

AMENDED IN SENATE JUNE 24, 2021

AMENDED IN SENATE JUNE 15, 2021

AMENDED IN ASSEMBLY MAY 24, 2021

AMENDED IN ASSEMBLY MARCH 25, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 808

Introduced by Assembly Member Stone
(Coauthors: Assembly Members Cooley, Blanca Rubio, and
Villapudua)

February 16, 2021

An act to *amend Section 7911 of, and to repeal and add Sections 7911.1 and 7912 of the Family Code, to amend Sections 1502 and 1562.01 of, and to add Section 1502.25 to, the Health and Safety Code, and to amend Sections 362.2, 366, 706.6, 4096, 11400, 11402, 16501.1 and 16521.6 of, to add Sections 11461.7 and 18257.5 to, to add Chapter 6 (commencing with Section 16550) to Part 4 of Division 9 of, and to repeal Section 16555 of, and to repeal and add Sections 361.21 and 727.1 of, the Welfare and Institutions Code, relating to foster youth, and making an appropriation therefor.*

LEGISLATIVE COUNSEL’S DIGEST

AB 808, as amended, Stone. Foster youth.

(1) Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities, including short-term residential therapeutic programs, by the State Department of Social Services. A violation of the act is a misdemeanor.

Existing law provides for the implementation of the resource family approval process, which replaces the multiple processes for licensing foster family homes, certifying foster homes by foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families. Existing law imposes various requirements on resource families, including training standards.

This bill would require the department to license specialized foster homes as residential facilities providing board, care, and supervision by a resource parent pursuant to standards developed in consultation with specified entities and persons. The bill would require specialized foster homes to meet prescribed standards, including training, that apply to resource families, and to complete training as a condition of obtaining and maintaining licensure. The bill would establish rates standards, including regional rate requirements, and, by January 1, 2023, would require the department to adopt regulations and determine appropriate provider rates. The bill would authorize the department to implement these provisions by specified means, including information releases, until the department adopts regulations. Because a willful violation of the bill's requirements relative to specialized foster homes under the act would be a crime, the bill would impose a state-mandated local program.

Existing law defines "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.

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.

(2) Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to specified foster care providers on behalf of qualified children in foster care. Existing law requires the department to administer a state system for establishing rates in the AFDC-FC program.

This bill would make specialized foster homes eligible for the AFDC-FC program. By imposing new duties on counties, this bill would impose a state-mandated local program.

Existing law establishes a rate that is paid for 24-hour out-of-home care and supervision provided to children and eligible nonminor dependents who are both consumers of regional center services and receiving AFDC-FC. Existing law requires the State Department of Social Services and the State Department of Developmental Services to develop objective criteria to be used by counties in determining eligibility for AFDC-FC and the level of a supplement to that rate for children who the county determines need extraordinary care and supervision.

This bill would require the State Department of Social Services, by February 1, 2022, to update its payment guidance to authorize counties to claim federal funding for placements made to a regional center vendored facility.

(3) 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. 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, on identified gaps in placement, needed services, and a centralized process for services.

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, and articulate a plan to build trauma-informed, therapeutic programs for those in-state youth. The bill would require the joint interagency resolution team to track and report deidentified information of youth 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.

This bill would continuously appropriate \$20,000,000 from the General Fund, on an annual basis, to the State Department of Social Services for use by county child welfare and probation agencies to support foster youth with unplanned discharges or who are unable to secure a therapeutic program due to exceptional needs, to be allocated to counties in a manner determined by the department in consultation with the County Welfare Directors Association of California and the Chief Probation Officers of California. The bill would end that continuous appropriation in the fiscal year following a determination by the joint interagency resolution team of adequate capacity of high-end services and supports for foster youth. The bill would require the joint interagency team to oversee the execution of a statewide request for proposal for services to youth with severe mental health and intellectual or developmental disabilities and to report to the State Department of Social Services on the status of services, to be included in a specified report. The bill would appropriate \$2,000,000 to the department to support that contract.

The bill would require the joint interagency resolution team to convene stakeholders to determine the feasibility of, and make recommendations for, establishing one or more child and family networks of care to consolidate purchasing power across counties and enhancing quality improvement activities to meet the needs of children, youth, and families involved and at risk of involvement in the child welfare and juvenile justice systems, and would require the joint interagency resolution team to submit prescribed reports to the Legislature.

(4) Existing law generally provides for the placement of foster youth in various placement settings, and governs the provision of mental health services to foster youth. Among other things, existing law authorizes foster youth to be placed in a short-term residential therapeutic program if an interagency placement committee determines that the youth meets certain criteria, including that the youth either meets the medical necessity criteria for Medi-Cal specialty mental health services, is assessed as seriously emotionally disturbed, or their 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, in collaboration 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 pilot program to be implemented for 5 years. The bill would require the State Department of Social 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 of operation by an applicant. The bill would require the State Department of Social Services to select counties or regional collaboratives of counties on a competitive basis and would require proposals to participate in the pilot program to be submitted no later than March 1, 2022, and would require grant funds to be disbursed no later than May 1, 2022.

This bill would require participating entities to develop and implement a highly integrated continuum of care for foster youth with high acuity mental health needs that permits the seamless transition of foster youth between treatment settings and programs, as needed for the appropriate treatment of the foster youth. The bill would authorize a participating entity to adjust or modify any required component of the continuum of care based on local needs and circumstances. 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, *by 3 years after the commencement of the program, but not later than April 1, 2025, and again within one year after the pilot program's end date*, to submit a 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 January 1, 2022.

(5) Existing law requires each county to, at the county's option, develop a county plan for wraparound services. 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.

(6) Existing law establishes the jurisdiction of the juvenile court and authorizes the removal of a child subject to the jurisdiction of the juvenile court from the physical custody of their parent. Existing law provides for the placement of children removed for the physical custody of their parent pursuant to these provisions and authorizes a child to be placed in an out-of-state group home if the juvenile court finds that certain conditions have been met, including that in-state facilities or programs have been determined to be unavailable or inadequate to meet the needs of the minor.

This bill would instead prohibit the placement of a minor in an out-of-state group care facility and would require the State Department of Social Services, by July 1, 2021, to terminate all placements in, and certifications of, out-of-state group care facilities accepting California children placed by county social services agencies or probation departments. The bill would make related changes to reflect this prohibition.

~~(6)~~

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

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

~~(7)~~

(8) This bill would appropriate \$9,000,000 from the General Fund to the State Department of Developmental Services to expand home-

and community-based regional center vendored facilities serving children with intellectual and developmental disabilities who are in crisis or require specialized, ongoing care and services.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

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

11 (2) Further, Chapter 815 of the Statutes of 2018 built upon the
12 Continuum of Care Reform effort by promoting a coordinated,
13 timely, and trauma-informed system-of-care approach for children
14 and youth in foster care who have experienced severe trauma. The
15 law requires county-level, cross-systems memorandums of
16 understanding, a joint interagency resolution team to promote
17 access to services for youth and families, and an analysis of gaps
18 in placement types or availability and recommendations to fill
19 those gaps.

20 (3) Despite these important gains, it remains that some child
21 welfare- and juvenile-justice-involved youth have complex,
22 persistent, and pervasive cross-system needs, including behavioral
23 health that cannot be safely met in a family-based placement
24 setting. While short-term residential therapeutic programs,
25 established pursuant to Chapter 773 of the Statutes of 2015, were
26 originally conceptualized to meet this need, for a multitude of
27 reasons, those programs do not represent the intensive tier of
28 treatment needed to serve the small number of youth with the most
29 profound needs who are served by child welfare and probation
30 agencies.

31 (4) Until December 2020, due to the lack of intensive treatment
32 options available in California, foster youth with the most complex,

1 persistent, and pervasive needs were placed in out-of-state
2 residential settings far from their homes and communities.

3 (5) In December 2020, the State Department of Social Services
4 decertified all out-of-state facilities, leading to the expedited return
5 of all foster youth residing in out-of-state placements to California.

6 (6) However, the system gaps that led to *some* out-of-state
7 placements still exist and there is an urgent imperative to address
8 these system gaps for this small population of youth in order to
9 support California’s commitment to children, youth, and families
10 served by the foster care system. Currently, there is not a sufficient
11 number of intensive crisis treatment options for youth with the
12 highest acuity needs, nor a continuum to both prevent and assist
13 in the transition of youth from intensive treatment.

14 (7) Youth impacted by commercial sexual exploitation, youth
15 with high acuity intellectual disabilities, and youth with *the most*
16 *complex, persistent, and pervasive* behavioral health needs require
17 specialized and individually tailored services and supports that are
18 not always available within California.

19 (8) According to the State Department of Social Services 2018
20 Semi-Annual report on the Title IV-E Well-Being Project,
21 “securing placement homes for high acuity youth is difficult as
22 there is currently a lack of families prepared for and/or willing to
23 care for these youth.”

24 (9) Foster youth experiencing an acute behavioral health crisis
25 must have access to an integrated continuum of intensive and
26 highly individualized crisis treatment settings to support
27 stabilization and step-down to home-based care. These continuums
28 must be available across the state to reduce the need for traumatic
29 and costly ambulance transportation across significant distances.

30 (10) Only in the most critical and urgent situations where the
31 safety of the youth is of concern should restrictive treatment
32 settings be considered. When those options are utilized, facilities
33 must align their services and programs to the trauma-informed
34 care required by federal and state laws, with additional safeguards
35 in place to reduce lengths of stay and assurances that youth and
36 families are connected seamlessly to a continuum of care and
37 services to promote healing and step-down to home-based care.

38 (b) It is the intent of the Legislature in enacting this act, in
39 alignment with the goals of Continuum of Care Reform and
40 Chapter 815 of the Statutes of 2018, to establish systems of care

1 to build trauma-informed services in home- and community-based
2 settings, to establish a roadmap with short- and long-term strategies
3 for state and local agencies, working in partnership, to ultimately
4 meet these desired goals and improve safety, permanency, and
5 well-being outcomes for children, youth, and families served by
6 the foster care system.

7 *SEC. 2. Section 7911 of the Family Code is amended to read:*

8 7911. The Legislature finds and declares all of the following:

9 (a) The health and safety of California children placed by a
10 county social services agency or probation department out of state
11 pursuant to the provisions of the Interstate Compact on the
12 Placement of Children are a matter of statewide concern.

13 ~~(b) The Legislature therefore affirms its intention that the State~~
14 ~~Department of Social Services has full authority to require an~~
15 ~~assessment and placement recommendation by a county~~
16 ~~multidisciplinary team prior to placement of a child in an~~
17 ~~out-of-state group home, to investigate allegations of child abuse~~
18 ~~or neglect of minors so placed, and to ensure that out-of-state group~~
19 ~~homes, accepting California children, meet all California group~~
20 ~~home licensing standards.~~

21 ~~(c) The Legislature also affirms its intention that, on and after~~
22 ~~January 1, 2017, the licensing standards applicable to out-of-state~~
23 ~~group homes certified by the department shall be those required~~
24 ~~of short-term residential therapeutic programs operated in this~~
25 ~~state.~~

26 *(b) The Legislature affirms its intent to increase the use of*
27 *home-based family care and the provision of services and supports*
28 *to home-based family care, reduce the use of congregate care*
29 *placement settings, and create faster paths to permanency resulting*
30 *in shorter durations of involvement in the child welfare and juvenile*
31 *justice systems.*

32 *(c) The Legislature therefore declares a moratorium on all new*
33 *placements in, and certifications of, out-of-state facilities accepting*
34 *California children placed by county social services agencies or*
35 *probation departments effective July 1, 2021.*

36 (d) This section is declaratory of existing law with respect to
37 the Governor's designation of the State Department of Social
38 Services to act as the compact administrator and of that department
39 to act as the single state agency charged with supervision of public

1 social services under Section 10600 of the Welfare and Institutions
2 Code.

3 *SEC. 3. Section 7911.1 of the Family Code is repealed.*

4 ~~7911.1. (a) Notwithstanding any other law, the State~~
5 ~~Department of Social Services or its designee shall investigate any~~
6 ~~threat to the health and safety of children placed by a California~~
7 ~~county social services agency or probation department in an~~
8 ~~out-of-state group home pursuant to the provisions of the Interstate~~
9 ~~Compact on the Placement of Children. This authority shall include~~
10 ~~the authority to interview children or staff in private or review~~
11 ~~their file at the out-of-state facility or wherever the child or files~~
12 ~~may be at the time of the investigation. Notwithstanding any other~~
13 ~~law, the State Department of Social Services or its designee shall~~
14 ~~require certified out-of-state group homes to comply with the~~
15 ~~reporting requirements applicable to short-term residential~~
16 ~~therapeutic programs licensed in California for each child in care~~
17 ~~regardless of whether the child is a California placement, by~~
18 ~~submitting a copy of the required reports to the Compact~~
19 ~~Administrator within regulatory timeframes. The Compact~~
20 ~~Administrator within one business day of receiving a serious events~~
21 ~~report shall verbally notify the appropriate placement agencies~~
22 ~~and, within five working days of receiving a written report from~~
23 ~~the out-of-state group home, forward a copy of the written report~~
24 ~~to the appropriate placement agencies.~~

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

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

38 ~~(2) (A) On and after January 1, 2017, the licensing standards~~
39 ~~applicable to out-of-state group homes certified by the department,~~
40 ~~as described in paragraph (1), shall be those required of short-term~~

1 residential therapeutic programs operated in this state, unless the
2 out-of-state group home is granted an extension pursuant to
3 subdivision (d) of Section 11462.04 of the Welfare and Institutions
4 Code or has otherwise been granted a waiver pursuant to this
5 subdivision.

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

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

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

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

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

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

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

39 (f) (1) A multidisciplinary team shall consist of participating
40 members from county social services, county mental health, county

1 probation, county superintendents of schools, and other members,
2 as determined by the county.

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

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

11 ~~(2) Any judicial proceeding to contest the department's~~
12 ~~determination as to the status of the out-of-state group home~~
13 ~~certificate shall be held in California pursuant to Section 1094.5~~
14 ~~of the Code of Civil Procedure.~~

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

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

27 *SEC. 4. Section 7911.1 is added to the Family Code, to read:*

28 *7911.1. (a) Pursuant to Section 7911, the State Department*
29 *of Social Services shall terminate all placements in, and*
30 *certifications of, out-of-state group care facilities accepting*
31 *California children placed by county social services agencies or*
32 *probation departments effective July 1, 2021.*

33 *(b) Notwithstanding any other law, the State Department of*
34 *Social Services is authorized to enforce Section 7911 and retains*
35 *its authority to investigate any threat to the health and safety of*
36 *children placed by a California county social services agency or*
37 *probation department.*

38 *SEC. 5. Section 7912 of the Family Code is repealed.*

39 ~~7912. (a) The Legislature finds and declares that the health~~
40 ~~and safety of children in out-of-state group home care pursuant to~~

1 the Interstate Compact on the Placement of Children is a matter
2 of statewide concern. The Legislature therefore affirms its intention
3 that children placed by a county social services agency or probation
4 department in out-of-state group homes be accorded the same
5 personal rights and safeguards of a child placed in a California
6 group home. This section is in clarification of existing law.

7 (b) (1) The Compact Administrator may temporarily suspend
8 any new placements in an out-of-state group home, for a period
9 not to exceed 100 days, pending the completion of an investigation,
10 pursuant to subdivision (a) of Section 7911.1, regarding a threat
11 to the health and safety of children in care. During any suspension
12 period the department or its designee shall have staff daily onsite
13 at the out-of-state group home.

14 (2) On and after January 1, 2017, the licensing standards
15 applicable to out-of-state group homes certified by the State
16 Department of Social Services shall be those required of short-term
17 residential therapeutic programs operated in this state.

18 SEC. 6. Section 7912 is added to the Family Code, to read:

19 7912. On and after January 1, 2017, the licensing standards
20 applicable to out-of-state group homes certified by the State
21 Department of Social Services shall be those required of short-term
22 residential therapeutic programs operated in this state.

23 SEC. 2.

24 SEC. 7. Section 1502 of the Health and Safety Code is amended
25 to read:

26 1502. As used in this chapter:

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

34 (1) "Residential facility" means any family home, group care
35 facility, or similar facility determined by the department, for
36 24-hour nonmedical care of persons in need of personal services,
37 supervision, or assistance essential for sustaining the activities of
38 daily living or for the protection of the individual.

39 (2) "Adult day program" means any community-based facility
40 or program that provides care to persons 18 years of age or older

1 in need of personal services, supervision, or assistance essential
2 for sustaining the activities of daily living or for the protection of
3 these individuals on less than a 24-hour basis.

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

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

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

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

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

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

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

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

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

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

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

23 (i) Assumes care, custody, and control of a child through
24 relinquishment of the child to the agency or involuntary termination
25 of parental rights to the child.

26 (ii) Assesses the birth parents, prospective adoptive parents, or
27 child.

28 (iii) Places children for adoption.

29 (iv) Supervises adoptive placements.

30 (B) Private full-service adoption agencies shall be organized
31 and operated on a nonprofit basis. As a condition of licensure to
32 provide intercountry adoption services, a full-service adoption
33 agency shall be accredited and in good standing according to Part
34 96 (commencing with Section 96.1) of Title 22 of the Code of
35 Federal Regulations, or supervised by an accredited primary
36 provider, or acting as an exempted provider, in compliance with
37 Subpart F (commencing with Section 96.29) of Part 96 of Title 22
38 of the Code of Federal Regulations.

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

4 (i) Assesses the prospective adoptive parents.

5 (ii) Cooperatively matches children freed for adoption, who are
6 under the care, custody, and control of a licensed adoption agency,
7 for adoption, with assessed and approved adoptive applicants.

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

11 (B) Private noncustodial adoption agencies shall be organized
12 and operated on a nonprofit basis. As a condition of licensure to
13 provide intercountry adoption services, a noncustodial adoption
14 agency shall be accredited and in good standing according to Part
15 96 (commencing with Section 96.1) of Title 22 of the Code of
16 Federal Regulations, or supervised by an accredited primary
17 provider, or acting as an exempted provider, in compliance with
18 Subpart F (commencing with Section 96.29) of Part 96 of Title 22
19 of the Code of Federal Regulations.

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

27 (12) “Transitional housing placement provider” means an
28 organization licensed by the department pursuant to Section
29 1559.110 to provide transitional housing to foster children who
30 are at least 16 years of age to promote their transition to adulthood.
31 A transitional housing placement provider shall be privately
32 operated and organized on a nonprofit basis.

33 (13) “Group home” means a residential facility that provides
34 24-hour care and supervision to children, delivered at least in part
35 by staff employed by the licensee in a structured environment. The
36 care and supervision provided by a group home shall be
37 nonmedical, except as otherwise permitted by law.

38 (14) “Youth homelessness prevention center” means a group
39 home licensed by the department to operate a program pursuant
40 to Section 1502.35 to provide voluntary, short-term, shelter and

1 personal services to homeless youth, youth who are at risk of
2 homelessness, youth who are exhibiting status offender behavior,
3 or runaway youth, as defined in paragraph (2) of subdivision (a)
4 of Section 1502.35.

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

18 (16) “Community crisis home” means a facility certified by the
19 State Department of Developmental Services pursuant to Article
20 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
21 of the Welfare and Institutions Code, and licensed by the State
22 Department of Social Services pursuant to Article 9.7 (commencing
23 with Section 1567.80), as an adult residential facility, providing
24 24-hour nonmedical care to individuals with developmental
25 disabilities receiving regional center service, in need of crisis
26 intervention services, and who would otherwise be at risk of
27 admission to the acute crisis center at Fairview Developmental
28 Center, Sonoma Developmental Center, an acute general hospital,
29 acute psychiatric hospital, an institution for mental disease, as
30 described in Part 5 (commencing with Section 5900) of Division
31 5 of the Welfare and Institutions Code, or an out-of-state
32 placement. A community crisis home shall have a maximum
33 capacity of eight consumers, as defined in subdivision (a) of
34 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
35 42 of the Code of Federal Regulations, and shall be eligible for
36 federal Medicaid home- and community-based services funding.

37 (17) “Crisis nursery” means a facility licensed by the department
38 to operate a program pursuant to Section 1516 to provide short-term
39 care and supervision for children under six years of age who are

1 voluntarily placed for temporary care by a parent or legal guardian
2 due to a family crisis or stressful situation.

3 (18) “Short-term residential therapeutic program” means a
4 residential facility operated by a public agency or private
5 organization and licensed by the department pursuant to Section
6 1562.01 that provides an integrated program of specialized and
7 intensive care and supervision, services and supports, treatment,
8 and short-term, 24-hour care and supervision to children. The care
9 and supervision provided by a short-term residential therapeutic
10 program shall be nonmedical, except as otherwise permitted by
11 law. Private short-term residential therapeutic programs shall be
12 organized and operated on a nonprofit basis. A short-term
13 residential therapeutic program may be operated as a children’s
14 crisis residential program.

15 (19) “Private alternative boarding school” means a group home
16 licensed by the department to operate a program pursuant to Section
17 1502.2 to provide youth with 24-hour residential care and
18 supervision, which, in addition to providing educational services
19 to youth, provides, or holds itself out as providing,
20 behavioral-based services to youth with social, emotional, or
21 behavioral issues. The care and supervision provided by a private
22 alternative boarding school shall be nonmedical, except as
23 otherwise permitted by law.

24 (20) “Private alternative outdoor program” means a group home
25 licensed by the department to operate a program pursuant to Section
26 1502.21 to provide youth with 24-hour residential care and
27 supervision, which provides, or holds itself out as providing,
28 behavioral-based services in an outdoor living setting to youth
29 with social, emotional, or behavioral issues. The care and
30 supervision provided by a private alternative outdoor program
31 shall be nonmedical, except as otherwise permitted by law.

32 (21) “Children’s crisis residential program” means a facility
33 licensed by the department as a short-term residential therapeutic
34 program pursuant to Section 1562.02 and approved by the State
35 Department of Health Care Services, or a county mental health
36 plan to which the State Department of Health Care Services has
37 delegated approval authority, to operate a children’s crisis
38 residential mental health program approval pursuant to Section
39 11462.011 of the Welfare and Institutions Code, to serve children

1 experiencing mental health crises as an alternative to psychiatric
2 hospitalization.

3 (22) “Specialized foster home” means a facility licensed by the
4 department as providing 24-hour care for foster children that is
5 the residence of the foster parent or parents, including their family,
6 with enhanced care and supervision provided by the foster parent
7 or parents who have completed specialized training and meet other
8 requirements pursuant to standards developed by the department,
9 as specified in Section 1502.25, to meet the higher level of needs
10 of youth placed by county child welfare agencies or probation
11 departments. The residence may be owned or operated by the foster
12 parent or parents, a foster family agency, short-term residential
13 treatment facility, or the county.

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

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

17 ~~SEC. 3.~~

18 *SEC. 8.* Section 1502.25 is added to the Health and Safety
19 Code, immediately following Section 1502.21, to read:

20 1502.25. (a) (1) The department shall license specialized
21 foster homes as residential facilities providing board, care, and
22 supervision by a resource parent pursuant to standards developed
23 in consultation with county placing agencies and interested
24 stakeholders.

25 (2) At a minimum, specialized foster homes shall meet the
26 standards described in Section 16519.5 of the Welfare and
27 Institutions Code. These standards shall include, but are not limited
28 to, training standards that include trauma-informed approaches to
29 meet the needs of children, youth, and nonminor dependents who
30 reside in specialized foster homes. The specialized foster homes
31 shall complete training as a condition of obtaining and maintaining
32 licensure, as directed by the department. Training topics shall
33 include, but not be limited to, all of the following:

34 (A) Developing strong independent living skills.

35 (B) Promoting and facilitating connections for youth with family
36 and important adult connections, with the goal of facilitating
37 relational permanency.

38 (C) Providing support to achieve educational outcomes and
39 career and educational goals. This shall include active engagement
40 in any educational plan developed for the youth, as appropriate.

1 (D) Providing emotional support to youth and supporting the
2 youth's journey to recovery and healing from trauma and engaging
3 in the child or youth's mental health treatment plan, as appropriate.

4 (E) Promoting health and wellness activities, including
5 encouraging and facilitating attendance in any extracurricular
6 activities.

7 (F) Requiring participation in any child and family team
8 meetings and transitional independent living planning.

9 (G) Training in topics described in Section 16519.5 of the
10 Welfare and Institutions Code.

11 (b) The rate paid to the resource parent shall be established by
12 the department to include regional rates, and may include multiple
13 rates based on the models to be developed by the department in
14 consultation with county placing agencies and relevant
15 stakeholders, and shall not exceed the rate paid for short-term
16 residential treatment programs.

17 (c) By January 1, 2023, the department shall adopt regulations
18 and determine appropriate provider rates to implement this section,
19 in consultation with county placing agencies and interested
20 stakeholders. The rates shall be based on actual estimated costs
21 and may include costs that are ineligible for federal financial
22 participation. These rates shall be adjusted based on cost-of-living
23 changes on an annual basis, effective July 1 of each year.

24 (d) Except as otherwise provided by law, the requirements set
25 forth in Article 2 (commencing with Section 16519.5) of Chapter
26 5 of Part 4 of Division 9 of the Welfare and Institutions Code shall
27 apply to specialized foster homes.

28 (e) Notwithstanding the Administrative Procedure Act (Chapter
29 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
30 Title 2 of the Government Code), the department may implement
31 this section by publishing information releases or similar
32 instructions from the director until the regulations adopted by the
33 department pursuant to subdivision (c) become effective.

34 ~~SEC. 4.~~

35 *SEC. 9.* Section 1562.01 of the Health and Safety Code is
36 amended to read:

37 1562.01. (a) The department shall license short-term residential
38 therapeutic programs, as defined in paragraph (18) of subdivision
39 (a) of Section 1502, pursuant to this chapter. A short-term
40 residential therapeutic program shall comply with all requirements

1 of this chapter that are applicable to group homes and to the
2 requirements of this section.

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

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

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

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

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

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

22 (c) (1) A short-term residential therapeutic program shall have
23 up to 12 months from the date of licensure to obtain in good
24 standing a mental health program approval that includes a Medi-Cal
25 mental health certification, as set forth in Sections 4096.5 and
26 11462.01 of the Welfare and Institutions Code.

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

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

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

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

39 (A) A statement of purposes and goals.

1 (B) A plan for the supervision, evaluation, and training of staff.
2 The training plan shall be appropriate to meet the needs of staff
3 and children.

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

5 (i) Description of the short-term residential therapeutic
6 program's ability to support the differing needs of children and
7 their families with short-term, specialized, and intensive treatment.

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

12 (iii) Procedures for the development, implementation, and
13 periodic updating of the needs and services plan for children served
14 by the short-term residential therapeutic program and procedures
15 for collaborating with the child and family team described in
16 paragraph (4) of subdivision (a) of Section 16501 of the Welfare
17 and Institutions Code, that include, but are not limited to, a
18 description of the services to be provided to meet the treatment
19 needs of the child as assessed, pursuant to subdivision (d) or (e)
20 of Section 11462.01 of the Welfare and Institutions Code, the
21 anticipated duration of the treatment, and the timeframe and plan
22 for transitioning the child to a less restrictive family environment.

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

24 (v) A description of compliance with the mental health program
25 approval requirement in subdivision (c). A short-term residential
26 therapeutic program that has not satisfied the requirement in
27 subdivision (c) shall demonstrate the ability to meet the mental
28 health service needs of children.

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

33 (ia) Identification of home-based family settings for a child who
34 no longer needs the level of care and supervision provided by a
35 short-term residential therapeutic program.

36 (ib) Continuity of care, services, and treatment as a child moves
37 from their short-term residential therapeutic program placement
38 to home-based family care or to a permanent living situation
39 through reunification, adoption, or guardianship.

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

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

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

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

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

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

25 (B) If the application does not contain a letter of
26 recommendation as described in subparagraph (A), then the
27 department shall cease review of the application. Nothing in this
28 paragraph shall constitute a denial of the application for purposes
29 of Section 1526 or any other law.

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

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

38 (g) (1) The department shall adopt regulations to establish
39 requirements for the education, qualification, and training of facility
40 managers and staff who provide care and supervision to children

1 or who have regular, direct contact with children in the course of
2 their responsibilities in short-term residential therapeutic programs
3 consistent with the intended role of these facilities to provide
4 short-term, specialized, and intensive treatment.

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

7 (A) Staff classifications.

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

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

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

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

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

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

23 (C) Training to be completed annually.

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

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

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

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

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

40 (E) Core practice model.

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

2 (G) Reasonable and prudent parent standard.

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

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

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

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

18 (L) Basic instruction on existing laws and procedures regarding
19 the safety of foster youth at school, and ensuring a harassment-
20 and violence-free school environment pursuant to Article 5
21 (commencing with Section 32250) of Chapter 2 of Part 19 of
22 Division 1 of Title 1 of the Education Code.

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

25 (N) Health issues in foster care.

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

29 (i) (1) Each person employed as a facility manager or staff
30 member of a short-term residential therapeutic program, who
31 provides direct care and supervision to children and youth residing
32 in the short-term residential therapeutic program shall be at least
33 21 years of age.

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

38 (j) Notwithstanding this chapter, the department may establish
39 requirements for licensed group homes that are transitioning to
40 short-term residential therapeutic programs, which may include,

1 but not be limited to, requirements related to application and plan
2 of operation.

3 (k) A short-term residential therapeutic program shall have a
4 qualified and certified administrator, as set forth in Section
5 1522.41.

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

15 (m) The department shall have the authority to inspect a
16 short-term residential therapeutic program pursuant to the system
17 of governmental monitoring and oversight developed by the
18 department pursuant to subdivision (c) of Section 11462 of the
19 Welfare and Institutions Code.

20 *SEC. 10. Section 361.21 of the Welfare and Institutions Code*
21 *is repealed.*

22 ~~361.21. (a) The court shall not order the placement of a minor~~
23 ~~in an out-of-state group home, unless the court finds, in its order~~
24 ~~of placement, that all of the following conditions have been met:~~

25 ~~(1) The out-of-state group home is licensed or certified for the~~
26 ~~placement of minors by an agency of the state in which the minor~~
27 ~~will be placed.~~

28 ~~(2) The out-of-state group home meets the requirements of~~
29 ~~Section 7911.1 of the Family Code.~~

30 ~~(3) In-state facilities or programs have been determined to be~~
31 ~~unavailable or inadequate to meet the needs of the minor.~~

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

35 ~~(c) A county shall not be entitled to receive or expend any public~~
36 ~~funds for the placement of a minor in an out-of-state group home~~
37 ~~unless the requirements of subdivisions (a) and (b) are met.~~

38 *SEC. 11. Section 361.21 is added to the Welfare and Institutions*
39 *Code, to read:*

1 361.21. (a) *The court shall not order the placement of a minor*
2 *in an out-of-state group care facility.*

3 (b) *A county shall not be entitled to receive or expend any public*
4 *funds for the placement of a minor in an out-of-state group care*
5 *facility.*

6 SEC. 12. *Section 362.2 of the Welfare and Institutions Code*
7 *is amended to read:*

8 362.2. It is the intent of the Legislature that if a placement
9 out-of-home is necessary pursuant to an individualized education
10 program, that this placement be as near the child's home as
11 possible, unless it is not in the best interest of the child. ~~When the~~
12 ~~court determines that it is the best interest of the child to be placed~~
13 ~~out-of-state, the court shall read into the record that in-state~~
14 ~~alternatives have been explored and that they cannot meet the~~
15 ~~needs of the child, and the court shall state on the record the reasons~~
16 ~~for the out-of-state placement. The court shall not order the~~
17 ~~placement of a child in an out-of-state group care facility.~~

18 SEC. 13. *Section 366 of the Welfare and Institutions Code is*
19 *amended to read:*

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

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

28 (B) The extent of the agency's compliance with the case plan
29 in making reasonable efforts, or, in the case of a child 16 years of
30 age or older with another planned permanent living arrangement,
31 the ongoing and intensive efforts, to return the child to a safe home
32 and to complete any steps necessary to finalize the permanent
33 placement of the child, including efforts to maintain relationships
34 between a child who is 10 years of age or older and who has been
35 in an out-of-home placement for six months or longer, and
36 individuals other than the child's siblings who are important to the
37 child, consistent with the child's best interests. Where it is known
38 or there is reason to know that the child is an Indian child, as
39 defined by Section 224.1, the court shall also determine whether
40 the agency has made active efforts, as defined in Section 224.1

1 and as described in Section 361.7, to provide remedial services
2 and rehabilitative programs designed to prevent the breakup of the
3 Indian family.

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

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

16 (I) The nature of the relationship between the child and ~~his or~~
17 ~~her~~ *the child's* siblings.

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

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

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

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

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

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

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

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

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

37 (ii) The factors the court may consider in making a determination
38 regarding the nature of the child's sibling relationships may
39 include, but are not limited to, whether the siblings were raised
40 together in the same home, whether the siblings have shared

1 significant common experiences or have existing close and strong
2 bonds, whether either sibling expresses a desire to visit or live with
3 ~~his or her~~ *their* sibling, as applicable, and whether ongoing contact
4 is in the child's best emotional interests.

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

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

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

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

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

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

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

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

34 (A) Placement with a relative.

35 (B) Placement of siblings in the same home.

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

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

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

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

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

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

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

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

16 (e) A child ~~may~~ shall not be placed in an out-of-state group
17 home, or remain in an out-of-state group home, unless the group
18 home is in compliance with Section 7911.1 of the Family Code.
19 care facility.

20 (f) The status review of every nonminor dependent, as defined
21 in subdivision (v) of Section 11400, shall be conducted pursuant
22 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503
23 until dependency jurisdiction is terminated pursuant to Section
24 391.

25 *SEC. 14. Section 706.6 of the Welfare and Institutions Code*
26 *is amended to read:*

27 706.6. (a) Services to minors are best provided in a framework
28 that integrates service planning and delivery among multiple
29 service systems, including the mental health system, using a
30 team-based approach, such as a child and family team. A child
31 and family team brings together individuals that engage with the
32 child or youth and family in assessing, planning, and delivering
33 services. Use of a team approach increases efficiency, and thus
34 reduces cost, by increasing coordination of formal services and
35 integrating the natural and informal supports available to the child
36 or youth and family.

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

(2) In its development of the case plan, the probation agency shall consider 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:

1 (i) Short-term residential therapeutic programs.

2 (ii) Group homes.

3 (iii) Community treatment facilities.

4 ~~(iv) Out-of-state residential treatment pursuant to Part 5~~
5 ~~(commencing with Section 7900) of Division 12 of the Family~~
6 ~~Code.~~

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

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

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

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

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

36 (f) Specific time-limited goals and related activities designed
37 to enable the safe return of the minor to ~~his or her~~ *their* home, or
38 in the event that return to ~~his or her~~ *their* home is not possible,
39 activities designed to result in permanent placement or

1 emancipation. Specific responsibility for carrying out the planned
2 activities shall be assigned to one or more of the following:

3 (1) The probation department.

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

6 (3) The minor.

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

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

10 (h) (1) Scheduled visits between the minor and ~~his or her~~ *their*
11 family and an explanation if no visits are made.

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

14 (A) The nature of the relationship between the child and ~~his or~~
15 ~~her~~ *their* siblings.

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

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

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

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

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

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

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

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

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

35 (3) The factors the court may consider in making a determination
36 regarding the nature of the child's sibling relationships may
37 include, but are not limited to, whether the siblings were raised
38 together in the same home, whether the siblings have shared
39 significant common experiences or have existing close and strong
40 bonds, whether either sibling expresses a desire to visit or live with

1 ~~his or her~~ *their* sibling, as applicable, and whether ongoing contact
2 is in the child's best emotional interests.

3 (i) ~~(1)~~ When placement is made in a foster family home, group
4 home, or other child care institution that is either a substantial
5 distance from the home of the minor's parent or legal guardian or
6 out of state, the case plan shall specify the reasons why the
7 placement is the most appropriate and is in the best interest of the
8 minor.

9 ~~(2) When an out-of-state group home placement is recommended~~
10 ~~or made, the case plan shall comply with Section 727.1 of this~~
11 ~~code and Section 7911.1 of the Family Code. In addition,~~
12 ~~documentation of the recommendation of the multidisciplinary~~
13 ~~team and the rationale for this particular placement shall be~~
14 ~~included. The case plan shall also address what in-state services~~
15 ~~or facilities were used or considered and why they were not~~
16 ~~recommended.~~

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

20 (k) A schedule of visits between the minor and the probation
21 officer, including a monthly visitation schedule for those children
22 placed in group homes.

23 (l) Health and education information about the minor, school
24 records, immunizations, known medical problems, and any known
25 medications the minor may be taking, names and addresses of the
26 minor's health and educational providers; the minor's grade level
27 performance; assurances that the minor's placement in foster care
28 takes into account proximity to the school in which the minor was
29 enrolled at the time of placement; and other relevant health and
30 educational information.

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

37 (n) (1) The updated case plan prepared for a permanency
38 planning hearing shall include a recommendation for a permanent
39 plan for the minor. The identified permanent plan for a minor under
40 16 years of age shall be return home, adoption, legal guardianship,

1 or placement with a fit and willing relative. The case plan shall
2 identify any barriers to achieving legal permanence and the steps
3 the agency will take to address those barriers.

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

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

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

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

32 *SEC. 15. Section 727.1 of the Welfare and Institutions Code*
33 *is repealed.*

34 ~~727.1. (a) If the court orders the care, custody, and control of~~
35 ~~the minor to be under the supervision of the probation officer for~~
36 ~~foster care placement pursuant to subdivision (a) of Section 727,~~
37 ~~the decision regarding choice of placement, pursuant to Section~~
38 ~~706.6, shall be based upon selection of a safe setting that is the~~
39 ~~least restrictive or most familylike, and the most appropriate setting~~
40 ~~that meets the individual needs of the minor and is available, in~~

1 proximity to the parent's home, consistent with the selection of
2 the environment best suited to meet the minor's special needs and
3 best interests. The selection shall consider, in order of priority,
4 placement with relatives, tribal members, and foster family, group
5 care, and residential treatment pursuant to Section 7950 of the
6 Family Code.

7 (b) Unless otherwise authorized by law, the court shall not order
8 the placement of a minor who is adjudged a ward of the court on
9 the basis that he or she is a person described by either Section 601
10 or 602 in a private residential facility or program that provides
11 24-hour supervision, outside of the state, unless the court finds, in
12 its order of placement, that all of the following conditions are met:

13 (1) In-state facilities or programs have been determined to be
14 unavailable or inadequate to meet the needs of the minor.

15 (2) The State Department of Social Services or its designee has
16 performed initial and continuing inspection of the out-of-state
17 residential facility or program and has either certified that the
18 facility or program meets the greater of all licensure standards
19 required of group homes or of short-term residential therapeutic
20 programs operated in California, or that the department has granted
21 a waiver to a specific licensing standard upon a finding that there
22 exists no adverse impact to health and safety, pursuant to
23 subdivision (c) of Section 7911.1 of the Family Code.

24 (3) The requirements of Section 7911.1 of the Family Code are
25 met.

26 (c) If, upon inspection, the probation officer of the county in
27 which the minor is adjudged a ward of the court determines that
28 the out-of-state facility or program is not in compliance with the
29 standards required under paragraph (2) of subdivision (b) or has
30 an adverse impact on the health and safety of the minor, the
31 probation officer may temporarily remove the minor from the
32 facility or program. The probation officer shall promptly inform
33 the court of the minor's removal, and shall return the minor to the
34 court for a hearing to review the suitability of continued out-of-state
35 placement. The probation officer shall, within one business day
36 of removing the minor, notify the State Department of Social
37 Services' Compact Administrator, and, within five working days,
38 submit a written report of the findings and actions taken.

1 ~~(d) The court shall review each of these placements for~~
2 ~~compliance with the requirements of subdivision (b) at least once~~
3 ~~every six months.~~

4 ~~(e) The county shall not be entitled to receive or expend any~~
5 ~~public funds for the placement of a minor in an out-of-state group~~
6 ~~home or short-term residential therapeutic program, unless the~~
7 ~~conditions of subdivisions (b) and (d) are met.~~

8 *SEC. 16. Section 727.1 is added to the Welfare and Institutions*
9 *Code, to read:*

10 *727.1. (a) If the court orders the care, custody, and control*
11 *of the minor to be under the supervision of the probation officer*
12 *for foster care placement pursuant to subdivision (a) of Section*
13 *727, the decision regarding choice of placement, pursuant to*
14 *Section 706.6, shall be based upon selection of a safe setting that*
15 *is the least restrictive or most familylike, and the most appropriate*
16 *setting that meets the individual needs of the minor and is*
17 *available, in proximity to the parent's home, consistent with the*
18 *selection of the environment best suited to meet the minor's special*
19 *needs and best interests. The selection shall consider, in order of*
20 *priority, placement with relatives, tribal members, and foster*
21 *family, group care, and residential treatment pursuant to Section*
22 *7950 of the Family Code.*

23 *(b) The court shall not order the placement of a minor who is*
24 *adjudged a ward of the court on the basis that the minor is a person*
25 *described by either Section 601 or 602 in a private residential*
26 *facility or program that provides 24-hour supervision, outside of*
27 *the state.*

28 *(c) The county shall not be entitled to receive or expend any*
29 *public funds for the placement of a minor in an out-of-state group*
30 *home or short-term residential therapeutic program.*

31 *SEC. 17. Section 4096 of the Welfare and Institutions Code is*
32 *amended to read:*

33 *4096. (a) This section governs interagency placement*
34 *committees related to the placement of dependents and wards into*
35 *short-term residential therapeutic programs, as specified in Section*
36 *11462.01, and group homes operating at a rate classification level*
37 *13 or 14 that have been granted an extension pursuant to Section*
38 *11462.04, and out-of-state residential programs operating pursuant*
39 *to Section 7911.1 of the Family Code. 11462.04. This section shall*

1 also apply to determinations made pursuant to paragraph (1) of
2 subdivision (e) of Section 4094.5, as applicable.

3 (1) Interagency collaboration and children's program services
4 shall be structured in a manner that will facilitate implementation
5 of the goals of Part 4 (commencing with Section 5850) of Division
6 5 to develop protocols outlining the roles and responsibilities of
7 placing agencies and programs regarding nonemergency
8 placements of foster children in certified residential therapeutic
9 programs.

10 (2) Components shall be added to state-county performance
11 contracts required in Section 5650 that provide for reports from
12 counties on how this section is implemented.

13 (3) The State Department of Health Care Services shall develop
14 performance contract components required by paragraph (2).

15 (4) Performance contracts subject to this section shall document
16 that the procedures to be implemented in compliance with this
17 section have been approved by the county social services
18 department and the county probation department.

19 (b) Funds specified in subdivision (a) of Section 17601 for
20 services to wards of the court and dependent children of the court
21 shall be allocated and distributed to counties based on the number
22 of wards of the court and dependent children of the court in the
23 county.

24 (c) A county may utilize funds allocated pursuant to subdivision
25 (b) only if the county has established an operational interagency
26 placement committee with a membership that includes at least the
27 county placement agency and a licensed mental health professional
28 from the county department of mental health. If necessary, the
29 funds may be used for costs associated with establishing the
30 interagency placement committee.

31 (d) Funds allocated pursuant to subdivision (b) shall be used to
32 provide services to wards of the court and dependent children of
33 the court jointly identified by county mental health, social services,
34 and probation departments as the highest priority. Every effort
35 shall be made to match those funds with funds received pursuant
36 to Title XIX of the federal Social Security Act, contained in
37 Subchapter 19 (commencing with Section 1396) of Chapter 7 of
38 Title 42 of the United States Code.

39 (e) (1) Each interagency placement committee shall establish
40 procedures whereby a ward of the court or dependent child of the

1 court, or a voluntarily placed child whose placement is funded by
2 the Aid to Families with Dependent Children-Foster Care Program,
3 who is to be placed or is currently placed in a program, as specified
4 in subdivision (a), shall be determined to meet one of the following:

5 (A) ~~He or she~~ *The child* meets the medical necessity criteria for
6 Medi-Cal specialty mental health services, as the criteria are
7 described in Section 1830.205 or 1830.210 of Title 9 of the
8 California Code of Regulations.

9 (B) ~~He or she~~ *The child* is assessed as seriously emotionally
10 disturbed, as described in subdivision (a) of Section 5600.3.

11 (C) ~~His or her~~ *The child's* individual behavioral or treatment
12 needs can only be met by the level of care provided in a program,
13 as specified in subdivision (a).

14 (2) The determination required by paragraph (1) shall do all of
15 the following:

16 (A) Ensure that the care and services that the child needs are
17 provided by a program, as specified in subdivision (a).

18 (B) Ensure that the requirements of subdivision (c) of Section
19 16514 have been met with respect to commonality of need.

20 (C) Consider the detailed history that shall be provided by the
21 placing agency outlining behavior that may pose a threat to the
22 health or safety of that child and the other children residing in the
23 program and consider any potential interference with the
24 effectiveness of the care and services provided to that child and
25 the other children residing in the program, as specified in
26 subdivision (a).

27 (D) Describe additional safety measures and therapeutic
28 interventions needed to mitigate identified challenging behaviors
29 or risks to the safety of the child and other children in the facility.

30 (E) Present the determination to the placing agency within five
31 business days of the referral.

32 (3) Nothing in this subdivision shall prohibit an interagency
33 placement committee from considering an assessment that was
34 provided by a licensed mental health professional, as described in
35 subdivision (g), and that was developed consistent with procedures
36 established by the county pursuant to paragraph (1).

37 (4) The State Department of Health Care Services and the State
38 Department of Social Services shall develop a dispute resolution
39 process or utilize an existing dispute resolution process currently
40 operated by each department to jointly review a disputed

1 interagency placement committee determination made pursuant
2 to this subdivision. The departments shall report the developed or
3 utilized dispute resolution process to the appropriate policy and
4 fiscal committees of the Legislature no later than January 1, 2017,
5 and shall track the number of disputes reported and resolved, and
6 provide that information to the Legislature annually as part of the
7 State Budget process. Notwithstanding the rulemaking provisions
8 of the Administrative Procedure Act (Chapter 3.5 (commencing
9 with Section 11340) of Part 1 of Division 3 of Title 2 of the
10 Government Code), the departments may issue guidance on the
11 joint review process for dispute resolution by written directive.

12 (f) The interagency placement committee shall document the
13 results of the determination required by subdivision (e) and shall
14 notify the appropriate provider in writing, of those results within
15 10 days of the completion of the determination.

16 (g) If the child's or youth's placement is not funded by the Aid
17 to Families with Dependent Children-Foster Care Program, a
18 licensed mental health professional, or an otherwise recognized
19 provider of mental health services, shall certify that the child has
20 been assessed as meeting the medical necessity criteria for
21 Medi-Cal specialty mental health Early and Periodic Screening,
22 Diagnosis, and Treatment services, as the criteria are described in
23 Section 1830.210 of Title 9 of the California Code of Regulations,
24 or assessed as seriously emotionally disturbed, as described in
25 subdivision (a) of Section 5600.3. A "licensed mental health
26 professional" includes a physician licensed under Section 2050 of
27 the Business and Professions Code, a licensed psychologist within
28 the meaning of subdivision (a) of Section 2902 of the Business
29 and Professions Code, a licensed clinical social worker within the
30 meaning of subdivision (a) of Section 4996 of the Business and
31 Professions Code, a licensed marriage and family therapist within
32 the meaning of subdivision (b) of Section 4980 of the Business
33 and Professions Code, or a licensed professional clinical counselor
34 within the meaning of subdivision (e) of Section 4999.12.

35 ~~SEC. 5.~~

36 *SEC. 18.* Section 11400 of the Welfare and Institutions Code
37 is amended to read:

38 11400. For purposes of this article, and Article 6 (commencing
39 with Section 11450), the following definitions shall apply:

1 (a) "Aid to Families with Dependent Children-Foster Care
2 (AFDC-FC)" means the aid provided on behalf of needy children
3 in foster care under the terms of this division.

4 (b) "Case plan" means a written document that, at a minimum,
5 specifies the type of home in which the child shall be placed, the
6 safety of that home, and the appropriateness of that home to meet
7 the child's needs. It shall also include the agency's plan for
8 ensuring that the child receive proper care and protection in a safe
9 environment, and shall set forth the appropriate services to be
10 provided to the child, the child's family, and the foster parents, in
11 order to meet the child's needs while in foster care, and to reunify
12 the child with the child's family. In addition, the plan shall specify
13 the services that will be provided or steps that will be taken to
14 facilitate an alternate permanent plan if reunification is not possible.

15 (c) "Certified family home" means an individual or family
16 certified by a licensed foster family agency and issued a certificate
17 of approval by that agency as meeting licensing standards, and
18 used exclusively by that foster family agency for placements.

19 (d) "Family home" means the family residence of a licensee in
20 which 24-hour care and supervision are provided for children.

21 (e) "Small family home" means any residential facility, in the
22 licensee's family residence, which provides 24-hour care for six
23 or fewer foster children who have mental disorders or
24 developmental or physical disabilities and who require special care
25 and supervision as a result of their disabilities.

26 (f) "Foster care" means the 24-hour out-of-home care provided
27 to children whose own families are unable or unwilling to care for
28 them, and who are in need of temporary or long-term substitute
29 parenting.

30 (g) "Foster family agency" means a licensed community care
31 facility, as defined in paragraph (4) of subdivision (a) of Section
32 1502 of the Health and Safety Code. Private foster family agencies
33 shall be organized and operated on a nonprofit basis.

34 (h) "Group home" means a nondetention privately operated
35 residential home, organized and operated on a nonprofit basis only,
36 of any capacity, or a nondetention licensed residential care home
37 operated by the County of San Mateo with a capacity of up to 25
38 beds, that accepts children in need of care and supervision in a
39 group home, as defined by paragraph (13) of subdivision (a) of
40 Section 1502 of the Health and Safety Code.

1 (i) “Periodic review” means review of a child’s status by the
2 juvenile court or by an administrative review panel, that shall
3 include a consideration of the safety of the child, a determination
4 of the continuing need for placement in foster care, evaluation of
5 the goals for the placement and the progress toward meeting these
6 goals, and development of a target date for the child’s return home
7 or establishment of alternative permanent placement.

8 (j) “Permanency planning hearing” means a hearing conducted
9 by the juvenile court in which the child’s future status, including
10 whether the child shall be returned home or another permanent
11 plan shall be developed, is determined.

12 (k) “Placement and care” refers to the responsibility for the
13 welfare of a child vested in an agency or organization by virtue of
14 the agency or organization having (1) been delegated care, custody,
15 and control of a child by the juvenile court, (2) taken responsibility,
16 pursuant to a relinquishment or termination of parental rights on
17 a child, (3) taken the responsibility of supervising a child detained
18 by the juvenile court pursuant to Section 319 or 636, or (4) signed
19 a voluntary placement agreement for the child’s placement; or to
20 the responsibility designated to an individual by virtue of the
21 individual being appointed the child’s legal guardian.

22 (l) “Preplacement preventive services” means services that are
23 designed to help children remain with their families by preventing
24 or eliminating the need for removal.

25 (m) “Relative” means an adult who is related to the child by
26 blood, adoption, or affinity within the fifth degree of kinship,
27 including stepparents, stepsiblings, and all relatives whose status
28 is preceded by the words “great,” “great-great,” or “grand” or the
29 spouse of any of these persons even if the marriage was terminated
30 by death or dissolution.

31 (n) “Nonrelative extended family member” means an adult
32 caregiver who has an established familial or mentoring relationship
33 with the child, as described in Section 362.7.

34 (o) “Voluntary placement” means an out-of-home placement
35 of a child by (1) the county welfare department, probation
36 department, or Indian tribe that has entered into an agreement
37 pursuant to Section 10553.1, after the parents or guardians have
38 requested the assistance of the county welfare department and have
39 signed a voluntary placement agreement, or (2) the county welfare
40 department licensed public or private adoption agency, or the

1 department acting as an adoption agency, after the parents have
2 requested the assistance of either the county welfare department,
3 the licensed public or private adoption agency, or the department
4 acting as an adoption agency for the purpose of adoption planning,
5 and have signed a voluntary placement agreement.

6 (p) “Voluntary placement agreement” means a written agreement
7 between either the county welfare department, probation
8 department, or Indian tribe that has entered into an agreement
9 pursuant to Section 10553.1, licensed public or private adoption
10 agency, or the department acting as an adoption agency, and the
11 parents or guardians of a child that specifies, at a minimum, the
12 following:

13 (1) The legal status of the child.

14 (2) The rights and obligations of the parents or guardians, the
15 child, and the agency in which the child is placed.

16 (q) “Original placement date” means the most recent date on
17 which the court detained a child and ordered an agency to be
18 responsible for supervising the child or the date on which an agency
19 assumed responsibility for a child due to termination of parental
20 rights, relinquishment, or voluntary placement.

21 (r) (1) “Transitional housing placement provider” means an
22 organization licensed by the State Department of Social Services
23 pursuant to Section 1559.110 of the Health and Safety Code to
24 provide supervised transitional housing services to foster children
25 who are at least 16 years of age. A transitional housing placement
26 provider shall be privately operated and organized on a nonprofit
27 basis.

28 (2) Before licensure, a provider shall obtain certification from
29 the applicable county, in accordance with Section 16522.1.

30 (s) “Transitional Housing Program-Plus” means a provider
31 certified by the applicable county, in accordance with subdivision
32 (c) of Section 16522, to provide transitional housing services to
33 former foster youth who have exited the foster care system on or
34 after their 18th birthday.

35 (t) “Whole family foster home” means a resource family,
36 licensed foster family home, approved relative caregiver or
37 nonrelative extended family member’s home, the home of a
38 nonrelated legal guardian whose guardianship was established
39 pursuant to Section 360 or 366.26, certified family home, or a host
40 family of a transitional housing placement provider, that provides

1 foster care for a minor or nonminor dependent parent and their
2 child, and is specifically recruited and trained to assist the minor
3 or nonminor dependent parent in developing the skills necessary
4 to provide a safe, stable, and permanent home for the child. The
5 child of the minor or nonminor dependent parent need not be the
6 subject of a petition filed pursuant to Section 300 to qualify for
7 placement in a whole family foster home.

8 (u) “Mutual agreement” means any of the following:

9 (1) A written voluntary agreement of consent for continued
10 placement and care in a supervised setting between a minor or, on
11 and after January 1, 2012, a nonminor dependent, and the county
12 welfare services or probation department or tribal agency
13 responsible for the foster care placement, that documents the
14 nonminor’s continued willingness to remain in supervised
15 out-of-home placement under the placement and care of the
16 responsible county, tribe, consortium of tribes, or tribal
17 organization that has entered into an agreement with the state
18 pursuant to Section 10553.1, remain under the jurisdiction of the
19 juvenile court as a nonminor dependent, and report any change of
20 circumstances relevant to continued eligibility for foster care
21 payments, and that documents the nonminor’s and social worker’s
22 or probation officer’s agreement to work together to facilitate
23 implementation of the mutually developed supervised placement
24 agreement and transitional independent living case plan.

25 (2) An agreement, as described in paragraph (1), between a
26 nonminor former dependent or ward in receipt of Kin-GAP
27 payments under Article 4.5 (commencing with Section 11360) or
28 Article 4.7 (commencing with Section 11385), and the agency
29 responsible for the Kin-GAP benefits, provided that the nonminor
30 former dependent or ward satisfies the conditions described in
31 Section 11403.01, or one or more of the conditions described in
32 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
33 11403. For purposes of this paragraph and paragraph (3),
34 “nonminor former dependent or ward” has the same meaning as
35 described in subdivision (aa).

36 (3) An agreement, as described in paragraph (1), between a
37 nonminor former dependent or ward in receipt of AFDC-FC
38 payments under subdivision (e) or (f) of Section 11405 and the
39 agency responsible for the AFDC-FC benefits, provided that the
40 nonminor former dependent or ward described in subdivision (e)

1 of Section 11405 satisfies one or more of the conditions described
2 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
3 11403, and the nonminor described in subdivision (f) of Section
4 11405 satisfies the secondary school or equivalent training or
5 certificate program conditions described in that subdivision.

6 (v) “Nonminor dependent” means, on and after January 1, 2012,
7 a foster child, as described in Section 675(8)(B) of Title 42 of the
8 United States Code under the federal Social Security Act who is
9 a current dependent child or ward of the juvenile court, or who is
10 a nonminor under the transition jurisdiction of the juvenile court,
11 as described in Section 450, and who satisfies all of the following
12 criteria:

13 (1) The nonminor dependent has attained 18 years of age while
14 under an order of foster care placement by the juvenile court, and
15 is not more than 19 years of age on or after January 1, 2012, not
16 more than 20 years of age on or after January 1, 2013, or not more
17 than 21 years of age on or after January 1, 2014, and as described
18 in Section 10103.5.

19 (2) The nonminor dependent is in foster care under the
20 placement and care responsibility of the county welfare department,
21 county probation department, Indian tribe, consortium of tribes,
22 or tribal organization that entered into an agreement pursuant to
23 Section 10553.1.

24 (3) The nonminor dependent has a transitional independent
25 living case plan pursuant to Section 475(8) of the federal Social
26 Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal
27 Fostering Connections to Success and Increasing Adoptions Act
28 of 2008 (Public Law 110-351), as described in Section 11403.

29 (w) “Supervised independent living placement” means, on and
30 after January 1, 2012, an independent supervised setting in which
31 the nonminor dependent is living independently, pursuant to
32 Section 472(c) of the federal Social Security Act (42 U.S.C. Sec.
33 672(c)).

34 (x) “Supervised independent living setting,” pursuant to Section
35 472(c) of the federal Social Security Act (42 U.S.C. Sec. 672(c)),
36 includes all of the following:

37 (1) A supervised independent living placement, as defined in
38 subdivision (w), and as specified in a nonminor dependent’s
39 transitional independent living case plan.

(2) A residential housing unit certified by the transitional housing placement provider operating a Transitional Housing Placement program for nonminor dependents, as described in paragraph (2) of subdivision (a) of Section 16522.1.

(3) A transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements. The short-term independent living setting shall not include a youth homelessness prevention center or an adult homeless shelter. A transitional living setting approved by the county for purposes of this paragraph is not subject to licensing pursuant to paragraph (4) of subdivision (l) of Section 1505 of the Health and Safety Code.

(y) “Transitional independent living case plan” means, on or after January 1, 2012, a child’s case plan submitted for the last review hearing held before the child reaches 18 years of age or the nonminor dependent’s case plan, updated every six months, that describes the goals and objectives of how the nonminor will make progress in the transition to living independently and assume incremental responsibility for adult decisionmaking, the collaborative efforts between the nonminor and the social worker, probation officer, or Indian tribal placing entity and the supportive services as described in the transitional independent living plan to ensure active and meaningful participation in one or more of the eligibility criteria described in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, the nonminor’s appropriate supervised placement setting, and the nonminor’s permanent plan for transition to living independently, which includes maintaining or obtaining permanent connections to caring and committed adults, as set forth in paragraph (16) of subdivision (f) of Section 16501.1.

(z) “Voluntary reentry agreement” means a written voluntary agreement between a former dependent child or ward or a former nonminor dependent, who has had juvenile court jurisdiction terminated pursuant to Section 391, 452, or 607.2, and the county welfare or probation department or tribal placing entity that documents the nonminor’s desire and willingness to reenter foster care, to be placed in a supervised setting under the placement and care responsibility of the placing agency, the nonminor’s desire, willingness, and ability to immediately participate in one or more of the conditions of paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, the nonminor’s agreement to work

1 collaboratively with the placing agency to develop their transitional
2 independent living case plan within 60 days of reentry, the
3 nonminor's agreement to report any changes of circumstances
4 relevant to continued eligibility for foster care payments, and (1)
5 the nonminor's agreement to participate in the filing of a petition
6 for juvenile court jurisdiction as a nonminor dependent pursuant
7 to subdivision (e) of Section 388 within 15 judicial days of the
8 signing of the agreement and the placing agency's efforts and
9 supportive services to assist the nonminor in the reentry process,
10 or (2) if the nonminor meets the definition of a nonminor former
11 dependent or ward, as described in subdivision (aa), the nonminor's
12 agreement to return to the care and support of their former juvenile
13 court-appointed guardian and meet the eligibility criteria for
14 AFDC-FC pursuant to subdivision (e) of Section 11405.

15 (aa) "Nonminor former dependent or ward" means, on and after
16 January 1, 2012, either of the following:

17 (1) A nonminor who reached 18 years of age while subject to
18 an order for foster care placement, and for whom dependency,
19 delinquency, or transition jurisdiction has been terminated, and
20 who is still under the general jurisdiction of the court.

21 (2) A nonminor who is over 18 years of age and, while a minor,
22 was a dependent child or ward of the juvenile court when the
23 guardianship was established pursuant to Section 360 or 366.26,
24 or subdivision (d) of Section 728, and the juvenile court
25 dependency or wardship was dismissed following the establishment
26 of the guardianship.

27 (ab) "Youth homelessness prevention center" means a type of
28 group home, as defined in paragraph (14) of subdivision (a) of
29 Section 1502 of the Health and Safety Code, that is not an eligible
30 placement option under Sections 319, 361.2, 450, and 727, and
31 that is ineligible for AFDC-FC funding pursuant to subdivision
32 (c) of Section 11402 or Section 11462.

33 (ac) "Transition dependent" is a minor between 17 years and
34 five months and 18 years of age who is subject to the court's
35 transition jurisdiction under Section 450.

36 (ad) "Short-term residential therapeutic program" means a
37 nondetention, licensed community care facility, as defined in
38 paragraph (18) of subdivision (a) of Section 1502 of the Health
39 and Safety Code, that provides an integrated program of specialized
40 and intensive care and supervision, services and supports, and

1 treatment for the child or youth, when the child's or youth's case
2 plan specifies the need for, nature of, and anticipated duration of
3 this specialized treatment. Short-term residential therapeutic
4 programs shall be organized and operated on a nonprofit basis.

5 (ae) "Resource family" means an approved caregiver, as defined
6 in subdivision (c) of Section 16519.5.

7 (af) "Core Services" mean services, made available to children,
8 youth, and nonminor dependents either directly or secured through
9 agreement with other agencies, which are trauma informed and
10 culturally relevant as specified in Sections 11462 and 11463.

11 (ag) "Specialized foster home" has the same meaning as that
12 term is defined in paragraph (22) of subdivision (a) of Section
13 1502 of the Health and Safety Code, and described in Section
14 1502.25 of the Health and Safety Code.

15 ~~SEC. 6.~~

16 *SEC. 19.* Section 11402 of the Welfare and Institutions Code
17 is amended to read:

18 11402. To be eligible for AFDC-FC, a child or nonminor
19 dependent shall be placed in one of the following:

20 (a) Before January 1, 2021:

21 (1) The approved home of a relative, provided the child or youth
22 is otherwise eligible for federal financial participation in the
23 AFDC-FC payment.

24 (2) The approved home of a nonrelative extended family
25 member, as described in Section 362.7.

26 (3) The licensed family home of a nonrelative.

27 (b) The approved home of a resource family, as defined in
28 Section 16519.5, if either of the following is true:

29 (1) The caregiver is a nonrelative.

30 (2) The caregiver is a relative, and the child or youth is otherwise
31 eligible for federal financial participation in the AFDC-FC
32 payment.

33 (c) A small family home, as defined in paragraph (6) of
34 subdivision (a) of Section 1502 of the Health and Safety Code.

35 (d) A housing unit, as described in Section 1559.110 of the
36 Health and Safety Code, certified by a licensed transitional housing
37 placement provider, as defined in paragraph (12) of subdivision

38 (a) of Section 1502 of the Health and Safety Code and subdivision
39 (r) of Section 11400.

1 (e) An approved supervised independent living setting for
2 nonminor dependents, as described in subdivision (w) of Section
3 11400.

4 (f) A licensed foster family agency, as defined in subdivision
5 (g) of Section 11400 and paragraph (4) of subdivision (a) of Section
6 1502 of the Health and Safety Code, for placement into a certified
7 or approved home used exclusively by the foster family agency.

8 (g) A short-term residential therapeutic program, as defined in
9 subdivision (ad) of Section 11400 and paragraph (18) of
10 subdivision (a) of Section 1502 of the Health and Safety Code.

11 ~~(h) An out-of-state group home that meets the requirements of~~
12 ~~paragraph (2) of subdivision (c) of Section 11460, provided that~~
13 ~~the placement worker, in addition to complying with all other~~
14 ~~statutory requirements for placing a child or youth in an out-of-state~~
15 ~~group home, documents that the requirements of Section 7911.1~~
16 ~~of the Family Code have been met.~~

17 ~~(i)~~

18 (h) A community treatment facility, as defined in paragraph (8)
19 of subdivision (a) of Section 1502 of the Health and Safety Code,
20 and as set forth in Article 5 (commencing with Section 4094) of
21 Chapter 3 of Part 1 of Division 4.

22 ~~(j)~~

23 (i) A community care facility licensed pursuant to Chapter 3
24 (commencing with Section 1500) of Division 2 of the Health and
25 Safety Code and vendored by a regional center pursuant to Section
26 56004 of Title 17 of the California Code of Regulations.

27 ~~(k)~~

28 (j) The home of a nonrelated legal guardian or the home of a
29 former nonrelated legal guardian when the guardianship of a child
30 or youth who is otherwise eligible for AFDC-FC has been
31 dismissed due to the child or youth attaining 18 years of age.

32 ~~(l)~~

33 (k) A dormitory or other designated housing of a postsecondary
34 educational institution in which a minor dependent who is enrolled
35 at the postsecondary educational institution is living independently,
36 as described in Section 11402.7.

37 ~~(m)~~

38 (l) On or after April 1, 2021, a residential family-based treatment
39 facility for substance abuse, in which an eligible child is placed
40 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.

~~(n)~~

(m) “Specialized foster home” has the same meaning as that term is defined in paragraph (22) of subdivision (a) of Section 1502 of the Health and Safety Code, and described in Section 1502.25 of the Health and Safety Code.

~~SEC. 7.~~

SEC. 20. Section 11461.7 is added to the Welfare and Institutions Code, immediately following Section 11461.6, to read:

11461.7. (a) It is the intent of the Legislature that youth with intellectual or developmental disabilities in foster care receive appropriate services and supports from regional centers.

(b) By February 1, 2022, the State Department of Social Services shall update its payment guidance to authorize counties to claim federal funding for placements made to a regional center vendored facility. The guidance shall include costs above the established short-term residential therapeutic program rate.

SEC. 21. *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.

1 (2) The case plan shall document that a preplacement assessment
2 of the service needs of the child and family, and preplacement
3 preventive services, have been provided, and that reasonable efforts
4 to prevent out-of-home placement have been made. Preplacement
5 services may include intensive mental health services in the home
6 or a community setting and the reasonable efforts made to prevent
7 out-of-home placement.

8 (3) In determining the reasonable services to be offered or
9 provided, the child's health and safety shall be the paramount
10 concerns.

11 (4) Upon a determination pursuant to paragraph (1) of
12 subdivision (e) of Section 361.5 that reasonable services will be
13 offered to a parent who is incarcerated in a county jail or state
14 prison, detained by the United States Department of Homeland
15 Security, or deported to their country of origin, the case plan shall
16 include information, to the extent possible, about a parent's
17 incarceration in a county jail or the state prison, detention by the
18 United States Department of Homeland Security, or deportation
19 during the time that a minor child of that parent is involved in
20 dependency care.

21 (5) Reasonable services shall be offered or provided to make it
22 possible for a child to return to a safe home environment, unless,
23 pursuant to subdivisions (b) and (e) of Section 361.5, the court
24 determines that reunification services shall not be provided.

25 (6) If reasonable services are not ordered, or are terminated,
26 reasonable efforts shall be made to place the child in a timely
27 manner in accordance with the permanent plan and to complete
28 all steps necessary to finalize the permanent placement of the child.

29 (c) If out-of-home placement is used to attain case plan goals,
30 the case plan shall consider the recommendations of the child and
31 family team.

32 (d) (1) The case plan shall include a description of the type of
33 home or institution in which the child is to be placed, and the
34 reasons for that placement decision. The decision regarding choice
35 of placement shall be based upon selection of a safe setting that is
36 the least restrictive family setting that promotes normal childhood
37 experiences and the most appropriate setting that meets the child's
38 individual needs and is available, in proximity to the parent's home,
39 in proximity to the child's school, and consistent with the selection
40 of the environment best suited to meet the child's special needs

1 and best interests. The selection shall consider, in order of priority,
2 placement with relatives, nonrelative extended family members,
3 and tribal members; foster family homes, resource families, and
4 approved or certified homes of foster family agencies; followed
5 by intensive services for foster care homes; or multidimensional
6 treatment foster care homes or therapeutic foster care homes; group
7 care placements in the order of short-term residential therapeutic
8 programs, group homes, *and* community treatment facilities, ~~and~~
9 ~~out-of-state residential treatment pursuant to Part 5 (commencing~~
10 ~~with Section 7900) of Division 12 of the Family Code.~~ *facilities.*

11 (2) If a short-term residential therapeutic program placement is
12 selected for a child, the case plan shall indicate the needs of the
13 child that necessitate this placement, the plan for transitioning the
14 child to a less restrictive environment, and the projected timeline
15 by which the child will be transitioned to a less restrictive
16 environment. This section of the case plan shall be reviewed and
17 updated at least semiannually.

18 (A) The case plan for placements in a group home, or
19 commencing January 1, 2017, in a short-term residential therapeutic
20 program, shall indicate that the county has taken into consideration
21 Section 16010.8.

22 (B) (i) After January 1, 2017, a child and family team meeting
23 as described in Section 16501 shall be convened by the county
24 placing agency for the purpose of identifying the supports and
25 services needed to achieve permanency and enable the child or
26 youth to be placed in the least restrictive family setting that
27 promotes normal childhood experiences.

28 (ii) Child and family teams shall be provided written or
29 electronic information developed by the department describing
30 services and activities, including specialized permanency services,
31 shown to be effective in achieving and sustaining permanency for
32 all children, youth, and nonminor dependents.

33 (3) On or after January 1, 2012, for a nonminor dependent, as
34 defined in subdivision (v) of Section 11400, who is receiving
35 AFDC-FC benefits and who is up to 21 years of age pursuant to
36 Section 11403, in addition to the above requirements, the selection
37 of the placement, including a supervised independent living
38 placement, as described in subdivision (w) of Section 11400, shall
39 also be based upon the developmental needs of young adults by
40 providing opportunities to have incremental responsibilities that

1 prepare a nonminor dependent to transition to successful adulthood.
2 If admission to, or continuation in, a group home or short-term
3 residential therapeutic program placement is being considered for
4 a nonminor dependent, the group home or short-term residential
5 therapeutic program placement approval decision shall include a
6 youth-driven, team-based case planning process, as defined by the
7 department, in consultation with stakeholders. The case plan shall
8 consider the full range of placement options, and shall specify why
9 admission to, or continuation in, a group home or short-term
10 residential therapeutic program placement is the best alternative
11 available at the time to meet the special needs or well-being of the
12 nonminor dependent, and how the placement will contribute to the
13 nonminor dependent's transition to successful adulthood. The case
14 plan shall specify the treatment strategies that will be used to
15 prepare the nonminor dependent for discharge to a less restrictive
16 family setting that promotes normal childhood experiences,
17 including a target date for discharge from the group home or
18 short-term residential therapeutic program placement. The
19 placement shall be reviewed and updated on a regular, periodic
20 basis to ensure that continuation in the group home or short-term
21 residential therapeutic program placement remains in the best
22 interests of the nonminor dependent and that progress is being
23 made in achieving case plan goals leading to successful adulthood.
24 The group home or short-term residential therapeutic program
25 placement planning process shall begin as soon as it becomes clear
26 to the county welfare department or probation office that a foster
27 child in group home or short-term residential therapeutic program
28 placement is likely to remain in group home or short-term
29 residential therapeutic program placement on their 18th birthday,
30 in order to expedite the transition to a less restrictive family setting
31 that promotes normal childhood experiences, if the child becomes
32 a nonminor dependent. The case planning process shall include
33 informing the youth of all of the options, including, but not limited
34 to, admission to or continuation in a group home or short-term
35 residential therapeutic program placement.

36 (4) Consideration for continuation of existing group home
37 placement for a nonminor dependent under 19 years of age may
38 include the need to stay in the same placement in order to complete
39 high school. After a nonminor dependent either completes high
40 school or attains their 19th birthday, whichever is earlier,

1 continuation in or admission to a group home placement is
2 prohibited unless the nonminor dependent satisfies the conditions
3 of paragraph (5) of subdivision (b) of Section 11403, and group
4 home placement functions as a short-term transition to the
5 appropriate system of care. Treatment services provided by the
6 group home placement to the nonminor dependent to alleviate or
7 ameliorate the medical condition, as described in paragraph (5) of
8 subdivision (b) of Section 11403, shall not constitute the sole basis
9 to disqualify a nonminor dependent from the group home
10 placement.

11 (5) In addition to the requirements of paragraphs (1) to (4),
12 inclusive, and taking into account other statutory considerations
13 regarding placement, the selection of the most appropriate home
14 that will meet the child's special needs and best interests shall also
15 promote educational stability by taking into consideration
16 proximity to the child's school of origin, and school attendance
17 area, the number of school transfers the child has previously
18 experienced, and the child's school matriculation schedule, in
19 addition to other indicators of educational stability that the
20 Legislature hereby encourages the State Department of Social
21 Services and the State Department of Education to develop.

22 (e) A written case plan shall be completed within a maximum
23 of 60 days of the initial removal of the child or of the in-person
24 response required under subdivision (f) of Section 16501 if the
25 child has not been removed from their home, or by the date of the
26 dispositional hearing pursuant to Section 358, whichever occurs
27 first. The case plan shall be updated, as the service needs of the
28 child and family dictate. At a minimum, the case plan shall be
29 updated in conjunction with each status review hearing conducted
30 pursuant to Sections 364, 366, 366.3, and 366.31, and the hearing
31 conducted pursuant to Section 366.26, but no less frequently than
32 once every six months. Each updated case plan shall include a
33 description of the services that have been provided to the child
34 under the plan and an evaluation of the appropriateness and
35 effectiveness of those services.

36 (1) It is the intent of the Legislature that extending the maximum
37 time available for preparing a written case plan from 30 to 60 days
38 will afford caseworkers time to actively engage families, and to
39 solicit and integrate into the case plan the input of the child and

1 the child's family, as well as the input of relatives and other
2 interested parties.

3 (2) The extension of the maximum time available for preparing
4 a written case plan from 30 to 60 days shall be effective 90 days
5 after the date that the department gives counties written notice that
6 necessary changes have been made to the Child Welfare
7 Services/Case Management System (CWS/CMS) to account for
8 the 60-day timeframe for preparing a written case plan.

9 (f) The child welfare services case plan shall be comprehensive
10 enough to meet the juvenile court dependency proceedings
11 requirements pursuant to Article 6 (commencing with Section 300)
12 of Chapter 2 of Part 1 of Division 2.

13 (g) The case plan shall be developed considering the
14 recommendations of the child and family team, as follows:

15 (1) The case plan shall be based upon an assessment of the
16 circumstances that required child welfare services intervention.
17 The child shall be involved in developing the case plan as age and
18 developmentally appropriate.

19 (2) The case plan shall identify specific goals and the
20 appropriateness of the planned services in meeting those goals.

21 (3) The case plan shall identify the original allegations of abuse
22 or neglect, as defined in Article 2.5 (commencing with Section
23 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
24 conditions cited as the basis for declaring the child a dependent of
25 the court pursuant to Section 300, or all of these, and the other
26 precipitating incidents that led to child welfare services
27 intervention.

28 (4) The case plan shall include a description of the schedule of
29 the placement agency contacts with the child and the family or
30 other caretakers. The frequency of these contacts shall be in
31 accordance with regulations adopted by the State Department of
32 Social Services. If the child has been placed in foster care out of
33 state, the county social worker or probation officer, or a social
34 worker or probation officer on the staff of the agency in the state
35 in which the child has been placed, shall visit the child in a foster
36 family home or the home of a relative, consistent with federal law
37 and in accordance with the department's approved state plan. ~~For~~
38 ~~children in out-of-state group home facilities, visits shall be~~
39 ~~conducted at least monthly, pursuant to Section 16516.5. At least~~
40 once every six months, at the time of a regularly scheduled

1 placement agency contact with the foster child, and at each
2 placement change, the child's social worker or probation officer
3 shall inform the child, the care provider, and the child and family
4 team, if applicable, of the child's rights as a foster child, as
5 specified in Section 16001.9, and shall provide a written copy of
6 the rights to the child as part of the explanation. The social worker
7 or probation officer shall provide the information to the child in a
8 manner appropriate to the age or developmental level of the child.
9 The social worker or probation officer shall document in the case
10 plan that they have informed the child of, and have provided the
11 child with a written copy of, the child's rights.

12 (5) (A) When out-of-home services are used, the frequency of
13 contact between the natural parents or legal guardians and the child
14 shall be specified in the case plan. The frequency of those contacts
15 shall reflect overall case goals, and consider other principles
16 outlined in this section.

17 (B) Information regarding any court-ordered visitation between
18 the child and the natural parents or legal guardians, and the terms
19 and conditions needed to facilitate the visits while protecting the
20 safety of the child, shall be provided to the child's out-of-home
21 caregiver as soon as possible after the court order is made.

22 (6) When out-of-home placement is made, the case plan shall
23 include provisions for the development and maintenance of sibling
24 relationships as specified in subdivisions (b), (c), and (d) of Section
25 16002. If appropriate, when siblings who are dependents of the
26 juvenile court are not placed together, the social worker for each
27 child, if different, shall communicate with each of the other social
28 workers and ensure that the child's siblings are informed of
29 significant life events that occur within their extended family.
30 Unless it has been determined that it is inappropriate in a particular
31 case to keep siblings informed of significant life events that occur
32 within the extended family, the social worker shall determine the
33 appropriate means and setting for disclosure of this information
34 to the child commensurate with the child's age and emotional
35 well-being. These significant life events shall include, but shall
36 not be limited to, the following:

37 (A) The death of an immediate relative.

38 (B) The birth of a sibling.

39 (C) Significant changes regarding a dependent child, unless the
40 child objects to the sharing of the information with their siblings,

1 including changes in placement, major medical or mental health
2 diagnoses, treatments, or hospitalizations, arrests, and changes in
3 the permanent plan.

4 (7) If out-of-home placement is made in a foster family home,
5 resource family home, group home, or other childcare institution
6 that is either a substantial distance from the home of the child's
7 parent or out of state, the case plan shall specify the reasons why
8 that placement is in the best interest of the child. ~~When an~~
9 ~~out-of-state group home placement is recommended or made, the~~
10 ~~case plan shall, in addition, specify compliance with Section 7911.1~~
11 ~~of the Family Code.~~

12 (8) A case plan shall ensure the educational stability of the child
13 while in foster care and shall include both of the following:

14 (A) An assurance that the placement takes into account the
15 appropriateness of the current educational setting and the proximity
16 to the school in which the child is enrolled at the time of placement.

17 (B) An assurance that the placement agency has coordinated
18 with the person holding the right to make educational decisions
19 for the child and appropriate local educational agencies to ensure
20 that the child remains in the school in which the child is enrolled
21 at the time of placement or, if remaining in that school is not in
22 the best interests of the child, assurances by the placement agency
23 and the local educational agency to provide immediate and
24 appropriate enrollment in a new school and to provide all of the
25 child's educational records to the new school.

26 (9) (A) If out-of-home services are used, or if parental rights
27 have been terminated and the case plan is placement for adoption,
28 the case plan shall include a recommendation regarding the
29 appropriateness of unsupervised visitation between the child and
30 any of the child's siblings. This recommendation shall include a
31 statement regarding the child's and the siblings' willingness to
32 participate in unsupervised visitation. If the case plan includes a
33 recommendation for unsupervised sibling visitation, the plan shall
34 also note that information necessary to accomplish this visitation
35 has been provided to the child or to the child's siblings.

36 (B) Information regarding the schedule and frequency of the
37 visits between the child and siblings, as well as any court-ordered
38 terms and conditions needed to facilitate the visits while protecting
39 the safety of the child, shall be provided to the child's out-of-home
40 caregiver as soon as possible after the court order is made.

1 (10) If out-of-home services are used and the goal is
2 reunification, the case plan shall describe the services to be
3 provided to assist in reunification and the services to be provided
4 concurrently to achieve legal permanency if efforts to reunify fail.
5 The plan shall also consider in-state and out-of-state placements,
6 the importance of developing and maintaining sibling relationships
7 pursuant to Section 16002, and the desire and willingness of the
8 caregiver to provide legal permanency for the child if reunification
9 is unsuccessful.

10 (11) If out-of-home services are used, the child has been in care
11 for at least 12 months, and the goal is not adoptive placement, the
12 case plan shall include documentation of the compelling reason
13 or reasons why termination of parental rights is not in the child's
14 best interest. A determination completed or updated within the
15 past 12 months by the department when it is acting as an adoption
16 agency or by a licensed adoption agency that it is unlikely that the
17 child will be adopted, or that one of the conditions described in
18 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
19 be deemed a compelling reason.

20 (12) (A) Parents and legal guardians shall have an opportunity
21 to review the case plan, and to sign it whenever possible, and then
22 shall receive a copy of the plan. In a voluntary service or placement
23 agreement, the parents or legal guardians shall be required to
24 review and sign the case plan. Whenever possible, parents and
25 legal guardians shall participate in the development of the case
26 plan. Commencing January 1, 2012, for nonminor dependents, as
27 defined in subdivision (v) of Section 11400, who are receiving
28 AFDC-FC or CalWORKs assistance and who are up to 21 years
29 of age pursuant to Section 11403, the transitional independent
30 living case plan, as set forth in subdivision (y) of Section 11400,
31 shall be developed with, and signed by, the nonminor.

32 (B) Parents and legal guardians shall be advised that, pursuant
33 to Section 1228.1 of the Evidence Code, neither their signature on
34 the child welfare services case plan nor their acceptance of any
35 services prescribed in the child welfare services case plan shall
36 constitute an admission of guilt or be used as evidence against the
37 parent or legal guardian in a court of law. However, they shall also
38 be advised that the parent's or guardian's failure to cooperate,
39 except for good cause, in the provision of services specified in the
40 child welfare services case plan may be used in any hearing held

1 pursuant to Section 366.21, 366.22, or 366.25 of this code as
2 evidence.

3 (13) A child shall be given a meaningful opportunity to
4 participate in the development of the case plan and state their
5 preference for foster care placement. A child who is 12 years of
6 age or older and in a permanent placement shall also be given the
7 opportunity to review the case plan, sign the case plan, and receive
8 a copy of the case plan.

9 (14) The case plan shall be included in the court report, and
10 shall be considered by the court at the initial hearing and each
11 review hearing. Modifications to the case plan made during the
12 period between review hearings need not be approved by the court
13 if the casework supervisor for that case determines that the
14 modifications further the goals of the plan. If out-of-home services
15 are used with the goal of family reunification, the case plan shall
16 consider and describe the application of subdivision (b) of Section
17 11203.

18 (15) (A) If the case plan has as its goal for the child a permanent
19 plan of adoption, legal guardianship, or another planned permanent
20 living arrangement, it shall include a statement of the child's wishes
21 regarding their permanent placement plan and an assessment of
22 those stated wishes. The agency shall also include documentation
23 of the steps the agency is taking to find an adoptive family or other
24 permanent living arrangements for the child; to place the child
25 with an adoptive family, an appropriate and willing relative, or a
26 legal guardian, and to finalize the adoption or legal guardianship.
27 At a minimum, the documentation shall include child-specific
28 recruitment efforts, such as the use of state, regional, and national
29 adoption exchanges, including electronic exchange systems, when
30 the child has been freed for adoption. Regardless of whether the
31 child has been freed for adoption, documentation shall include a
32 description of any barriers to achieving legal permanence and the
33 steps the agency will take to address those barriers. If a child has
34 been in care for three years or more, the documentation shall
35 include a description of the specialized permanency services used
36 or, if specialized permanency services have not been used, a
37 statement explaining why the agency chose not to provide these
38 services. If the plan is for kinship guardianship, the case plan shall
39 document how the child meets the kinship guardianship eligibility
40 requirements.

1 (B) Specific elements of specialized permanency services may
2 be included in the case plan as needed to meet the permanency
3 needs of the individual child or nonminor dependent.

4 (C) When the child is 16 years of age or older and is in another
5 planned permanent living arrangement, the case plan shall identify
6 the intensive and ongoing efforts to return the child to the home
7 of the parent, place the child for adoption, place the child for tribal
8 customary adoption in the case of an Indian child, establish a legal
9 guardianship, or place the child nonminor dependent with a fit and
10 willing relative, as appropriate. Efforts shall include the use of
11 technology, including social media, to find biological family
12 members of the child.

13 (16) (A) (i) For a child who is 14 or 15 years of age, the case
14 plan shall include a written description of the programs and services
15 that will help the child, consistent with the child's best interests,
16 to prepare for the transition from foster care to successful
17 adulthood. The description may be included in the document
18 described in subparagraph (A) of paragraph (18).

19 (ii) When appropriate, for a child who is 16 years of age or older
20 and, commencing January 1, 2012, for a nonminor dependent, the
21 case plan shall include the transitional independent living plan
22 (TILP), a written description of the programs and services that
23 will help the child, consistent with the child's best interests, to
24 prepare for the transition from foster care to successful adulthood,
25 and, in addition, whether the youth has an in-progress application
26 pending for Title XVI Supplemental Security Income benefits or
27 for special immigrant juvenile status or other applicable application
28 for legal residency and an active dependency case is required for
29 that application. When appropriate, for a nonminor dependent, the
30 transitional independent living case plan, as described in
31 subdivision (y) of Section 11400, shall include the TILP, a written
32 description of the programs and services that will help the
33 nonminor dependent, consistent with their best interests, to prepare
34 for transition from foster care and assist the youth in meeting the
35 eligibility criteria set forth in paragraphs (1) to (5), inclusive, of
36 subdivision (b) of Section 11403. If applicable, the case plan shall
37 describe the individualized supervision provided in the supervised
38 independent living placement as defined in subdivision (w) of
39 Section 11400. The case plan shall be developed with the child or
40 nonminor dependent and individuals identified as important to the

1 child or nonminor dependent, and shall include steps the agency
2 is taking to ensure that the child or nonminor dependent achieves
3 permanence, including maintaining or obtaining permanent
4 connections to caring and committed adults.

5 (B) During the 90-day period prior to the participant attaining
6 18 years of age or older as the state may elect under Section
7 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
8 675(8)(B)(iii)), whether during that period foster care maintenance
9 payments are being made on the child's behalf or the child is
10 receiving benefits or services under Section 477 of the federal
11 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
12 appropriate agency staff or probation officer and other
13 representatives of the participant, as appropriate, shall provide the
14 youth or nonminor dependent with assistance and support in
15 developing the written 90-day transition plan, that is personalized
16 at the direction of the child, information as detailed as the
17 participant elects that shall include, but not be limited to, options
18 regarding housing, health insurance, education, local opportunities
19 for mentors and continuing support services, and workforce
20 supports and employment services, a power of attorney for health
21 care, and information regarding the advance health care directive
22 form. Information provided regarding health insurance options
23 shall include verification that the eligible youth or nonminor
24 dependent is enrolled in Medi-Cal and a description of the steps
25 that have been or will be taken by the youth's social worker or
26 probation officer to ensure that the eligible youth or nonminor
27 dependent is transitioned into the Medi-Cal program for former
28 foster youth upon case closure with no interruption in coverage
29 and with no new application being required, as provided in Section
30 14005.28.

31 (C) For youth 14 years of age or older, the case plan shall
32 include documentation that a consumer credit report was requested
33 annually from each of the three major credit reporting agencies at
34 no charge to the youth and that any results were provided to the
35 youth. For nonminor dependents, the case plan shall include
36 documentation that the county assisted the nonminor dependent
37 in obtaining their reports. The case plan shall include
38 documentation of barriers, if any, to obtaining the credit reports.
39 If the consumer credit report reveals any accounts, the case plan
40 shall detail how the county ensured the youth received assistance

1 with interpreting the credit report and resolving any inaccuracies,
2 including any referrals made for the assistance.

3 (17) For youth 14 years of age or older and nonminor
4 dependents, the case plan shall be developed in consultation with
5 the youth. At the youth's option, the consultation may include up
6 to two members of the case planning team who are chosen by the
7 youth and who are not foster parents of, or caseworkers for, the
8 youth. The agency, at any time, may reject an individual selected
9 by the youth to be a member of the case planning team if the
10 agency has good cause to believe that the individual would not act
11 in the youth's best interest. One individual selected by the youth
12 to be a member of the case planning team may be designated to
13 be the youth's adviser and advocate with respect to the application
14 of the reasonable and prudent parent standard to the youth, as
15 necessary.

16 (18) For youth in foster care 14 years of age or older and
17 nonminor dependents, the case plan shall include both of the
18 following:

19 (A) A document that describes the youth's rights with respect
20 to education, health, visitation, and court participation, the right
21 to be annually provided with copies of their credit reports at no
22 cost while in foster care pursuant to Section 10618.6, and the right
23 to stay safe and avoid exploitation.

24 (B) A signed acknowledgment by the youth that they have been
25 provided a copy of the document and that the rights described in
26 the document have been explained to the youth in an
27 age-appropriate manner.

28 (19) The case plan for a child or nonminor dependent who is,
29 or who is at risk of becoming, the victim of commercial sexual
30 exploitation, shall document the services provided to address that
31 issue.

32 (20) For a youth in foster care 10 years of age or older who is
33 in junior high, middle, or high school, or a nonminor dependent
34 enrolled in high school, the case plan shall be reviewed annually,
35 and updated as needed, to indicate that the case management
36 worker has verified that the youth or nonminor dependent received
37 comprehensive sexual health education that meets the requirements
38 established in Chapter 5.6 (commencing with Section 51930) of
39 Part 28 of Division 4 of Title 2 of the Education Code, through

1 the school system. The case plan shall document either of the
2 following:

3 (A) For a youth in junior high or middle school, either that the
4 youth has already received this instruction during junior high or
5 middle school, or how the county will ensure that the youth
6 receives the instruction at least once before completing junior high
7 or middle school if the youth remains under the jurisdiction of the
8 dependency court during this timeframe.

9 (B) For a youth or nonminor dependent in high school, either
10 that the youth or nonminor dependent already received this
11 instruction during high school, or how the county will ensure that
12 the youth or nonminor dependent receives the instruction at least
13 once before completing high school if the youth or nonminor
14 dependent remains under the jurisdiction of the dependency court
15 during this timeframe.

16 (21) (A) For a youth in foster care 10 years of age or older or
17 a nonminor dependent, the case plan shall be updated annually to
18 indicate that the case management worker has done all of the
19 following:

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

26 (ii) Informed the youth or nonminor dependent, in an age- and
27 developmentally appropriate manner, of their right to consent to
28 sexual and reproductive health services and their confidentiality
29 rights regarding those services.

30 (iii) Informed the youth or nonminor dependent how to access
31 reproductive and sexual health care services and facilitated access
32 to that care, including by assisting with any identified barriers to
33 care, as needed.

34 (B) This paragraph shall not be construed to affect any
35 applicable confidentiality law.

36 (22) For a child who is 16 years of age or older and for a
37 nonminor dependent, the case plan shall identify the person or
38 persons, who may include the child's high school counselor,
39 Court-Appointed Special Advocate, guardian, or other adult, who
40 shall be responsible for assisting the child or nonminor dependent

1 with applications for postsecondary education and related financial
2 aid, unless the child or nonminor dependent states that they do not
3 want to pursue postsecondary education, including career or
4 technical education. If, at any point in the future, the child or
5 nonminor dependent expresses that they wish to pursue
6 postsecondary education, the case plan shall be updated to identify
7 an adult individual responsible for assisting the child or nonminor
8 dependent with applications for postsecondary education and
9 related financial aid.

10 (h) If the court finds, after considering the case plan, that
11 unsupervised sibling visitation is appropriate and has been
12 consented to, the court shall order that the child or the child's
13 siblings, the child's current caregiver, and the child's prospective
14 adoptive parents, if applicable, be provided with information
15 necessary to accomplish this visitation. This section does not
16 require or prohibit the social worker's facilitation, transportation,
17 or supervision of visits between the child and their siblings.

18 (i) The case plan documentation on sibling placements required
19 under this section shall not require modification of existing case
20 plan forms until the Child Welfare Services/Case Management
21 System (CWS/CMS) is implemented on a statewide basis.

22 (j) When a child is 10 years of age or older and has been in
23 out-of-home placement for six months or longer, the case plan
24 shall include an identification of individuals, other than the child's
25 siblings, who are important to the child and actions necessary to
26 maintain the child's relationship with those individuals, provided
27 that those relationships are in the best interest of the child. The
28 social worker or probation officer shall ask every child who is 10
29 years of age or older and who has been in out-of-home placement
30 for six months or longer to identify individuals other than the
31 child's siblings who are important to the child, and may ask any
32 other child to provide that information, or may seek that
33 information from the child and family team, as appropriate. The
34 social worker or probation officer shall make efforts to identify
35 other individuals who are important to the child, consistent with
36 the child's best interests.

37 (k) The child's caregiver shall be provided a copy of a plan
38 outlining the child's needs and services. The nonminor dependent's
39 caregiver shall be provided with a copy of the nonminor's TILP.

1 (l) Each county shall ensure that the total number of visits made
2 by caseworkers on a monthly basis to children in foster care during
3 a federal fiscal year is not less than 95 percent of the total number
4 of those visits that would occur if each child were visited once
5 every month while in care and that the majority of the visits occur
6 in the residence of the child. The county child welfare and
7 probation departments shall comply with data reporting
8 requirements that the department deems necessary to comply with
9 the federal Child and Family Services Improvement Act of 2006
10 (Public Law 109-288) and the federal Child and Family Services
11 Improvement and Innovation Act (Public Law 112-34).

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

16 ~~SEC. 8.~~

17 *SEC. 22.* Section 16521.6 of the Welfare and Institutions Code
18 is amended to read:

19 16521.6. To ensure that coordinated, timely, and
20 trauma-informed services are provided to children and youth in
21 foster care who have experienced severe trauma, all of the
22 following shall occur:

23 (a) (1) Each county shall develop and implement a
24 memorandum of understanding setting forth the roles and
25 responsibilities of agencies and other entities that serve children
26 and youth in foster care who have experienced severe trauma.
27 Participants in the development and implementation of the
28 memorandum of understanding shall include, but not be limited
29 to, all of the following:

- 30 (A) The county child welfare agency.
31 (B) The county probation department.
32 (C) The county behavioral health departments.
33 (D) The county office of education.
34 (E) The regional center or centers that serve children and youth
35 with developmental disabilities in the county.
36 (F) Foster care or other child welfare advocacy groups, as
37 deemed appropriate by the organizations that will be parties to the
38 memorandum, serving in an advisory capacity.

39 (2) The memorandum of understanding shall include, at a
40 minimum, provisions addressing all of the following:

1 (A) Establishment and operation of an interagency leadership
2 team.

3 (B) Establishment and operation of an interagency placement
4 committee, as defined in Section 4096.

5 (C) Commitment to implementation of an integrated core
6 practice model.

7 (D) Processes for screening, assessment, and entry to care.

8 (E) Processes for child and family teaming and universal service
9 planning.

10 (F) Alignment and coordination of transportation and other
11 foster youth services.

12 (G) Recruitment and management of resource families and
13 delivery of therapeutic foster care services.

14 (H) Information and data sharing agreements.

15 (I) Staff recruitment, training, and coaching.

16 (J) Financial resource management and cost sharing.

17 (K) Dispute resolution.

18 (3) (A) Members of the interagency leadership team described
19 in subparagraph (A) of paragraph (2), may, to the extent permitted
20 by federal law, and subject to the limitations described in
21 subparagraph (B), disclose to, and exchange with, one another
22 information or a writing that may be designated as confidential
23 under state law if the member of the team having that information
24 or writing reasonably believes it is generally relevant to the
25 identification, reduction, or elimination of barriers to services for,
26 or to placement of, children and youth in foster care or to improve
27 provision of those services or those placements.

28 (B) Members of the interagency leadership team who receive
29 disclosed or exchanged information or a writing pursuant to
30 subparagraph (A) shall destroy or return that information or writing
31 once the purposes for which it was disclosed or exchanged are
32 satisfied. The information or writing shall be used only for the
33 purposes described in subparagraph (A). Any information or
34 writing disclosed or exchanged pursuant to subparagraph (A) shall
35 be confidential and shall not be open to public inspection, unless
36 the information or writing is aggregated and deidentified in a
37 manner that prevents the identification of an individual who is a
38 subject of that information or writing. Any discussion concerning
39 the disclosed or exchanged information or writing during a team

1 meeting shall be confidential and shall not be open to public
2 inspection.

3 (C) Members of an interagency placement committee, as defined
4 in Section 4096, child abuse multidisciplinary personnel team, as
5 defined in Section 18961.7, or child and family team, as defined
6 in paragraph (4) of subdivision (a) of Section 16501, that is
7 convened for the purpose of implementing the provisions of the
8 memorandum of understanding developed pursuant to this
9 subdivision shall comply with applicable statutory confidentiality
10 provisions for that committee or team. Members of teams convened
11 for purposes of implementing the memorandum of understanding
12 shall comply with applicable records retention policies for their
13 respective agencies or programs.

14 (4) To the extent possible, the implementation of the
15 memorandum of understanding shall utilize existing processes and
16 structures within and across the respective organizations that are
17 parties to it.

18 (b) (1) (A) No later than June 1, 2019, the Secretary of
19 California Health and Human Services and the Superintendent of
20 Public Instruction shall establish a joint interagency resolution
21 team consisting of representatives from the State Department of
22 Social Services, the State Department of Health Care Services, the
23 State Department of Developmental Services, and the State
24 Department of Education.

25 (B) (i) The primary roles of the joint interagency resolution
26 team shall be to develop guidance to counties, county offices of
27 education, and regional centers with regard to developing the
28 memoranda of understanding required by this section, to support
29 the implementation of those memoranda of understanding, and to
30 provide technical assistance to counties to identify and secure the
31 appropriate level of services to meet the needs of children and
32 youth in foster care who have experienced severe trauma.

33 (ii) The agencies shall ensure that a process is developed for
34 counties and partner agencies that are parties to the memorandum
35 of understanding to request interdepartmental technical assistance
36 from the joint interagency resolution team.

37 (2) (A) No later than January 1, 2020, the joint interagency
38 resolution team, in consultation with county agencies, service
39 providers, and advocates for children and resource families, shall
40 review the placement and service options available to county child

1 welfare agencies and county probation departments for children
2 and youth in foster care who have experienced severe trauma and
3 shall develop and submit recommendations to the Legislature
4 addressing any identified gaps in placement types or availability,
5 needed services to resource families, or other identified issues.
6 The joint interagency resolution team shall update its review and
7 provide recommendations to the Legislature no later than December
8 31, 2022, that take into account the specific needs and
9 characteristics of youth with unplanned discharges from short-term
10 residential therapeutic programs and youth for whom counties
11 were unable to, or have difficulty with, securing placements and
12 providing trauma-informed services, including, but not limited to,
13 youth impacted by commercial sexual exploitation, youth with
14 acute behavioral needs, and youth with intellectual or
15 developmental disabilities, and articulate a plan to build
16 trauma-informed, therapeutic programs for such in-state youth.

17 (B) A report submitted to the Legislature pursuant to this
18 paragraph shall be submitted in compliance with Section 9795 of
19 the Government Code.

20 (3) No later than June 1, 2020, the joint interagency resolution
21 team, in consultation with county agencies, service providers,
22 behavioral health professionals, schools of social work, and
23 advocates for children and resource families, shall develop a
24 multiyear plan for increasing the capacity and delivery of
25 trauma-informed care to children and youth in foster care served
26 by short-term residential therapeutic programs and other foster
27 care and behavioral health providers.

28 (4) (A) Members of the joint interagency resolution team
29 described in this subdivision may, to the extent permitted by federal
30 law, and subject to the limitations described in subparagraph (B),
31 disclose to, and exchange with, one another information or a
32 writing that may be designated as confidential under state law if
33 the member of the team or committee having that information or
34 writing reasonably believes it is generally relevant to the
35 identification, reduction, or elimination of barriers to services for,
36 or to placement of, children and youth in foster care or to improve
37 provision of those services or those placements.

38 (B) Members of the joint interagency resolution team who
39 receive disclosed or exchanged information, or a writing, pursuant
40 to subparagraph (A), shall destroy or return that information or

1 writing once the purposes for which it was disclosed or exchanged
2 are satisfied. The information or writing shall be used only for the
3 purposes described in subparagraph (A). Any information or
4 writing disclosed or exchanged pursuant to subparagraph (A) shall
5 be confidential and shall not be open to public inspection, unless
6 the information or writing is aggregated and deidentified in a
7 manner that prevents the identification of an individual who is a
8 subject of that information or writing. Any discussion concerning
9 the disclosed or exchanged information or writing during a team
10 meeting shall be confidential and shall not be open to public
11 inspection.

12 (5) The joint interagency resolution team shall track and report
13 deidentified information of youth who have been assisted to
14 preserve, or secure new, intensive therapeutic options. This
15 information shall be posted on the internet website of the California
16 Health and Human Services Agency beginning March 1, 2022,
17 updated every six months, and shall include the number of youth
18 served through its technical assistance process, characteristics of
19 youth served, and outcomes to preserve current placements or
20 secure new placements and services, and, on an annual basis,
21 actions taken or in progress to address systemic issues identified
22 by the team.

23 (c) (1) Notwithstanding Section 13340 of the Government
24 Code, the Legislature hereby continuously appropriates twenty
25 million dollars (\$20,000,000) from the General Fund, on an annual
26 basis, until the determination pursuant to paragraph (2) is made,
27 to the State Department of Social Services for use by county child
28 welfare and probation agencies to support foster youth with
29 unplanned discharges or who are unable to secure a therapeutic
30 program due to exceptional needs. These funds may be used for,
31 but are not limited to, placement preservation activities, enhanced
32 transition planning and assessment services, additional staffing
33 for supervision, and specialized transportation. These funds shall
34 be directly allocated to counties in a manner determined by the
35 department in consultation with the County Welfare Directors
36 Association of California and the Chief Probation Officers of
37 California, and shall not be subject to preauthorization from the
38 department.

39 (2) This continuous appropriation shall end in the fiscal year
40 following a determination by the joint interagency resolution team

1 of adequate capacity of high-end services and supports for foster
2 youth. Upon making that determination, the joint interagency
3 resolution team shall provide a notice to the Legislature of the
4 determination. A notice submitted pursuant to this paragraph shall
5 be submitted in compliance with Section 9795 of the Government
6 Code.

7 (d) The joint interagency resolution team shall oversee the
8 execution of a statewide request for proposal for services to youth
9 with severe mental health and intellectual or developmental
10 disabilities and shall report to the State Department of Social
11 Services on the status of services to be included by the State
12 Department of Social Services as part of the department's
13 supplemental reporting for the Continuum of Care Reform
14 implementation. The Legislature hereby appropriates two million
15 dollars (\$2,000,000) from the General Fund to the State Department
16 of Social Services to support this contract and encourages the joint
17 interagency resolution team to leverage other federal and local
18 fund sources.

19 (e) (1) The joint interagency resolution team shall convene
20 stakeholders, including, but not limited to, representatives of county
21 child welfare, probation, mental health plans, special education
22 agencies, and regional centers, to determine the feasibility of, and
23 make recommendations for, establishing one or more child and
24 family networks of care, for the purpose of consolidating
25 purchasing power across counties and enhancing quality
26 improvement activities to meet the needs of children, youth, and
27 families involved and at risk of involvement in the child welfare
28 and juvenile justice systems, across the full continuum from
29 prevention to high-end intervention.

30 (A) The parameters of the recommendations shall include, but
31 are not limited to, the following:

32 (i) Procurement of services by the network or networks of care
33 with authority to enter into contracts to build regional capacity for
34 the full continuum of services, including, but not limited to,
35 prevention services authorized pursuant to the federal Family First
36 Prevention Services Act, wraparound services, Family Urgent
37 Response System, and residentially based services. This may
38 include the ability to develop and fund alternative models of
39 trauma-informed care and leverage federal, state, and local funding

1 streams to build a continuum of home and community-based
2 services.

3 (ii) Rate-setting authority to the network or networks of care
4 for placement and care, specialty mental health services, regional
5 center services, and other applicable services.

6 (iii) Contractual authority for the network or networks of care
7 that may include additional terms and conditions to ensure
8 equitable access to services for youth and families and continuous
9 quality improvement.

10 (iv) Quality assurance and continuous quality improvement
11 activities to promote trauma-informed services and supports,
12 including, but not limited to, provider performance monitoring,
13 model fidelity of programs, and training and support for providers.

14 (v) Modalities for the administration of the network or networks
15 of care, including, but not limited to, administrative care
16 organizations or joint powers authorities, directed by governance
17 structures that are inclusive of county agencies. This shall include
18 options for establishing and supporting those modalities.

19 (2) The joint interagency resolution team shall explore options
20 to support impacted county agencies for blended funding models,
21 simplified claiming and reporting, and streamlined program
22 oversight, to the extent permitted under federal law, and shall
23 consider any federal waivers or approvals in support of these goals.

24 (3) The recommendations shall ensure decisionmaking,
25 rate-setting, and contracting authority for services and placements
26 remain with the relevant local agencies, with input from child and
27 family teams and supported by local systems of care pursuant to
28 subdivision (a).

29 (4) (A) The joint interagency resolution team shall submit a
30 status report to the Legislature on or before January 1, 2023, and
31 a final report on or before than July 1, 2023.

32 (B) A report to be submitted pursuant to this paragraph shall be
33 submitted in compliance with Section 9795 of the Government
34 Code.

35 ~~SEC. 9.~~

36 *SEC. 23.* Chapter 6 (commencing with Section 16550) is added
37 to Part 4 of Division 9 of the Welfare and Institutions Code, to
38 read:

1 CHAPTER 6. CHILDREN'S CRISIS CONTINUUM PILOT PROGRAM

2
3 16550. For the purposes of this chapter, the following terms
4 have the following meanings:

5 (a) "Department" means the State Department of Social
6 Services.

7 (b) "Foster youth" means a child or youth who is a dependent
8 or ward of the juvenile court and who the juvenile court has ordered
9 into foster care or who is, as determined by the director of the child
10 welfare department, at imminent risk of being found to be a
11 dependent of the juvenile court.

12 (c) "Participating entity" means a county or a regional
13 collaborative of counties that has received a grant pursuant to this
14 chapter.

15 16551. (a) The department, in collaboration with the State
16 Department of Health Care Services, and with input from county
17 child welfare departments, probation departments, *impacted youth*
18 *and families, youth advocates, service providers, community-based*
19 *organizations*, and other stakeholders, shall establish the Children's
20 Crisis Continuum Pilot Program for the purpose of developing
21 treatment options that are needed to support California's
22 commitment *to keep children in families to the greatest degree*
23 *possible based on the best interest of the child and* to eliminate
24 the placement of foster youth with complex needs in out-of-state
25 facilities. *The pilot program shall include guidelines for foster*
26 *youth eligibility and the selection, operation, and evaluation of*
27 *the pilot program.* The pilot program shall be implemented for
28 five years from the date of the appropriation described in Section
29 16554.

30 (b) *The guidelines for the operation of the pilot program shall,*
31 *at a minimum, include a requirement that the participants track*
32 *the information required in Section 16555 and provide each of the*
33 *following within the structure of the pilot program:*

34 (1) *Family supports and services to keep youth in family settings*
35 *from escalating to more restrictive settings whenever possible.*

36 (2) *Limits on placements in the restrictive treatment settings*
37 *operated within the pilot program to the most critical and urgent*
38 *situations where supports and services cannot be provided to keep*
39 *a youth safe in a family setting.*

1 (3) *Limits on length of stay in the restrictive treatment settings*
2 *operated within the pilot program to the time needed to stabilize*
3 *the child and transition the child to a family setting in a manner*
4 *consistent with state law.*

5 (4) *Facility plans of operation that identify the strategies,*
6 *treatment, services, and supports that facility will employ to protect*
7 *youth served by the program treatment and needs and services*
8 *plans for each child that identify the specific strategies, treatment,*
9 *services, and supports that will be used to protect that individual*
10 *youth.*

11 (5) *Seamless connections of youth and families to a continuum*
12 *of care and services to promote healing and step-down to*
13 *family-based care when youth are placed in restrictive treatment*
14 *settings within the pilot program.*

15 (6) *Evidence that all facilities, services providers, and agencies*
16 *used by the pilot program meet all state law requirements for their*
17 *licensure category, align their services and programs to the*
18 *trauma-informed care required by federal and state laws, and*
19 *comply with all state laws, guidelines, and policies established for*
20 *the pilot program.*

21 ~~(b)~~
22 (c) In implementing the pilot program, the department shall do
23 all of the following:

24 (1) Incentivize participation in the pilot program by counties or
25 regional collaboratives of counties in order to develop or enhance
26 comprehensive, integrated, high-end continuums of care for foster
27 youth.

28 (2) (A) Provide technical assistance to applicants, including
29 those that are not selected to participate, and participating entities.
30 Technical assistance shall include, but is not limited to, guidance
31 on program implementation and leveraging multiple sources of
32 public revenue to support long-term sustainability.

33 (B) When providing technical assistance to small and rural
34 counties, the department shall consider the unique needs of those
35 counties and, in addition to any other technical assistance needed,
36 shall assist the county mitigate barriers to participation in the pilot
37 program, including by designing an adjusted or modified
38 continuum of care, as described in paragraph (2) of subdivision
39 (b) of Section 16553.

1 (C) Commit to gathering and providing necessary child-specific
2 information and data, as well as information that may pertain to
3 the overall pilot program site, consistent with the evaluation
4 criteria set forth in Section 16555 and any other outcomes
5 reporting that the department may require.

6 (3) Work with the State Department of Health Care Services
7 and the department's Community Care Licensing Division to make
8 any regulatory changes necessary to support the successful
9 implementation pilot program.

10 (4) Award grants pursuant to this chapter and oversee the
11 successful implementation of the pilot program.

12 ~~(e)~~

13 (d) The State Department of Health Care Services shall
14 determine if any amendments to the Medicaid state plan are
15 necessary to implement the pilot program and, if necessary, seek
16 approval of any amendments to the state plan no later than January
17 1, 2023. It is the intent of the Legislature to utilize federal funding
18 received pursuant to Subchapter XIX (commencing with Section
19 1396) of Chapter 7 of Title 42 of the United States Code to deliver
20 the intensive treatment and services established pursuant to the
21 pilot program.

22 16552. (a) The department shall develop and administer a
23 request for proposals process, and shall develop selection criteria,
24 to determine which applicants shall be selected to participate in
25 the pilot program. At a minimum, the selection criteria shall include
26 both of the following requirements:

27 (1) A lead county applicant. Each lead county applicant shall
28 designate either the county child welfare department, the county
29 behavioral health department, the county mental health plan, or
30 the probation department, to lead the application and
31 implementation process.

32 (2) Submission of a plan of operation by the applicant that
33 includes, at a minimum, all of the following:

34 (A) Demonstrated ability to partner and collaborate across
35 county child welfare, behavioral health, probation, developmental
36 services, and education departments in the design, delivery, and
37 evaluation of the pilot program.

38 (B) A clear articulation and demonstration of the ability to
39 maximize all sources of local, state, and federal funding.

1 (C) An oversight plan that includes utilization review controls
2 to ensure appropriate usage of the continuum of care in a manner
3 that is consistent with the intent of the Legislature in enacting this
4 chapter.

5 (b) The department shall require proposals to participate in the
6 pilot program to be submitted no later than March 1, 2022, and
7 shall disburse grant funds no later than May 1, 2022.

8 (c) The department shall select counties or regional
9 collaboratives of counties to participate in the pilot program on a
10 competitive basis to ensure that the process is fair.

11 16553. (a) Except as otherwise provided, in lieu of providing
12 foster youth with high acuity mental health needs mental health
13 services pursuant to existing statutory procedures, a participating
14 entity shall provide mental health services to foster youth through
15 the continuum of care established pursuant to this chapter. *This*
16 *chapter does not limit the benefits provided to participants by the*
17 *federal Medicaid program, including the Early and Periodic*
18 *Screening, Diagnostic, and Treatment Program (EPSDT).*

19 (b) (1) A participating entity shall develop and implement a
20 highly integrated continuum of care for foster youth with high
21 acuity mental health needs. The continuum of care shall be
22 designed to permit the seamless transition of foster youth, as
23 needed for the appropriate treatment of the foster youth, between
24 treatment settings and programs, which shall include, at a
25 minimum, all of the following:

26 (A) A crisis stabilization unit.

27 (i) The crisis stabilization unit shall have the capacity to provide
28 assessment and stabilization for up to 23 hours and 59 minutes for
29 up to eight youth, be a licensed 24-hour health care facility or
30 hospital-based outpatient program or provider site, and comply
31 with all regulations contained in Chapter 11 (commencing with
32 Section 1810.100) of Division 1 of Title 9 of the California Code
33 of Regulations that are applicable to the provision of crisis
34 stabilization.

35 (ii) The crisis stabilization unit shall be colocated with a
36 psychiatric health facility or other secure hospital alternative setting
37 capable of meeting the needs of youth experiencing a mental health
38 crisis in order to reduce unnecessary and traumatizing delays and
39 ambulance transport when inpatient treatment is necessary.

40 (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 and shall be licensed as a crisis residential program, a short-term residential therapeutic program, or a community treatment facility. 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 as an individualized alternative to residential care pursuant to paragraph (3) of subdivision (a) of Section 11460.

(iii) The crisis residential program shall not serve more than four youth at a time.

(C) A psychiatric health facility.

(i) The psychiatric health facility 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 serve more than four foster youth at a time.

(D) Intensive services foster care with 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 resource families as the number of beds available in the hospital alternative treatment settings.

(ii) Intensive services foster care may be enhanced to include in-home staff who are available to provide care, additional behavioral support, permanency services, mental health services, and educational services 24 hours a day, 7 days a week, as needed.

(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 model equivalent to the department's expedited transition planning services model for youth returning from out-of-state placement, including an expedited

1 transition planning services team, to provide community-based
2 supportive services.

3 (iii) Community-based supportive services shall be available to
4 provide front- and back-end integrated transition services and
5 supports to support treatment gains made in more restrictive
6 placements and minimize reliance on costly and ineffective
7 interventions, including ambulance transport, emergency
8 department visits, and law enforcement involvement.

9 (iv) Each expedited transition planning services team shall
10 include, at a minimum, one mental health professional with a
11 master's degree who is either licensed or license-eligible, one
12 support counselor with a bachelor's degree, and one peer partner.
13 An expedited transition planning services team may serve up to
14 four foster youth at a time and shall have the ability to support
15 foster youth in any out-of-home treatment setting in the continuum
16 of care.

17 (2) Notwithstanding paragraph (1), a participating entity may,
18 based on local needs and circumstances, adjust or modify any
19 required component of the continuum of care if agreed upon by
20 the county departments participating in the implementation of the
21 continuum of ~~care.~~ *care and approved by the department as*
22 *meeting the needs of the target foster youth population in the*
23 *county in a manner that is consistent with the intent of the pilot*
24 *program.*

25 (c) A participating entity shall provide a foster youth
26 participating in the continuum of care, or ensure foster youths
27 participating in the continuum of care are provided, with all of the
28 following:

29 (1) One-on-one services, when clinically indicated.

30 (2) ~~Single-occupancy~~ *Single-occupancy* rooms, unless a ~~double~~
31 ~~occupancy~~ *double-occupancy* room is clinically indicated by the
32 individual plan of care developed by an interdisciplinary treatment
33 team.

34 (3) A deinstitutionalized environment with warm and comforting
35 decor, food, and clothing that maintains safety at all times.

36 (d) The continuum of care created by a participating entity shall,
37 across all service settings, reflect all of the following core program
38 features and service approaches:

39 (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 centering 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, that foster youth are able to step up or step down to more or less restrictive placements across the continuum of care, and that duplicative assessments for foster youth in crisis are eliminated.

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 pilot program.

(b) The department shall work with participating entities to design long-term plans to sustain the successful operation of continuums of care established pursuant to this chapter.

16555. (a) ~~Not~~ *Three years after the commencement of the pilot program, but not later than April 1, 2025, and again within one year of the pilot program's end date,* the department shall submit a report to the Assembly Committee on Human Services and the Senate Committee on Human Services that includes, at a minimum, ~~both~~ *all* of the following:

(1) A description of the impact of the pilot program on desired outcomes, including, but not limited to, 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~~; *treatment, as well as reduced absences from placement by children who received services from the pilot program.*

(2) *An analysis that includes, but is not limited to, all of the following:*

(A) *The reasons children were served by the pilot program.*

(B) *To the extent not covered in subparagraph (A), a discussion of the most common needs of children 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.*

1 (C) *The number of children served in the pilot program,*
2 *including the number of children receiving services in each*
3 *component or level of care in the pilot program, and the length of*
4 *time children were served for each service and level of care,*
5 *including time spent in congregate care settings.*

6 (D) *Types of services provided by the pilot program.*

7 (E) *Outcomes related to child safety, wellbeing, and permanency*
8 *for children who received services within the pilot program, at 6*
9 *months and 12 months after participating in the pilot program, or*
10 *upon exit from foster care.*

11 (F) *Other impacts of the pilot program interventions and*
12 *services on the child.*

13 (G) *The impact of the pilot program on the goals of building*
14 *trauma-informed in-home and community-based services.*

15 ~~(2)~~

16 (3) Best practice recommendations related to the provision of
17 services to foster youth with high acuity mental health needs,
18 including, but not limited to, recommendations relating to program
19 structure, cross-sector partnership and collaboration, and local
20 financing.

21 (b) (1) A report to be submitted pursuant to subdivision (a)
22 shall be submitted in compliance with Section 9795 of the
23 Government Code.

24 (2) Pursuant to Section 10231.5 of the Government Code, this
25 section shall become inoperative on April 1, 2029, and, as of
26 January 1, 2030, is repealed.

27 16556. Notwithstanding the rulemaking provisions of the
28 Administrative Procedure Act (Chapter 3.5 (commencing with
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
30 Code), the department and the State Department of Health Care
31 Services may implement this chapter, and provide guidance to
32 participating entities regarding consistent implementation of this
33 chapter, through all-county letters or other similar instruction. Any
34 guidance issued pursuant to this section shall be issued by January
35 1, 2022.

36 ~~SEC. 10.~~

37 SEC. 24. Section 18257.5 is added to the Welfare and
38 Institutions Code, to read:

39 18257.5. The State Department of Social Services and the State
40 Department of Health Care Services, in consultation with county

1 representatives and other stakeholders, shall develop
2 recommendations for implementing and expanding high-fidelity
3 wraparound services statewide. The departments shall complete
4 these activities no later than one year from the enactment of this
5 section.

6 ~~SEC. 11.~~

7 *SEC. 25.* To the extent that this act has an overall effect of
8 increasing the costs already borne by a local agency for programs
9 or levels of service mandated by the 2011 Realignment Legislation
10 within the meaning of Section 36 of Article XIII of the California
11 Constitution, it shall apply to local agencies only to the extent that
12 the state provides annual funding for the cost increase. Any new
13 program or higher level of service provided by a local agency
14 pursuant to this act above the level for which funding has been
15 provided shall not require a subvention of funds by the state or
16 otherwise be subject to Section 6 of Article XIII B of the California
17 Constitution.

18 With regard to certain other costs that may be incurred by a local
19 agency or school district, no reimbursement is required by this act
20 pursuant to Section 6 of Article XIII B of the California
21 Constitution because, in that regard, this act creates a new crime
22 or infraction, eliminates a crime or infraction, or changes the
23 penalty for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition of a
25 crime within the meaning of Section 6 of Article XIII B of the
26 California Constitution.

27 ~~SEC. 12.~~

28 *SEC. 26.* (a) The Legislature hereby appropriates nine million
29 dollars (\$9,000,000) from the General Fund to the State Department
30 of Developmental Services to expand home- and community-based
31 regional center vendored facilities serving children with intellectual
32 and developmental disabilities who are in crisis or require
33 specialized, ongoing care and services.

34 (b) In allocating these funds, the department shall prioritize
35 services to foster youth who are served by child welfare and
36 probation agencies.