

AMENDED IN ASSEMBLY MARCH 17, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 896

Introduced by Assembly Member Elhawary
(Principal coauthor: Assembly Member Rivas)

February 19, 2025

An act to amend ~~Section 16500~~ of Sections 16001.9, 16010.7, and 16519.5 of, and to add Section 16010.11 to, the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 896, as amended, Elhawary. ~~Child welfare services. Foster care:~~ *placement transition planning.*

Existing law generally provides for the placement of foster youth in various placement settings. Existing law requires, prior to making a change in the placement of a dependent child, a social worker or placing agency to develop and implement a placement preservation strategy to preserve the dependent child's placement.

This bill would, among other things, require each county child welfare agency to adopt a placement transition planning policy for supporting foster children who are transitioning between placement settings and who are transitioning from foster care to reunification, and requires that the policy ensures that foster children are provided the opportunity to provide input on their placement transition and provides guidance to social workers for obtaining input and sharing information in placement transition planning. The bill would require, if a child's placement cannot be preserved, the social worker to ensure that there is appropriate placement transition planning, consistent with the county's adopted policy. The bill would require the State Department

of Social Services to issue guidance to county child welfare agencies to describe best practices and strategies for successful placement transition planning, and would require county child welfare agencies to submit to the department its placement transition planning policy, as specified. By imposing new duties on counties, the bill would impose a state-mandated local program.

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 a specified reason.

~~Existing law requires the state, through the State Department of Social Services and county welfare departments, to establish and support a public system of statewide child welfare services to be developed as rapidly as possible and to be available in each county of the state. Existing law requires all counties to establish and maintain specialized organizational entities within the county welfare department, having sole responsibility for the operation of the child welfare services program.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-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) *Children in out-of-home care can experience multiple*
- 4 *changes in placement, and those transitions can result in trauma,*
- 5 *not only for the child, but also for caregivers, families, siblings,*
- 6 *and all professionals involved.*
- 7 (2) *Not having a developmentally and trauma-informed*
- 8 *transition plan may adversely impact a child's healthy*
- 9 *development, as well as the child's continuing capacity to trust,*
- 10 *attach to others, and build relationships in the future.*
- 11 (3) *The best child welfare practices recognize the need to*
- 12 *prioritize the minimization of the number of placement changes*
- 13 *for every child in out-of-home care. Furthermore, efforts must be*

1 *made to support caregivers in order to promote stability. When*
2 *placement changes are necessary, they must be in the best interest*
3 *of the child and should be thoughtfully planned whenever possible.*

4 *(4) Transition plans are critical when moving all children,*
5 *including infants, toddlers, schoolage children, adolescents, and*
6 *young adults.*

7 *(b) It is the intent of the Legislature that a placement change*
8 *for a child in out-of-home care be achieved ideally through a*
9 *period of transition that is unique to each child, provides support*
10 *for all individuals affected by the change, and has flexible planning*
11 *to allow for changes necessary to meet the needs of the child.*

12 *SEC. 2. Section 16001.9 of the Welfare and Institutions Code*
13 *is amended to read:*

14 16001.9. (a) All children placed in foster care, either
15 voluntarily or after being adjudged a ward or dependent of the
16 juvenile court pursuant to Section 300, 601, or 602, shall have the
17 rights specified in this section. These rights also apply to nonminor
18 dependents in foster care, except when they conflict with nonminor
19 dependents' retention of all their legal decisionmaking authority
20 as an adult. The rights are as follows:

21 (1) To live in a safe, healthy, and comfortable home where they
22 are treated with respect. If the child is an Indian child, to live in a
23 home that upholds the prevailing social and cultural standards of
24 the child's Indian community, including, but not limited to, family,
25 social, and political ties.

26 (2) To be free from physical, sexual, emotional, or other abuse,
27 corporal punishment, and exploitation.

28 (3) To receive adequate and healthy food, adequate clothing,
29 grooming and hygiene products, and an age-appropriate allowance.
30 Clothing and grooming and hygiene products shall respect the
31 child's culture, ethnicity, and gender identity and expression.

32 (4) To be placed in the least restrictive setting possible,
33 regardless of age, physical health, mental health, sexual orientation,
34 and gender identity and expression, juvenile court record, or status
35 as a pregnant or parenting youth, unless a court orders otherwise.

36 (5) To be placed with a relative or nonrelative extended family
37 member if an appropriate and willing individual is available.

38 (6) To not be locked in any portion of their foster care
39 placement, unless placed in a community treatment facility.

1 (7) To have a placement that utilizes trauma-informed and
2 evidence-based deescalation and intervention techniques, to have
3 law enforcement intervention requested only when there is an
4 imminent threat to the life or safety of a child or another person
5 or as a last resort after other diversion and deescalation techniques
6 have been utilized, and to not have law enforcement intervention
7 used as a threat or in retaliation against the child.

8 (8) To not be detained in a juvenile detention facility based on
9 their status as a dependent of the juvenile court or the child welfare
10 services department's inability to provide a foster care placement.
11 If they are detained, to have all the rights afforded under the United
12 States Constitution, the California Constitution, and all applicable
13 state and federal laws.

14 (9) To have storage space for private use.

15 (10) To be free from unreasonable searches of personal
16 belongings.

17 (11) To be provided the names and contact information for
18 social workers, probation officers, attorneys, service providers,
19 foster youth advocates and supporters, Court Appointed Special
20 Advocates (CASAs), and education rights holder if other than the
21 parent or parents, and when applicable, representatives designated
22 by the child's Indian tribe to participate in the juvenile court
23 proceeding, and to communicate with these individuals privately.

24 (12) To visit and contact siblings, family members, and relatives
25 privately, unless prohibited by court order, and to ask the court for
26 visitation with the child's siblings.

27 (13) To make, send, and receive confidential telephone calls
28 and other electronic communications, and to send and receive
29 unopened mail, unless prohibited by court order.

30 (14) To have social contacts with people outside of the foster
31 care system, including, but not limited to, teachers, coaches,
32 religious or spiritual community members, mentors, and friends.
33 If the child is an Indian child, to have the right to have contact
34 with tribal members and members of their Indian community
35 consistent with the prevailing social and cultural conditions and
36 way of life of the Indian child's tribe.

37 (15) To attend religious services, activities, and ceremonies of
38 the child's choice, including, but not limited to, engaging in
39 traditional Native American religious practices.

1 (16) To participate in extracurricular, cultural, racial, ethnic,
2 personal enrichment, and social activities, including, but not limited
3 to, access to computer technology and the internet, consistent with
4 the child's age, maturity, developmental level, sexual orientation,
5 and gender identity and expression.

6 (17) To have fair and equal access to all available services,
7 placement, care, treatment, and benefits, and to not be subjected
8 to discrimination or harassment on the basis of actual or perceived
9 race, ethnic group identification, ancestry, national origin, color,
10 religion, sex, sexual orientation, gender identity and expression,
11 mental or physical disability, or HIV status.

12 (18) To have caregivers, child welfare and probation personnel,
13 and legal counsel who have received instruction on cultural
14 competency and sensitivity relating to sexual orientation, gender
15 identity and expression, and best practices for providing adequate
16 care to lesbian, gay, bisexual, and transgender children in
17 out-of-home care.

18 (19) To be placed in out-of-home care according to their gender
19 identity, regardless of the gender or sex listed in their court, child
20 welfare, medical, or vital records, to be referred to by the child's
21 preferred name and gender pronoun, and to maintain privacy
22 regarding sexual orientation and gender identity and expression,
23 unless the child permits the information to be disclosed, or
24 disclosure is required to protect their health and safety, or
25 disclosure is compelled by law or a court order.

26 (20) To have child welfare and probation personnel and legal
27 counsel who have received instruction on the federal Indian Child
28 Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and on cultural
29 competency and sensitivity relating to, and best practices for,
30 providing adequate care to Indian children in out-of-home care.

31 (21) To have recognition of the child's political affiliation with
32 an Indian tribe or Alaskan village, including a determination of
33 the child's membership or citizenship in an Indian tribe or Alaskan
34 village; to receive assistance in becoming a member of an Indian
35 tribe or Alaskan village in which the child is eligible for
36 membership or citizenship; to receive all benefits and privileges
37 that flow from membership or citizenship in an Indian tribe or
38 Alaskan village; and to be free from discrimination based on the
39 child's political affiliation with an Indian tribe or Alaskan village.

1 (22) (A) To access and receive medical, dental, vision, mental
2 health, and substance use disorder services, and reproductive and
3 sexual health care, with reasonable promptness that meets the
4 needs of the child, to have diagnoses and services explained in an
5 understandable manner, and to participate in decisions regarding
6 health care treatment and services. This right includes covered
7 gender affirming health care and gender affirming mental health
8 care, and is subject to existing laws governing consent to health
9 care for minors and nonminors and does not limit, add, or otherwise
10 affect applicable laws governing consent to health care.

11 (B) To view and receive a copy of their medical records to the
12 extent they have the right to consent to the treatment provided in
13 the medical record and at no cost to the child until they are 26
14 years of age.

15 (23) Except in an emergency, to be free of the administration
16 of medication or chemical substances, and to be free of all
17 psychotropic medications unless prescribed by a physician, and
18 in the case of children, authorized by a judge, without consequences
19 or retaliation. The child has the right to consult with and be
20 represented by counsel in opposing a request for the administration
21 of psychotropic medication and to provide input to the court about
22 the request to authorize medication. The child also has the right
23 to report to the court the positive and adverse effects of the
24 medication and to request that the court reconsider, revoke, or
25 modify the authorization at any time.

26 (24) (A) To have access to age-appropriate, medically accurate
27 information about reproductive health care, the prevention of
28 unplanned pregnancy, and the prevention and treatment of sexually
29 transmitted infections.

30 (B) At any age, to consent to or decline services regarding
31 contraception, pregnancy care, and perinatal care, including, but
32 not limited to, abortion services and health care services for sexual
33 assault without the knowledge or consent of any adult.

34 (C) At 12 years of age or older, to consent to or decline health
35 care services to prevent, test for, or treat sexually transmitted
36 diseases, including HIV, and mental health services, without the
37 consent or knowledge of any adult.

38 (25) At 12 years of age or older, to choose, whenever feasible
39 and in accordance with applicable law, their own health care
40 provider for medical, dental, vision, mental health, substance use

1 disorder services, and sexual and reproductive health care, if
2 payment for the service is authorized under applicable federal
3 Medicaid law or other approved insurance, and to communicate
4 with that health care provider regarding any treatment concerns
5 or needs and to request a second opinion before being required to
6 undergo invasive medical, dental, or psychiatric treatment.

7 (26) To confidentiality of medical and mental health records,
8 including, but not limited to, HIV status, substance use disorder
9 history and treatment, and sexual and reproductive health care,
10 consistent with existing law.

11 (27) To attend school, to remain in the child's school of origin,
12 to immediate enrollment upon a change of school, to partial credits
13 for any coursework completed, and to priority enrollment in
14 preschool, after school programs, a California State University,
15 and each community college district, and to receive all other
16 necessary educational supports and benefits, as described in the
17 Education Code.

18 (28) To have access to existing information regarding the
19 educational options available, including, but not limited to, the
20 coursework necessary for career, technical, and postsecondary
21 educational programs, and information regarding financial aid for
22 postsecondary education, and specialized programs for current and
23 former foster children available at the University of California,
24 the California State University, and the California Community
25 Colleges.

26 (29) To attend Independent Living Program classes and
27 activities, if the child meets the age requirements, and to not be
28 prevented by caregivers from attending as a consequence or
29 punishment.

30 (30) To maintain a bank account and manage personal income,
31 consistent with the child's age and developmental level, unless
32 prohibited by the case plan.

33 (31) To work and develop job skills at an age-appropriate level,
34 consistent with state law.

35 (32) For children 14 to 17 years of age, inclusive, to receive a
36 consumer credit report provided to the child by the social worker
37 or probation officer on an annual basis from each of the three major
38 credit reporting agencies, and to receive assistance with interpreting
39 and resolving any inaccuracies.

1 (33) To be represented by an attorney in juvenile court; to have
2 an attorney appointed to advise the court of the child's wishes, to
3 advocate for the child's protection, safety, and well-being, and to
4 investigate and report to the court on legal interests beyond the
5 scope of the juvenile proceeding; to speak to the attorney
6 confidentially; and to request a hearing if the child feels their
7 appointed counsel is not acting in their best interest or adequately
8 representing their legal interests.

9 (34) (A) To receive a notice of court hearings, to attend court
10 hearings, to speak to the judge, to view and receive a copy of the
11 court file, subject to existing federal and state confidentiality laws,
12 and to object to or request the presence of interested persons during
13 court hearings. If the child is an Indian child, to have a
14 representative designated by the child's Indian tribe be in
15 attendance during hearings.

16 (B) When a child is entitled to receive a copy of the court report,
17 case plan, and transition to independent living plan (TILP), those
18 items shall be provided in the child's primary language.

19 (35) To the confidentiality of all juvenile court records consistent
20 with existing law.

21 (36) To view and receive a copy of their child welfare records,
22 juvenile court records, and educational records at no cost to the
23 child until the child is 26 years of age, subject to existing federal
24 and state confidentiality laws.

25 (37) To be involved in the development of their own case plan,
26 including placement ~~decisions~~, *decisions and placement transition*
27 *planning*, and plan for permanency. This involvement includes,
28 but is not limited to, the development of case plan elements related
29 to placement and gender affirming health care, with consideration
30 of the child's gender identity. If the child is an Indian child, the
31 case plan shall include protecting the essential tribal relations and
32 best interests of the Indian child by assisting the child in
33 establishing, developing, and maintaining political, cultural, and
34 social relationships with the child's Indian tribe and Indian
35 community.

36 (38) To review the child's own case plan and plan for permanent
37 placement if the child is 10 years of age or older, and to receive
38 information about their out-of-home placement and case plan,
39 including being told of changes to the plan.

1 (39) To request and participate in a child and family team
2 meeting, as follows:

3 (A) Within 60 days of entering foster care, and every 6 months
4 thereafter.

5 (B) If placed in a short-term residential therapeutic program, or
6 receiving intensive home-based services or intensive case
7 coordination, or receiving therapeutic foster care services, to have
8 a child and family team meeting at least every 90 days.

9 (C) To request additional child and family team meetings to
10 address concerns, including, but not limited to, placement
11 disruption, change in service needs, addressing barriers to sibling
12 or family visits, and addressing difficulties in coordinating services.

13 (D) To have both informal and formal support people participate,
14 consistent with state law.

15 (40) (A) To be informed of these rights in an age and
16 developmentally appropriate manner by the social worker or
17 probation officer and to be provided a copy of the rights in this
18 section at the time of placement, any placement change, and at
19 least once every six months or at the time of a regularly scheduled
20 contact with the social worker or probation officer.

21 (B) For a child who speaks a primary language other than
22 English, to be provided a copy of the child's rights in the child's
23 primary language.

24 (41) To be provided with contact information for the Community
25 Care Licensing Division of the State Department of Social Services,
26 the tribal authority approving a tribally approved home, and the
27 State Foster Care Ombudsperson, at the time of each placement,
28 and to contact any or all of these offices immediately upon request
29 regarding violations of rights, to speak to representatives of these
30 offices confidentially, and to be free from threats or punishment
31 for making complaints.

32 (b) The rights described in this section are broad expressions
33 of the rights of children in foster care and are not exhaustive of all
34 rights set forth in the United States Constitution and the California
35 Constitution, federal and California statutes, and case law.

36 (c) This section does not require, and shall not be interpreted
37 to require, a foster care provider to take any action that would
38 impair the health and safety of children in out-of-home placement.

39 (d) The State Department of Social Services and each county
40 welfare department are encouraged to work with the Student Aid

1 Commission, the University of California, the California State
2 University, and the California Community Colleges to receive
3 information pursuant to paragraph (28) of subdivision (a).

4 *SEC. 3. Section 16010.7 of the Welfare and Institutions Code*
5 *is amended to read:*

6 16010.7. (a) It is the intent of the Legislature to prevent
7 children or youth in foster care placement from experiencing
8 unnecessary or abrupt foster care placement changes that negatively
9 impact their well-being or sense of security. It is the intent of the
10 Legislature to preserve and strengthen the foster care placement
11 of a child or youth whenever possible. It is also the intent of the
12 Legislature to ensure that foster care placement changes do not
13 occur due to gender, gender identity, race, or cultural differences.
14 The Legislature finds and declares that unnecessary or abrupt foster
15 care placement changes undermine the essential duties that foster
16 caregivers have an obligation to uphold. It is the intent of the
17 Legislature that prior to a caregiver or provider requesting a child
18 or youth to be removed from the caregiver's or provider's care,
19 the caregiver or provider shall participate in a placement
20 preservation strategy meeting.

21 (b) Prior to making a change in the foster care placement of a
22 child or youth, a social worker or probation officer shall develop
23 with the caregiver a placement preservation strategy, which shall
24 be done in consultation with the child and family team pursuant
25 to clause (ii) of subparagraph (A) of paragraph (4) of subdivision
26 (a) of Section 16501, to preserve the child's or youth's foster care
27 placement. The strategy may include, but is not limited to, conflict
28 resolution practices and facilitated meetings, and shall include a
29 referral by the social worker or probation officer to the qualified
30 individual for an assessment, as described in subdivision (g) of
31 Section 4096, if the next placement is anticipated to be in a
32 short-term residential therapeutic program or in an out-of-state
33 residential facility, as defined by paragraph (2) of subdivision (b)
34 of Section 7910 of the Family Code.

35 (c) A social worker or probation officer shall include the strategy
36 developed and implemented pursuant to subdivision (b) within the
37 child's contact notes or equivalent in the statewide child welfare
38 information system.

39 (d) For purposes of this subdivision, the following definitions
40 shall apply:

(1) “Child and family team” has the same meaning as defined in Section 16501.

(2) “Conflict resolution practices” means a process designed to begin a dialogue to address conflict or concerns and identify agreements or solutions, which may be incorporated as part of a meeting of a child and family team.

(3) “Facilitated meeting” means a facilitated process designed to acknowledge, address, and respond to the underlying needs of all parties, that may include, but is not limited to, a meeting of a child and family team.

(4) “Representative for a child under 10 years of age” means the attorney or another individual as authorized by the child’s attorney.

(e) If, after implementing the placement preservation strategy developed pursuant to subdivision (b), the social worker or probation officer receives a placement change request from the caregiver or provider, or otherwise finds that a foster care placement change is necessary, the social worker, probation officer, or placement agency shall serve written notice on all of the following parties at least 14 calendar days prior to the change:

(1) The child’s parent or guardian.

(2) The child’s caregiver.

(3) The child’s attorney.

(4) The child, if the child is 10 years of age or older.

(f) If the child’s placement cannot be preserved, the social worker shall ensure that there is appropriate placement transition planning, consistent with the county placement transition planning policy, as developed pursuant to Section 16010.11.

~~(f)~~

(g) An unplanned foster care placement change shall not take place between 9 p.m. and 7 a.m., except by the mutual agreement of all of the following persons:

(1) The child, if the child is 10 years of age or older, or the representative of the child, if the child is under 10 years of age.

(2) The child’s current caregiver.

(3) The child’s prospective caregiver.

(4) The child’s social worker or probation officer.

~~(g)~~

(h) If a complaint is made to the Office of the State Foster Care Ombudsperson alleging that a placement change occurred in

1 violation of this section, and that complaint is investigated pursuant
2 to Section 16164, the office shall provide the findings of the
3 investigation to, as applicable, the county child welfare director,
4 or the director's designee, or to the chief probation officer, or the
5 chief probation officer's designee, for the purposes of training,
6 technical assistance, and quality improvement.

7 ~~(h)~~

8 (i) Notwithstanding subdivisions (b) and (e), a social worker or
9 probation officer may change a child's foster care placement
10 without fulfilling the requirements of subdivisions (b) and (e) in
11 either of the following circumstances:

12 (1) If it is determined that remaining in the existing foster care
13 placement or providing prior written notice of that foster care
14 placement change poses an imminent risk to the health or safety
15 of the child, youth, other children, or others in the home or facility.

16 (2) If either the child and family team and the child, if the child
17 is 10 years of age or older, or the child and family team and the
18 representative of that child, if the child is less than 10 years of age,
19 unanimously agree to waive the requirements described in
20 subdivisions (b) and (e).

21 ~~(i)~~

22 (j) This section applies to children and youth for whom the
23 juvenile court has entered a judgment pursuant to Section 360 or
24 727. This section does not apply to a change in placement pursuant
25 to Section 777 or due to a hospitalization.

26 ~~(j)~~

27 (k) This section does not apply to a nonminor dependent, as
28 defined in subdivision (v) of Section 11400, who is placed in a
29 Transitional Housing Placement program for nonminor dependents,
30 as defined in subparagraph (B) of paragraph (2) of subdivision (a)
31 of Section 1559.110 of the Health and Safety Code, or a supervised
32 independent living placement, as defined in subdivision (w) of
33 Section 11400.

34 ~~(k)~~

35 (l) This section does not apply to a planned placement change
36 as informed by the child and family team or that is as described
37 in the child's case plan.

38 *SEC. 4. Section 16010.11 is added to the Welfare and*
39 *Institutions Code, to read:*

1 16010.11. (a) (1) Each county child welfare agency shall
2 adopt a policy for supporting foster children who are transitioning
3 between placement settings and who are transitioning from foster
4 care to reunification. The placement transition planning policy
5 shall include both of the following components:

6 (A) Ensure that foster children are provided the opportunity to
7 provide input on their placement transition, as developmentally
8 and age-appropriate and ensure that the child's current or most
9 recent caregiver also has input into the transition needs of the
10 child.

11 (B) Provide guidance to social workers for obtaining input and
12 sharing information in placement transition planning and
13 incorporating the planning into case plans in such a way as to
14 support the strengths and needs of children and to reduce trauma
15 and any psychological, cultural, developmental, relational,
16 spiritual, or emotional harm to the foster child.

17 (2) In developing the placement transition policy, the county
18 child welfare agency shall consult with foster youth and caregivers
19 to create a placement transition policy that includes all of the
20 following:

21 (A) Consideration of a child's educational, medical, mental
22 health, religious or faith-based, cultural, dietary, extracurricular
23 and social, and developmental needs.

24 (B) How to maintain permanent connections for the child,
25 including supporting relationships with relatives, friends, and
26 other individuals who are important to the child, and continuity
27 in health care, education, child daycare, extracurricular and social
28 activities, and other community involvement.

29 (C) How transitions will be managed, including timing,
30 preparation for the move, such as visits or contact with the current
31 and new care provider, ensuring the child has all of their
32 possessions, how the child will be transported to the new
33 placement, and how the child can participate in scheduled
34 upcoming events and activities.

35 (D) How the social worker will ensure that the transition plan
36 is carried out as designed and how any necessary adjustments will
37 occur and be communicated.

38 (E) The designation of an individual who will communicate with
39 the child throughout the transition process to ensure the child

1 *understands what is happening and who is involved in*
2 *decisionmaking.*

3 *(b) (1) The department, in consultation with counties that have*
4 *implemented placement transition planning and with other*
5 *stakeholders who have placement transition planning expertise,*
6 *shall issue guidance to county child welfare agencies to describe*
7 *best practices and strategies for successful placement transition*
8 *planning.*

9 *(2) A county child welfare agency shall submit to the department*
10 *its placement transition planning policy, via email or other*
11 *correspondence, no later than one year after the department has*
12 *issued its guidance and provided funding to counties to develop*
13 *their placement transition planning policies.*

14 *SEC. 5. Section 16519.5 of the Welfare and Institutions Code*
15 *is amended to read:*

16 16519.5. (a) The State Department of Social Services, in
17 consultation with county child welfare agencies, foster parent
18 associations, and other interested community parties, shall
19 implement a unified, family friendly, and child-centered resource
20 family approval process to replace the existing multiple processes
21 for licensing foster family homes, certifying foster homes by
22 licensed foster family agencies, approving relatives and nonrelative
23 extended family members as foster care providers, and approving
24 guardians and adoptive families.

25 (b) (1) Counties shall be selected to participate on a voluntary
26 basis as early implementation counties for the purpose of
27 participating in the initial development of the approval process.
28 Early implementation counties shall be selected according to
29 criteria developed by the department in consultation with the
30 County Welfare Directors Association of California. In selecting
31 the five early implementation counties, the department shall
32 promote diversity among the participating counties in terms of
33 size and geographic location.

34 (2) Additional counties may participate in the early
35 implementation of the program upon authorization by the
36 department.

37 (3) The State Department of Social Services shall be responsible
38 for all of the following:

1 (A) Selecting early implementation counties, based on criteria
2 established by the department in consultation with the County
3 Welfare Directors Association of California.

4 (B) Establishing timeframes for participating counties to submit
5 an implementation plan, enter into terms and conditions for early
6 implementation participation in the program, train appropriate
7 staff, and accept applications from resource families.

8 (C) Entering into terms and conditions for early implementation
9 participation in the program by counties.

10 (4) Counties participating in the early implementation of the
11 program shall be responsible for all of the following:

12 (A) Submitting an implementation plan.

13 (B) Entering into terms and conditions for early implementation
14 participation in the program.

15 (C) Consulting with the county probation department in the
16 development of the implementation plan.

17 (D) Training appropriate staff.

18 (E) Accepting applications from resource families within the
19 timeframes established by the department.

20 (5) (A) Approved relatives and nonrelative extended family
21 members, licensed foster family homes, or approved adoptive
22 homes that have completed the license or approval process prior
23 to statewide implementation of the program shall not be considered
24 part of the program. The otherwise applicable assessment and
25 oversight processes shall continue to be administered for families
26 and facilities not included in the program.

27 (B) Upon implementation of the program in a county, that
28 county shall not accept new applications for the licensure of foster
29 family homes, the approval of relative and nonrelative extended
30 family members, or the approval of prospective guardians and
31 adoptive homes.

32 (6) The department may waive regulations that pose a barrier
33 to the early implementation and operation of this program. The
34 waiver of a regulation by the department pursuant to this section
35 applies to only those counties or foster family agencies
36 participating in the early implementation of the program and only
37 for the duration of the program.

38 (7) This subdivision is inoperative on January 1, 2017.

39 (c) (1) For purposes of this article, “resource family” means an
40 individual or family that has successfully met both the home

1 environment assessment standards and the permanency assessment
2 criteria adopted pursuant to subdivision (d) necessary for providing
3 care for a child placed by a public or private child placement
4 agency by court order, or voluntarily placed by a parent or legal
5 guardian. A resource family shall demonstrate all of the following:

6 (A) An understanding of the safety, permanence, and well-being
7 needs of children who have been victims of child abuse and neglect,
8 and the capacity and willingness to meet those needs, including
9 the need for protection, and the willingness to make use of support
10 resources offered by the agency, or a support structure in place,
11 or both.

12 (B) An understanding of children's needs and development,
13 effective parenting skills or knowledge about parenting, and the
14 capacity to act as a reasonable, prudent parent in day-to-day
15 decisionmaking.

16 (C) An understanding of the role of the individual or family as
17 a resource family and the capacity to work cooperatively with the
18 ~~agency~~ *agency, birth family, as appropriate, other resource*
19 *families*, and other service providers in implementing the child's
20 ~~case-plan~~ *plan and supporting transitions in placement settings*
21 *or permanency*.

22 (D) The financial ability within the household to ensure the
23 stability and financial security of the family. This requirement may
24 be waived for relative and nonrelative extended family member
25 resource families on a case-by-case basis. For purposes of this
26 subparagraph, there is no minimum income requirement and an
27 applicant who will rely on the funding described in subdivision
28 (I) to meet additional household expenses incurred due to the
29 placement of a child shall not, for this reason, be denied approval
30 as a resource family.

31 (E) ~~(+)~~ An ability and willingness to provide a family setting
32 that promotes normal childhood experiences that serves the needs
33 of the child.

34 (F) An ability and willingness to meet the needs of the child
35 regardless of the child's sexual orientation, gender identity, or
36 gender expression, and that, should difficulties around these issues
37 arise, a willingness to obtain resources offered by the county or
38 foster family agency or other available resources to meet those
39 needs.

1 (2) For purposes of this article, and unless otherwise specified,
2 references to a “child” include a “nonminor dependent” and
3 “nonminor former dependent or ward,” as defined in subdivision
4 (v) and paragraph (1) of subdivision (aa) of Section 11400.

5 (3) There is no fundamental right to approval as a resource
6 family. Emergency placement of a child pursuant to Section 309,
7 319, 361.45, or 727.05, or with a resource family applicant pursuant
8 to subdivision (e), does not entitle an applicant to approval as a
9 resource family.

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

13 (B) (i) Notwithstanding subparagraph (A), a county may
14 approve a resource family to care for a specific child, as specified
15 in the written directives or regulations adopted pursuant to this
16 section. Child-specific approval shall be considered if the applicant
17 is a relative or nonrelative extended family member who has an
18 established and significant relationship with a child or a child is
19 already placed in the home of the relative or nonrelative extended
20 family member pursuant to subdivision (e) or Section 309, 319,
21 361.45, or 727.05.

22 (ii) When child-specific approval is granted to a relative who
23 has received a criminal records exemption pursuant to clause (iv)
24 of subparagraph (A) of paragraph (2) of subdivision (g) of Section
25 1522 of the Health and Safety Code, the child’s placement shall
26 be funded pursuant to Section 11461.3 and the relative shall not
27 be eligible for federal financial participation while the child is
28 placed with them.

29 (iii) In the case of an Indian child for whom the child’s tribe is
30 not exercising its right to approve a home, the county shall apply
31 the prevailing social and cultural standards of the Indian
32 community to resource family approval for that child, as required
33 by subdivision (f) of Section 361.31 and the federal Indian Child
34 Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.). The department
35 shall engage in the tribal consultation process and develop
36 regulations to implement this clause. Notwithstanding the
37 rulemaking provisions of the Administrative Procedure Act
38 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
39 Division 3 of Title 2 of the Government Code), the department
40 may implement this clause through all-county letters or other

1 similar instruction, and provide guidance to counties regarding
2 consistent implementation of this clause.

3 (5) For purposes of this article, “resource family approval”
4 means that the applicant or resource family successfully meets the
5 home environment assessment and permanency assessment
6 standards. This approval is in lieu of a foster family home license
7 issued pursuant to Chapter 3 (commencing with Section 1500) of
8 Division 2 of the Health and Safety Code, a certificate of approval
9 issued by a licensed foster family agency, as described in
10 subdivision (b) of Section 1506 of the Health and Safety Code,
11 relative or nonrelative extended family member approval,
12 guardianship approval, and the adoption home study approval.

13 (6) Approval of a resource family does not guarantee an initial,
14 continued, or adoptive placement of a child with a resource family
15 or with a relative or nonrelative extended family member. Approval
16 of a resource family does not guarantee the establishment of a legal
17 guardianship of a child with a resource family.

18 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the
19 county shall, consistent with Sections 1520.3 and 1558.1 of the
20 Health and Safety Code, cease any further review of an application
21 if the applicant has had a previous application denial by the
22 department or a county within the preceding year, or if the applicant
23 has had a previous rescission, revocation, or exemption denial or
24 exemption rescission by the department or a county within the
25 preceding two years.

26 (B) Notwithstanding subparagraph (A), the county may continue
27 to review an application if it has determined that the reasons for
28 the previous denial, rescission, or revocation were due to
29 circumstances and conditions that either have been corrected or
30 are no longer in existence. If an individual was excluded from a
31 resource family home or facility licensed by the department, the
32 county shall cease review of the individual’s application unless
33 the excluded individual has been reinstated pursuant to subdivision
34 (g) of Section 16519.6 of this code or pursuant to Section 1569.53,
35 subdivision (h) of Section 1558, subdivision (h) of Section 1569.58,
36 or subdivision (h) of Section 1596.8897, of the Health and Safety
37 Code.

38 (C) (i) The county may cease any further review of an
39 application if, after written notice to the applicant, the applicant
40 fails to complete an application without good faith effort and within

1 30 days of the date of the notice, as specified in the written
2 directives or regulations adopted pursuant to this section.

3 (ii) Clause (i) does not apply if a child is placed with the
4 applicant pursuant to Section 309, 361.45, 727.05, or paragraph
5 (1) of subdivision (e) of Section 16519.5.

6 (D) The cessation of an application review pursuant to this
7 paragraph does not constitute a denial of the application for
8 purposes of this section or any other law.

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

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

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

17 (8) A resource family shall meet the approval standards set forth
18 in this section, and, as applicable, Chapter 6.3 (commencing with
19 Section 18360) of Part 6, to maintain approval. A resource family
20 shall comply with the written directives or regulations adopted
21 pursuant to this section and applicable laws in order to maintain
22 approval.

23 (9) A resource family may be approved by a county child
24 welfare department or a probation department pursuant to this
25 section or by a foster family agency pursuant to Section 1517 of
26 the Health and Safety Code.

27 (10) A resource family shall not be licensed to operate a
28 residential facility, as defined in Section 1502 of the Health and
29 Safety Code, a residential care facility for the elderly, as defined
30 in Section 1569.2 of the Health and Safety Code, or a residential
31 care facility for persons with chronic life-threatening illnesses, as
32 defined in Section 1568.01 of the Health and Safety Code, on the
33 same premises used as the residence of the resource family.

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

37 (B) This paragraph does not preclude a county from requiring
38 an applicant to complete an application activity, even if that activity
39 was previously completed.

1 (d) (1) The department shall adopt standards pertaining to the
2 home environment and permanency assessments of a resource
3 family.

4 (2) Resource family home environment assessment standards
5 shall include, but not be limited to, all of the following:

6 (A) (i) (I) A criminal record clearance of each applicant and
7 all adults residing in, or regularly present in, the home, and not
8 exempted from fingerprinting, as set forth in subdivision (b) of
9 Section 1522 of the Health and Safety Code, pursuant to Section
10 8712 of the Family Code, utilizing a check of the Child Abuse
11 Central Index pursuant to Section 1522.1 of the Health and Safety
12 Code, and receipt of a fingerprint-based state and federal criminal
13 offender record information search response. The criminal history
14 information shall include subsequent notifications pursuant to
15 Section 11105.2 of the Penal Code.

16 (II) Consideration of any substantiated allegations of child abuse
17 or neglect against the applicant and any other adult residing in, or
18 regularly present in, the home pursuant to Section 1522.1 of the
19 Health and Safety Code.

20 (III) If the criminal records check indicates that the person has
21 been convicted of an offense described in subparagraph (A) of
22 paragraph (2) of subdivision (g) of Section 1522 of the Health and
23 Safety Code, home approval shall be denied unless the person has
24 received a criminal records exemption pursuant to clause (iv) of
25 subparagraph (A) of paragraph (2) of subdivision (g) of Section
26 1522 of the Health and Safety Code. If the criminal records check
27 indicates that the person has been convicted of an offense described
28 in subparagraph (B) or (D) of paragraph (2) of subdivision (g) of
29 Section 1522 of the Health and Safety Code, the home shall not
30 be approved unless a criminal record exemption has been granted
31 pursuant to subclause (IV).

32 (IV) If the resource family parent, applicant, or any other person
33 specified in subclause (I) has been convicted of a crime other than
34 an infraction or arrested for an offense specified in subdivision (e)
35 of Section 1522 of the Health and Safety Code, except for the civil
36 penalty language, the criminal background check provisions
37 specified in subdivisions (d) through (f) of Section 1522 of the
38 Health and Safety Code shall apply. Exemptions from the criminal
39 records clearance requirements set forth in this section may be
40 granted by the department or the county, if that county has been

1 granted permission by the department to issue criminal record
2 exemptions pursuant to Section 361.4, using the exemption criteria
3 currently used for foster care licensing, as specified in subdivision
4 (g) of Section 1522 of the Health and Safety Code.

5 (V) If it is determined, on the basis of the fingerprint images
6 and related information submitted to the Department of Justice,
7 that subsequent to obtaining a criminal record clearance or
8 exemption from disqualification, the person has been convicted
9 of, or is awaiting trial for, a sex offense against a minor, or has
10 been convicted for an offense specified in Section 243.4, 273a,
11 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the
12 department or county shall notify the resource family to act
13 immediately to remove or bar the person from entering the resource
14 family's home. The department or county, as applicable, may
15 subsequently grant an exemption from disqualification pursuant
16 to subdivision (g) of Section 1522 of the Health and Safety Code.
17 If the conviction or arrest was for another crime, the resource
18 family shall, upon notification by the department or county, act
19 immediately to either remove or bar the person from entering the
20 resource family's home, or require the person to seek an exemption
21 from disqualification pursuant to subdivision (g) of Section 1522
22 of the Health and Safety Code. The department or county, as
23 applicable, shall determine if the person shall be allowed to remain
24 in the home until a decision on the exemption from disqualification
25 is rendered.

26 (ii) For public foster family agencies approving resource
27 families, the criminal records clearance process set forth in clause
28 (i) shall be utilized.

29 (iii) For private foster family agencies approving resource
30 families, the criminal records clearance process set forth in clause
31 (i) shall be utilized, but the Department of Justice shall disseminate
32 a fitness determination resulting from the federal criminal offender
33 record information search.

34 (B) A home and grounds evaluation to ensure the health and
35 safety of children.

36 (C) In addition to the foregoing requirements, the resource
37 family home environment assessment standards shall require the
38 following:

1 (i) That the applicant demonstrates an understanding of the
2 rights of children in care and the applicant's responsibility to
3 safeguard those rights.

4 (ii) That the total number of children residing in the home of a
5 resource family shall be no more than the total number of children
6 the resource family can properly care for, regardless of status, and
7 shall not exceed six children, unless exceptional circumstances
8 that are documented in the foster child's case file exist to permit
9 a resource family to care for more children, including, but not
10 limited to, the need to place siblings together, consistent with
11 Section 16002.

12 (iii) That the applicant understands the applicant's
13 responsibilities with respect to acting as a reasonable and prudent
14 parent, and maintaining the least restrictive environment that serves
15 the needs of the child.

16 (3) The resource family permanency assessment standards shall
17 include, but not be limited to, all of the following:

18 (A) Caregiver training, as described in subdivisions (g) and (h).

19 (B) A family evaluation, which shall include, but not be limited
20 to, interviews of an applicant to assess the applicant's personal
21 history, family dynamic, and need for support or resources, and a
22 risk assessment.

23 (i) When the applicant is a relative or nonrelative extended
24 family member to an identified child, the family evaluation shall
25 consider the nature of the relationship between the relative or
26 nonrelative extended family member and the child. The relative
27 or nonrelative extended family member's expressed desire to only
28 care for a specific child or children shall not be a reason to deny
29 the approval.

30 (ii) A caregiver risk assessment shall include, but not be limited
31 to, physical and mental health, alcohol and other substance use
32 and abuse, family and domestic violence, and the factors listed in
33 paragraph (1) of subdivision (c).

34 (iii) A county may review and discuss data contained in the
35 statewide child welfare database with an applicant for purposes of
36 conducting a family evaluation, as specified in the written
37 directives or regulations adopted pursuant to this section.

38 (C) Completion of any other activities that relate to the ability
39 of an applicant or a resource family to achieve permanency with
40 a child.

1 (4) (A) For a child placed on an emergency basis pursuant to
2 Section 309, 361.45, or 727.05, the home environment assessment,
3 the permanency assessment, and the written report shall be
4 completed within 120 days of the placement, unless good cause
5 exists based upon the needs of the child.

6 (B) If additional time is needed to complete the home
7 environment assessment or the permanency assessment, the county
8 shall document the extenuating circumstances for the delay and
9 generate a timeframe for the completion of those assessments.

10 (C) The county shall report to the department, on a quarterly
11 basis, the number of families with emergency placements whose
12 home environment assessment or permanency assessment goes
13 beyond 120 days and summarize the reasons for these delays.

14 (e) (1) A county may place a child with a resource family
15 applicant who has successfully completed the home environment
16 assessment prior to completion of a permanency assessment only
17 if a compelling reason for the placement exists based on the needs
18 of the child.

19 (A) The permanency assessment and the written report described
20 in paragraph (5) of subdivision (g) shall be completed within 120
21 days of the child's placement in the home, unless good cause exists.

22 (B) If additional time is needed to comply with subparagraph
23 (A), the county shall document the extenuating circumstances for
24 the delay and generate a timeframe for the completion of the
25 permanency assessment.

26 (C) The county shall report to the department, on a quarterly
27 basis, the number of applicants for whom the requirements of
28 subparagraph (A) exceed 120 days and summarize the reasons for
29 these delays.

30 (2) The home environment and permanency assessments, and
31 the written report described in paragraph (5) of subdivision (g),
32 shall be completed within 120 days of a child's placement with a
33 relative or nonrelative extended family member pursuant to Section
34 309, 361.45, or 727.05, unless good cause exists.

35 (3) For any placement made pursuant to this subdivision,
36 AFDC-FC funding shall not be available until approval of the
37 resource family has been completed.

38 (4) A child placed pursuant to this subdivision shall be afforded
39 all the rights set forth in Section 16001.9.

1 (5) This section does not limit the county's authority to inspect
2 the home of a resource family applicant as often as necessary to
3 ensure the quality of care provided.

4 (6) This subdivision does not limit the county's obligation under
5 law to assess and give placement consideration to relatives and
6 nonrelative extended family members and to place a child pursuant
7 to Section 309, 361.3, 361.45, 706.6, or 727.1.

8 (f) The State Department of Social Services shall be responsible
9 for all of the following:

10 (1) (A) Until regulations are adopted, administering the program
11 through the issuance of written directives that shall have the same
12 force and effect as regulations. Any directive affecting Article 1
13 (commencing with Section 700) of Chapter 7 of Division 1 of Title
14 11 of the California Code of Regulations shall be approved by the
15 Department of Justice. The directives shall be exempt from the
16 rulemaking provisions of the Administrative Procedure Act
17 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
18 Division 3 of Title 2 of the Government Code).

19 (B) Adopting, amending, or repealing, in accordance with
20 Chapter 4.5 (commencing with Section 11400) of Part 1 of Division
21 3 of Title 2 of the Government Code, any reasonable rules,
22 regulations, and standards that may be necessary or proper to carry
23 out the purposes and intent of this article and to enable the
24 department to exercise the powers and perform the duties conferred
25 upon it by this section, consistent with the laws of this state.

26 (2) Approving and requiring the use of a single standard for
27 resource family approval.

28 (3) Adopting and requiring the use of standardized
29 documentation for the home environment and permanency
30 assessments of resource families. The department shall permit
31 counties to maintain documentation relating to the resource family
32 approval process in an electronic format.

33 (4) Adopting core competencies for county staff to participate
34 in the assessment and evaluation of an applicant or resource family.

35 (5) Requiring counties to monitor county-approved resource
36 families, including, but not limited to, both of the following:

37 (A) Investigating complaints regarding resource families.

38 (B) Developing and monitoring resource family corrective action
39 plans to correct identified deficiencies and to rescind resource

1 family approval if compliance with corrective action plans is not
2 achieved.

3 (6) Ongoing oversight and monitoring of county systems and
4 operations including all of the following:

5 (A) Reviewing the county's implementation plan and
6 implementation of the program.

7 (B) Reviewing an adequate number of county-approved resource
8 families in each county to ensure that approval standards are being
9 properly applied.

10 (i) The review shall include case file documentation and may
11 include onsite inspection of individual resource families.

12 (ii) The review shall occur on a biennial basis and more
13 frequently if the department becomes aware that a county is
14 experiencing a disproportionate number of complaints against
15 individual resource family homes.

16 (C) Reviewing county reports of serious complaints and
17 incidents involving resource families, as determined necessary by
18 the department. The department may conduct an independent
19 review of the complaint or incident and change the findings
20 depending on the results of its investigation.

21 (D) Investigating unresolved complaints against counties.

22 (E) Requiring corrective action of counties that are not in full
23 compliance with this section.

24 (7) Excluding a resource family parent, applicant, or other
25 individual from presence in any resource family home, consistent
26 with the established standard for any of the reasons specified in
27 Section 16519.61.

28 (8) Implementing due process procedures, including, but not
29 limited to, all of the following:

30 (A) Providing a statewide fair hearing process for application
31 denials, rescissions of approval, exclusion actions, or criminal
32 record exemption denials or rescissions by a county or the
33 department.

34 (B) Providing an excluded individual with due process pursuant
35 to Section 16519.6.

36 (C) Amending the department's applicable state hearing
37 procedures and regulations or using the Administrative Procedure
38 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of
39 Division 3 of Title 2 of the Government Code), when applicable,
40 as necessary for the administration of the program.

1 (g) Counties shall be responsible for all of the following:

2 (1) Submitting an implementation plan and consulting with the
3 county probation department in the development of the
4 implementation plan.

5 (2) Complying with the written directives or regulations adopted
6 pursuant to this section.

7 (3) Implementing the requirements for resource family approval
8 and utilizing standardized documentation established by the
9 department. A county may maintain documentation relating to the
10 resource family approval process in an electronic format.

11 (4) Training appropriate staff, including ensuring staff have the
12 education and experience or core competencies necessary to
13 participate in the assessment and evaluation of an applicant or
14 resource family.

15 (5) (A) Taking the following actions, as applicable, for any of
16 the reasons specified in Section 16519.61:

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

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

26 (ii) Rescinding approvals of resource families.

27 (iii) When applicable, referring a case to the department for an
28 action to exclude a resource family parent, applicant, or other
29 individual from presence in any resource family home, consistent
30 with the established standard.

31 (iv) Issuing a temporary suspension order that suspends the
32 resource family approval prior to a hearing when, in the opinion
33 of the county, urgent action is needed to protect a child from
34 physical or mental abuse, abandonment, or any other substantial
35 threat to health or safety. The county shall serve the resource family
36 with the temporary suspension order and a copy of available
37 discovery in the possession of the county, including, but not limited
38 to, affidavits, declarations, names of witnesses, and other evidence
39 upon which the county relied in issuing the temporary suspension
40 order. The temporary suspension order shall be served upon the

1 resource family with a notice of action, and if the matter is to be
2 heard before the Office of Administrative Hearings, an accusation.
3 The temporary suspension order shall list the effective date on the
4 order.

5 (v) Granting, denying, or rescinding criminal record exemptions.

6 (B) Providing a resource family parent, applicant, or individual
7 who is the subject of a criminal record exemption denial or
8 rescission with due process pursuant to Section 16519.6.

9 (C) Notifying the department of any decisions denying an
10 application for resource family approval, rescinding the approval
11 of a resource family, or denying or rescinding a criminal record
12 exemption and, if applicable, notifying the department of the results
13 of an administrative action.

14 (6) (A) Updating resource family approval biennially and as
15 necessary to address any changes that have occurred in the resource
16 family's circumstances, including, but not limited to, moving to
17 a new home location or commencing operation of a family daycare
18 home, as defined in Section 1596.78 of the Health and Safety Code.

19 (B) A county shall conduct an announced inspection of a
20 resource family home during the biennial update, and as necessary
21 to address any changes specified in subparagraph (A), in order to
22 ensure that the resource family is conforming to all applicable laws
23 and the written directives or regulations adopted pursuant to this
24 section.

25 (7) Monitoring resource families through all of the following:

26 (A) Ensuring that social workers who identify a condition in
27 the home that may not meet the approval standards set forth in
28 subdivision (d) while in the course of a routine visit to children
29 placed with a resource family take appropriate action as needed.

30 (B) Requiring resource families to meet the approval standards
31 set forth in this section and to comply with the written directives
32 or regulations adopted pursuant to this section, other applicable
33 laws, and corrective action plans as necessary to correct identified
34 deficiencies. If corrective action is not completed, as specified in
35 the plan, the county may rescind the resource family approval.

36 (C) Requiring resource families to report any incidents consistent
37 with the reporting requirements pursuant to the written directives
38 or regulations adopted pursuant to this section.

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

1 (8) (A) Investigating all complaints against a resource family
2 and taking action as necessary, including, but not limited to,
3 investigating any incidents reported about a resource family
4 indicating that the approval standard is not being maintained and
5 inspecting the resource family home.

6 (B) The child's social worker shall not conduct the investigation
7 into the complaint received concerning a family providing services
8 pursuant to the standards required by subdivision (d). To the extent
9 that adequate resources are available, complaints shall be
10 investigated by a worker who did not conduct the home
11 environment assessment or family evaluation or prepare the written
12 report determining approval of the resource family.

13 (C) Upon conclusion of the complaint investigation, the final
14 disposition shall be reviewed and approved by a supervising staff
15 member.

16 (D) The department shall be notified of any serious incidents
17 or serious complaints or any incident that falls within the definition
18 of Section 11165.5 of the Penal Code. If those incidents or
19 complaints result in an investigation, the department shall also be
20 notified as to the status and disposition of that investigation.

21 (9) Performing corrective action as required by the department.

22 (10) Assessing county performance in related areas of the
23 California Child and Family Services Review System, and
24 remedying problems identified.

25 (11) Submitting information and data that the department
26 determines is necessary to study, monitor, and prepare the update
27 specified in paragraph (7) of subdivision (f).

28 (12) Ensuring resource family applicants and resource families
29 have the necessary knowledge, skills, and abilities to support
30 children of all races, ethnic group identifications, ancestries,
31 national origins, colors, religions, sexes, sexual orientations, gender
32 identities, mental or physical disabilities, or HIV statuses in foster
33 care by completing caregiver training. The training should include
34 a curriculum that supports the role of a resource family in parenting
35 vulnerable children and should be ongoing in order to provide
36 resource families with information on trauma-informed practices
37 and requirements and other topics within the foster care system.

38 (13) Ensuring that a resource family applicant completes a
39 minimum of 12 hours of preapproval caregiver training. The

1 training shall include, but not be limited to, all of the following
2 courses:

3 (A) An overview of the child protective and probation systems.

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

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

9 (D) Health issues in foster care.

10 (E) Accessing services and supports to address education needs,
11 physical, mental, and behavioral health, and substance use
12 disorders, including culturally relevant services.

13 (F) The rights of a child in foster care and the resource family's
14 responsibility to safeguard those rights, including the right to have
15 fair and equal access to all available services, placement, care,
16 treatment, and benefits, and to not be subjected to discrimination
17 or harassment on the basis of actual or perceived race, ethnic group
18 identification, ancestry, national origin, color, religion, sex, sexual
19 orientation, gender identity, mental or physical disability, or HIV
20 status.

21 (G) Cultural needs of children, including instruction on cultural
22 competency and sensitivity, and related best practices for providing
23 adequate care for children or youth across diverse ethnic and racial
24 backgrounds, as well as children or youth identifying as lesbian,
25 gay, bisexual, or transgender.

26 (H) Basic instruction on existing laws and procedures regarding
27 the safety of foster youth at school.

28 (I) Permanence, well-being, and education needs of children.

29 (J) Child and adolescent development, including sexual
30 orientation, gender identity, and expression.

31 (K) The role of resource families, including working
32 cooperatively with the child welfare or probation agency, the
33 child's family, *other resource families*, and other service providers
34 implementing the case ~~plan~~ *plan, to support case plan goals and*
35 *objectives, including placement transition planning to reduce*
36 *trauma during transitions to reunification or other placement*
37 *settings*.

38 (L) The role of a resource family on the child and family team
39 as defined in paragraph (4) of subdivision (a) of Section 16501.

1 (M) A resource family's responsibility to act as a reasonable
2 and prudent parent, as described in subdivision (c) of Section
3 1522.44 of the Health and Safety Code, and to provide a family
4 setting that promotes normal childhood experiences and that serves
5 the needs of the child.

6 (N) An overview of the specialized training identified in
7 subdivision (h).

8 (O) The information described in subdivision (i) of Section
9 16521.5. The program may use the curriculum created pursuant
10 to subdivision (h), and described in subdivision (i), of Section
11 16521.5.

12 (P) Information on providing care and supervision to children
13 who have been commercially sexually exploited or who have been
14 victims of child labor trafficking. For purposes of this
15 subparagraph, "information" may include, but not be limited to,
16 informational pamphlets addressing the identification of victims
17 of commercial sexual exploitation and child labor trafficking and
18 the provision of existing resources, including crisis hotline
19 numbers, survivor and caregiver supports, and contact information
20 for law enforcement entities.

21 (14) Ensuring resource families complete a minimum of eight
22 hours of caregiver training annually, a portion of which shall be
23 from subparagraph (M) of paragraph (13) and from one or more
24 of the other topics listed in paragraph (13).

25 (15) (A) (i) Ensuring that resource families complete
26 cardiopulmonary resuscitation (CPR) training and first aid training,
27 or demonstrate equivalent certification, no later than 90 days
28 following resource family approval.

29 (ii) A resource family parent who has a certificate of completion
30 for Basic Life Support (BLS) for health care professionals, or
31 Pediatric Advanced Life Support (PALS), or a higher standard of
32 training that certifies CPR, and for whom the certification is
33 currently active, is exempt from completing the resource family
34 approval CPR training requirement as described in clause (i), upon
35 demonstrating proof of certification of completion and until the
36 date the certification expires.

37 (iii) A resource family parent who has active and unrestricted
38 licensure as a health care professional, issued by the Department
39 of Consumer Affairs or the Emergency Medical Services Authority,
40 is exempt from completing the resource family approval first aid

1 training requirement as described in clause (i), upon demonstrating
2 proof of active and unrestricted licensure and until the date the
3 licensure expires.

4 (B) (i) Ensuring that resource families, prior to expiration of
5 the CPR and first aid certificates, obtain training to remain certified
6 in CPR and first aid, or demonstrate equivalent certification, and
7 submit copies of the certificates verifying completion of the
8 training.

9 (ii) Clause (i) does not apply to first aid training for a resource
10 family parent who is exempt from the first aid training requirement
11 pursuant to clause (iii) of subparagraph (A).

12 (16) (A) Ensuring that resource families that care for children
13 who are 10 years of age or older attend, within 12 months of
14 approval as a resource family, a training on understanding how to
15 use best practices for providing care and supervision to children
16 who have been commercially sexually exploited or who have been
17 victims of child labor trafficking. This training shall be survivor
18 informed, culturally relevant and appropriate, and address issues
19 relating to stigma. The training required by this subparagraph shall
20 address all of the following topics:

21 (i) Recognizing indicators of commercial sexual exploitation
22 and child labor trafficking.

23 (ii) Harm reduction.

24 (iii) Trauma-informed care.

25 (iv) Available county and state resources.

26 (v) Perspectives of individuals or families who have experiences
27 with commercial sexual exploitation and child labor trafficking.

28 (B) The information provided in subparagraph (P) of paragraph
29 (13) shall also be provided during the training described in this
30 paragraph.

31 (C) After completing the training required by subparagraph (A),
32 a resource family shall not be required to attend training relating
33 to children who have been commercially sexually exploited or
34 who have been victims of child labor trafficking, except as required
35 pursuant to subdivision (h).

36 (D) This section does not prevent an entity from providing the
37 training specified in this paragraph in person, virtually, by recorded
38 means, or by any other available means.

39 (h) In addition to any training required by this section, a county
40 may require a resource family or applicant to receive relevant

1 specialized training for the purpose of preparing the resource family
2 to meet the needs of a particular child in care. This training may
3 include, but is not limited to, the following:

4 (1) Understanding how to use best practices for providing care
5 and supervision to commercially sexually exploited children and
6 children who have been victims of child labor trafficking.

7 (2) Understanding how to use best practices for providing care
8 and supervision to lesbian, gay, bisexual, and transgender children.

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

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

22 (5) Understanding how to use best practices for providing care
23 and supervision to nonminor dependents.

24 (6) Understanding how to use best practices for providing care
25 and supervision to children with special health care needs.

26 (7) Understanding the different permanency options and the
27 services and benefits associated with the options.

28 (i) This section does not preclude a county from requiring
29 training in excess of the requirements in this section.

30 (j) (1) Resource families who move home locations shall retain
31 their resource family status pending the outcome of the update
32 conducted pursuant to paragraph (6) of subdivision (g).

33 (2) (A) If a resource family moves from one county to another
34 county, the department, or the county to which a resource family
35 has moved, shall submit a written request to the Department of
36 Justice to transfer the individual's subsequent arrest notification,
37 as specified in subdivision (h) of Section 1522 of the Health and
38 Safety Code.

39 (B) A request to transfer a subsequent arrest notification shall
40 contain all prescribed data elements and format protocols pursuant

1 to a written agreement between the department and the Department
2 of Justice.

3 (3) Subject to the requirements in paragraph (1), the resource
4 family shall continue to be approved for guardianship and adoption.
5 This subdivision shall not limit a county, foster family agency, or
6 adoption agency from determining that the family is not approved
7 for guardianship or adoption based on changes in the family's
8 circumstances or family evaluation.

9 (k) Implementation of the program shall be contingent upon the
10 continued availability of federal Social Security Act Title IV-E
11 (42 U.S.C. Sec. 670) funds for costs associated with placement of
12 children with resource families assessed and approved pursuant
13 to the program.

14 (l) A child placed with a resource family is eligible for the
15 resource family basic rate, pursuant to Sections 11460, 11461,
16 11461.3, and 11463, at the child's assessed level of care.

17 (m) Sharing ratios for nonfederal expenditures for all costs
18 associated with activities related to the approval of relatives and
19 nonrelative extended family members shall be in accordance with
20 Section 10101.

21 (n) The Department of Justice shall charge fees sufficient to
22 cover the cost of initial or subsequent criminal offender record
23 information and Child Abuse Central Index searches, processing,
24 or responses, as specified in this section.

25 (o) Except as provided, resource families shall be exempt from
26 both of the following:

27 (1) Licensure requirements established pursuant to the California
28 Community Care Facilities Act (Chapter 3 (commencing with
29 Section 1500) of Division 2 of the Health and Safety Code) and
30 all regulations promulgated to implement the act.

31 (2) Relative and nonrelative extended family member approval
32 requirements as those approval requirements existed prior to
33 January 1, 2017.

34 (p) (1) Early implementation counties shall be authorized to
35 continue through December 31, 2016. The program shall be
36 implemented by each county on or before January 1, 2017.

37 (2) (A) (i) On and after January 1, 2017, a county to which the
38 department has delegated its licensing authority pursuant to Section
39 1511 of the Health and Safety Code shall approve resource families
40 in lieu of licensing foster family homes.

(ii) Notwithstanding clause (i), the existing licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in subparagraph (C), until the license is revoked or forfeited by operation of law pursuant to Section 1517.1 of the Health and Safety Code.

(B) (i) On and after January 1, 2017, a county shall approve resource families in lieu of approving relative and nonrelative extended family members.

(ii) Notwithstanding clause (i), the existing approval and oversight processes shall continue to be administered for relatives and nonrelative extended family members approved prior to January 1, 2017, or as specified in subparagraph (C), until the approval is revoked or forfeited by operation of law pursuant to this section.

(C) Notwithstanding subparagraph (D), a county shall approve or deny all applications for foster family home licenses and requests for relative or nonrelative extended family member approvals received on or before December 31, 2016, in accordance with Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or provisions providing for the approval of relatives or nonrelative extended family members, as applicable.

(D) On and after January 1, 2017, a county shall not accept applications for foster family home licenses or requests to approve relatives or nonrelative extended family members.

(3) No later than July 1, 2019, each county shall provide the following information to all licensed foster family homes and approved relatives and nonrelative extended family members licensed or approved by the county:

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

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

(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law, as specified in paragraph (8).

(4) The following applies to all licensed foster family homes and approved relative and nonrelative extended family members:

(A) A licensed foster family home or an approved relative or nonrelative extended family member with an approved adoptive

1 home study completed prior to January 1, 2018, shall be deemed
2 to be a resource family.

3 (B) A licensed foster family home or an approved relative or
4 nonrelative extended family member who had a child in placement
5 at any time between January 1, 2017, and December 31, 2017,
6 inclusive, may be approved as a resource family on the date of
7 successful completion of a family evaluation.

8 (C) A licensed foster family home that provided
9 county-authorized respite services at any time between January 1,
10 2017, and December 31, 2017, inclusive, may be approved as a
11 resource family on the date of successful completion of a family
12 evaluation.

13 (5) A county may provide supportive services to all licensed
14 foster family homes, relatives, and nonrelative extended family
15 members with a child in placement to assist with the resource
16 family transition and to minimize placement disruptions.

17 (6) (A) In order to approve a licensed foster family home or
18 approved relative or nonrelative extended family member as a
19 resource family pursuant to paragraph (4), a county shall submit
20 a written request to the Department of Justice to transfer any
21 subsequent arrest and Child Abuse Central Index notifications, as
22 specified in subdivision (h) of Section 1522 of the Health and
23 Safety Code.

24 (B) A request to transfer a subsequent arrest notification shall
25 contain all prescribed data elements and format protocols pursuant
26 to a written agreement between the department and the Department
27 of Justice.

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

32 (8) All foster family licenses and approvals of relatives and
33 nonrelative extended family members shall be forfeited by
34 operation of law on December 31, 2020, except as provided in this
35 paragraph or Section 1524 of the Health and Safety Code:

36 (A) All licensed foster family homes that did not have a child
37 in placement or did not provide county-authorized respite services
38 at any time between January 1, 2017, and December 31, 2017,
39 inclusive, shall forfeit the license by operation of law on January
40 1, 2018.

1 (B) For foster family home licensees and approved relatives or
2 nonrelative extended family members who have a pending resource
3 family application on December 31, 2020, the foster family home
4 license or relative and nonrelative extended family member
5 approval shall be forfeited by operation of law upon approval as
6 a resource family. If approval is denied, forfeiture by operation of
7 law shall occur on the date of completion of any proceedings
8 required by law to ensure due process.

9 (C) A foster family home license shall be forfeited by operation
10 of law, pursuant to Section 1517.1 of the Health and Safety Code,
11 upon approval as a resource family.

12 (D) Approval as a relative or nonrelative extended family
13 member shall be forfeited by operation of law upon approval as a
14 resource family.

15 (q) On and after January 1, 2017, all licensed foster family
16 agencies shall approve resource families in lieu of certifying foster
17 homes, as set forth in Section 1517 of the Health and Safety Code.

18 (r) The department may establish participation conditions, and
19 select and authorize foster family agencies that voluntarily submit
20 implementation plans and revised plans of operation in accordance
21 with requirements established by the department, to approve
22 resource families in lieu of certifying foster homes.

23 (1) Notwithstanding any other law, a participating foster family
24 agency shall require resource families to meet and maintain the
25 resource family approval standards and requirements set forth in
26 this chapter and in the written directives adopted consistent with
27 the chapter prior to approval and in order to maintain approval.

28 (2) A participating foster family agency shall implement the
29 resource family approval program pursuant to Section 1517 of the
30 Health and Safety Code.

31 (3) This section does not limit the authority of the department
32 to inspect, evaluate, or investigate a complaint or incident, or
33 initiate a disciplinary action against a foster family agency pursuant
34 to Article 5 (commencing with Section 1550) of Chapter 3 of
35 Division 2 of the Health and Safety Code, or to take any action it
36 may deem necessary for the health and safety of children placed
37 with the foster family agency.

38 (4) The department may adjust the foster family agency
39 AFDC-FC rate pursuant to Section 11463 for implementation of
40 this subdivision.

1 (5) This subdivision is inoperative on January 1, 2017.

2 (s) The department or a county is authorized to obtain any arrest
3 or conviction records or reports from any court or law enforcement
4 agency as necessary to the performance of its duties, as provided
5 in this section or subdivision (e) of Section 1522 of the Health and
6 Safety Code.

7 (t) A resource family approved pursuant to this section shall
8 forfeit its approval concurrent with resource family approval by a
9 foster family agency.

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

21 ~~SECTION 1. Section 16500 of the Welfare and Institutions~~
22 ~~Code is amended to read:~~

23 ~~16500. (a) The state, through the department and county~~
24 ~~welfare departments, shall establish and support a public system~~
25 ~~of statewide child welfare services to be developed as rapidly as~~
26 ~~possible and to be available in each county of the state. All counties~~
27 ~~shall establish and maintain specialized organizational entities~~
28 ~~within the county welfare department, which shall have sole~~
29 ~~responsibility for the operation of the child welfare services~~
30 ~~program.~~

31 ~~(b) The Legislature hereby declares its intent, in providing for~~
32 ~~this statewide system of child welfare services, that all children~~
33 ~~are entitled to be safe and free from abuse and neglect.~~