuant to subdivision (a) of Section 727, the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to the minor's home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except as provided in subdivision (b).

(b) (1) Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence that one or more of the following is true:

(A) Reunification services were previously terminated for that parent or guardian, pursuant to Section 366.21, 366.22, or 366.25, or not offered, pursuant to subdivision (b) of Section 361.5, in reference to the same minor.

(B) The parent has been convicted of any of the following:

(i) Murder of another child of the parent.

(ii) Voluntary manslaughter of another child of the parent.

(iii) Aiding or abetting, attempting, conspiring, or soliciting to commit that murder or manslaughter described in clause (i) or (ii).

(iv) A felony assault that results in serious bodily injury to the minor or another child of the parent.

(C) The parental rights of the parent with respect to a sibling have been terminated involuntarily, and it is not in the best interest of the minor to reunify with the minor's parent or legal guardian.

(2) If no reunification services are offered to the parent or guardian, the permanency planning hearing, as described in Section 727.3, shall occur within 30 days of the date of the hearing at which the decision is made not to offer services.

(c) The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months. The six-month time periods shall be calculated from the date the minor entered foster care, as defined in paragraph (4) of subdivision (d) of Section 727.4. If the court so elects, the court may declare the hearing at which the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement pursuant to subdivision (a) of Section 727 at the first status review hearing. It shall be the duty of the probation officer to prepare a written social study report pursuant to subdivision (c) of Section 706.5, including an updated case plan, as described in Section 706.6, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social study report shall include all reports the probation officer relied upon in making their recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family agency, the facility or agency may provide the probation officer with a report containing its recommendations. Prior to any status review hearing involving the physical custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing the person's recommendations. The court shall consider all reports and recommendations filed pursuant to subdivision (c) and pursuant to this subdivision.

(e) At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement. If the minor or nonminor dependent is placed in a short-term residential therapeutic program on or after October 1, 2021, the court shall consider the evidence and documentation submitted in the social study pursuant to

subparagraph (B) of paragraph (1) of subdivision (c) of Section 706.5 in making this determination.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts, or in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor pursuant to Section 726.

(4) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(5) The likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative, or, if the minor is 16 years of age or older, referred to another planned permanent living arrangement.

(6) (A) In the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to successful adulthood.

(B) The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer's report and any other evidence relied upon in reaching its decision.

(7) (A) For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been declared a ward of the juvenile court pursuant to Section 601 or 602 for a year or longer whether the probation officer has taken the actions described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 366.

(B) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this paragraph.

(8) For a child who is 16 years of age or older or for a nonminor dependent, whether the probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(f) At any status review hearing prior to the first permanency hearing, after considering the admissible and relevant evidence, the court shall order return of the minor to the physical custody of the minor's parent or legal

guardian unless the court finds, by a preponderance of evidence, that the return of the minor to the minor's parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. In making its determination, the court shall review and consider the social study report, recommendations, and the case plan pursuant to subdivision (b) of Section 706.5, the report and recommendations of any child advocate appointed for the minor in the case, and any other reports submitted to the court pursuant to subdivision (d), and shall consider the efforts or progress, or both, demonstrated by the minor and family and the extent to which the minor availed themselves of the services provided.

(g) At all status review hearings subsequent to the first permanency planning hearing, the court shall consider the safety of the minor and make the findings and orders as described in paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The court shall either make a finding that the previously ordered permanent plan continues to be appropriate or shall order that a new permanent plan be adopted pursuant to subdivision (b) of Section 727.3. However, the court shall not order a permanent plan of "return to the physical custody of the parent or legal guardian after further reunification services are offered," as described in paragraph (2) of subdivision (b) of Section 727.3.

(h) The status review hearings required by subdivision (c) may be heard by an administrative review panel, provided that the administrative panel meets all of the requirements listed in subparagraph (B) of paragraph (7) of subdivision (d) of Section 727.4.

(i) (1) At any status review hearing at which a recommendation to terminate delinquency jurisdiction is being considered, or at the status review hearing held closest to the ward attaining 18 years of age, but no fewer than 90 days before the ward's 18th birthday, the court shall consider whether to modify its jurisdiction pursuant to Section 601 or 602 and assume transition jurisdiction over the minor pursuant to Section 450. The probation department shall address this issue in its report to the court and make a recommendation as to whether transition jurisdiction is appropriate for the minor.

(2) The court shall order the probation department or the minor's attorney to submit an application to the child welfare services department pursuant to Section 329 to declare the minor a dependent of the court and modify its jurisdiction from delinquency to dependency jurisdiction if it finds both of the following:

(A) The ward does not come within the description set forth in Section 450, but jurisdiction as a ward may no longer be required.

(B) The ward appears to come within the description of Section 300 and cannot be returned home safely.

(3) The court shall set a hearing within 20 judicial days of the date of its order issued pursuant to paragraph (2) to review the decision of the child welfare services department and may either affirm the decision not to file

a petition pursuant to Section 300 or order the child welfare services department to file a petition pursuant to Section 300.

(j) If a review hearing pursuant to this section is the last review hearing to be held before the minor attains 18 years of age, the court shall ensure that the minor's transitional independent living case plan includes a plan for the minor to meet one or more of the criteria in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, so that the minor can become a nonminor dependent, and that the minor has been informed of the minor's right to decline to become a nonminor dependent and to seek termination of the court's jurisdiction pursuant to Section 607.2.

SEC. 31. Section 4096 of the Welfare and Institutions Code is amended to read:

4096. (a) This section governs interagency placement committees related to the placement of dependents and wards into short-term residential therapeutic programs, as specified in Section 11462.01, or in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code. This section shall also apply to determinations made pursuant to paragraph (1) of subdivision (e) of Section 4094.5, as applicable.

(1) Interagency collaboration and children's program services shall be structured in a manner that will facilitate implementation of the goals of Part 4 (commencing with Section 5850) of Division 5 to develop protocols outlining the roles and responsibilities of placing agencies and programs regarding nonemergency placements of foster children in certified residential therapeutic programs.

(2) Components shall be added to state-county performance contracts required in Section 5650 that provide for reports from counties on how this section is implemented.

(3) The State Department of Health Care Services shall develop performance contract components required by paragraph (2).

(4) Performance contracts subject to this section shall document that the procedures to be implemented in compliance with this section have been approved by the county social services department and the county probation department.

(b) Funds specified in subdivision (a) of Section 17601 for services to wards of the court and dependent children of the court shall be allocated and distributed to counties based on the number of wards of the court and dependent children of the court in the county.

(c) A county may utilize funds allocated pursuant to subdivision (b) only if the county has established an operational interagency placement committee with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health. If necessary, the funds may be used for costs associated with establishing the interagency placement committee.

(d) Funds allocated pursuant to subdivision (b) shall be used to provide services to wards of the court and dependent children of the court jointly identified by county mental health, social services, and probation departments as the highest priority. Every effort shall be made to match those funds with

funds received pursuant to Title XIX of the federal Social Security Act, contained in Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(e) (1) Each interagency placement committee shall establish procedures whereby a ward of the court or dependent child of the court, a child who is the subject of a petition filed pursuant to Section 300, a child detained pursuant to Section 636, or a voluntarily placed child whose placement is funded by the Aid to Families with Dependent Children-Foster Care program, who is to be placed or is currently placed in a program, as specified in subdivision (a), shall be determined to meet one of the following:

(A) The child or ward meets the medical necessity criteria for Medi-Cal specialty mental health services, as the criteria are described in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) The child or ward is assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3.

(C) The child's or ward's individual behavioral or treatment needs can only be met by the level of care provided in a program, as specified in subdivision (a).

(2) The determination required by paragraph (1) shall do all of the following:

(A) Ensure that the care and services that the child needs, including any care or service needs determined by the qualified individual assessment, are provided by a program, as specified in subdivision (a), and include documentation regarding how medically necessary Medi-Cal specialty mental health services will be provided in a provisionally licensed program.

(B) Ensure that the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(C) Consider the detailed history that shall be provided by the placing agency outlining behavior that may pose a threat to the health or safety of that child and the other children residing in the program and consider any potential interference with the effectiveness of the care and services provided to that child and the other children residing in the program, as specified in subdivision (a).

(D) Describe additional safety measures and therapeutic interventions needed to mitigate identified challenging behaviors or risks to the safety of the child and other children in the facility.

(E) Present the determination to the placing agency within five business days of the referral.

(3) This subdivision does not prohibit an interagency placement committee from considering an assessment that was provided by a licensed mental health professional, as described in subdivision (j), and that was developed consistent with procedures established by the county pursuant to paragraph (1).

(4) The State Department of Health Care Services and the State Department of Social Services shall develop a dispute resolution process or utilize an existing dispute resolution process currently operated by each department to jointly review a disputed interagency placement committee

determination made pursuant to this subdivision. The departments shall report the developed or utilized dispute resolution process to the appropriate policy and fiscal committees of the Legislature no later than January 1, 2017, and shall track the number of disputes reported and resolved, and provide that information to the Legislature annually as part of the State Budget process. 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 departments may issue guidance on the joint review process for dispute resolution by written directive.

(f) The interagency placement committee shall document the results of the determination required by subdivision (e) and shall notify the appropriate provider in writing, of those results within 10 days of the completion of the determination.

(g) (1) For a placement in a short-term therapeutic residential program, or in an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, made on or after October 1, 2021, a qualified individual, as defined pursuant to subdivision (l) of Section 16501, shall conduct an assessment pursuant to this subdivision if the child is placed by a county child welfare or probation placing agency.

(2) (A) Unless the placement is an emergency placement pursuant to paragraph (3) of subdivision (h) of Section 11462.01, the qualified individual shall conduct an independent assessment and determination regarding the needs of the child prior to placement in a short-term therapeutic residential program or in an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code. In the event of an emergency placement, the qualified individual shall conduct the independent assessment and determination regarding the needs of the child within 30 days of the start of the placement.

(B) In connection with the activities required by the qualified individual, placing agencies shall adopt, and all parties to the child's case shall utilize, the universal release of information identified by the State Department of Social Services and the State Department of Health Care Services.

(3) The assessment conducted by the qualified individual shall include, at a minimum, all of the following:

(A) Engagement with the child and family team members and, in the case of an Indian child, the Indian child's tribe, in conducting the assessment.

(B) An assessment of the strengths and needs of the child or nonminor dependent, using an age-appropriate, evidence-based, validated, functional assessment tool and methodology approved by the State Department of Social Services and the State Department of Health Care Services. If the authorized assessment tool has already been completed as part of the child and family team within the last two months, the qualified individual may utilize or update those results at the discretion of the qualified individual.

(C) The identification of the child-specific short- and long-term mental and behavioral health goals and treatment needs of the child.

(D) In the case of an Indian child, the qualified individual's efforts to consult with the child's tribe. The qualified individual shall consult and confer with a representative of the child's tribe or, at the direction of the tribal representative, the qualified expert witness, as described in Section 224.6. Such consultation shall include, but not be limited to, determination of the social and cultural standards of the Indian child's tribe.

(4) The qualified individual shall determine and document the following in writing:

(A) Whether the assessed needs of the child or nonminor dependent can be met with family members, in a tribally approved home in the case of an Indian child, or in another family-based setting.

(B) If the child or nonminor dependent's needs cannot be met with family members, in a tribally approved home in the case of an Indian child, or in another family-based setting, all of the following:

(i) Why the needs of the child cannot be met with family members of the child or in another family-based setting identified by the placing agency, or in a tribally approved home in the case of an Indian child.

(ii) Why a short-term residential therapeutic program, or, where applicable, an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment.

(iii) How a short-term residential therapeutic program intervention, or the program intervention of an applicable out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child, and for an Indian child, will meet the child's needs consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(iv) The mental and behavioral health interventions and treatment that the program will implement to improve functioning and well-being and, for an Indian child, how the interventions and treatment will be conducted in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe.

(v) The potential impact of transferring the responsibility to authorize, arrange or provide, and pay for, specialty mental health services from one county mental health plan to another, pursuant to Section 14717.1.

(vi) Any known multiagency care coordination needs that should be planned for during discharge and aftercare planning, as developed pursuant to Section 4096.6, upon the child's transition to a family-based setting.

(C) The engagement with the child and family team members and, in the case of an Indian child, the Indian child's tribe.

(5) The assessment of the qualified individual does not replace or replicate existing case planning or case management activities, roles, and responsibilities of the county placing agency caseworker in preparation of the child's case plan pursuant to Section 16501.1 or requirements of the interagency placement committee established pursuant to this section.

(6) The qualified individual shall provide the assessment required by paragraph (3) and the report required by paragraph (4) to the county placing agency and the short-term residential therapeutic program, or, where applicable, the out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, in which the child or nonminor dependent is or will be placed.

(7) It is the intent of the Legislature that the assessments of a qualified individual provided pursuant to this subdivision are provided as specialty mental health services, whenever possible, consistent with all state and federal Medicaid requirements.

(h) (1) The State Department of Social Services and the State Department of Health Care Services shall issue joint guidance that shall include, but not be limited to, all of the following:

(A) The statewide standards and approval requirements for qualified individuals, as defined in subdivision (l) of Section 16501.

(B) The requirements for referrals to, and the assessment conducted by, the qualified individual pursuant to subdivision (g).

(C) Documentation requirements necessary to meet state and federal child welfare requirements and documentation requirements for Medi-Cal specialty mental health activities conducted by the qualified individual.

(D) The applicable state and federal privacy and confidentiality laws that permit or limit the dissemination of the assessment of the qualified individual developed pursuant to subdivision (g).

(2) The guidance issued pursuant to this subdivision shall be issued on or before July 31, 2021.

(i) Nothing in this section shall be interpreted to prevent a county placing agency from making a placement in a short-term residential therapeutic program on an emergency basis, as permitted pursuant to subdivision (h) of Section 11462.01, prior to the determination by the interagency placement committee pursuant to this section.

(j) If the child's or youth's placement is not funded by the Aid to Families with Dependent Children-Foster Care program a licensed mental health professional, or an otherwise recognized provider of mental health services, shall certify that the child has been assessed as meeting the medical necessity criteria for Medi-Cal specialty mental health Early and Periodic Screening, Diagnosis, and Treatment services, as the criteria are described in Section 1830.210 of Title 9 of the California Code of Regulations, or assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3. A "licensed mental health professional" includes a physician licensed under Section 2050 of the Business and Professions Code, a licensed psychologist within the meaning of subdivision (a) of Section 2902 of the Business and Professions Code, a licensed clinical social worker within the meaning of subdivision (a) of Section 4996 of the Business and Professions Code, a licensed marriage and family therapist within the meaning of subdivision (b) of Section 4980 of the Business and Professions Code, or a licensed professional clinical counselor within the meaning of subdivision (e) of Section 4999.12.

(k) (1) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of 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) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of this section shall be exempt from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

SEC. 32. Section 4096.5 of the Welfare and Institutions Code is amended to read:

4096.5. (a) This section governs standards for the mental health program approval for short-term residential therapeutic programs, which is required under subdivision (c) of Section 1562.01 of the Health and Safety Code.

(b) All short-term residential therapeutic programs that serve children who have either been assessed as meeting the medical necessity criteria for Medi-Cal specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations, or who have been assessed as seriously emotionally disturbed, as defined in subdivision (a) of Section 5600.3, shall obtain and have in good standing a mental health program approval and a Medi-Cal mental health certification, as described in Section 11462.01, issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated approval authority. This approval, which is required pursuant to subdivision (c) of Section 1562.01 of the Health and Safety Code, is a condition for receiving an Aid to Families with Dependent Children-Foster Care rate pursuant to Section 11462.01.

(c) (1) A short-term residential therapeutic program shall not directly provide specialty mental health services without a current mental health program approval. A licensed short-term residential therapeutic program that has not obtained a program approval shall provide children in its care access to appropriate mental health services.

(2) County mental health plans shall ensure that Medi-Cal specialty mental health services, including, but not limited to, services under the Early and Periodic Screening, Diagnosis and Treatment benefit, are provided to all Medi-Cal beneficiaries served by short-term residential therapeutic programs who meet medical necessity criteria, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(d) (1) The State Department of Health Care Services or a county mental health plan to which the department has delegated mental health program approval authority shall approve or deny mental health program approval requests within 45 days of receiving a request. The State Department of Health Care Services or a county mental health plan to which the department has delegated mental health program approval authority shall issue each mental health program approval for a period of one year, except for approvals granted pursuant to paragraph (2) and provisional approvals granted pursuant to regulations promulgated under subdivision (e), and shall specify the

effective date of the approval. Approved entities shall meet all program standards to be reapproved.

(2) (A) Between January 1, 2017, and December 31, 2017, the State Department of Health Care Services, or a county mental health plan to which the department has delegated mental health program approval authority, shall approve or deny a mental health program approval request within 90 days of receipt.

(B) Between January 1, 2017, and December 31, 2017, the State Department of Health Care Services, or a county mental health plan to which the department has delegated mental health program approval authority, may issue a mental health program approval for a period of less than one year.

(e) (1) The State Department of Health Care Services and the county mental health plans to which the department has delegated mental health program approval authority may enforce the mental health program approval standards by taking any of the following actions against a noncompliant short-term residential therapeutic program:

- (A) Suspend or revoke a mental health program approval.
- (B) Impose monetary penalties.
- (C) Place a mental health program on probation.
- (D) Require a mental health program to prepare and comply with a corrective action plan.

(2) The State Department of Health Care Services and the county mental health plans to which the department has delegated mental health program approval authority shall provide short-term residential therapeutic programs with due process protections when taking any of the actions described in paragraph (1).

(f) The State Department of Health Care Services, in consultation with the State Department of Social Services, shall promulgate regulations regarding program standards, oversight, enforcement, issuance of mental health program approvals, including provisional approvals that are effective for a period of less than one year, and due process protections related to the mental health program approval process for short-term residential therapeutic programs.

(g) (1) Except for mental health program approval of short-term residential therapeutic programs operated by a county, the State Department of Health Care Services may, upon the request of a county, delegate to that county mental health plan the mental health program approval of short-term residential therapeutic programs within its borders.

(2) Any county to which mental health program approval is delegated pursuant to paragraph (1) shall be responsible for the oversight and enforcement of program standards and the provision of due process for approved and denied entities.

(h) The State Department of Health Care Services or a county mental health plan to which the department has delegated mental health program approval authority shall notify the State Department of Social Services

immediately upon the termination of any mental health program approval issued in accordance with subdivisions (b) and (d).

(i) The State Department of Social Services shall notify the State Department of Health Care Services and, if applicable, a county to which the department has delegated mental health program approval authority, immediately upon the revocation of any license issued pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

(j) Revocation of a license or a mental health program approval or failure to meet the requirements of subdivision (c) of Section 1562.01 of the Health and Safety Code shall be a basis for rate termination.

SEC. 33. Section 4096.55 is added to the Welfare and Institutions Code, to read:

4096.55. (a) The State Department of Social Services, in collaboration with the State Department of Health Care Services, shall make available nursing resources intended to assist short-term residential therapeutic programs with meeting the needs of any child, minor, or nonminor dependent residing in the program placed by a county child welfare agency or probation department.

(b) Nursing resources established pursuant to this section may include both of the following:

(1) A contract that provides for access to nursing services 24 hours a day, 7 days a week.

(2) Any other nursing resources, as identified by the State Department of Social Services, in collaboration with the State Department of Health Care Services and in consultation with the Department of Finance, designed to assist short-term residential therapeutic programs to meet the medical needs of any child, minor, or nonminor dependent residing in the program placed by a county child welfare agency or probation department.

(c) If a child requires regular onsite nursing care, the placing agency shall ensure the nursing care is provided, either by the provider consistent with their treatment model, or by the county arranging for that care to be provided utilizing their nursing resources.

(d) (1) The State Department of Social Services, in collaboration with the State Department of Health Care Services, shall issue necessary guidance for the statewide or regional short-term residential therapeutic program nursing resources, including, but not limited to, implementation, data tracking, and claiming.

(2) The guidance shall also provide information on how to access existing nursing resources for the provision of medically necessary onsite care for children, minors, and nonminor dependents placed by a county child welfare agency or probation department.

(e) (1) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of 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) Notwithstanding any other law, contracts awarded by the State Department of Social Services for purposes of this section shall be exempt from the Public Contract Code and the State Contracting Manual and shall not be subject to the approval of the Department of General Services.

SEC. 34. Section 4096.6 is added to the Welfare and Institutions Code, to read:

4096.6. (a) For the purpose of this section, “family-based aftercare services” means an array of integrated services and supports that meets all of the following specifications:

(1) Are provided to or on behalf of a child for at least six months postdischarge from a short-term residential therapeutic program, or from an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code. Federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the service is medically necessary, regardless of the six months postdischarge requirement.

(2) Are family-based and implemented as part of an individualized, child-specific transition plan in a manner that supports the child’s permanency plan and incorporates the recommendations of the qualified individual.

(3) No later than October 1, 2022, meet the standards established pursuant to subdivision (c).

(b) (1) On and after October 1, 2021, each county child welfare agency, probation department, and mental health plan, in consultation with the local interagency leadership team established pursuant to Section 16521.6, shall jointly provide, arrange for, or ensure the provision of, at least six months of aftercare services for youth in the placement and care responsibility of the county child welfare or county probation agency who are discharged from a short-term residential therapeutic program, or from an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, to a family-based setting. Federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the service is medically necessary, regardless of the six months postdischarge requirement.

(2) No later than October 1, 2021, county agencies shall leverage existing wraparound programs and other resources to provide at least six months of family-based aftercare services, while planning and incrementally implementing the standards established pursuant to subdivision (c).

(3) No later than October 1, 2022, county agencies shall jointly provide, arrange for, or ensure the provision of, at least six months of family-based aftercare services consistent with the minimum requirements established pursuant to subdivision (c).

(c) (1) The State Department of Social Services and the State Department of Health Care Services shall establish, through regulation, statewide minimum standards for family-based aftercare services. Minimum standards shall be informed by stakeholder advisory groups convened by the State

Department of Social Services and the State Department of Health Care Services and shall require, but shall not be limited to, all of the following:

(A) The use of a California high-fidelity wraparound model, approved by the State Department of Social Services and consistent with the California Wraparound Standards and Chapter 4 (commencing with Section 18250) of Part 6 of Division 9, for aftercare services.

(B) A process through which a provider shall be certified to provide family-based aftercare services.

(C) Guidelines for ensuring each child, minor, or nonminor dependent discharged from a short-term residential therapeutic program, or from an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code, to family-based care is provided aftercare services pursuant to this section, including process guidance for circumstances in which children, minors, or nonminor dependents reside outside the county of jurisdiction.

(D) Workforce development, training, and curriculum requirements.

(E) Funding planning, which shall include, but not be limited to, controls and documentation to ensure that federal financial participation under the Medi-Cal program is only claimed if all state and federal requirements are met and the service is medically necessary.

(F) Data collection and outcome measures.

(2) No later than August 1, 2021, the State Department of Social Services, in partnership with the State Department of Health Care Services and in consultation with the County Behavioral Health Directors Association of California, the County Welfare Directors Association of California, Chief Probation Officers of California, tribes, child welfare advocates, providers, current or former foster children or youth, caregivers, and other interested stakeholders, shall issue guidance necessary to implement this section.

(d) Each county shall submit a plan to the State Department of Social Services and the State Department of Health Care Services for the provision of family-based aftercare services as follows:

(1) No later than October 1, 2021, each county shall submit a plan for the provision of family-based aftercare services in compliance with paragraph (2) of subdivision (b), including, but not limited to, how existing programs and resources will be leveraged to provide interim aftercare services until full implementation of subdivision (c).

(2) No later than October 1, 2022, each county shall update and submit its plan for the provision of family-based aftercare services in compliance with the requirements of paragraph (3) of subdivision (b) and consistent with the standards established pursuant to subdivision (c) and shall submit updates to the departments based on any modifications to its local plan.

(3) The State Department of Social Services and the State Department of Health Care Services, or its designee, shall jointly review and approve county plans and updates to plans for family-based aftercare services.

(4) A county participating in an individualized or wraparound services program shall submit the plan for family-based aftercare services as a part

of the plan developed pursuant to Chapter 4 (commencing with Section 18250) of Part 6 of Division 9.

(e) For this section, federal financial participation under the Medi-Cal program shall only be available if all state and federal requirements are met and the service is medically necessary, regardless of the six-month postdischarge requirement.

(f) The State Department of Health Care Services may issue guidance on the conditions under which federal financial participation is available for Medi-Cal services that intersect with the implementation of this section. Medi-Cal services shall only be claimed to the extent that any necessary federal approvals are obtained and medical assistance federal financial participation is available and is not otherwise jeopardized. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may implement, interpret, or make specific this section concerning the provision of Medi-Cal services by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

SEC. 35. Section 4648 of the Welfare and Institutions Code is amended to read:

4648. In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities to achieve the greatest self-sufficiency possible and to exercise personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports that would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways.

(2) In implementing individual program plans, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, if appropriate, the consumer's family.

(3) A regional center may, pursuant to vendorization or a contract, purchase services or supports for a consumer from an individual or agency that the regional center and consumer or, if appropriate, the consumer's parents, legal guardian, or conservator, or authorized representatives, determines will best accomplish all or part of that consumer's program plan.

(A) Vendorization or contracting is the process for identification, selection, and utilization of service vendors or contractors, based on the

qualifications and other requirements necessary in order to provide the service.

(B) A regional center may reimburse an individual or agency for services or supports provided to a regional center consumer if the individual or agency has a rate of payment for vended or contracted services established by the department, pursuant to this division, and is providing services pursuant to an emergency vendorization or has completed the vendorization procedures or has entered into a contract with the regional center and continues to comply with the vendorization or contracting requirements. The director shall adopt regulations governing the vendorization process to be utilized by the department, regional centers, vendors, and the individual or agency requesting vendorization.

(C) Regulations shall include, but not be limited to: the vendor application process, and the basis for accepting or denying an application; the qualification and requirements for each category of services that may be provided to a regional center consumer through a vendor; requirements for emergency vendorization; procedures for termination of vendorization; and the procedure for an individual or an agency to appeal a vendorization decision made by the department or regional center.

(D) A regional center may vendorize a licensed facility for exclusive services to persons with developmental disabilities at a capacity equal to or less than the facility's licensed capacity. A facility already licensed on January 1, 1999, shall continue to be vendorized at their full licensed capacity until the facility agrees to vendorization at a reduced capacity.

(E) Effective July 1, 2009, notwithstanding any other law or regulation, a regional center shall not newly vendor a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds, unless the facility qualifies for receipt of federal funds under the Medicaid program.

(4) Notwithstanding subparagraph (B) of paragraph (3), a regional center may contract or issue a voucher for services and supports provided to a consumer or family at a cost not to exceed the maximum rate of payment for that service or support established by the department. If a rate has not been established by the department, the regional center may, for an interim period, contract for a specified service or support with, and establish a rate of payment for, a provider of the service or support necessary to implement a consumer's individual program plan. Contracts may be negotiated for a period of up to three years, with annual review and subject to the availability of funds.

(5) In order to ensure the maximum flexibility and availability of appropriate services and supports for persons with developmental disabilities, the department shall establish and maintain an equitable system of payment to providers of services and supports identified as necessary to the implementation of a consumer's individual program plan. The system of payment shall include a provision for a rate to ensure that the provider can meet the special needs of consumers and provide quality services and supports in the least restrictive setting as required by law.

(6) The regional center and the consumer, or if appropriate, the consumer's parents, legal guardian, conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, shall, pursuant to the individual program plan, consider all of the following when selecting a provider of consumer services and supports:

(A) A provider's ability to deliver quality services or supports that can accomplish all or part of the consumer's individual program plan.

(B) A provider's success in achieving the objectives set forth in the individual program plan.

(C) If appropriate, the existence of licensing, accreditation, or professional certification.

(D) The cost of providing services or supports of comparable quality by different providers, if available, shall be reviewed, and the least costly available provider of comparable service, including the cost of transportation, who is able to accomplish all or part of the consumer's individual program plan, consistent with the particular needs of the consumer and family as identified in the individual program plan, shall be selected. In determining the least costly provider, the availability of federal financial participation shall be considered. The consumer shall not be required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports.

(E) The consumer's choice of providers, or, if appropriate, the consumer's parent's, legal guardian's, authorized representative's, or conservator's choice of providers.

(7) A service or support provided by an agency or individual shall not be continued unless the consumer or, if appropriate, the consumer's parents, legal guardian, or conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, is satisfied and the regional center and the consumer or, if appropriate, the consumer's parents or legal guardian or conservator agree that planned services and supports have been provided, and reasonable progress toward objectives have been made.

(8) Regional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services.

(9) (A) To maximize federal financial participation and facilitate timely access to residential placements of consumers in foster care, the department shall enter into interagency agreements to obtain state and federal funding with the state departments that oversee the agencies that have the legal responsibility to serve all members of the general public and receive public funds for providing those services. The interagency agreement shall specify the proportion or amount of funds reimbursed by each state department or other responsible agency. Following completion of the interagency agreement, the departments shall jointly notify the local agencies.

(B) Notwithstanding any other provision of law, and if specified in the joint notification received pursuant to subparagraph (A), regional centers shall fund the vendored residential service types specified in the joint notification provided to a regional center consumer who is a child or nonminor dependent who has been adjudged a dependent of the court pursuant to Section 300 or has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has been adjudged a ward of the court pursuant to Section 601 or 602 and placed in the care and custody of the county probation department. The residential services and supports purchased by the regional center shall be consistent with the consumer's individual program plan regardless of the placing agency or placing authority. This section shall not apply to placements made in an institution for mental diseases, as defined in Section 435.1010 of Title 42 of the Code of Federal Regulations.

(C) This paragraph shall be implemented in consultation with the County Welfare Directors Association of California and the Association of Regional Center Agencies.

(10) (A) A regional center may, directly or through an agency acting on behalf of the center, provide placement in, purchase of, or follow-along services to persons with developmental disabilities in, appropriate community living arrangements, including, but not limited to, support service for consumers in homes they own or lease, foster family placements, health care facilities, and licensed community care facilities. In considering appropriate placement alternatives for children with developmental disabilities, approval by the child's parent or guardian shall be obtained before placement is made.

(B) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase residential services from a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds. This prohibition on regional center purchase of residential services does not apply to either of the following:

(i) A residential facility with a licensed capacity of 16 or more beds that has been approved to participate in the department's Home and Community Based Services Waiver or another existing waiver program or certified to participate in the Medi-Cal program.

(ii) A residential facility licensed as a mental health rehabilitation center by the State Department of Health Care Services under any of the following circumstances:

(I) The facility is eligible for Medicaid reimbursement and the individual's planning team determines that there are no less restrictive placements appropriate for the individual.

(II) There is an emergency circumstance in which the regional center determines that it cannot locate alternate federally eligible services to meet the consumer's needs. Under an emergency circumstance, an assessment shall be completed by the regional center as soon as possible and within 30 days of admission. An individual program plan meeting shall be convened immediately following the assessment to determine the services and supports

needed for stabilization and to develop a plan to transition the consumer from the facility into the community. If transition is not expected within 90 days of admission, an individual program plan meeting shall be held to discuss the status of transition and to determine if the consumer is still in need of placement in the facility. Commencing October 1, 2012, this determination shall be made after also considering resource options identified by the statewide specialized resource service. If it is determined that emergency services continue to be necessary, the regional center shall submit an updated transition plan that can cover a period of up to 90 days. In no event shall placements under these emergency circumstances exceed 180 days.

(III) The clients' rights advocate shall be notified of each admission and individual program planning meeting pursuant to this clause and may participate in all individual program planning meetings unless the consumer objects on their own behalf. For purposes of this subclause, notification to the clients' rights advocate shall include a copy of the most recent comprehensive assessment or updated assessment and the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days before the meeting.

(IV) If a consumer is placed in a mental health rehabilitation center by another entity, the mental health rehabilitation center shall inform the regional center of the placement within five days of the date the consumer is admitted. If an individual's records indicate that the individual is a regional center consumer, the mental health rehabilitation center shall make every effort to contact the local regional center or the department to determine which regional center to provide notice. As soon as possible within 30 days of admission to a mental health rehabilitation center due to an emergency pursuant to subclause (II), or within 30 days of notification of admission to a mental health rehabilitation center by an entity other than a regional center, an assessment shall be completed by the regional center.

(C) (i) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase new residential services from, or place a consumer in, institutions for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5, for which federal Medicaid funding is not available. Effective July 1, 2013, this prohibition applies regardless of the availability of federal funding.

(ii) The prohibition described in clause (i) shall not apply to emergencies, as determined by the regional center, if a regional center cannot locate alternate services to meet the consumer's needs. As soon as possible within 30 days of admission due to an emergency, an assessment shall be completed by the regional center. An individual program plan meeting shall be convened immediately following the assessment, to determine the services and supports needed for stabilization and to develop a plan to transition the consumer from the facility to the community. If transition is not expected within 90 days of admission, an emergency program plan meeting shall be held to discuss the status of the transition and to determine if the consumer is still in need of placement in the facility. If emergency services continue

to be necessary, the regional center shall submit an updated transition plan to the department for an extension of up to 90 days. Placement shall not exceed 180 days.

(iii) Effective January 1, 2020, the exception in clause (ii) shall no longer apply. As of this date, the prohibition in clause (i) shall not apply to acute crises when the following conditions are met prior to a regional center purchasing new residential services from, or placing a consumer in, an institution for mental disease:

(I) The regional center prepares an assessment for inclusion in the consumer's file detailing all considered community-based services and supports, including, but not limited to, rate adjustments, as provided by law, supplemental services, as set forth in subparagraph (F), emergency and crisis intervention services, as set forth in paragraph (11), community crisis home, pursuant to Article 8 (commencing with Section 4698) of Chapter 6, and an explanation of why those options could not meet the consumer's needs.

(II) The director of the regional center confirms that there are no community-based options that can meet the consumer's needs.

(iv) For purposes of this section, "acute crisis" has the same meaning as defined in paragraph (1) of subdivision (d) of Section 4418.7.

(v) When admission occurs due to an acute crisis, all of the following shall apply:

(I) If the regional center does not expect the consumer to transition back to a community setting within 72 hours, or if the consumer does not transition back to a community setting within 72 hours, the regional center shall do both of the following:

(ia) No later than 10 calendar days from the date the consumer is placed in the institution for mental disease, complete any documentation necessary to support the filing of a petition for commitment pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 and request the person authorized to present allegations pursuant to Section 6500 file a petition for commitment.

(ib) Complete a comprehensive assessment in coordination with the institution for mental disease staff. The comprehensive assessment shall include the identification of the services and supports needed for crisis stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a community setting. The regional center shall immediately submit a copy of the comprehensive assessment to the committing court. Immediately following the assessment, and not later than 30 days following admission, the regional center and the institution for mental disease shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer into the community.

(II) If transition is not expected within 90 days of admission, an individual program plan meeting shall be held to discuss the status of the transition and to determine if the consumer is still in need of crisis stabilization.

(III) A consumer shall reside in an institution for mental disease no longer than six months before being placed into a community living arrangement, unless, prior to the end of the six months, all of the following have occurred:

(ia) The regional center has conducted an additional comprehensive assessment based on current information and determines that the consumer continues to be in an acute crisis.

(ib) The individual program planning team has developed a plan that identifies the specific services and supports necessary to transition the consumer into the community, and the plan includes a timeline to obtain or develop those services and supports.

(ic) The committing court has reviewed and, if appropriate, extended the commitment.

(IV) (ia) A consumer's placement at an institution for mental disease shall not exceed one year unless both of the following occur:

(Ia) The regional center demonstrates significant progress toward implementing the plan to transition the consumer into the community.

(Ib) Extraordinary circumstances exist beyond the regional center's control that have prevented the regional center from obtaining those services and supports within the timeline based on the plan.

(ib) If both of the circumstances under sub-subclause (ia) exist, the regional center may request, and the committing court may grant, an additional extension of the commitment, not to exceed 30 days.

(V) Institutions for mental disease staff shall assist the consumer with transitioning back to the consumer's prior residence, or an alternative community-based residential setting, within the timeframe described in this subparagraph.

(vi) The department shall monitor placements pursuant to this subparagraph and subsequent transitions back to community-based settings.

(vii) The clients' rights advocate shall be notified of each admission and individual program planning meeting pursuant to this subparagraph and may participate in all individual program planning meetings unless the consumer objects on their own behalf. For purposes of this clause, notification to the clients' rights advocate shall include a copy of the most recent comprehensive assessment or updated assessment and the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days before the meeting.

(viii) If a consumer is placed in an institution for mental disease by another entity, the institution for mental disease shall inform the regional center of the placement within five days of the date the consumer is admitted. If an individual's records indicate that the individual is a regional center consumer, the institution for mental disease shall make every effort to contact the local regional center or department to determine which regional center to provide notice. As soon as possible within 30 days of admission to an institution for mental disease due to an acute crisis pursuant to clause (ii), or within 30 days of notification of admission to an institution for mental disease by an entity other than a regional center, an assessment shall be completed by the regional center.

(ix) Regional centers shall complete a comprehensive assessment of a consumer residing in an institution for mental disease as of July 1, 2012, for which federal Medicaid funding is not available, and for a consumer residing in an institution for mental disease as of July 1, 2013, without regard to federal funding. The comprehensive assessment shall be completed before the consumer's next scheduled individual program plan meeting and shall include identification of the services and supports needed and the timeline for identifying or developing those services needed to transition the consumer back to the community. Effective October 1, 2012, the regional center shall also consider resource options identified by the statewide specialized resource service. For each individual program plan meeting convened pursuant to this subparagraph, the clients' rights advocate for the regional center shall be notified of the meeting and may participate in the meeting unless the consumer objects on their own behalf. For purposes of this clause, notification to the clients' rights advocate shall include the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days before the meeting.

(D) (i) The transition process from a mental health rehabilitation center or institution for mental disease shall be based upon the individual's needs, developed through the individual program plan process, and shall ensure that needed services and supports will be in place at the time the individual moves. Individual supports and services shall include, if appropriate for the individual, wraparound services through intensive individualized support services. The transition shall be to a community living arrangement that is in the least restrictive environment appropriate to the needs of the individual and most protective of the individual's rights to dignity, freedom, and choice as described in subdivision (a).

(ii) Regional centers, through the individual program plan process, shall coordinate for the benefit of the regional center consumers residing in an institution for mental disease, pretransition planning, transition, and access to followup services to help ensure a smooth transition to the community. Individual support services shall include, but shall not be limited to, both of the following:

(I) Defined regional center contacts and visits with consumers and service providers during the 12 months following the consumer's movement date.

(II) Identification of issues that need resolution and an individualized support plan to address these issues.

(E) A person with developmental disabilities placed by the regional center in a community living arrangement shall have the rights specified in this division. These rights shall be brought to the person's attention by any means necessary to reasonably communicate these rights to each resident, provided that, at a minimum, the Director of Developmental Services prepare, provide, and require to be clearly posted in all residential facilities and day programs a poster using simplified language and pictures that is designed to be more understandable by persons with intellectual disabilities and that the rights information shall also be available through the regional center to each residential facility and day program in alternative formats, including, but

not limited to, other languages, braille, and audiotapes, if necessary to meet the communication needs of consumers.

(F) Consumers are eligible to receive supplemental services including, but not limited to, additional staffing, pursuant to the process described in subdivision (d) of Section 4646. Necessary additional staffing that is not specifically included in the rates paid to the service provider may be purchased by the regional center if the additional staff are in excess of the amount required by regulation and the individual's planning team determines the additional services are consistent with the provisions of the individual program plan. Additional staff should be periodically reviewed by the planning team for consistency with the individual program plan objectives in order to determine if continued use of the additional staff is necessary and appropriate and if the service is producing outcomes consistent with the individual program plan. Regional centers shall monitor programs to ensure that the additional staff is being provided and utilized appropriately.

(11) Emergency and crisis intervention services including, but not limited to, mental health services and behavior modification services, may be provided, as needed, to maintain persons with developmental disabilities in the living arrangement of their own choice. Crisis services shall first be provided without disrupting a person's living arrangement. If crisis intervention services are unsuccessful, emergency housing shall be available in the person's home community. If dislocation cannot be avoided, every effort shall be made to return the person to their living arrangement of choice, with all necessary supports, as soon as possible.

(12) Among other service and support options, planning teams shall consider the use of paid roommates or neighbors, personal assistance, technical and financial assistance, and all other service and support options that would result in greater self-sufficiency for the consumer and cost-effectiveness to the state.

(13) If facilitation as specified in an individual program plan requires the services of an individual, the facilitator shall be of the consumer's choosing.

(14) The community support may be provided to assist individuals with developmental disabilities to fully participate in community and civic life, including, but not limited to, programs, services, work opportunities, business, and activities available to persons without disabilities. This facilitation shall include, but not be limited to, any of the following:

(A) Outreach and education to programs and services within the community.

(B) Direct support to individuals that would enable them to more fully participate in their community.

(C) Developing unpaid natural supports when possible.

(15) If feasible and recommended by the individual program planning team, for purposes of facilitating better and cost-effective services for consumers or family members, technology, including telecommunication technology, may be used in conjunction with other services and supports. Technology in lieu of a consumer's in-person appearances at judicial

proceedings or administrative due process hearings may be used only if the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, gives informed consent. Technology may be used in lieu of, or in conjunction with, in-person training for providers, as appropriate.

(16) Other services and supports may be provided as set forth in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

(17) Notwithstanding any other law or regulation, effective July 1, 2009, regional centers shall not purchase experimental treatments, therapeutic services, or devices that have not been clinically determined or scientifically proven to be effective or safe or for which risks and complications are unknown. Experimental treatments or therapeutic services include experimental medical or nutritional therapy when the use of the product for that purpose is not a general physician practice. For regional center consumers receiving these services as part of their individual program plan (IPP) or individualized family service plan (IFSP) on July 1, 2009, this prohibition shall apply on August 1, 2009.

(b) (1) Advocacy for, and protection of, the civil, legal, and service rights of persons with developmental disabilities as established in this division.

(2) If the advocacy efforts of a regional center to secure or protect the civil, legal, or service rights of a consumer prove ineffective, the regional center or the person with developmental disabilities or the person's parents, legal guardian, or other representative may request advocacy assistance from the state council.

(c) The regional center may assist consumers and families directly, or through a provider, in identifying and building circles of support within the community.

(d) In order to increase the quality of community services and protect consumers, the regional center shall, if appropriate, take either of the following actions:

(1) Identify services and supports that are ineffective or of poor quality and provide or secure consultation, training, or technical assistance services for an agency or individual provider to assist that agency or individual provider in upgrading the quality of services or supports.

(2) Identify providers of services or supports that may not be in compliance with local, state, and federal statutes and regulations and notify the appropriate licensing or regulatory authority to investigate the possible noncompliance.

(e) If necessary to expand the availability of needed services of good quality, a regional center may take actions that include, but are not limited to, the following:

(1) Soliciting an individual or agency by requests for proposals or other means, to provide needed services or supports not presently available.

(2) Requesting funds from the Program Development Fund, pursuant to Section 4677, or community placement plan funds designated from that fund, to reimburse the startup costs needed to initiate a new program of services and supports.

(3) Using creative and innovative service delivery models, including, but not limited to, natural supports.

(f) Except in emergency situations, a regional center shall not provide direct treatment and therapeutic services, but shall utilize appropriate public and private community agencies and service providers to obtain those services for its consumers.

(g) If there are identified gaps in the system of services and supports consumers for whom no provider will provide services and supports contained in their individual program plan, the department may provide the services and supports directly.

(h) At least annually, regional centers shall provide the consumer, the consumer's parents, legal guardian, conservator, or authorized representative a statement of services and supports the regional center purchased for the purpose of ensuring that they are delivered. The statement shall include the type, unit, month, and cost of services and supports purchased.

SEC. 36. Section 11402 of the Welfare and Institutions Code is amended to read:

11402. In order to be eligible for AFDC-FC, a child or nonminor dependent shall be placed in one of the following:

(a) Before January 1, 2021:

(1) The approved home of a relative, provided the child or youth is otherwise eligible for federal financial participation in the AFDC-FC payment.

(2) The approved home of a nonrelative extended family member, as described in Section 362.7.

(3) The licensed family home of a nonrelative.

(b) The approved home of a resource family, as defined in Section 16519.5, if either of the following is true:

(1) The caregiver is a nonrelative.

(2) The caregiver is a relative, and the child or youth is otherwise eligible for federal financial participation in the AFDC-FC payment.

(c) A small family home, as defined in paragraph (6) of subdivision (a) of Section 1502 of the Health and Safety Code.

(d) A housing unit, as described in Section 1559.110 of the Health and Safety Code, certified by a licensed transitional housing placement provider, as defined in paragraph (12) of subdivision (a) of Section 1502 of the Health and Safety Code and subdivision (r) of Section 11400.

(e) An approved supervised independent living setting for nonminor dependents, as described in subdivision (w) of Section 11400.

(f) A licensed foster family agency, as defined in subdivision (g) of Section 11400 and paragraph (4) of subdivision (a) of Section 1502 of the Health and Safety Code, for placement into a certified or approved home used exclusively by the foster family agency.

(g) A short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code.

(h) An out-of-state residential facility that meets the requirements of paragraph (2) of subdivision (c) of Section 11460, provided that the placement worker, in addition to complying with all other statutory requirements for placing a child or youth in an out-of-state residential facility, documents that the requirements of Section 7911.1 of the Family Code have been met.

(i) A community treatment facility, as defined in paragraph (8) of subdivision (a) of Section 1502 of the Health and Safety Code, and as set forth in Article 5 (commencing with Section 4094) of Chapter 3 of Part 1 of Division 4.

(j) A community care facility licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and vendored by a regional center pursuant to Section 56004 of Title 17 of the California Code of Regulations.

(k) The home of a nonrelated legal guardian or the home of a former nonrelated legal guardian when the guardianship of a child or youth who is otherwise eligible for AFDC-FC has been dismissed due to the child or youth attaining 18 years of age.

(l) A dormitory or other designated housing of a postsecondary educational institution in which a minor dependent who is enrolled at the postsecondary educational institution is living independently, as described in Section 11402.7.

(m) On or after April 1, 2021, a residential family-based treatment facility for substance abuse, in which an eligible child is placed with a parent in treatment, licensed pursuant to Chapter 7.5 (commencing with Section 11834.01) of Part 2 of Division 10.5 of the Health and Safety Code, and the placement and facility meets all of the requirements of subdivision (j) of Section 672 of Title 42 of the United States Code.

SEC. 37. Section 11402.005 is added to the Welfare and Institutions Code, to read:

11402.005. (a) The Legislature finds and declares that implementation of Part IV of the federal Family First Prevention Services Act of 2018 (Public Law 115-123) affects eligibility for Title IV-E federal financial participation for certain placement settings available to children and youth in foster care in California.

(b) On or before October 1, 2021, the State Department of Social Services shall clarify the conditions under which Title IV-E federal financial participation is available for each AFDC-FC eligible placement enumerated in Section 11402.

(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 department may implement, interpret, or make specific this section by means of all-county letters or similar written 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) The State Department of Health Care Services may provide guidance on whether federal financial participation is available for Medi-Cal services that intersect with the implementation of Part IV of the federal Family First Prevention Services Act. Medi-Cal services shall only be claimed to the extent that any necessary federal approvals are obtained and medical assistance federal financial participation is available and is not otherwise jeopardized. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may implement, interpret, or make specific portions this act affecting the provision of Medi-Cal services by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

(e) The State Department of Health Care Services may submit a Medicaid state plan amendment, waiver request, or both, in order to maximize federal financial participation in implementing this section. The State Department of Health Care Services may, in submitting a Medicaid state plan amendment or waiver request, consult with the State Department of Social Services, the County Behavioral Health Directors Association of California, and the County Welfare Directors Association of California.

SEC. 38. Section 11403.3 of the Welfare and Institutions Code is amended to read:

11403.3. (a) Subject to subdivision (b), a transitional housing placement provider, as defined in subdivision (r) of Section 11400, that provides transitional housing services to eligible foster children, as defined by Section 475 of Title IV-E of the federal Social Security Act (42 U.S.C. Sec. 675(8)), and nonminor dependents, as defined by subdivision (v) of Section 11400, in a facility licensed pursuant to Section 1559.110 of the Health and Safety Code, shall be paid as follows:

(1) For a program serving foster children who are at least 16 years of age and not more than 18 years of age, a monthly rate that is 75 percent of the average foster care expenditures for foster children 16 to 18 years of age, inclusive, in group home care in the county in which the program operates.

(2) For a program serving nonminor dependents, the rate structure established pursuant to subdivision (b) of Section 11403.2.

(b) Payment to a transitional housing placement provider for transitional housing services provided to a person described in subdivision (a) of Section 11403.2 shall be subject to the following conditions:

(1) An amount equal to the base rate, as defined in subdivision (c), shall be paid for transitional housing services provided.

(2) Any additional amount payable pursuant to subdivision (a) shall be contingent on the election by the county placing the youth in the transitional housing placement program to participate in the costs of the additional amount, pursuant to subdivision (f).

(c) (1) As used in this section, "base rate" means the rate a transitional housing placement provider was approved to receive on June 30, 2001. If

a program commences operation after this date, the base rate shall be the rate the program would have received if it had been operational on June 30, 2001.

(2) Notwithstanding subdivision (a), a transitional housing placement provider with an approved rate on July 1, 2001, shall not receive a lower rate than its base rate.

(d) Any reductions in payments to a transitional housing placement provider pursuant to the implementation of paragraph (2) of subdivision (b) shall not preclude the program from acquiring from other sources, additional funding necessary to provide program services.

(e) The department shall develop, implement, and maintain a ratesetting system schedule for transitional housing placement providers pursuant to subdivisions (a) to (c), inclusive.

(f) (1) Funding for the rates payable under this section for persons described in paragraph (1) of subdivision (a) of Section 11403.2, prior to the 2011–12 fiscal year, shall be subject to a sharing ratio of 40 percent state and 60 percent county share of nonfederal funds.

(2) Funding for the rates payable under this section for persons described in paragraph (2) of subdivision (a) of Section 11403.2, prior to the 2011–12 fiscal year, shall be subject to a sharing ratio of 100 percent state and 0 percent county funds.

(3) Notwithstanding paragraphs (1) and (2), beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

(g) The department shall develop, implement, and maintain a ratesetting methodology and rate schedule for providers identified in paragraph (1) of subdivision (a) by December 31, 2019. Until a new rate schedule is implemented, the rates shall be based on the rates in existence on December 31, 2017, plus the annual adjustment described in subdivision (c) of Section 11403.2.

(h) (1) Subject to an appropriation in the annual Budget Act for this purpose, the rate paid to a transitional housing placement provider serving nonminor dependents shall be supplemented with a housing supplement, which shall be calculated by the department as follows:

(A) For nonminor dependents who are custodial parents, the difference between the fair market rent for a one-bedroom apartment in the county in which the nonminor dependent resides and 21.45 percent of the rate established pursuant to subdivision (b) of Section 11403.2.

(B) For nonminor dependents who are not custodial parents, the difference between one-half of the fair market rent for a two-bedroom apartment in the county in which the nonminor resides and 21.45 percent of the rate established pursuant to subdivision (b) of Section 11403.2.

(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 State Department of

Social Services shall annually calculate the housing supplement described in this subdivision and shall inform county welfare agencies by November 1 of each year of the amount of the supplement by means of all-county letters or similar written instructions. These all-county letters or similar instructions shall have the same force and effect as regulations.

(3) A county shall not receive less than the rate established pursuant to subdivision (h).

(4) For purposes of this subdivision, "fair market rent" means the 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 individuals who participate in the Housing Choice Voucher program, and that includes the cost of housing and utilities, except for telephone, cable, and internet, and is calculated annually for each county and released at the start of each fiscal year by the United States Department of Housing and Urban Development.

(5) (A) The department shall work with the County Welfare Directors Association of California and the Statewide Automated Welfare System (CalSAWS) to develop and implement the necessary system changes to implement the housing supplement provided pursuant to paragraph (1).

(B) (i) This supplement shall begin on July 1, 2021, for the counties utilizing the CalWIN system, or when the department notifies the Legislature that CalWIN can perform the necessary automation to implement it, whichever is later.

(ii) This supplement shall begin on September 1, 2022, for the counties utilizing the CalSAWS system, or when the department notifies the Legislature that CalSAWS can perform the necessary automation to implement it, whichever is later.

SEC. 39. Section 11461.3 of the Welfare and Institutions Code is amended to read:

11461.3. (a) The Approved Relative Caregiver Funding Program is hereby established for the purpose of making the amount paid to approved relative caregivers for the in-home care of children and nonminor dependents placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children and nonminor dependents who are eligible for AFDC-FC payments.

(b) Unless the child or nonminor dependent is eligible for the dual agency rate pursuant to Section 11464, the county with payment responsibility shall pay an approved relative caregiver a per child per month rate at the child's or nonminor dependent's assessed level of care, as set forth in subdivision (g) of Section 11461 and Section 11463, in return for the care and supervision, as defined in subdivision (b) of Section 11460, of the child or nonminor dependent if all of the following conditions are met:

(1) The child or nonminor dependent resides in California.  
(2) The child or nonminor dependent is described by subdivision (b), (c), or (e) of Section 11401 and the county welfare department or the county probation department is responsible for the placement and care of the child or nonminor dependent.

(3) The child or nonminor dependent is not eligible for AFDC-FC while placed with the approved relative caregiver because the child or nonminor dependent is not eligible for federal financial participation in the AFDC-FC payment.

(c) Subdivision (b) shall not be interpreted to prevent a county from supplementing the payment made to the approved relative caregiver with any county optional program, including, but not limited to, a specialized care increment, as described in subdivision (e) of Section 11461, or a clothing allowance, as described in subdivision (f) of Section 11461.

(d) Any income or benefits received by an eligible child or the approved relative caregiver on behalf of the eligible child or nonminor dependent that would be offset against the rate paid to a foster care provider shall be offset from any funds that are not CalWORKs funds paid to the approved relative caregiver pursuant to this section.

(e) Counties shall recoup an overpayment in the Approved Relative Caregiver Funding Program received by an approved relative caregiver using the standards and processes for overpayment recoupment that are applicable to overpayments to an approved resource family, as specified in Section 11466.24. Recouped overpayments shall not be subject to remittance to the federal government. Any overpaid funds that are collected by the counties shall be remitted to the state after subtracting both of the following:

(1) An amount not to exceed the county share of the CalWORKs portion of the Approved Relative Caregiver Funding Program payment, if any.

(2) Any other county funds that were included in the Approved Relative Caregiver Funding Program payment.

(f) To the extent permitted by federal law, payments received by the approved relative caregiver from the Approved Relative Caregiver Funding Program shall not be considered income for the purpose of determining other public benefits.

(g) Prior to referral of any individual or recipient, or that person's case, to the local child support agency for child support services pursuant to Section 17415 of the Family Code, the county human services agency shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims good cause exception at any subsequent time to the county human services agency or the local child support agency, the local child support agency shall suspend child support services until the county social services agency determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the local child support agency shall suspend child support services until the applicant or recipient requests their resumption, and shall take other measures that are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for the time the failure to cooperate lasts.

(h) Consistent with Section 17552 of the Family Code, if aid is paid under this chapter on behalf of a child who is under the jurisdiction of the juvenile court and whose parent or guardian is receiving reunification services, the county human services agency shall determine, prior to referral of the case to the local child support agency for child support services, whether the referral is in the best interest of the child, taking into account both of the following:

(1) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(2) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

(i) For purposes of this section, an "approved relative caregiver" includes a relative, as defined by paragraph (2) of subdivision (f) of Section 319, who has been approved as a resource family pursuant to Section 16519.5.

(j) (1) Notwithstanding subdivision (b) and effective the first of the month following the date the department issues comprehensive policy, fiscal, and claiming instructions that will enable counties to implement this subdivision pending the establishment of a new aid code, if needed, a child or nonminor dependent placed out of state in the home of a relative shall be eligible for payment pursuant to this section under the following conditions:

(A) The home of the relative is licensed or approved consistent with the requirements of the state in which the home is located.

(B) The child is described by paragraphs (2) and (3) of subdivision (b).

(C) All other eligibility conditions are met.

(2) Payments made pursuant to this section shall be equal to, but not exceed, the foster care rate set by the rate-setting authority of the state in which the home is located, subject to any offset required pursuant to subdivision (d).

(k) The department shall adopt emergency regulations implementing this section no later than January 1, 2023. The department may readopt any emergency regulation authorized by this section that is the same as, or substantially equivalent to, any emergency regulation previously adopted pursuant to this section. The initial adoption of regulations pursuant to this section and one readoption of emergency regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and one readoption of emergency regulations authorized by this section shall be exempt from review by the Office of Administrative Law. The initial emergency regulations and the one readoption of emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State, and each shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

SEC. 40. Section 11461.36 of the Welfare and Institutions Code is amended to read:

11461.36. (a) It is the intent of the Legislature to provide support to emergency caregivers, as defined in subdivision (c), who care for children and nonminor dependents before approval of an application under the Resource Family Approval Program.

(b) For placements made on and after July 1, 2018, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure, pursuant to Section 11463, to an emergency caregiver on behalf of a child or nonminor dependent placed in the home of the caregiver pursuant to subdivision (d) of Section 309 or Section 361.45, or based on a compelling reason pursuant to subdivision (e) of Section 16519.5, subject to the availability of state and federal funds pursuant to subdivision (e), if all of the following criteria are met:

(1) The child or nonminor dependent is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the emergency caregiver.

(2) The child or nonminor dependent resides in California.

(3) The emergency caregiver has signed and submitted to the county an application for resource family approval.

(4) An application for the Emergency Assistance Program has been completed.

(c) For purposes of this section, an “emergency caregiver” means an individual who has a pending resource family application filed with an appropriate agency on or after July 1, 2018, and who meets one of the following requirements:

(1) The individual has been assessed pursuant to Section 361.4.

(2) The individual has successfully completed the home environment assessment portion of the resource family approval pursuant to paragraph (2) of subdivision (d) of Section 16519.5.

(d) The beginning date of aid for payments made pursuant to subdivision (b) shall be the date of placement.

(e) Funding for payments made pursuant to subdivision (b) shall be as follows:

(1) For emergency or compelling reason placements made during the 2018–19 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state’s Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), beyond 180 days, or, if the conditions of subparagraph (E) are met, beyond 365 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 180 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 90 days and the reason for the delays.

(2) For emergency or compelling reason placements made during the 2019–20 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reason for the delays.

(3) For emergency or compelling reason placements made during the 2020–21 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designees, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reasons for the delays.

(F) The 365-day payment limitation pursuant to subparagraph (E) and accompanying rules and regulations is suspended through June 30, 2021, subject to guidance from the State Department of Social Services.

(4) For emergency or compelling reason placements made during the 2021–22 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) Notwithstanding subparagraph (D), the federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designees, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reasons for the delays.

(5) For emergency or compelling reason placements made during the 2022–23 fiscal year, and each fiscal year thereafter:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of the emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 90 days, whichever occurs first.

(E) The department shall consider extending the payments required pursuant to subdivision (b) beyond the 90-day limit identified in subparagraph (D) if it makes a determination that the resource family approval process cannot be completed within 90 days due to circumstances outside of a county's control.

(f) (1) An emergency caregiver eligible for payments pursuant to subdivision (b) of Section 11461.35, as that section read on June 30, 2018, shall continue to be eligible for those payments on and after July 1, 2018, until the emergency caregiver's resource family application is approved or denied.

(2) Funding for a payment described in paragraph (1) shall be as follows:

(A) If the emergency caregiver was eligible to receive payments funded through the Approved Relative Caregiver Funding Program, payments shall be made through that program until the application for resource family approval is approved or denied.

(B) If the emergency caregiver was eligible to receive payments funded through the Emergency Assistance Program, payments shall be made through that program, subject to the following conditions:

(i) Up to 180 total days or, if the conditions of subparagraph (D) are met, up to 365 total days of payments shall be made to the emergency caregiver through the Emergency Assistance Program. For the purpose of this subdivision, "total days of payments" includes all payments made to the emergency caregiver through the Emergency Assistance Program pursuant to this section and Section 11461.35, as that section read on June 30, 2018.

(ii) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), beyond 180 days, or, if the conditions of subparagraph (D) are met, beyond 365 days, whichever occurs first.

(D) The federal and state share of payment made pursuant to this subdivision shall be available beyond 180 total days of payments, and up to 365 total days of payments, when the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, has been notified of the delay in

approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 90 days, the number of cases that have received more than 90 total days of payments pursuant to this section and Section 11461.35, and the reason for the delays in approval or denial of the resource family applications.

(g) (1) If the application for resource family approval is approved, the funding source for the placement shall be changed to AFDC-FC or the Approved Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility requirements.

(2) If the application for resource family approval is denied, eligibility for funding pursuant to this section shall be terminated.

(h) A county shall not be liable for any federal disallowance or penalty imposed on the state as a result of a county's action in reliance on the state's instruction related to implementation of this section.

(i) (1) For the 2018–19 and 2019–20 fiscal years, the department shall determine, on a county-by-county basis, whether the timeframe for the resource family approval process resulted in net assistance costs or net assistance savings for assistance payments, pursuant to this section.

(2) For the 2018–19 and 2019–20 fiscal years, the department shall also consider, on a county-by-county basis, the impact to the receipt of federal Title IV-E funding that may result from implementation of this section.

(3) The department shall work with the California State Association of Counties to jointly determine the timeframe for subsequent reviews of county costs and savings beyond the 2019–20 fiscal year.

(j) (1) The department shall monitor the implementation of this section, including, but not limited to, tracking the usage and duration of Emergency Assistance Program payments made pursuant to this section and evaluating the duration of time a child or nonminor dependent is in a home pending resource family approval. The department may conduct county reviews or case reviews, or both, to monitor the implementation of this section and to ensure successful implementation of the county plan, submitted pursuant to subparagraph (B) of paragraph (2) of subdivision (e) of Section 11461.35, to eliminate any resource family approval backlog by September 1, 2018.

(2) The department may request information or data necessary to oversee the implementation of this section until data collection is available through automation. Pending the completion of automation, information or data collected manually shall be determined in consultation with the County Welfare Directors Association of California.

(k) An appropriation shall not be made pursuant to Section 15200 for purposes of implementing this section.

(l) (1) On and after July 1, 2019, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure, pursuant to Section 11463, on behalf of an Indian child, as defined in subdivision (a) of Section 224.1, placed in the home of the

caregiver who is pending approval as a tribally approved home, as defined in subdivision (r) of Section 224.1, if all of the following criteria are met:

(A) The placement is made pursuant to subdivision (d) of Section 309 or Section 361.45.

(B) The caregiver has been assessed pursuant to Section 361.4.

(C) The child is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the caregiver.

(D) The child resides in California.

(E) The tribe or tribal agency has initiated the process for the home to become tribally approved.

(F) An application for the Emergency Assistance Program has been completed by the placing agency.

(2) The beginning date of aid for payments made pursuant to this subdivision shall be the date of placement.

(3) The funding source for the placement shall be changed to AFDC-FC or the Approved Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility requirements, when the caregiver is approved as a tribally approved home. If the approval is denied, payments made pursuant to this subdivision shall cease.

(4) Subdivision (e) and subdivisions (h) to (k), inclusive, shall apply to payments made pursuant to this subdivision.

(m) 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 an all-county letter or similar instructions, which shall include instructions regarding the eligibility standards for emergency assistance until regulations are adopted.

SEC. 41. Section 11462.01 of the Welfare and Institutions Code is amended to read:

11462.01. (a) (1) If a program will admit Medi-Cal beneficiaries, no later than 12 months following the date of initial licensure, a short-term residential therapeutic program, as defined in subdivision (ad) of Section 11400 of this code and paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code, shall obtain a contract, subject to an agreement on rates and terms and conditions, with a county mental health plan to provide specialty mental health services and demonstrate the ability to meet the therapeutic needs of each child, as identified in any of the following:

(A) A mental health assessment.

(B) The child's case plan.

(C) The child's needs and services plan.

(D) The assessment of a qualified individual, as defined in subdivision (l) of Section 16501.

(E) Other documentation demonstrating the child has a mental health need.

(2) A short-term residential therapeutic program shall comply with any other mental health program approvals required by the State Department of Health Care Services or by a county mental health plan to which mental health program approval authority has been delegated.

(b) A short-term residential therapeutic program, except as specified in subdivision (c), may accept for placement a child who meets both of the criteria in paragraphs (1) and (2) and at least one of the conditions in paragraph (3).

(1) The child does not require inpatient care in a licensed health facility.

(2) The child has been assessed as requiring the level of services provided in a short-term residential therapeutic program in order to maintain the safety and well-being of the child or others due to behaviors, including those resulting from traumas, that render the child or those around the child unsafe or at risk of harm, or that prevent the effective delivery of needed services and supports provided in the child's own home or in other family settings, such as with a relative, guardian, foster family, resource family, or adoptive family. The assessment shall ensure the child has needs in common with other children or youth in the care of the facility, consistent with subdivision (c) of Section 16514.

(3) The child meets at least one of the following conditions:

(A) The child has been assessed, pursuant to Section 4096, as meeting the medical necessity criteria for Medi-Cal specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) The child has been assessed, pursuant to Section 4096, as seriously emotionally disturbed, as defined in subdivision (a) of Section 5600.3.

(C) The child requires emergency placement pursuant to paragraph (3) of subdivision (h).

(D) The child has been assessed, pursuant to Section 4096, as requiring the level of services provided by the short-term residential therapeutic program in order to meet the child's behavioral or therapeutic needs.

(4) Subject to the requirements of this subdivision, a short-term residential therapeutic program may have a specialized program to serve a child, including, but not limited to, the following:

(A) A commercially sexually exploited child.

(B) A private voluntary placement, if the youth exhibits status offender behavior, the parents or other relatives feel they cannot control the child's behavior, and short-term intervention is needed to transition the child back into the home.

(C) A juvenile sex offender.

(D) A child who is affiliated with, or impacted by, a gang.

(c) (1) A short-term residential therapeutic program that is operating as a children's crisis residential program, as defined in Section 1502 of the Health and Safety Code, may accept for admission any child who meets all of the requirements set forth in paragraph (3) of subdivision (c) of Section 11462.011 and subdivisions (a) to (e), inclusive, of Section 4096.

(2) The primary function of a children's crisis residential program is to provide short-term crisis stabilization, therapeutic intervention, and specialized programming in an unlocked, staff-secured setting with a high degree of supervision and structure and the goal of supporting the rapid and successful transition of the child back to the community.

(d) A foster family agency that is certified as a Medi-Cal specialty mental health provider pursuant to Section 1810.435 of Title 9 of the California Code of Regulations by the State Department of Health Care Services, or by a county mental health plan to which the department has delegated certification authority, and which has entered into a contract with a county mental health plan pursuant to Section 1810.436 of Title 9 of the California Code of Regulations, shall provide, or provide access to, specialty mental health services to children under its care who do not require inpatient care in a licensed health facility and who meet the medical necessity criteria for Medi-Cal specialty mental health services provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(e) A foster family agency that is not certified as a Medi-Cal specialty mental health provider shall provide access to specialty and mental health services and other services in that program for children who do not require inpatient care in a licensed health facility and who meet any of the conditions in paragraph (3) of subdivision (b). In this situation, the foster family agency shall do the following:

(1) In the case of a child who is a Medi-Cal beneficiary, arrange for specialty mental health services from the county mental health plan.

(2) In all other cases, arrange for the child to receive mental health services.

(f) All short-term residential therapeutic programs shall maintain the level of care and services necessary to meet the needs, including the assessed needs and child-specific goals identified by a qualified individual pursuant to subdivision (g) of Section 4096, as applicable, of the children and youth in their care and shall maintain and have in good standing the appropriate mental health program approval. If a program will admit Medi-Cal beneficiaries, the short-term residential therapeutic program shall obtain a certification to provide Medi-Cal specialty mental health services issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated mental health program approval authority, pursuant to Section 4096.5 of this code or Section 1810.435 or 1810.436 of Title 9 of the California Code of Regulations. All foster family agencies that are certified as a Medi-Cal specialty mental health provider pursuant to Section 1810.435 of Title 9 of the California Code of Regulations shall maintain the level of care and services necessary to meet the needs of children and youth in their care and shall maintain and have in good standing the Medi-Cal specialty mental health provider certification issued by the State Department of Health Care Services or a county mental health plan to which the department has delegated certification authority.

(g) The assessments described in subparagraphs (A), (B), (C), and (D) of paragraph (3) of subdivision (b) shall ensure the child's individual

behavioral or treatment needs are consistent with, and can be met by, the facility and shall be made by one of the following, as applicable:

(1) An interagency placement committee, as described in Section 4096, considering the recommendations from the child and family team. If the short-term residential therapeutic program serves children who are placed by county child welfare agencies and children who are placed by probation departments, the interagency placement committee shall also ensure the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(2) A licensed mental health professional as defined in subdivision (j) of Section 4096.

(3) An individualized education program team. For the purposes of this section, an AFDC-FC funded child with an individualized education program developed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code that assesses the child as seriously emotionally disturbed, as defined in, and subject to, this section and recommends out-of-home placement at the level of care provided by the provider, shall be deemed to have met the assessment requirement.

(4) A qualified individual, as defined in subdivision (l) of Section 16501.

(h) (1) The short-term residential therapeutic program shall maintain documentation of the assessments required pursuant to Section 4096 for AFDC-FC funded children, except as provided for in paragraph (3) of subdivision (g). The short-term residential therapeutic program shall inform the department if the county placing agency does not provide the documentation.

(2) The approval shall be in writing and shall indicate that the interagency placement committee has determined one of the following:

(A) The child meets the medical necessity criteria for Medi-Cal specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) The child is seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3.

(3) (A) Nothing in subdivisions (a) to (g), inclusive, or this subdivision shall prevent an emergency placement of a child or youth into a certified short-term residential therapeutic program prior to the determination by the interagency placement committee, but only if a licensed mental health professional, as defined in subdivision (j) of Section 4096, has made a written determination within 72 hours of the child's or youth's placement, that the child or youth requires the level of services and supervision provided by the short-term residential therapeutic program in order to meet their behavioral or therapeutic needs. If the short-term residential therapeutic program serves children placed by county child welfare agencies and children placed by probation departments, the interagency placement committee shall also ensure the requirements of subdivision (c) of Section 16514 have been met with respect to commonality of need.

(i) The interagency placement committee, as appropriate, shall, within 30 days of placement, make the determinations, with recommendations from the child and family team, required by this subdivision.

(ii) If it determines the placement is appropriate, the interagency placement committee, with recommendations from the child and family team, shall transmit the approval, in writing, to the county placing agency and the short-term residential therapeutic program.

(iii) If it determines the placement is not appropriate, the interagency placement committee shall respond pursuant to subparagraph (B).

(B) (i) If the interagency placement committee determines at any time that the placement is not appropriate, it shall, with recommendations from the child and family team, transmit the disapproval, in writing, to the county placing agency and the short-term residential therapeutic program and shall include a recommendation as to the child's appropriate level of care and placement to meet the child's service needs. The necessary interagency placement committee representative or representatives shall participate in any child and family team meetings to refer the child or youth to an appropriate placement, as specified in this section.

(ii) The child may remain in the placement for the amount of time necessary to identify and transition the child to an alternative, suitable placement. On and after October 1, 2021, AFDC-FC shall not be used to fund the placement for more than 30 days from the date that the qualified individual or interagency placement committee determined that the placement is no longer recommended or the court disapproved the placement.

(iii) Notwithstanding clause (ii), if the interagency placement committee determined the placement was not appropriate due to a health and safety concern, immediate arrangements for the child to transition to an appropriate placement shall occur.

(i) Commencing January 1, 2017, for AFDC-FC funded children or youth, only those children or youth who are approved for placement, as set forth in this section, may be accepted by a short-term residential therapeutic program.

(j) The department shall, through regulation, establish consequences for the failure of a short-term residential therapeutic program to obtain written approval for placement of an AFDC-FC funded child or youth pursuant to this section.

(k) The department shall not establish a rate for a short-term residential therapeutic program unless the provider submits a recommendation from the host county or the primary placing county that the program is needed and that the provider is willing and capable of operating the program at the level sought. For purposes of this subdivision, "host county," and "primary placing county," mean the same as defined in the department's AFDC-FC ratesetting regulations.

(l) Any short-term residential therapeutic program shall be reclassified and paid at the appropriate program rate for which it is qualified if either of the following occurs:

(1) (A) It fails to maintain the level of care and services necessary to meet the needs of the children and youth in care, as required by subdivision (a). The determination shall be made consistent with the department's AFDC-FC ratesetting regulations developed pursuant to Section 11462 and shall take into consideration the highest level of care and associated rates for which the program may be eligible if granted an extension pursuant to Section 11462.04 or any reduction in rate associated with a provisional or probationary rate granted or imposed under Section 11466.01.

(B) In the event of a determination under this paragraph, the short-term residential therapeutic program may appeal the finding or submit a corrective action plan. The appeal process specified in Section 11466.6 shall be available to a short-term residential therapeutic program. During any appeal, the short-term residential therapeutic program shall maintain the appropriate level of care.

(2) It fails to maintain a mental health treatment program as required by subdivision (f).

(m) In addition to any other review required by law, the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501 may periodically review the placement of the child or youth. If the child and family team make a recommendation that the child or youth no longer needs, or is not benefiting from, placement in a short-term residential therapeutic program, the team shall transmit the disapproval, in writing, to the county placing agency to consider a more appropriate placement.

(n) The department shall develop a process to address placements when, subsequent to the child's or youth's placement, a determination is made by the interagency placement team and shall consider the recommendations of the child and family team, either that the child or youth is not in need of the care and services provided by the certified program. The process shall include, but not be limited to:

(1) Notice of the determination in writing to both the county placing agency and the short-term residential therapeutic program or foster family agency that provides intensive and therapeutic treatment.

(2) Notice of the county's plan, and a timeframe, for removal of the child or youth in writing to the short-term residential therapeutic program that provides intensive and therapeutic treatment.

(3) Referral to an appropriate placement.

(4) Actions to be taken if a child or youth is not timely removed from the short-term residential therapeutic program that provides intensive and therapeutic treatment or placed in an appropriate placement.

(o) (1) Nothing in this section shall prohibit a short-term residential therapeutic program from accepting private admissions of children or youth.

(2) When a referral is not from a public agency and public funding is not involved, there is no requirement for public agency review or determination of need.

(3) Children and youth subject to paragraphs (1) and (2) shall have been determined to be seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, and subject to Section 1502.4 of the Health and Safety

Code, by a licensed mental health professional, as defined in subdivision (j) of Section 4096.

SEC. 42. Section 11463 of the Welfare and Institutions Code is amended to read:

11463. (a) The department shall commence development of a new payment structure for the Title IV-E funded foster family agency placement option that maximizes federal funding, in consultation with county placing agencies.

(b) The department shall develop a payment system for foster family agencies that provide treatment, intensive treatment, and therapeutic foster care programs, and shall consider all of the following factors:

(1) Administrative activities that are eligible for federal financial participation provided, at the request of the county, for and to county-licensed or approved family homes and resource families, intensive case management and supervision, and services to achieve legal permanency or successful transition to adulthood.

(2) Social work activities that are eligible for federal financial participation under Title IV-E (42 U.S.C. Sec. 670 et seq.) of the federal Social Security Act.

(3) Social work and mental health services eligible for federal financial participation under Title XIX (42 U.S.C. Sec. 1396 et seq.) of the federal Social Security Act.

(4) Intensive treatment or therapeutic services in the foster family agency.

(5) Core services that are made available to children and nonminor dependents either directly or secured through agreements with other agencies, and which are trauma informed, culturally relevant, and include any of the following:

(A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.

(C) Educational, physical, behavioral, and mental health supports, including extracurricular activities and social supports.

(D) Activities designed to support transition-age youth and nonminor dependents in achieving a successful adulthood.

(E) Services to achieve permanency, including supporting efforts to reunify or achieve adoption or guardianship and efforts to maintain or establish relationships with parents, siblings, extended family members, tribes, or others important to the child or youth, as appropriate.

(F) When serving Indian children, as defined in subdivisions (a) and (b) of Section 224.1, the core services specified in subparagraphs (A) to (E), inclusive, shall be provided to eligible Indian children consistent with active efforts pursuant to Section 361.7.

(G) The core services specified in subparagraphs (A) to (F), inclusive, are not intended to duplicate services already available to foster children in the community, but to support access to those services and supports to the extent already available. Those services and supports may include, but are not limited to, foster youth services available through county offices of education, Indian Health Services, and school-based extracurricular activities.

(6) Staff training.

(7) Health and Safety Code requirements.

(8) A process for accreditation that includes all of the following:

(A) Provision for all licensed foster family agencies to maintain in good standing accreditation from a nationally recognized accreditation agency with expertise in programs for youth group care facilities, as determined by the department.

(B) Promulgation by the department of information identifying the agency or agencies from which accreditation shall be required.

(C) Provision for timely reporting to the department of any change in accreditation status.

(9) Mental health certification, including a requirement to timely report to the department any change in mental health certificate status.

(10) Populations served, including, but not limited to, any of the following:

(A) (i) Children and youth assessed as seriously emotionally disturbed, as described in subdivision (a) of Section 5600.3, including those children and youth placed out-of-home pursuant to an individualized education program developed under Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code.

(ii) Children assessed as meeting the medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations.

(B) AFDC-FC children and youth receiving intensive and therapeutic treatment services in a foster family agency.

(C) AFDC-FC children and youth receiving mental health treatment services from a foster family agency.

(11) Maximization of federal financial participation for Title IV-E (42 U.S.C. Sec. 670 et seq.) and Title XIX (42 U.S.C. Sec. 1396 et. seq.) of the federal Social Security Act.

(c) Commencing January 1, 2017, the department shall establish rates pursuant to subdivisions (a) and (b). The rate structure shall include an interim rate, a provisional rate for new foster family agency programs, and a probationary rate. The department may issue a one-time reimbursement for accreditation fees incurred after August 1, 2016, in an amount and manner determined by the department in written directives.

(1) (A) Initial interim rates developed pursuant to this section shall be effective January 1, 2017, through December 31, 2022.

(B) The initial interim rates developed pursuant to this paragraph shall not be lower than the rates proposed as part of the Governor's 2016 May Revision.

(C) The initial interim rates set forth in written directives or regulations pursuant to paragraph (4) shall become inoperative on January 1, 2023, unless a later enacted statute, that becomes operative on or before January 1, 2023, deletes or extends the dates on which they become inoperative.

(D) It is the intent of the Legislature to develop an ongoing payment structure no later than January 1, 2023. The payment structure shall be implemented when the department notifies the Legislature that the statewide automation systems can complete the necessary automation functions to implement this subparagraph.

(2) Consistent with Section 11466.01, for provisional and probationary rates, all of the following shall be established:

(A) Terms and conditions, including the duration of the rate.

(B) An administrative review process for the rate determinations, including denials, reductions, and terminations.

(C) An administrative review process that includes a departmental review, corrective action, and an appeal with the department. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), this process shall be disseminated by written directive pending the promulgation of regulations.

(3) (A) (i) The foster family agency rate shall include a basic rate pursuant to paragraph (4) of subdivision (g) of Section 11461. A child or youth placed in a certified family home or with a resource family of a foster family agency is eligible for the basic rate, which shall be passed on to the certified parent or resource family along with annual increases in accordance with paragraph (2) of subdivision (g) of Section 11461.

(ii) A certified family home of a foster family agency shall be paid the basic rate as set forth in this paragraph only through December 31, 2022.

(B) The basic rate paid to either a certified family home or a resource family of a foster family agency shall be paid by the agency to the home from the rate that is paid to the agency pursuant to this section.

(C) In addition to the basic rate described in this paragraph, the department shall develop foster family agency rates that consider specialized programs to serve children with specific needs, including, but not limited to, all of the following:

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

(ii) Specialized health care needs.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the foster family agency rates, and the manner in which they are determined, shall be set forth in written directives until regulations are adopted.

(d) The department shall develop a system of governmental monitoring and oversight that shall be carried out in coordination with the State Department of Health Care Services. Oversight responsibilities shall include, but not be limited to, ensuring conformity with federal and state law,

including program, fiscal, and health and safety reviews. The state agencies shall attempt to minimize duplicative audits and reviews to reduce the administrative burden on providers.

(e) The department shall consider the impact on children and youth being transitioned to alternate programs as a result of the new ratesetting system.

(f) Commencing July 1, 2019, the rates paid to foster family agencies shall, except for the rate paid to a certified family home or resource family agency pursuant to clause (i) of subparagraph (A) of paragraph (3) of subdivision (c), be 4.15 percent higher than the rates paid to foster family agencies in the 2018–19 fiscal year.

(g) The amount included for the component for social workers in the interim rates for foster family agencies developed and implemented by the department pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be increased over the rates paid to foster family agencies in the 2019–20 fiscal year by fifty dollars (\$50) per child, per month, effective July 1, 2021.

SEC. 43. Section 11465 of the Welfare and Institutions Code is amended to read:

11465. (a) If a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, or, on or after July 1, 2017, Approved Relative Caregiver Funding Program (ARC) payments, the rate paid to the provider on behalf of the parent shall include an amount for care and supervision of the child.

(b) For each category of eligible licensed community care facility, as defined in Section 1502 of the Health and Safety Code, the department shall adopt regulations setting forth a uniform rate to cover the cost of care and supervision of the child in each category of eligible licensed community care facility.

(c) (1) On and after July 1, 1998, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 6 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(2) (A) On and after July 1, 1999, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate, subject to further adjustment pursuant to subparagraph (B).

(B) In addition to the adjustment specified in subparagraph (A), on and after January 1, 2000, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased by 2.36 percent, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate.

(3) Subject to the availability of funds, for the 2000–01 fiscal year and annually thereafter, these rates shall be adjusted for cost of living pursuant to procedures in Section 11453.

(4) On and after January 1, 2008, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be increased

by 5 percent, rounded to the nearest dollar. The resulting amount shall constitute the new uniform rate.

(5) Commencing July 1, 2016, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be supplemented by an additional monthly amount of four hundred eighty-nine dollars (\$489). This monthly supplement shall only be provided if funding for this purpose is appropriated in the annual Budget Act.

(d) (1) (A) Prior to July 1, 2017, and notwithstanding subdivisions (a) to (c), inclusive, the payment made pursuant to this section for care and supervision of a child who is living with a teen parent in a whole family foster home, as defined in Section 11400, shall equal the basic rate for children placed in a licensed or approved home as specified in subdivisions (a) to (d), inclusive, and subdivision (g), of Section 11461.

(B) On or after July 1, 2017, the payment made for care and supervision of a child who is living with a teen parent in a whole family foster home shall be the uniform rate developed pursuant to subdivision (c).

(2) (A) The amount paid for care and supervision of a dependent infant living with a dependent teen parent receiving AFDC-FC benefits in a group home placement shall equal the infant supplement rate for group home placements.

(B) Commencing January 1, 2017, the amount paid for care and supervision of a dependent infant living with a dependent teen parent receiving AFDC-FC benefits in a short-term residential therapeutic program shall equal the infant supplement rate for short-term residential therapeutic programs established by the department.

(3) (A) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan has been completed and provided to the appropriate agencies, the payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month to reflect the increased care and supervision while the dependent teen parent is placed in the whole family foster home.

(B) A nonminor dependent parent residing in a supervised independent living placement, as defined in subdivision (w) of Section 11400, who develops a written parenting support plan pursuant to Section 16501.26 shall provide the county child welfare agency or probation department with a copy of the plan and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. The payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month after all of the following have been satisfied:

(i) The plan has been completed and provided to the appropriate county agency.

(ii) The plan has been approved by the appropriate county agency.

(iii) The county agency has determined that the identified responsible adult meets the criteria specified in Section 16501.27.

(4) In a year in which the payment provided pursuant to this section is adjusted for the cost of living as provided in paragraph (1) of subdivision (c), the payments provided for in this subdivision shall also be increased by the same procedures.

(5) A Kin-GAP relative who, immediately prior to entering the Kin-GAP program, was designated as a whole family foster home shall receive the same payment amounts for the care and supervision of a child who is living with a teen parent they received in foster care as a whole family foster home.

(6) (A) On and after January 1, 2012, and prior to July 1, 2017, the rate paid for a child living with a teen parent in a whole family foster home as defined in Section 11400 shall also be paid for a child living with a nonminor dependent parent who is eligible to receive AFDC-FC or Kin-GAP benefits pursuant to Section 11403.

(B) On and after July 1, 2017, the rate paid for a child living with a teen parent in a whole family foster home as defined in Section 11400 shall also be paid for a child living with a nonminor dependent parent who is eligible to receive AFDC-FC, ARC, or Kin-GAP benefits pursuant to Section 11403.

(e) (1) Commencing January 1, 2022, the rate paid for a pregnant minor or nonminor dependent for the three-month period immediately prior to the month in which the birth is anticipated shall include the amount that would otherwise be paid under this section to cover the care and supervision of a child, if born. Any amount paid pursuant to this subdivision shall be an expectant parent payment used to meet the specialized needs of the pregnant minor or nonminor dependent and to properly prepare for the needs of the infant.

(2) The department shall work with the County Welfare Directors Association of California and the California Statewide Automated Welfare System (CalSAWS) to develop and implement the necessary system changes to implement the expectant parent payment. The payment shall be automated on July 1, 2023, or when the department notifies the Legislature that CalSAWS can perform the necessary automation to implement it, whichever is later.

(3) Prior to the automation of the expectant parent payment in the CalSAWS system, counties shall issue a single payment in one lump sum for an expectant minor or nonminor dependent equal to three times the monthly amount paid pursuant to subdivision (a). The payment shall be issued in the month that is three months prior to the expected due date, or as soon as the county agency becomes aware of the pregnancy, and regardless of the date of entry into foster care or outcome of the pregnancy.

(4) The payment, or payments, made pursuant to this section shall not be prorated and overpayments shall not be established or collected.

SEC. 44. Section 16001.1 is added to the Welfare and Institutions Code, to read:

16001.1. (a) It is the intent of the Legislature to support the urgent and exceptional needs of children and nonminor dependents in foster care under the supervision of a county child welfare agency or probation department,

including those who otherwise may be placed in an out-of-state residential facility.

(b) (1) The department shall allocate funds appropriated to the department for this purpose in the Budget Act of 2021 through contracts with community-based providers or entities or through local assistance allocations to counties or Indian tribes that have entered into an agreement pursuant to Section 10553.1 that support new or expanded programs, services, practices, and training that builds system capacity and ensures the provision of a high-quality continuum of care that is designed to support foster children in the least restrictive setting, consistent with a child's permanency plan.

(2) Pursuant to guidance and a process established by the department and the State Department of Health Care Services, in consultation with the County Welfare Directors Association of California, Chief Probation Officers of California, and County Behavioral Health Directors Association of California, fund recipients shall use the allocated funds to supplement county efforts to build system capacity for any of the following activities:

(A) Specialized models of professional foster care, including therapeutic foster care, intensive services foster care, or other models as may be developed in collaboration with counties, including the County Behavioral Health Directors Association of California, and providers.

(B) Intensive child-specific recruitment, family finding and engagement, and support programs for children with complex needs, including specialized permanency support services as described in Section 16501 and activities associated with the Active Supportive Intervention Services for Transition program.

(C) Specialized models of integrated care and support for family-based settings, including high-fidelity wraparound, and community-based treatment models that create alternatives to out-of-home or residential placement.

(D) Highly individualized short-term residential therapeutic programs designed to serve children with complex needs who otherwise may have been placed in an out-of-state residential facility.

(E) A Children's Crisis Continuum Pilot Program established pursuant to Chapter 6 (commencing with Section 16550).

(F) Highly specialized short-term residential therapeutic programs designed to serve children with cooccurring intellectual or developmental disabilities and behavioral health needs.

(3) Allocations made pursuant to this subdivision shall be conditioned on qualitative and outcomes standards that are established by the department, in consultation with the State Department of Health Care Services, counties, tribes, and other entities that may receive funding.

(c) (1) The department shall allocate or expend, through contracts with community-based providers or entities or through local assistance allocations to counties or Indian tribes that have entered into an agreement pursuant to Section 10553.1, funds appropriated to the department for this purpose in the Budget Act of 2021, and in any future fiscal year, to provide and implement the recommendations of child-specific assessments, evaluations, enhanced care planning, ongoing technical assistance, and exceptional

supports to meet the complex care needs of children in foster care within California within the least restrictive setting.

(2) The department shall establish a process through which funds may be made available pursuant to a request from a county child welfare agency or probation department on behalf of an individual child. Requests shall identify the exceptional services that are needed to support the child in the least restrictive setting and shall be based upon the recommendation of a qualified individual, technical assistance provided by the department, or a clinical determination of an interagency placement committee that considers the recommendations of a child and family team.

(3) Funds made available pursuant to this subdivision shall be conditioned on qualitative and outcomes standards that are established by the department. Outcomes standards shall include a continuous quality improvement process designed to address systematic gaps or barriers to meeting the needs of children and nonminor dependents in the least restrictive setting. Those outcomes standards shall be developed by the department and the State Department of Health Care Services, in consultation with counties, tribes, and other entities that may receive funding.

(d) The department shall consult with the joint interagency resolution team, the County Welfare Directors Association of California, the Chief Probation Officers of California, the California Behavioral Health Directors Association of California, legislative staff, and other stakeholders with respect to the implementation of this section.

(e) Funding made available to counties pursuant to this section shall only be used to supplement, and not supplant, existing funding.

SEC. 45. Section 16010.7 of the Welfare and Institutions Code is amended to read:

16010.7. (a) It is the intent of the Legislature to prevent children or youth in foster care placement from experiencing unnecessary or abrupt foster care placement changes that negatively impact their well-being or sense of security. It is the intent of the Legislature to preserve and strengthen the foster care placement of a child or youth whenever possible. It is also the intent of the Legislature to ensure that foster care placement changes do not occur due to gender, gender identity, race, or cultural differences. The Legislature finds and declares that unnecessary or abrupt foster care placement changes undermine the essential duties that foster caregivers have an obligation to uphold. It is the intent of the Legislature that prior to a caregiver or provider requesting a child or youth to be removed from the caregiver's or provider's care, the caregiver or provider shall participate in a placement preservation strategy meeting.

(b) Prior to making a change in the foster care placement of a child or youth, a social worker or probation officer shall develop with the caregiver a placement preservation strategy, which shall be done in consultation with the child and family team pursuant to clause (ii) of subparagraph (A) of paragraph (4) of subdivision (a) of Section 16501, to preserve the child's or youth's foster care placement. The strategy may include, but is not limited to, conflict resolution practices and facilitated meetings, and shall include

a referral by the social worker or probation officer to the qualified individual for an assessment, as described in subdivision (g) of Section 4096, if the next placement is anticipated to be in a short-term residential therapeutic program or in an out-of-state residential facility, as defined by paragraph (2) of subdivision (b) of Section 7910 of the Family Code.

(c) A social worker or probation officer shall include the strategy developed and implemented pursuant to subdivision (b) within the child's contact notes or equivalent in the statewide child welfare information system.

(d) For purposes of this subdivision, the following definitions shall apply:

(1) "Child and family team" has the same meaning as defined in Section 16501.

(2) "Conflict resolution practices" means a process designed to begin a dialogue to address conflict or concerns and identify agreements or solutions, which may be incorporated as part of a meeting of a child and family team.

(3) "Facilitated meeting" means a facilitated process designed to acknowledge, address, and respond to the underlying needs of all parties, that may include, but is not limited to, a meeting of a child and family team.

(4) "Representative for a child under 10 years of age" means the attorney or another individual as authorized by the child's attorney.

(e) If, after implementing the placement preservation strategy developed pursuant to subdivision (b), the social worker or probation officer receives a placement change request from the caregiver or provider, or otherwise finds that a foster care placement change is necessary, the social worker, probation officer, or placement agency shall serve written notice on all of the following parties at least 14 calendar days prior to the change:

(1) The child's parent or guardian.

(2) The child's caregiver.

(3) The child's attorney.

(4) The child, if the child is 10 years of age or older.

(f) An unplanned foster care placement change shall not take place between 9 p.m. and 7 a.m., except by the mutual agreement of all of the following persons:

(1) The child, if the child is 10 years of age or older, or the representative of the child, if the child is under 10 years of age.

(2) The child's current caregiver.

(3) The child's prospective caregiver.

(4) The child's social worker or probation officer.

(g) If a complaint is made to the Office of the State Foster Care Ombudsperson alleging that a placement change occurred in violation of this section, and that complaint is investigated pursuant to Section 16164, the office shall provide the findings of the investigation to, as applicable, the county child welfare director, or the director's designee, or to the chief probation officer, or the chief probation officer's designee, for the purposes of training, technical assistance, and quality improvement.

(h) Notwithstanding subdivisions (b) and (e), a social worker or probation officer may change a child's foster care placement without fulfilling the

requirements of subdivisions (b) and (e) in either of the following circumstances:

(1) If it is determined that remaining in the existing foster care placement or providing prior written notice of that foster care placement change poses an imminent risk to the health or safety of the child, youth, other children, or others in the home or facility.

(2) If either the child and family team and the child, if the child is 10 years of age or older, or the child and family team and the representative of that child, if the child is less than 10 years of age, unanimously agree to waive the requirements described in subdivisions (b) and (e).

(i) This section applies to children and youth for whom the juvenile court has entered a judgment pursuant to Section 360 or 727. This section does not apply to a change in placement pursuant to Section 777 or due to a hospitalization.

(j) This section does not apply to a nonminor dependent, as defined in subdivision (v) of Section 11400, who is placed in a Transitional Housing Placement program for nonminor dependents, as defined in subparagraph (B) of paragraph (2) of subdivision (a) of Section 1559.110 of the Health and Safety Code, or a supervised independent living placement, as defined in subdivision (w) of Section 11400.

(k) This section does not apply to a planned placement change as informed by the child and family team or that is as described in the child's case plan.

SEC. 46. Section 16010.9 is added to the Welfare and Institutions Code, to read:

16010.9. (a) It is the intent of the Legislature to restrict the use of out-of-state residential facilities, as defined in subdivision (b) of Section 7910 of the Family Code, by county placing agencies to instances in which all in-state placements and services that meet the needs of the child have been exhausted and an individualized assessment of the needs of the child, minor, or nonminor dependent in relation to an identified out-of-state residential facility has been conducted by the county before the request for child-specific certification of the out-of-state residential facility by the State Department of Social Services.

(b) Placement in an out-of-state residential facility shall occur only after the facility has been certified pursuant to Section 7911.1 of the Family Code, unless the placement is exempt from certification. The department shall issue instructions to the counties that describes the process the county placing agency shall follow to determine that in-state placements and services have been exhausted and the required components of an individualized assessment.

(c) On and after July 1, 2021, before seeking a child-specific certification of an out-of-state residential facility, the county placing agency shall do all of the following:

(1) Participate in a state-level technical assistance process established by the State Department of Social Services, that includes both of the following:

(A) A review of statewide placement options.

(B) Documentation of the good faith effort on the part of the county placing agency to implement any recommendations from a qualified individual that may avoid the need for placement out of state.

(2) Secure documentation of a recommendation by a county multidisciplinary team that includes verification by the county that the program provides the specific clinical services and qualifications which the individual child needs and that these services are unavailable in-state.

(A) The multidisciplinary team shall consist of participating members from county social services, county mental health, county probation, county superintendents of schools, and other members, as determined by the county. The interagency placement committee may serve as the multidisciplinary team for the purpose of this section.

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

(d) On and after October 1, 2021, in addition to meeting the requirements of subdivision (c), the county placing agency shall obtain an assessment of the child's services and placement needs, incorporating the recommendations of a qualified individual, as described in subdivision (g) of Section 4096.

(e) If placement of a child in an out-of-state residential facility is recommended by the county placing agency following the activities described in subdivisions (c) and (d), the placing agency may request a child-specific certification of the placement pursuant to Section 7911.1 of the Family Code by submitting to the State Department of Social Services documentation that the county placing agency has completed the requirements of subdivisions (c) and (d). The request shall be signed and approved by the deputy director or director of the county child welfare agency or the chief probation officer of the county probation department, as applicable.

(f) Upon receiving verification that the State Department of Social Services has certified the child-specific out-of-state residential facility, the county placing agency shall seek court approval of placement in the out-of-state residential facility pursuant to Section 361.21 or 727.1, as applicable, before placing the child in the out-of-state residential facility. The county placing agency shall present to the court evidence that it has completed all the requirements set forth in subdivision (b) and proof that the facility has been certified by the department pursuant to Section 7911.1 of the Family Code.

(g) Subdivisions (c) to (e), inclusive, do not apply to the placement of a child in an out-of-state residential facility that is exempt from certification pursuant to Section 7911.1 of the Family Code.

(h) 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, in consultation with the State Department of Health Care Services may implement, interpret, or make specific this section by means of all-county letters or similar written 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.

SEC. 47. Section 16121 of the Welfare and Institutions Code is amended to read:

16121. (a) (1) For initial adoption assistance agreements executed on October 1, 1992, to December 31, 2007, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2007, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(2) For initial adoption assistance agreements executed from January 1, 2008, to December 31, 2009, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2009, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(3) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on January 1, 2010, to June 30, 2011, inclusive, or the effective 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 07-08056 WHA), whichever is earlier, where the adoption is finalized on or before June 30, 2011, or the date specified in that order, whichever is earlier, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstance of the adopting parents, but that amount shall not exceed the basic foster care maintenance payment rate structure in effect on June 30, 2011, or the date immediately before the date specified in the order described in this paragraph, whichever is earlier, and any applicable specialized care increment, that the child would have received while placed in a licensed or approved family home. Adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(4) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after July 1, 2011, or the effective 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, where the adoption is finalized on or after July 1, 2011, or the effective date of that order, whichever is earlier,

and before December 31, 2016, and for initial adoption assistance agreements executed before July 1, 2011, or the date specified in that order, whichever is earlier, where the adoption is finalized on or after the earlier of July 1, 2011, or that specified date, and before December 31, 2016, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the basic foster family home rate structure effective and available as of December 31, 2016, plus any applicable specialized care increment. These adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(5) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after January 1, 2017, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463, inclusive of any level of care determination, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.

(b) Payment may be made on behalf of an otherwise eligible child in a state-approved group home, short-term residential therapeutic program, or residential care treatment facility if the department or county responsible for determining payment has confirmed that the placement is necessary for the temporary resolution of mental or emotional problems related to a condition that existed before the adoptive placement. Out-of-home in-state placements shall be in accordance with the applicable provisions of Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and other applicable statutes and regulations governing eligibility for AFDC-FC payments for placements in in-state facilities. If the placement is out-of-state, the facility must be eligible for Title IV-E funded placements in the state in which it is situated. The Adoption Assistance Program (AAP) rate paid on behalf of the child shall not exceed the rate paid for a short-term residential therapeutic program. The designation of the placement facility shall be made after consultation with the family by the department or county welfare agency responsible for determining the Adoption Assistance Program eligibility and authorizing financial aid. Group home, short-term residential therapeutic program, or residential placement shall only be made as part of a plan for return of the child to the adoptive family, that shall actively participate in the plan. Adoption Assistance Program benefits may be authorized for payment for an eligible child's group home, short-term residential therapeutic program, or residential treatment facility placement if the placement is justified by a specific episode or condition and does not exceed an 18-month cumulative period of time. After an initial authorized group home, short-term residential therapeutic program, or residential

treatment facility placement, subsequent authorizations for payment for a group home, short-term residential therapeutic program, or residential treatment facility placement may be based on an eligible child's subsequent specific episodes or conditions.

(c) (1) Payments on behalf of a child who is a recipient of AAP benefits 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 and subject to the process described in paragraph (1) of subdivision (d) of Section 16119.

(2) (A) Except as provided for in subparagraph (B), this subdivision shall apply to adoption assistance agreements signed on or after July 1, 2007.

(B) Rates paid on behalf of regional center consumers who are recipients of AAP benefits and for whom an adoption assistance agreement was executed before July 1, 2007, shall remain in effect, and may only be changed in accordance with Section 16119.

(i) If the rates paid pursuant to adoption assistance agreements executed before July 1, 2007, are lower than the rates specified in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, respectively, those rates shall be increased, as appropriate and in accordance with Section 16119, to the amount set forth in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, effective July 1, 2007. Once set, the rates shall remain in effect and may only be changed in accordance with Section 16119.

(ii) For purposes of this clause, for a child who is a recipient of AAP benefits or for whom the execution of an AAP agreement is pending, and who has been deemed eligible for or has sought an eligibility determination for regional center services pursuant to subdivision (a) of Section 4512, and for whom a determination of eligibility for those regional center services has been made, and for whom, before July 1, 2007, a maximum rate determination has been requested and is pending, the rate shall be determined through an individualized assessment and pursuant to subparagraph (C) of paragraph (1) of subdivision (c) of Section 35333 of Title 22 of the California Code of Regulations as in effect on January 1, 2007, or the rate established in subdivision (b) of Section 11464, whichever is greater. Once the rate has been set, it shall remain in effect and may only be changed in accordance with Section 16119. Other than the circumstances described in this clause, regional centers shall not make maximum rate benefit determinations for the AAP.

(3) Regional centers shall separately purchase or secure the services contained in the child's IFSP or IPP, pursuant to Section 4684.

(4) Regulations adopted by the department pursuant to this subdivision shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as

necessary for the immediate preservation of the public peace, health, safety, and general welfare. The regulations authorized by this paragraph shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

(d) (1) In the event that a family signs an adoption assistance agreement where a cash benefit is not awarded, the adopting family shall be otherwise eligible to receive Medi-Cal benefits for the child if it is determined that the benefits are needed pursuant to this chapter.

(2) Regional centers shall separately purchase or secure the services that are contained in the child's Individualized Family Service Plan (IFSP) or Individual Program Plan (IPP) pursuant to Section 4684.

(e) Subdivisions (a), (b), and (d) shall apply only to adoption assistance agreements signed on or after October 1, 1992. An adoption assistance agreement executed before October 1, 1992, shall continue to be paid in accordance with the terms of that agreement, and shall not be eligible for any increase in the basic foster care maintenance rate structure that occurred after December 31, 2007.

(f) This section shall supersede the requirements of subparagraph (C) of paragraph (1) of Section 35333 of Title 22 of the California Code of Regulations.

(g) The adoption assistance payment rate structure identified in subdivisions (a) and (e) shall be adjusted by the percentage changes in the California Necessities Index, beginning with the 2011–12 fiscal year, and shall not require a reassessment.

SEC. 48. Section 16501 of the Welfare and Institutions Code is amended to read:

16501. (a) (1) As used in this chapter, "child welfare services" means public social services that are directed toward the accomplishment of any or all of the following purposes:

(A) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children.

(B) Preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children.

(C) Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible.

(D) Restoring to their families children who have been removed, by the provision of services to the child and the families.

(E) Identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate.

(F) Ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

(2) "Child welfare services" also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. The child welfare services provided on behalf of each child represent a

continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services. The individual child's case plan is the guiding principle in the provision of these services. The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever comes first.

(3) "Child welfare services" are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services consistent with paragraph (1) of subdivision (d) of Section 16501.1. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

(4) "Child and family team" means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. The child and family team shall have the same meaning as the "family and permanency team," as described in Section 675a(c)(1)(B)(ii) of Title 42 of the United States Code.

(A) The activities of the team shall include, but not be limited to, all of the following:

(i) Providing input into the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant.

(ii) Providing input into the placement decision made by the placing agency and the services to be provided in order to support the child or youth.

(iii) On and after October 1, 2021, for a child placed into a short-term residential therapeutic program, providing input into all of the following:

(I) Required determinations by a qualified individual pursuant to subdivision (g) of Section 4096.

(II) Required components of the case plan, including those specified in subparagraph (C) of paragraph (2) of subdivision (d) of Section 16501.1.

(III) Development of the plan for family-based aftercare services described in Section 4096.6.

(B) (i) The child and family team process shall engage the child or youth, the child's family, and other people important to the family or to the child or youth in meeting the objectives set forth in subparagraph (A). The child and family team shall also include representatives who provide formal supports to the child or youth and family when appropriate, including, but not limited to, all of the following:

(I) The caregiver.

(II) The placing agency caseworker.

(III) A representative from a foster family agency or short-term residential therapeutic program with which a child or youth is placed.

(IV) A county mental health representative.

(V) A representative from the regional center if the child is eligible for regional center services.

(VI) The child or youth's Court-Appointed Special Advocate, if one has been appointed, unless the child or youth objects.

(VII) A representative of the child or youth's tribe or Indian custodian, as applicable.

(ii) As appropriate, the child and family team also may include other formal supports, such as substance use disorder treatment professionals and educational professionals, providing services to the child or youth and family. For purposes of this definition, the child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child or youth and family. If placement into a short-term residential therapeutic program or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional. Any party to the child's case who is represented by an attorney may consult with their attorney regarding this process. The child or youth and their family may request specific persons to be included on the child and family team. Nothing shall preclude another agency serving the child or youth from convening a team in collaboration with the placing agency.

(5) "Child and family team meeting" means a convening of all or some members of the child and family team. A child and family team meeting may be requested by any member of the child and family team.

(A) Upon the scheduling of a child and family team meeting, a notification shall be provided to the child or youth, their parent or guardian, and the caregiver.

(B) The occurrence of the child and family team meeting shall be documented in the court report that is prepared pursuant to Section 358.1 or 366.1.

(C) (i) The child's court-appointed educational rights holder, if someone other than the parent, guardian, or caregiver, shall be invited to the child and family team meeting if either of the following applies:

(I) The child and family team will develop and implement a placement preservation strategy pursuant to Section 16010.7.

(II) The child and family team will discuss a placement change.

(ii) The child and family team shall discuss if remaining in the school of origin is in the child's best interest.

(iii) Pursuant to, and in accordance with, Section 48853.5 of the Education Code, if the child's educational rights holder determines that remaining in, or returning to, the child's school of origin is in the child's best interest, the child and family team, in consultation with the foster care educational liaison, shall determine an appropriate transportation plan for the child to attend their school of origin and any available extracurricular activities.

(6) Child welfare services may include, but are not limited to, a range of service-funded activities, including case management, counseling, emergency shelter care, emergency in-home caretakers, temporary in-home caretakers, respite care, therapeutic day services, teaching and demonstrating homemakers, parenting training, substance abuse testing, transportation, and specialized permanency services. These service-funded activities shall be available to children and their families in all phases of the child welfare program in accordance with the child's case plan and departmental regulations. Funding for services is limited to the amount appropriated in the annual Budget Act and other available county funds.

(7) Service-funded activities to be provided may be determined by each county, based upon individual child and family needs as reflected in the service plan.

(8) As used in this chapter, "emergency shelter care" means emergency shelter provided to children who have been removed pursuant to Section 300 from their parent or parents or their guardian or guardians. The department may establish, by regulation, the time periods for which emergency shelter care shall be funded. For the purposes of this paragraph, "emergency shelter care" may include "transitional shelter care facilities" as defined in paragraph (11) of subdivision (a) of Section 1502 of the Health and Safety Code.

(9) As used in this chapter, "specialized permanency services" means services to assist a child or nonminor dependent whose case plan is for permanent placement or supportive transition to adulthood in achieving a permanent family through reunification, adoption, legal guardianship, or other lifelong connection to caring adults, including at least one adult who will provide a permanent, parent-like relationship for the child or nonminor dependent. Specialized permanency services are designed for and with the child to address the child's history of trauma, separation, and loss. "Specialized permanency services" may include all of the following:

(A) Medically necessary mental health services, if the medical necessity criteria for Medi-Cal specialty mental health services, as described in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations, is met, as needed to ameliorate impairments in significant areas of life functioning that may reduce the likelihood of the child or nonminor dependent achieving a permanent family, and may include other services designed to address the child's or nonminor dependent's history of trauma, grief, loss, stigma, and rejection that reduce the likelihood of the child or nonminor dependent achieving a permanent family.

(B) Permanency support core services, as appropriate to achieve, stabilize, and sustain the child or nonminor dependent in a permanent family.

(C) Services designed to prepare the identified permanent family to meet the child's or nonminor dependent's needs, set appropriate expectations before and after permanency is achieved, and stabilize the placement.

(b) As used in this chapter, "respite care" means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month pending the development of

policies and regulations in consultation with county placing agencies and stakeholders. This care may be provided to the child's parents or guardians. This care shall not be limited by regulation to care over 24 hours. These services shall not be provided for the purpose of routine, ongoing childcare.

(c) The county shall provide child welfare services as needed pursuant to an approved service plan and in accordance with regulations promulgated, in consultation with the counties, by the department. Counties may contract for service-funded activities, as defined in paragraph (1) of subdivision (a). Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.

(d) This chapter shall not be construed to affect duties that are delegated to probation officers pursuant to Sections 601 and 654.

(e) A county may utilize volunteer individuals to supplement professional child welfare services by providing ancillary support services in accordance with regulations adopted by the State Department of Social Services.

(f) As used in this chapter, emergency response services consist of a response system providing in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation, as required by Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of investigation pursuant to Section 11166 of the Penal Code and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in their own home or to protect the safety of the child. County welfare departments shall respond to any report of imminent danger to a child immediately and all other reports within 10 calendar days. An in-person response is not required when the county welfare department, based upon an evaluation of risk, determines that an in-person response is not appropriate. This evaluation includes collateral contacts, a review of previous referrals, and other relevant information, as indicated.

(g) As used in this chapter, family maintenance services are activities designed to provide in-home protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families.

(h) As used in this chapter, family reunification services are activities designed to provide time-limited foster care services to prevent or remedy neglect, abuse, or exploitation, when the child cannot safely remain at home, and needs temporary foster care, while services are provided to reunite the family.

(i) (1) As used in this chapter, permanent placement services are activities designed to provide an alternate permanent family structure for children who, because of abuse, neglect, or exploitation, cannot safely remain at home and who are unlikely to ever return home. These services shall be provided on behalf of children for whom there has been a judicial determination of a permanent plan for adoption, legal guardianship, placement with a fit and willing relative, or continued foster care placement,

and, as needed, shall include supportive transition services to nonminor dependents, as described in subdivision (v) of Section 11400.

(2) For purposes of this section, “another planned permanent living arrangement” means a permanent plan ordered by the court for a child 16 years of age or older or a nonminor dependent, when there is a compelling reason or reasons to determine that it is not in the best interest of the child or nonminor dependent to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, or be placed with a fit and willing relative. Placement in a group home, or, on and after January 1, 2017, a short-term residential therapeutic program, shall not be the identified permanent plan for any child or nonminor dependent.

(j) As used in this chapter, family preservation services include those services specified in Section 16500.5 to avoid or limit out-of-home placement of children, and may include those services specified in that section to place children in the least restrictive environment possible.

(k) (1) (A) In any county electing to implement this subdivision, all county welfare department employees who have frequent and routine contact with children shall, by February 1, 1997, and all welfare department employees who are expected to have frequent and routine contact with children and who are hired on or after January 1, 1996, and all such employees whose duties change after January 1, 1996, to include frequent and routine contact with children, shall, if the employees provide services to children who are alleged victims of abuse, neglect, or exploitation, sign a declaration under penalty of perjury regarding any prior criminal conviction, and shall provide a set of fingerprints to the county welfare director.

(B) The county welfare director shall secure from the Department of Justice a criminal record to determine whether the employee has ever been convicted of a crime other than a minor traffic violation. The Department of Justice shall deliver the criminal record to the county welfare director.

(C) If it is found that the employee has been convicted of a crime, other than a minor traffic violation, the county welfare director shall determine whether there is substantial and convincing evidence to support a reasonable belief that the employee is of good character so as to justify frequent and routine contact with children.

(D) An exemption shall not be granted pursuant to subparagraph (C) if the person has been convicted of a sex offense against a minor, or has been convicted of an offense specified in Section 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in paragraph (1) of Section 273a of, or subdivision (a) or (b) of Section 368 of, the Penal Code, or has been convicted of an offense specified in subdivision (c) of Section 667.5 of the Penal Code. The county welfare director shall suspend such a person from any duties involving frequent and routine contact with children.

(E) Notwithstanding subparagraph (D), the county welfare director may grant an exemption if the employee or prospective employee, who was convicted of a crime against an individual specified in paragraph (1) or (7) of subdivision (c) of Section 667.5 of the Penal Code, has been rehabilitated

as provided in Section 4852.03 of the Penal Code and has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years and has the recommendation of the district attorney representing the employee's or prospective employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the county welfare director may give the employee or prospective employee an opportunity to explain the conviction and shall consider that explanation in the evaluation of the criminal conviction record.

(F) If criminal record information has not been recorded, the county welfare director shall cause a statement of that fact to be included in that person's personnel file.

(2) For purposes of this subdivision, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that the county welfare director is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this subdivision, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

(l) (1) Consistent with Section 675a(c)(1)(D) of Title 42 of the United States Code, "qualified individual" means a trained professional or licensed clinician responsible for conducting the determination described in subdivision (g) of Section 4096 and determining the most effective and appropriate placement for a child. In the case of an Indian child, as defined in Section 224.1, a person may be designated by the child's tribe as the qualified individual pursuant to this subdivision and as defined in subdivision (c) of Section 224.6. In the absence of that designation, the qualified individual shall have specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(2) Except as provided in paragraph (3), the qualified individual shall not be an employee of the IV-E agency and shall not be connected to, or affiliated with, any placement setting in which the IV-E agency places children.

(3) (A) The department shall seek approval from the Secretary of the United States Department of Health and Human Services for authorization to permit employees of the IV-E agency or an individual connected to, or affiliated with, a placement setting to serve as the qualified individual who conducts the assessment described in subdivision (g) of Section 4096. A request for approval shall describe the process through which the department

may certify that an employee of a Title IV-E agency, or individual connected to or affiliated with a placement setting, and designated as a qualified individual will maintain objectivity in conducting the assessment and determination of the most effective and appropriate placement for a child or nonminor dependent.

(B) Any process developed pursuant to subparagraph (A) shall be developed jointly with the State Department of Health Care Services and in consultation with the State Department of Developmental Services, the State Department of Education, county child welfare, probation, and behavioral health agencies, and other interested stakeholders.

(C) If approval is granted, the department and the State Department of Health Care services shall issue joint instructions to counties regarding the process for the department to approve a joint request and plan submitted to the department by a county placing agency and behavioral health plan to permit an individual who is an employee of a Title IV-E agency or connected to, or affiliated with, a IV-E placement setting to serve as a qualified individual.

(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 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.

SEC. 49. Section 16501.1 of the Welfare and Institutions Code is amended to read:

16501.1. (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(3) The agency shall consider and document the recommendations of the child and family team, as defined in Section 16501, if any are available. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

(b) (1) A case plan shall be based upon the principles of this section and the input from the child and family team.

(2) The case plan shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. Preplacement services may include intensive

mental health services in the home or a community setting and the reasonable efforts made to prevent out-of-home placement.

(3) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(4) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that reasonable services will be offered to a parent who is incarcerated in a county jail or state prison, detained by the United States Department of Homeland Security, or deported to their country of origin, the case plan shall include information, to the extent possible, about a parent's incarceration in a county jail or the state prison, detention by the United States Department of Homeland Security, or deportation during the time that a minor child of that parent is involved in dependency care.

(5) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided.

(6) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) If out-of-home placement is used to attain case plan goals, the case plan shall consider the recommendations of the child and family team.

(d) (1) The case plan shall include a description of the type of home or institution in which the child is to be placed, and the reasons for that placement decision. The decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs and is available, in proximity to the parent's home, in proximity to the child's school, and consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, nonrelative extended family members, and tribal members; foster family homes, resource families, and approved or certified homes of foster family agencies; followed by intensive services for foster care homes; or multidimensional treatment foster care homes or therapeutic foster care homes; group care placements in the order of short-term residential therapeutic programs, group homes, community treatment facilities, and out-of-state residential treatment pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) If a short-term residential therapeutic program placement is selected for a child or nonminor dependent, the case plan shall indicate the needs, including the needs as identified by the qualified individual pursuant to subdivision (g) of Section 4096, of the child or nonminor dependent that necessitate this placement, the plan for transitioning the child or nonminor dependent to a less restrictive environment, and the projected timeline by which the child or nonminor dependent will be transitioned to a less restrictive environment, and the plan for aftercare services for at least six

months postdischarge to a family-based setting, as required by Section 4096.6. The six months postdischarge requirement is inapplicable to the Medi-Cal component of the aftercare services, which shall be provided for the length of time the child needs specialty mental health services based on medical necessity criteria and other state and federal requirements. This section of the case plan shall be reviewed and updated at least semiannually.

(A) The case plan for placements in a group home, or commencing January 1, 2017, in a short-term residential therapeutic program, shall indicate that the county has taken into consideration Section 16010.8.

(B) (i) After January 1, 2017, a child and family team meeting as described in Section 16501 shall be convened by the county placing agency for the purpose of identifying the supports and services needed to achieve permanency and enable the child or youth to be placed in the least restrictive family setting that promotes normal childhood experiences.

(ii) Child and family teams shall be provided written or electronic information developed by the department describing services and activities, including specialized permanency services, shown to be effective in achieving and sustaining permanency for all children, youth, and nonminor dependents.

(C) On and after October 1, 2021, within 30 days of placement in a short-term residential therapeutic program, the case plan shall document all of the following:

(i) The reasonable and good faith effort by the social worker to identify and include all required individuals in the child and family team.

(ii) All contact information for members of the child and family team, as well as contact information for other relatives and nonrelative extended family members who are not part of the child and family team.

(iii) Evidence that meetings of the child and family team, including the meetings related to the determination required under Section 4096, are held at a time and place convenient for the family.

(iv) If reunification is the goal, evidence that the parent from whom the child was removed provided input on the members of the child and family team.

(v) Evidence that the determination required under subdivision (g) of Section 4096 was conducted in conjunction with the child and family team.

(vi) The placement preferences of the child or nonminor dependent and the child and family team relative to the determination and, if the placement preferences of the child or nonminor dependent or the child and family team are not the placement setting recommended by the qualified individual conducting the determination, the reasons why the preferences of the team or the child or nonminor dependent were not recommended.

(D) Following the court review pursuant to Section 361.22, the case plan shall document the court's approval or disapproval of the placement.

(E) When the child or nonminor dependent has been placed in a short-term residential therapeutic program for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a child who has not attained 13

years of age, for more than six consecutive or nonconsecutive months, the case plan shall include both of the following:

(i) Documentation of the information submitted to the court pursuant to subdivision (l) of Section 366.1, subdivision (k) of Section 366.3, or paragraph (4) of subdivision (b) of Section 366.31, as applicable.

(ii) Documentation that the deputy director or director of the county child welfare department has approved the continued placement of the child or nonminor dependent in the setting.

(F) (i) On and after October 1, 2021, prior to discharge from a short-term residential therapeutic program, the case plan shall include a description of the type of in-home or institution-based services to encourage the safety, stability, and appropriateness of the next placement, including the recommendations of the child and family team, if available.

(ii) A plan, developed in collaboration with the short-term residential therapeutic program, for the provision of discharge planning and family-based aftercare support pursuant to Section 4096.6.

(3) On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits and who is up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to successful adulthood. If admission to, or continuation in, a group home or short-term residential therapeutic program placement is being considered for a nonminor dependent, the group home or short-term residential therapeutic program placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home or short-term residential therapeutic program placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to successful adulthood. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive family setting that promotes normal childhood experiences, including a target date for discharge from the group home or short-term residential therapeutic program placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home or short-term residential therapeutic program placement remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to successful adulthood. The group home or short-term residential therapeutic program placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home or short-term residential therapeutic program placement is likely to remain in group home

or short-term residential therapeutic program placement on their 18th birthday, in order to expedite the transition to a less restrictive family setting that promotes normal childhood experiences, if the child becomes a nonminor dependent. The case planning process shall include informing the youth of all of the options, including, but not limited to, admission to or continuation in a group home or short-term residential therapeutic program placement.

(4) Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains their 19th birthday, whichever is earlier, continuation in or admission to a group home placement is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

(5) In addition to the requirements of paragraphs (1) to (4), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

(e) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Sections 364, 366, 366.3, and 366.31, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services/Case Management System (CWS/CMS) to account for the 60-day timeframe for preparing a written case plan.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(g) The case plan shall be developed considering the recommendations of the child and family team, as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the placement agency contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or probation officer, or a social worker or probation officer on the staff of the agency in the state in which the child has been placed, shall visit the child in a foster family home or the home of a relative, consistent with federal law and in accordance with the department's approved state plan. If a child is placed in an out-of-state residential facility, as defined in paragraph (2) of subdivision (b) of Section 7910 of the Family Code, pursuant to Section 361.21 or 727.1, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled placement agency contact with the foster child, and at each placement change, the child's social worker or probation officer shall inform the child, the care provider, and the child and family team, if applicable, of the child's rights as a foster child, as specified in Section 16001.9, and shall provide a written copy of the rights to the child as part of the explanation. The social worker or probation officer shall provide the information to the child in a manner appropriate to the age or developmental level of the child. The social worker or probation officer shall document in the case plan that they have informed the child of, and have provided the child with a written copy of, the child's rights.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

- (A) The death of an immediate relative.
- (B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with their siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, resource family home, group home, or other childcare institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state residential facility placement is recommended or made, the case plan shall, in addition, specify compliance with Section 16010.9 of this code and Section 7911.1 of the Family Code.

(8) A case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide

immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

(9) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(10) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and out-of-state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(11) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In a voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC or CalWORKs assistance and who are up to 21 years of age pursuant to Section 11403, the transitional independent living case plan, as set forth in subdivision (y) of Section 11400, shall be developed with, and signed by, the nonminor.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the

child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21, 366.22, or 366.25 of this code as evidence.

(13) A child shall be given a meaningful opportunity to participate in the development of the case plan and state their preference for foster care placement. A child who is 12 years of age or older and in a permanent placement shall also be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan.

(14) The case plan shall be included in the court report, and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(15) (A) If the case plan has as its goal for the child a permanent plan of adoption, legal guardianship, or another planned permanent living arrangement, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, or a legal guardian, and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. Regardless of whether the child has been freed for adoption, documentation shall include a description of any barriers to achieving legal permanence and the steps the agency will take to address those barriers. If a child has been in care for three years or more, the documentation shall include a description of the specialized permanency services used or, if specialized permanency services have not been used, a statement explaining why the agency chose not to provide these services. If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

(B) Specific elements of specialized permanency services may be included in the case plan as needed to meet the permanency needs of the individual child or nonminor dependent.

(C) When the child is 16 years of age or older and is in another planned permanent living arrangement, the case plan shall identify the intensive and ongoing efforts to return the child to the home of the parent, place the child for adoption, place the child for tribal customary adoption in the case of an Indian child, establish a legal guardianship, or place the child nonminor

dependent with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the child.

(16) (A) (i) For a child who is 14 or 15 years of age, the case plan shall include a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood. The description may be included in the document described in subparagraph (A) of paragraph (18).

(ii) When appropriate, for a child who is 16 years of age or older and, commencing January 1, 2012, for a nonminor dependent, the case plan shall include the transitional independent living plan (TILP), a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood, and, in addition, whether the youth has an in-progress application pending for Title XVI Supplemental Security Income benefits or for special immigrant juvenile status or other applicable application for legal residency and an active dependency case is required for that application. When appropriate, for a nonminor dependent, the transitional independent living case plan, as described in subdivision (y) of Section 11400, shall include the TILP, a written description of the programs and services that will help the nonminor dependent, consistent with their best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living placement as defined in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec. 675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 of the federal Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care, and information regarding the advance health care directive form. Information provided regarding health insurance options shall include verification that the eligible

youth or nonminor dependent is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth's social worker or probation officer to ensure that the eligible youth or nonminor dependent is transitioned into the Medi-Cal program for former foster youth upon case closure with no interruption in coverage and with no new application being required, as provided in Section 14005.28.

(C) For youth 14 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining their reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

(17) For youth 14 years of age or older and nonminor dependents, the case plan shall be developed in consultation with the youth. At the youth's option, the consultation may include up to two members of the case planning team who are chosen by the youth and who are not foster parents of, or caseworkers for, the youth. The agency, at any time, may reject an individual selected by the youth to be a member of the case planning team if the agency has good cause to believe that the individual would not act in the youth's best interest. One individual selected by the youth to be a member of the case planning team may be designated to be the youth's adviser and advocate with respect to the application of the reasonable and prudent parent standard to the youth, as necessary.

(18) For youth in foster care 14 years of age or older and nonminor dependents, the case plan shall include both of the following:

(A) A document that describes the youth's rights with respect to education, health, visitation, and court participation, the right to be annually provided with copies of their credit reports at no cost while in foster care pursuant to Section 10618.6, and the right to stay safe and avoid exploitation.

(B) A signed acknowledgment by the youth that they have been provided a copy of the document and that the rights described in the document have been explained to the youth in an age-appropriate manner.

(19) The case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, shall document the services provided to address that issue.

(20) For a youth in foster care 10 years of age or older who is in junior high, middle, or high school, or a nonminor dependent enrolled in high school, the case plan shall be reviewed annually, and updated as needed, to indicate that the case management worker has verified that the youth or nonminor dependent received comprehensive sexual health education that meets the requirements established in Chapter 5.6 (commencing with Section

51930) of Part 28 of Division 4 of Title 2 of the Education Code, through the school system. The case plan shall document either of the following:

(A) For a youth in junior high or middle school, either that the youth has already received this instruction during junior high or middle school, or how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the dependency court during this timeframe.

(B) For a youth or nonminor dependent in high school, either that the youth or nonminor dependent already received this instruction during high school, or how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the dependency court during this timeframe.

(21) (A) For a youth in foster care 10 years of age or older or a nonminor dependent, the case plan shall be updated annually to indicate that the case management worker has done all of the following:

(i) Informed the youth or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(ii) Informed the youth or nonminor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health services and their confidentiality rights regarding those services.

(iii) Informed the youth or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(B) This paragraph shall not be construed to affect any applicable confidentiality law.

(22) For a child who is 16 years of age or older and for a nonminor dependent, the case plan shall identify the person or persons, who may include the child's high school counselor, Court-Appointed Special Advocate, guardian, or other adult, who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education. If, at any point in the future, the child or nonminor dependent expresses that they wish to pursue postsecondary education, the case plan shall be updated to identify an adult individual responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not

require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and their siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services/Case Management System (CWS/CMS) is implemented on a statewide basis.

(j) When a child is 10 years of age or older and has been in out-of-home placement for six months or longer, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationship with those individuals, provided that those relationships are in the best interest of the child. The social worker or probation officer shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, or may seek that information from the child and family team, as appropriate. The social worker or probation officer shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services. The nonminor dependent's caregiver shall be provided with a copy of the nonminor's TILP.

(l) Each county shall ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care during a federal fiscal year is not less than 95 percent of the total number of those visits that would occur if each child were visited once every month while in care and that the majority of the visits occur in the residence of the child. The county child welfare and probation departments shall comply with data reporting requirements that the department deems necessary to comply with the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288) and the federal Child and Family Services Improvement and Innovation Act (Public Law 112-34).

(m) The implementation and operation of the amendments to subdivision (i) enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

SEC. 50. Section 16521.6 of the Welfare and Institutions Code is amended to read:

16521.6. To ensure that coordinated, timely, and trauma-informed services are provided to children and youth in foster care who have experienced severe trauma, all of the following shall occur:

(a) (1) Each county shall develop and implement a memorandum of understanding setting forth the roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma. Participants in the development and implementation of the memorandum of understanding shall include, but not be limited to, all of the following:

(A) The county child welfare agency.

- (B) The county probation department.
- (C) The county behavioral health departments.
- (D) The county office of education.
- (E) The regional center or centers that serve children and youth with developmental disabilities in the county.
- (F) Foster care or other child welfare advocacy groups, as deemed appropriate by the organizations that will be parties to the memorandum, serving in an advisory capacity.

(2) The memorandum of understanding shall include, at a minimum, provisions addressing all of the following:

- (A) Establishment and operation of an interagency leadership team.
- (B) Establishment and operation of an interagency placement committee, as defined in Section 4096.
- (C) Commitment to implementation of an integrated core practice model.
- (D) Processes for screening, assessment, and entry to care.
- (E) Processes for child and family teaming and universal service planning.
- (F) Alignment and coordination of transportation and other foster youth services.
- (G) Recruitment and management of resource families and delivery of therapeutic foster care services.
- (H) Information and data sharing agreements.
- (I) Staff recruitment, training, and coaching.
- (J) Financial resource management and cost sharing.
- (K) Dispute resolution.
- (L) Processes, as developed through tribal consultation with the federally recognized tribes within each county, for engaging and coordinating with these tribes in the ongoing implementation of the memorandums of understanding described in this section.

(3) (A) No later than October 1, 2021, members of the interagency leadership team, or its designees, shall establish a process to provide, arrange for, or ensure the provision of, at least six months of family-based aftercare service to children and youth, as described in Section 4096.6, and acknowledgment that federal financial participation under the Medi-Cal program is only available if all state and federal requirements are met and the service is medically necessary.

(B) Members of the interagency leadership team described in subparagraph (A) of paragraph (2), or its designees, may, to the extent permitted by federal law, and subject to the limitations described in subparagraph (C), disclose to, and exchange with, one another information or a writing that may be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of barriers to services for, or to placement of, children and youth in foster care or to improve provision of those services or those placements.

(C) Members of the interagency leadership team, or its designees, who receive disclosed or exchanged information or a writing pursuant to subparagraph (B) shall destroy or return that information or writing once

the purposes for which it was disclosed or exchanged are satisfied. The information or writing shall be used only for the purposes described in subparagraph (B). Any information or writing disclosed or exchanged pursuant to subparagraph (B) shall be confidential and shall not be open to public inspection, unless the information or writing is aggregated and deidentified in a manner that prevents the identification of an individual who is a subject of that information or writing. Any discussion concerning the disclosed or exchanged information or writing during a team meeting shall be confidential and shall not be open to public inspection.

(D) Members of an interagency placement committee, as defined in Section 4096, child abuse multidisciplinary personnel team, as defined in Section 18961.7, or child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501, that is convened for the purpose of implementing the provisions of the memorandum of understanding developed pursuant to this subdivision shall comply with applicable statutory confidentiality provisions for that committee or team. Members of teams convened for purposes of implementing the memorandum of understanding shall comply with applicable records retention policies for their respective agencies or programs.

(4) To the extent possible, the implementation of the memorandum of understanding shall utilize existing processes and structures within and across the respective organizations that are parties to it.

(b) (1) (A) No later than June 1, 2019, the Secretary of California Health and Human Services and the Superintendent of Public Instruction shall establish a joint interagency resolution team consisting of representatives from the State Department of Social Services, the State Department of Health Care Services, the State Department of Developmental Services, and the State Department of Education.

(B) (i) The primary roles of the joint interagency resolution team shall be to develop guidance to counties, county offices of education, and regional centers with regard to developing the memoranda of understanding required by this section, to support the implementation of those memoranda of understanding, and to provide technical assistance to counties to identify and secure the appropriate level of services to meet the needs of children and youth in foster care who have experienced severe trauma.

(ii) The agencies shall ensure that a process is developed for counties and partner agencies that are parties to the memorandum of understanding to request interdepartmental technical assistance from the joint interagency resolution team.

(2) (A) No later than January 1, 2020, the joint interagency resolution team, in consultation with county agencies, service providers, and advocates for children and resource families, shall review the placement and service options available to county child welfare agencies and county probation departments for children and youth in foster care who have experienced severe trauma and shall develop and submit recommendations to the Legislature addressing any identified gaps in placement types or availability, needed services to resource families, or other identified issues. The joint

interagency resolution team shall update its review and provide recommendations to the Legislature no later than December 31, 2022, that take into account the specific needs and characteristics of youth with unplanned discharges from short-term residential therapeutic programs and youth for whom counties were unable to, or have difficulty with, securing placements and providing trauma-informed services, which may include, but is not limited to, as applicable, youth impacted by commercial sexual exploitation, youth with acute behavioral needs, and youth with intellectual or developmental disabilities. The recommendations shall also articulate a statewide plan for any additional development needed for a trauma-informed, therapeutic continuum of care to support youth in-state in the least restrictive setting.

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

(3) No later than June 1, 2020, the joint interagency resolution team, in consultation with county agencies, service providers, behavioral health professionals, schools of social work, and advocates for children and resource families, shall develop a multiyear plan for increasing the capacity and delivery of trauma-informed care to children and youth in foster care served by short-term residential therapeutic programs and other foster care and behavioral health providers.

(4) (A) Members of the joint interagency resolution team described in this subdivision may, to the extent permitted by federal law, and subject to the limitations described in subparagraph (B), disclose to, and exchange with, one another information or a writing that may be designated as confidential under state law if the member of the team or committee having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of barriers to services for, or to placement of, children and youth in foster care or to improve provision of those services or those placements.

(B) Members of the joint interagency resolution team who receive disclosed or exchanged information, or a writing, pursuant to subparagraph (A), shall destroy or return that information or writing once the purposes for which it was disclosed or exchanged are satisfied. The information or writing shall be used only for the purposes described in subparagraph (A). Any information or writing disclosed or exchanged pursuant to subparagraph (A) shall be confidential and shall not be open to public inspection, unless the information or writing is aggregated and deidentified in a manner that prevents the identification of an individual who is a subject of that information or writing. Any discussion concerning the disclosed or exchanged information or writing during a team meeting shall be confidential and shall not be open to public inspection.

(5) The joint interagency resolution team shall track and report deidentified information of children and nonminor dependents in foster care who have been assisted to preserve, or secure new, intensive therapeutic options. This information shall be posted on the internet website of the California Health and Human Services Agency beginning July 1, 2022,

shall be updated annually, and shall include the number of children and nonminor dependents served through its technical assistance process, characteristics of individuals served, and, as applicable, local and statewide systemic issues identified by the team.

SEC. 51. Section 16521.8 of the Welfare and Institutions Code is amended to read:

16521.8. (a) (1) A child welfare public health nursing early intervention program shall be conducted in the County of Los Angeles, as provided in this section, and with the county's consent. The purpose of the program is to improve outcomes for the expanded population of youth at risk of entering the foster care system by maximizing access to health care and health education, and connecting youth and families to safety net services. It is the intent of the Legislature for the program to maximize the use of county public health nurses in the field in order to provide families with children who are at risk of being placed in the child welfare system with preventative services to meet their medical, mental, and behavioral health needs.

(2) The program shall be administered by the Los Angeles County Department of Public Health (DPH), in cooperation with the county's Department of Children and Family Services (DCFS).

(3) Funding appropriated for purposes of the program shall be used for, but not limited to, the following:

(A) Hiring a sufficient number of new public health nurses, with the goal of achieving an average caseload ratio of 200:1.

(B) Hiring additional public health nursing supervisors to provide necessary guidance and support.

(C) Hiring senior and intermediate typist clerks to assist with data entry.

(D) Establishing an accountability mechanism and a shared information and data exchange system.

(b) A county public health nurse providing services under the program may do all of the following:

(1) Respond to emergency response referrals with social workers.

(2) Conduct emergency and routine home visits with social workers.

(3) Educate social workers on behavioral, mental and physical health conditions.

(4) Identify behavioral and health conditions that social workers are not trained to identify.

(5) Provide followup with families of youth who remain in the home to monitor compliance with the medical, dental, and mental health care plans to promote wellbeing and minimize repeat referrals.

(6) Conduct routine followups and monitoring of medically fragile and medically at-risk children and youth in the Family Maintenance and Reunification programs.

(7) Provide parents and guardians with educational tools and resources to ensure the child's physical, mental, and behavioral health needs are being met.

(8) Interpret medical records and reports for social workers.

(c) (1) The DPH, in cooperation with the DCFS, shall develop appropriate outcome measures to determine the effectiveness of the program, including established triaging tools and visitation protocols, in achieving the objectives described in paragraph (1) of subdivision (a). Commencing on January 1 during the fiscal year when funding has been provided to the DPH by the State Department of Social Services, and each January 1 thereafter, the DPH shall report to the Legislature on the effectiveness of the program using those outcome measures, including any recommendations for continuation or expansion of the program.

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

(d) (1) Before January 1, 2021, and to the extent enabled by existing resources or appropriated funds, the State Department of Health Care Services, in consultation with the County of Los Angeles, shall determine the steps required to seek any federal approvals necessary to claim federal financial participation for those allowable Medicaid activities of the program described in subdivision (a) and shall seek any federal approvals necessary to claim federal financial participation available for those identified Medicaid activities.

(2) The County of Los Angeles shall submit to the State Department of Health Care Services any information deemed relevant to the determination described in paragraph (1) at the time and in the form and manner specified by that department.

(3) With respect to any Medicaid activities identified pursuant to paragraph (1) for which federal approval is sought, those activities shall be implemented only to the extent that the State Department of Health Care Services obtains any necessary federal Medicaid approvals.

(4) Notwithstanding 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, in whole or in part, by means of provider bulletins, plan letters, or other similar instructions, without taking any further regulatory action.

(e) Contingent upon an appropriation in the annual Budget Act, the State Department of Social Services shall provide funds to the DPH for the purposes described in this section.

(f) Notwithstanding any other law, including 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, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and the State Contracting Manual, any state funds annually appropriated to the State Department of Social Services for the purposes described in this section that are not used as the nonfederal share for Medicaid expenditures approved pursuant to subdivision (d) shall be passed through in a single lump-sum to the DPH.

SEC. 52. Section 16530 of the Welfare and Institutions Code is amended to read:

16530. This chapter shall be inoperative in any fiscal year for which funding is not appropriated in the annual Budget Act for the purpose of complying with the requirements of Sections 16527 and 16529.

SEC. 53. Chapter 6 (commencing with Section 16550) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

#### CHAPTER 6. CHILDREN'S CRISIS CONTINUUM PILOT PROGRAM

16550. For the purposes of this chapter:

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

(b) "Foster youth" means a child or nonminor dependent who is a dependent or ward of the juvenile court or who is at imminent risk of entering foster care.

(c) "Intensive services foster care home participating in this pilot" means a home that is an approved intensive services foster care resource family that provides enhanced care and supervision by a parent or parents who have completed specialized training and meet other requirements pursuant to standards developed by the department and who are supported by an integrated program designed as an alternative to placement into a short-term residential therapeutic program.

(d) "Participating entity" means a county or a regional collaborative of counties that has received a grant pursuant to this chapter.

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. The pilot program shall be implemented for five years from the date of the appropriation described in Section 16554.

(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.

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 January 31, 2022, and shall disburse grant funds no later than March 31, 2022.

(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.

16553. (a) (1) The Children's Crisis Continuum Pilot Program shall be designed, in partnership with county child welfare departments, county probation departments, and county behavioral health plans, to contract with a county behavioral health plan or plans for the provision of medically necessary mental health services, including specialty mental health services, through the continuum of care described in subdivision (b).

(2) All participating entities shall agree to provide any information requested by the department to assist in evaluating the pilot program and preparing the report described in Section 16555.

(b) (1) A participating entity shall develop, in collaboration with a workgroup, a highly integrated continuum of care for the foster youth served in the pilot program. Except where otherwise indicated in this chapter, the continuum of care shall be designed within current statutes and regulations

for crisis stabilization units, children's crisis residential programs, psychiatric health facilities, intensive services foster care and other resource families, and short-term residential therapeutic programs to permit the seamless transition for the appropriate treatment of the foster youth, between treatment settings and programs. The continuum shall include, at a minimum, all of the following:

(A) A crisis stabilization unit.

(i) The crisis stabilization unit shall have the capacity to provide assessment and stabilization for up to 23 hours and 59 minutes for up to eight foster youth, be licensed as a 24-hour health care facility or hospital-based outpatient program or provider site, and comply with all regulations contained in Chapter 11 (commencing with Section 1810.100) of Division 1 of Title 9 of the California Code of Regulations that are applicable to the provision of crisis stabilization, and specifically including Section 1810.210.

(ii) The crisis stabilization unit shall be colocated with, or within 30 miles of, a psychiatric health facility or other secure hospital alternative setting capable of meeting the needs of youth experiencing a mental health crisis in order to reduce delays in care when the host county mental health plan has found inpatient treatment to be medically necessary.

(B) A crisis residential program.

(i) The crisis residential program shall provide highly individualized stabilization services for foster youth who do not require inpatient treatment. The crisis residential program shall be operated in accordance with all statutes and regulations governing the placements of foster youth, including the California Community Care Facilities Act (Article 1 (commencing with Section 1500) of Chapter 3 of Division 2 of the Health and Safety Code). The crisis residential program shall be operated in accordance with all statutes and regulations governing its licensure category, including, for short-term residential therapeutic programs, the interagency placement committee process established pursuant to Section 4096.

(ii) The crisis residential program may be a program that receives funding pursuant to paragraph (3) of subdivision (a) of Section 11460 to the extent federal Medicaid funding is not available and is not otherwise jeopardized.

(iii) The crisis residential program shall not serve more than four foster youth at a time.

(C) A psychiatric health facility, as defined in Section 1250.2 of the Health and Safety Code.

(i) The psychiatric health facility shall be licensed by the State Department of Health Care Services and shall provide a secure, highly individualized, therapeutic, hospital-like setting for foster youth who require inpatient treatment and shall be operated in accordance with Chapter 9 (commencing with Section 77001) of Division 5 of Title 22 of the California Code of Regulations.

(ii) The psychiatric health facility shall not have more than four beds.

(iii) Before placement into a psychiatric health facility, the participating entity shall submit a report to the director or the director's designee using

a template established by the department, in collaboration with the State Department of Health Care Services and county entities. The report shall include a statement describing the circumstances that necessitate a psychiatric health facility placement, the results of assessments, prior services provided to the foster youth, the anticipated duration of the treatment in the setting, and identification of any barriers to serving the foster youth in a less restrictive setting.

(iv) These intensive crisis programs shall be integrated with community-based supports and tiered placement settings, including Intensive Services Foster Care (ISFC) and Enhanced ISFC homes.

(D) Intensive services foster care homes participating in this pilot that have integrated specialty mental health services.

(i) To support foster youth in stepping down to less restrictive placements and maintain available capacity in more acute treatment settings, a participating entity shall maintain at least two times the number of intensive services foster care homes participating in this pilot as the number of beds available in the treatment settings described in subparagraphs (A) to (C), inclusive.

(ii) Intensive services foster care homes participating in this pilot shall be enhanced to include in-home staff who are available to provide care, additional behavioral support, permanency services, specialty mental health services, and educational services 24 hours a day, 7 days a week, as needed.

(iii) The residence of an intensive services foster care home participating in this pilot may be owned or operated by the foster parent or parents, a county, or by a private nonprofit organization. For purposes of this chapter, the limitations of Section 18360.35 do not apply.

(E) Community-based supportive services.

(i) Community-based supportive services shall be available 24 hours a day, 7 days a week.

(ii) A participating entity shall utilize a community-based model that provides intensive transition planning and aftercare services using a team approach. Each county child welfare agency, probation department, and mental health plan, in consultation with the local interagency leadership team established pursuant to Section 16521.6, shall jointly provide, arrange for, or ensure the provision of, at least six months of aftercare services for foster youth in the placement and care responsibility of the county child welfare agency or county probation department who are discharged from a short-term residential therapeutic program to a family-based setting. The model shall include the development of an individualized family-based aftercare support plan that identifies necessary supports, services, and treatment.

(iii) Community-based supportive services shall be available to provide front-end and back-end integrated transition services and supports to continue treatment gains made in more restrictive placements and minimize reliance on interventions that may be traumatic for foster youth, including ambulance transport, emergency department visits, and law enforcement involvement.

(iv) Community-based supportive services shall include an intensive transition planning team consisting of, at a minimum, a mental health professional with a master's degree who is either licensed or license-eligible, a support counselor with a bachelor's degree, and a peer partner. An expedited transition planning services team may serve up to four foster youth at a time and shall have the ability to support foster youth in any out-of-home treatment setting in the continuum of care. The department may approve an alternate proposal for these transition planning services, including modified standards.

(2) Notwithstanding paragraph (1), the department may consider a proposal that does not include a psychiatric health facility, or a psychiatric health facility and a crisis stabilization unit.

(c) A participating entity shall provide a foster youth participating in the continuum of care, or ensure foster youth participating in the continuum of care are provided, with all of the following:

(1) One-on-one services, when clinically indicated.

(2) Single occupancy rooms, unless a double occupancy room is clinically indicated by the individual plan of care developed by a multidisciplinary treatment team.

(3) A deinstitutionalized environment with warm and comforting decor, food, and clothing that maintains safety at all times.

(d) The continuum of care created by a participating entity shall, across all service settings, reflect all of the following core program features and service approaches:

(1) Highly individualized and trauma-informed services.

(2) Culturally and linguistically responsive and competent treatment.

(3) Alignment with the integrated core practice model and a commitment to encouraging the voices of foster youth and their families and a team approach to all decisionmaking. The child and family team shall be involved in all treatment planning and decisions and family engagement and involvement in treatment shall be central to all programs within the continuum of care.

(4) Coordinated and streamlined assessment practices to ensure that level-of-care determinations are appropriate and that foster youth are able transition between more restrictive and less restrictive placements across the continuum of care, as needed.

(e) A participating entity shall establish policies and procedures that demonstrate compliance at all times with the notification and due process requirements of the Lanterman-Petris-Short Act (Chapter 1 (commencing with Section 5000) of Part 1 of Division 5) and any other applicable laws pertaining to involuntary treatment. This subdivision does not limit the protections to foster youth related to voluntary or involuntary treatment settings.

(f) The department, jointly with the State Department of Health Care Services, may establish operational procedures, performance and evaluation standards, and utilization criteria for participating entities pursuant to this section. These standards and criteria shall be developed in consultation with

the State Department of Developmental Services, the State Department of Education, the Judicial Council of California, county placing agencies, behavioral health plans, and other interested stakeholders.

16554. (a) It is the intent of the Legislature to appropriate moneys to the department in the annual Budget Act or other statute for the purpose of administering a grant program to provide funding to participating entities for the duration of the Children's Crisis Continuum Pilot Program.

(b) The department, jointly with the State Department of Health Care Services, shall work with participating entities to consider long-term plans to support the successful operation of a continuum of care.

16555. (a) No later than April 1, 2025, 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, 2029, and, as of January 1, 2030, is repealed.

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 by March 1, 2022.

SEC. 54. Chapter 7 (commencing with Section 16585) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

#### CHAPTER 7. FAMILY FIRST PREVENTION SERVICES

16585. (a) It is the intent of the Legislature to exercise the option afforded to states under Section 474(a)(6) and Section 471(e) of the federal Social Security Act, as contained in the federal Family First Prevention Services Act of 2018 (Public Law 115-123, 42 U.S.C. Sec. 674(a)(6) and 42 U.S.C. Sec. 671(e), respectively) to receive federal financial participation for the prevention services described in Section 471(e) of the federal Social Security Act (42 U.S.C. Sec. 671(e)) that are provided for a candidate for foster care or a pregnant or parenting foster youth, and their parents or kin caregivers, and the allowable costs for the proper and efficient administration of the program.

(b) (1) It is the intent of the Legislature that the prevention services under this chapter will be implemented in coordination with the existing continuum of services to improve the safety and well-being of children by strengthening and supporting families so that children can remain safely in their homes.

(2) It is the intent of the Legislature that the prevention services under this chapter will improve outcomes for children and families, reduce entries into foster care, and reduce disproportionate entries into foster care of children and youth of color, Native American and Alaskan Native children and youth, and lesbian, gay, bisexual, transgender, queer, and plus (LGBTQ+) children and youth.

(3) It is the intent of the Legislature that the prevention services under this chapter will be provided in a manner that reaffirms the commitments to Indian children, Indian families, and Indian tribes in accordance with Section 224. There is no resource more vital to the continued existence and

integrity of Indian tribes than their children, and the State of California has an interest in ensuring that prevention services are provided in a manner consistent with the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(4) It is the intent of the Legislature that prevention services provided by a county under this chapter be delivered as part of a plan developed in consultation with other relevant county agencies that serve families and children, Indian tribes, local community representatives, caseworkers, and individuals and families with lived experience with the child welfare system.

16586. For purposes of this chapter, the following definitions shall apply:

(a) (1) “Candidate for foster care” means a child described in Section 475(13) of the federal Social Security Act (42 U.S.C. Sec. 675(13)), and as further described in the State Plan for Title IV-E prevention services and programs and approved by the United States Department of Health and Human Services, Administration for Children and Families.

(2) A child may be considered at imminent risk of foster care when the county or tribal caseworker determines, based upon an assessment, that prevention services are necessary to mitigate the child’s risk of entry or reentry into foster care, and the child meets the criteria for imminent risk of foster care established in the State Plan for Title IV-E prevention services and programs and approved by the United States Department of Health and Human Services, Administration for Children and Families.

(3) A child shall not be a candidate for foster care while simultaneously residing in foster care.

(b) “Child” means a minor under 18 years of age, or a nonminor under 21 years of age who is eligible to reenter foster care pursuant to Section 388.1.

(c) “Pregnant or parenting foster youth” means a child or nonminor dependent in foster care who is a parent, or an expectant parent of an unborn child.

(d) “Prevention plan” means a written document that meets the requirements set forth in Section 471(e)(4) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(4)).

(e) “Prevention services” means the services or programs described in Section 471(e) of the federal Social Security Act (42 U.S.C. Sec. 671(e)), including those services or programs with eligible adaptations, as permitted by the United States Department of Health and Human Services, Administration for Children and Families, which includes, but is not limited to, eligible adaptations to increase the cultural relevancy of a service or program. Prevention services, as defined for purposes of this subdivision, are not Medi-Cal services unless all state and federal Medicaid requirements are met, any necessary federal approvals are obtained, and medical assistance federal financial participation is available and is not otherwise jeopardized.

16587. (a) A county may elect to provide the prevention services under this chapter by providing a written plan to the State Department of Social Services, in accordance with instructions issued by the department. A county shall promptly notify the department of any changes to the written plan,

including, but not limited to, an elimination or reduction of services. During the first year of implementation, a county may elect to provide the prevention services under this chapter by providing a written notice to the department while the county continues to develop its written plan. The county shall consult with other relevant county agencies that serve families and children, Indian tribes, local community representatives, caseworkers, and individuals and families with lived experience with the child welfare system in the development of the plan.

(b) The department shall consult with Indian tribes on the development of the statewide prevention plan, associated allocation policies, and procedures for an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 to elect to provide the prevention services under this chapter.

(c) (1) A county or Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 that elects to provide prevention services under this chapter may provide those services for all of the following:

(A) A child who is a candidate for foster care

(B) A child or nonminor dependent in foster care who is a pregnant or parenting foster youth.

(C) The parents or kin caregivers of a child described in this paragraph.

(2) (A) Prevention services under this chapter may be provided for a period of up to 12 months.

(B) Prevention services under this chapter may be provided for additional 12-month periods, including contiguous 12-month periods, on a case-by-case basis, when a county or tribal caseworker determines and documents in the candidate for foster care or pregnant or parenting foster youth's prevention plan that they continue to meet the requirements to receive prevention services as a candidate for foster care, or pregnant or parenting foster youth.

(C) Nothing in this subdivision shall be construed to alter or limit the time period for services provided under the Medi-Cal program to a Medi-Cal beneficiary, which shall be based on medical necessity.

(3) When a county knows or has reason to know a child is an Indian child, as defined in Section 224.1, the county shall provide prevention services under this chapter in a manner consistent with active efforts, as described in subdivision (f) of Section 224.1.

(d) A Title IV-E agency that elects to provide the prevention services under this chapter shall be responsible for:

(1) (A) Determining whether a child is a candidate for foster care and eligible for prevention services based upon an in-person assessment, or an alternative assessment methodology approved by the State Department of Social Services.

(B) Identifying whether a child or nonminor dependent in foster care is a pregnant or parenting foster youth who will receive prevention services. A candidacy assessment and determination are not required for a pregnant or parenting foster youth to receive prevention services.

(2) Documenting the determination described in subparagraph (1) in the child or youth's prevention plan.

(3) Inquiring whether a child who is being assessed as a candidate for foster care and for prevention services under this chapter is or may be an Indian child in accordance with Section 224.2. When the county knows or has reason to know the child is an Indian child, as defined in Section 224.1, the county shall provide written notification to the tribe inviting the child's tribe to partner with the county agency in the initial and ongoing assessments of the child and family and the development and implementation of the written prevention plan.

(4) (A) Developing and implementing a written prevention plan for the child or youth using a model approved by the department.

(B) In the case of a child who is a candidate for foster care, the prevention plan shall identify the foster care prevention strategy for the child and list the services or programs to be provided to, or on behalf of, the child, including the services or programs to be provided to the child's parent or kin caregiver.

(C) In the case of a pregnant or parenting foster youth, the prevention plan shall list the services or programs to be provided to, or on behalf of, the youth to meet their individual needs, strengthen their ability to parent, describe the parenting support strategy to promote the health and development of, and prevent foster care for, any child born to the youth, and be included in the youth's existing case plan.

(D) In the case of an Indian child, the development and implementation of the written prevention plan shall be in partnership with the Indian child's tribe.

(5) Documenting all prevention services cases under this chapter in accordance with instructions issued by the department to county Title IV-E agencies.

(6) Ensuring that prevention services are provided using a trauma-informed approach, including an approach informed by historical and multigenerational trauma.

(7) Monitoring the safety of a candidate for foster care or pregnant or parenting foster youth receiving prevention services under this chapter, which shall include in-person contact with the child or youth by the caseworker to ensure the child's or youth's ongoing safety, as specified in the written prevention plan.

(8) Conducting periodic risk assessments for the child or youth while prevention services are being provided. The caseworker shall reexamine the prevention plan if they determine the risk of the child or youth entering foster care remains high despite the provision of prevention services. In the case of an Indian child, the assessments and any reexamination of the prevention plan shall be conducted in partnership with the Indian child's tribe.

(9) Collecting and reporting any information or data necessary to the department for federal financial participation, federal reporting, or evaluation

of the services provided, including, but not limited to, child-specific information and expenditure data.

(10) Continuously monitoring the implementation and provision of services provided under this chapter to ensure fidelity to the practice model, determine outcomes achieved, and determine how information learned from monitoring will be used to refine and improve practices, using a continuous quality improvement framework developed in accordance with instructions issued by the department to county Title IV-E agencies. Outcomes achieved shall include, but are not limited to, measures examining the equitable implementation and provision of services, as well as equitable distribution of outcomes.

(11) (A) Conducting or contracting for a well-designed and rigorous evaluation of each prevention service provided under this chapter, as coordinated by the department and in accordance with instructions issued by the department to county Title IV-E agencies. An evaluation shall examine the effectiveness of each service in improving outcomes for children and families across diverse groups receiving each service. The department shall consult with the State Department of Health Care Services on any instructions to counties that involve an evaluation of a prevention service that is paid for by Medi-Cal.

(B) This paragraph shall not apply to a prevention service for which the state has received a federal waiver of the evaluation requirements pursuant to Section 471(e)(5) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(5)).

(C) Subject to the availability of state or other funds, the department may conduct or contract for a well-designed and rigorous evaluation of a prevention service as described in subparagraph (A). A Title IV-E agency's participation in an evaluation of a prevention service by the department shall satisfy the agency's responsibility under this paragraph.

(e) A Title IV-E agency may contract with another agency or community-based organization to perform the activities described in paragraphs (4) through (8), inclusive, of subdivision (d) in accordance with guidelines and instructions issued by the department. The county shall be responsible for supervising and ensuring appropriate performance of these activities. A county may work with one or more other counties utilizing the same prevention service to conduct a joint evaluation that meets the requirements of this section.

(f) A parent, caregiver, child, or youth's nonparticipation in or noncompletion of offered prevention services, in and of itself, shall not be *prima facie* evidence that the child comes within Section 300 or *prima facie* evidence of substantial danger.

16588. (a) The State Department of Social Services shall seek all necessary federal approvals to obtain Title IV-E federal financial participation for the prevention services provided under this chapter, including the submission of any necessary state plans or amendments. During the first three years of implementation, in consultation with counties and stakeholders, the department shall annually review the state's five-year

prevention plan and determine whether amendments should be pursued, including, but not limited to, the candidacy population and the evidence-based programs or services included in the state's prevention plan. Additionally, the department shall consult with tribes during this review process.

(b) A county child welfare agency or county probation department shall not claim Title IV-E federal financial participation for the prevention services under this chapter unless the department has obtained all necessary federal approvals.

(c) (1) A county that elects to provide the prevention services under this chapter shall pay the nonfederal share of the cost for providing these prevention services beyond any state funding provided for this chapter.

(2) Notwithstanding paragraph (1), the state may contribute a portion of the nonfederal share of cost and implementation costs, subject to an appropriation of state funds. Counties receiving state funds under this paragraph shall submit to the department a comprehensive plan that includes a continuum of primary, secondary, and tertiary prevention and intervention strategies and services to support the ability for parents and families to provide safe, stable, and nurturing environments for their children, in accordance with instructions issued by the department. The continuum of services shall include culturally appropriate and responsive services that are tailored to meet the needs of families who are disproportionately represented in the child welfare system, including Native American and Alaskan Native families, families of color, and lesbian, gay, bisexual, transgender, queer, and plus (LGBTQ+) children or youth. Counties shall promptly notify the department in accordance with instructions issued by the department, of any changes to the comprehensive plan, including, but not limited to, an elimination or reduction of services. During the first year of implementation, a county may utilize state funds under this paragraph to provide the prevention services under this chapter, to provide prevention and intervention services beyond those in the state five-year prevention plan or Title IV-E Prevention Services Clearinghouse that fill service gaps, including, but not limited to, culturally responsive services, and for implementation costs by providing a written notice to the department while the county continues to develop its comprehensive plan.

(3) (A) The department, in consultation with the County Welfare Directors Association of California and Chief Probation Officers of California, shall develop an allocation methodology to distribute state funding for the prevention services program established under this chapter.

(B) Counties shall use state funds allocated pursuant to this chapter for the nonfederal share of cost of prevention services, as defined in subdivision (e) of Section 16586, allowable administrative activities performed for the program, and program implementation costs in accordance with written guidance issued by the department. Counties may also use state funds for the cost for any other prevention services offered pursuant to the comprehensive plan described in this subdivision, in accordance with written guidance issued by the department.

(C) Counties shall document and report all prevention services utilizing state funds under this chapter in accordance with written guidance issued by the department.

(4) The department shall consult with Indian tribes to develop an allocation methodology to distribute state funding under this chapter to an Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement with the state pursuant to Section 10553.1 and elects to provide the prevention services under this chapter.

(5) State funds allocated under this chapter shall not supplant funds for existing programs.

(d) A county shall use federal funds received under this chapter to supplement, and not supplant, local and state foster care prevention expenditures used for the maintenance of effort, as described in Section 471(e)(7) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(7)). The department shall provide guidance to counties on expenditures that are to be counted toward the maintenance of effort requirement, consistent with federal guidance on this issue.

(e) A county shall not use local or state foster care prevention expenditures utilized for the state maintenance of effort, as described in Section 471(e)(7) of the federal Social Security Act (42 U.S.C. Sec. 671(e)(7)), for the nonfederal share of the cost of providing prevention services under this chapter for a fiscal year. The department shall provide guidance to counties on expenditures that are to be counted toward the maintenance of effort requirement, consistent with federal guidance on this issue.

(f) (1) For the prevention services under this chapter, a county or tribal Title IV-E agency shall not be considered to be a legally liable third party for purposes of satisfying a financial commitment for the cost of providing those services or programs with respect to any individual for whom that cost would have been paid for from another public or private source but for the enactment of the federal Family First Prevention Services Act of 2018 (Public Law 115-123), except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by a child or family in a timely fashion, funds provided under this chapter may be used to pay a prevention services provider pending reimbursement from the public or private program that is ultimately responsible for payment.

(2) The State Department of Health Care Services, in consultation with the State Department of Social Services, shall develop guidance identifying what prevention services provided under this chapter may be eligible for payment, in part or whole, under the Medi-Cal program. The departments shall develop a model joint written protocol for counties to determine what program is responsible for payment, in part or whole, for a prevention service provided on behalf of a child under this chapter.

(3) A county that elects to provide prevention services under this chapter shall establish a joint written protocol between the child welfare agency, probation department, behavioral health agency, and other appropriate entities for determining what program is responsible for payment, in part

or whole, for a prevention service provided on behalf of a child under this chapter. The county shall use the model protocol developed under paragraph (2), or an equivalent approved by the department.

(g) The State Department of Health Care Services may submit a Medicaid state plan amendment, waiver request, or both, to maximize federal financial participation under the Medi-Cal program for the prevention services provided under this chapter. If the State Department of Health Care Services determines that federal approval is necessary in order to receive federal financial participation for the Medi-Cal program for any portion of the prevention services or activities described in this chapter, counties shall not claim these prevention services or activities as Medi-Cal services until the effective date specified in the federal approval obtained by the State Department of Health Care Services.

16589. (a) The State Department of Social Services shall have oversight of the Family First Prevention Services program established under this chapter. The department shall consult with the State Department of Health Care Services on any letters or instructions for the Family First Prevention Services program that intersect with services under the Medi-Cal program. 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 by means of all-county letters or similar written 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.

(b) Nothing in this chapter shall be construed to amend or otherwise alter state and federal requirements for Medi-Cal services. The State Department of Health Care Services shall maintain oversight over services claimed to the Medi-Cal program and shall be responsible for seeking any approvals necessary for the Medi-Cal program. The State Department of Health Care Services may provide guidance on whether federal financial participation is available for Medi-Cal services that may intersect with the implementation of prevention services under Part I of the federal Family First Prevention Services Act. Medi-Cal services shall only be claimed to the extent that any necessary federal approvals are obtained and medical assistance federal financial participation is available and is not otherwise jeopardized. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services may provide Medi-Cal guidance to implement this chapter by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, without taking any further regulatory action.

SEC. 55. Section 18257.5 is added to the Welfare and Institutions Code, to read:

18257.5. The State Department of Social Services and the State Department of Health Care Services, in consultation with county representatives and other stakeholders, shall develop recommendations for

implementing and expanding high-fidelity wraparound services statewide. The departments shall complete these activities no later than one year from the enactment of this section.

SEC. 56. Chapter 16 (commencing with Section 18997) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

#### CHAPTER 16. CALIFORNIA GUARANTEED INCOME PILOT PROGRAM

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 both 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 from a nongovernmental source 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) 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. 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 nongovernmental sources 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, or city and county.

(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.

18997.1. Notwithstanding any other law:

(a) Contracts or grants awarded pursuant to this chapter 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.

(b) Contracts or grants awarded pursuant to this chapter shall be exempt from the Public Contract Code and the State Contracting Manual, and shall not be subject to the approval of the Department of General Services.

(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 department may implement, interpret, or make specific this chapter without taking any regulatory action.

18997.2. This chapter shall become inoperative on July 1, 2026, and, as of January 1, 2027, is repealed.

SEC. 57. (a) The State Department of Social Services shall adopt regulations necessary to implement this act.

(b) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement, interpret, or make specific the changes made by this act to Sections 1502 and 1562.01 of the Health and Safety Code, and to Sections 319, 319.3, 358.1, 361.2, 366, 366.1, 366.3, 366.31, 636, 706.5, 727.2, 4096, 4096.5, 4648, 11461.3, 11462.01, 16010.7, 16501, 16501.1, and 16521.6 of the Welfare and Institutions Code, and to implement, interpret, or make specific Sections 361.22, 727.12, 4096.55, 4096.6, 11402.005, and Chapter 7 (commencing with Section 16585) of Part 4 of Division 9 of the Welfare and Institutions Code, 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 no later than July 1, 2024.

(c) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Care Services, in consultation with the State Department of Social Services, may implement, interpret, or make specific the changes made by this act to Sections 1502 and 1562.01 of the Health and Safety Code, and to Sections 319, 319.3, 358.1, 361.2, 366, 366.1, 366.3, 366.31, 636, 706.5, 727.2, 4096, 4096.5, 4648, 11462.01, 16010.7, 16501, 16501.1, and 16521.6

of the Welfare and Institutions Code, and to implement, interpret, or make specific Sections 361.22, 727.12, 4096.55, 4096.6, 11402.005, and Chapter 7 (commencing with Section 16585) of Part 4 of Division 9 of the Welfare and Institutions Code, in whole or in part, by means of plan or all-county letters, information notices, plan or provider bulletins, or other similar instructions, until the adoption of regulations no later than July 1, 2024.

(d) The provisions amended or added by this act that impact Medi-Cal, the State Department of Health Care Services, or county behavioral health departments shall be implemented only if, and to the extent that, federal financial participation, as provided under the Medi-Cal program, is not jeopardized and all necessary federal approvals have been obtained.

SEC. 58. To the extent that this act has an overall effect of increasing certain costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for 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.

With regard to certain other costs that may be incurred by a local agency or school district, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution 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. 59. (a) For the 2021–22 fiscal year, the sum of five million dollars (\$5,000,000) is hereby appropriated from the General Fund to the State Department of Social Services to administer the California Newcomer Education and Well-Being Program, established pursuant to Section 13265 of the Welfare and Institutions Code, by allocating funding to school districts with a significant number of eligible refugee pupils to improve their well-being, English language proficiency, and academic performance. This funding shall be available for encumbrance and expenditure until June 30, 2024.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the funds appropriated in subdivision (a) shall be deemed to be “General Fund revenues appropriated

for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 60. 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.