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An act to amend and repeal Section 11253.45 of, and to amend, repeal, and add Section 11461.3 of, the Welfare and Institutions Code, relating to foster youth.



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

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

(1) The changes authorized by this act are consistent with the Continuum of Care Reform (CCR) enacted by Chapter 773 of the Statutes of 2015 and Chapter 612 of the Statutes of 2016 and are possible because of initial state investments in the child welfare system to support the implementation of CCR.

(2) It is expected that this act, along with CCR and the provision of initial short-term funding provided by the state to local agencies to implement CCR, will reduce overall costs to local agencies and allow local savings to be reinvested in child welfare services.

(3) If overall costs to a local agency are reduced, annual funding by the state to the local agency only will be provided as described in Section 36 of Article XIII of the California Constitution.

(b) It is the intent of the Legislature in adopting this act to improve California's child welfare system and its outcomes by providing approved relative caregivers of non-federally eligible children throughout the state with benefits similar to those received by approved relative caregivers of federally eligible children.

SEC. 2. Section 11253.45 of the Welfare and Institutions Code is amended to read:

11253.45. (a) (1) A child to whom Section 309, 361.45, or 16519.5 applies, and who is placed in the home of an approved relative, shall receive a grant that equals the resource family basic rate at the child's assessed level of care, as set forth in subdivision (g) of Section 11461 and Section 11463. If the child is determined eligible



for aid, the total grant shall be comprised of the CalWORKs grant plus an amount that, when combined with the CalWORKs grant, equals the resource family basic rate at the child's assessed level of care.

(2) The non-CalWORKs portion of the grant provided in paragraph (1) shall be paid from funds separate from funds appropriated in the annual Budget Act and counties' share of costs for the CalWORKs program.

(3) A child specified in paragraph (1) is not subject to the provisions of this chapter relating to CalWORKs, including, but not limited to, the provisions that relate to CalWORKs eligibility, welfare to work, child support enforcement, time limits, or grant computation.

(4) All of the following shall apply to a child specified in paragraph (1):

(A) He or she shall receive the applicable regional CalWORKs grant for a recipient in an assistance unit of one, pursuant to the exempt maximum aid payment set forth in Section 11450, and any changes to the CalWORKs grant amount shall apply to the grant described in this subparagraph.

(B) Notwithstanding any other law, the CalWORKs grant for the child shall be paid by the county with payment responsibility in accordance with paragraph (1) regardless of the county of residence of the child.

(C) For an assistance unit described in subparagraph (A), eligibility shall be determined in accordance with paragraph (3) of subdivision (a) of Section 672 of Title 42 of the United States Code and state law implementing those requirements for the purposes of Article 5 (commencing with Section 11400).



(b) (1) Except as provided in paragraph (2), a person applying for aid on behalf of a child described in paragraph (1) of subdivision (a), shall be exempt from Chapter 4.6 (commencing with Section 10830) of Part 2 governing the statewide fingerprint imaging system.

(2) A relative who is also an applicant for or a recipient of benefits under this chapter shall comply with the statewide fingerprint imaging system requirements.

(c) Notwithstanding Sections 11004 and 11004.1 or any other law, overpayments to an assistance unit described in subparagraph (A) of paragraph (4) of subdivision (a) shall be collected using the standards and processes for overpayment recoupment as specified in Section 11466.24, and recouped overpayments shall not be subject to remittance to the federal government.

(d) If a relative with whom a child eligible in accordance with this section is placed is also an applicant for, or a recipient of, benefits under this chapter, all of the following shall apply:

(1) The applicant or recipient and each eligible child, excluding any child eligible in accordance with this section, shall receive aid in an assistance unit separate from the assistance unit described in subparagraph (A) of paragraph (4) of subdivision (a), and the CalWORKs grant of the assistance unit shall be paid by the county of residence of the assistance unit.

(2) For purposes of calculating the grant of the assistance unit, the number of eligible needy persons on which the grant is based pursuant to paragraph (1) of subdivision (a) of Section 11450 shall not include any child eligible in accordance with this section.



(3) For purposes of calculating minimum basic standards of adequate care for the assistance unit, any child eligible in accordance with this section shall be included as an eligible needy person in the same family pursuant to paragraph (2) of subdivision (a) of Section 11452.

(e) This section shall apply only to a child under the jurisdiction of a county that has not opted into the Approved Relative Caregiver Funding Option pursuant to Section 11461.3.

~~(f) This section shall become operative on January 1, 2017.~~

(f) This section shall remain in effect only until July 1, 2017, and as of that date is repealed.

SEC. 3. Section 11461.3 of the Welfare and Institutions Code is amended to read:

11461.3. (a) The Approved Relative Caregiver Funding Option Program is hereby established for the purpose of making the amount paid to approved relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments. This is an optional program for counties choosing to participate, and in so doing, participating counties agree to the terms of this section as a condition of their participation. It is the intent of the Legislature that the funding described in paragraph (1) of subdivision (g) for the Approved Relative Caregiver Funding Option Program be appropriated, and available for use from January through December of each year, unless otherwise specified.



(b) Subject to subdivision (e), effective January 1, 2015, participating counties shall pay an approved relative caregiver a per child per month rate in return for the care and supervision, as defined in subdivision (b) of Section 11460, of a child that is placed with the relative caregiver that is equal to the basic rate paid to foster care providers pursuant to subdivision (g) of Section 11461, if both of the following conditions are met:

(1) The county with payment responsibility has notified the department in writing by October 1 of the year before participation begins of its decision to participate in the Approved Relative Caregiver Funding Option Program.

(2) The related child placed in the home meets all of the following requirements:

(A) The child resides in California.

(B) The child is described by subdivision (b), (c), or (e) of Section 11401 and the county welfare department or the county probation department is responsible for the placement and care of the child.

(C) The child is not eligible for AFDC-FC while placed with the approved relative caregiver because the child is not eligible for federal financial participation in the AFDC-FC payment.

(c) Any income or benefits received by an eligible child or the approved relative caregiver on behalf of the eligible child that would be offset against the basic rate paid to a foster care provider pursuant to subdivision (g) of Section 11461, shall be offset from any funds that are not CalWORKs funds paid to the approved relative caregiver pursuant to this section.



(d) Participating counties shall recoup an overpayment in the Approved Relative Caregiver Funding Option Program received by an approved relative caregiver using the standards and processes for overpayment recoupment that are applicable to overpayments to an approved home of a relative, as specified in Section 11466.24. Recouped overpayments shall not be subject to remittance to the federal government. Any overpaid funds that are collected by the participating counties shall be remitted to the state after subtracting both of the following:

(1) An amount not to exceed the county share of the CalWORKs portion of the Approved Relative Caregiver Funding Option Program payment, if any.

(2) Any other county funds that were included in the Approved Relative Caregiver Funding Option Program payment.

(e) A county's election to participate in the Approved Relative Caregiver Funding Option Program shall affirmatively indicate that the county understands and agrees to all of the following conditions:

(1) Commencing October 1, 2014, the county shall notify the department in writing of its decision to participate in the Approved Relative Caregiver Funding Option Program. Failure to make timely notification, without good cause as determined by the department, shall preclude the county from participating in the program for the upcoming calendar year. Annually thereafter, any county not already participating who elects to do so shall notify the department in writing no later than October 1 of its decision to participate for the upcoming calendar year.



(2) The county shall confirm that it will make per child per month payments to all approved relative caregivers on behalf of eligible children in the amount specified in subdivision (b) for the duration of the participation of the county in this program.

(3) The county shall confirm that it will be solely responsible to pay any additional costs needed to make all payments pursuant to subdivision (b) if the state and federal funds allocated to the Approved Relative Caregiver Funding Option Program pursuant to paragraph (1) of subdivision (g) are insufficient to make all eligible payments.

(f) (1) A county deciding to opt out of the Approved Relative Caregiver Funding Option Program shall provide at least 120 days' prior written notice of that decision to the department. Additionally, the county shall provide at least 90 days' prior written notice to the approved relative caregiver or caregivers informing them that his or her per child per month payment will be reduced and the date that the reduction will occur.

(2) The department shall presume that all counties have opted out of the Approved Relative Caregiver Funding Option Program if the funding appropriated for the current 12-month period is reduced below the amount specified in subparagraph (B), subparagraph (C), or subparagraph (D) of paragraph (2) of subdivision (g) for that 12-month period, unless a county notifies the department in writing of its intent to opt in within 60 days of enactment of the State Budget. The counties shall provide at least 90 days' prior written notice to the approved relative caregiver or caregivers informing them that his or her per child per month payment will be reduced, and the date that reduction will occur.



(3) Any reduction in payments received by an approved relative caregiver on behalf of a child under this section that results from a decision by a county, including the presumed opt-out pursuant to paragraph (2), to not participate in the Approved Relative Caregiver Funding Option Program shall be exempt from state hearing jurisdiction under Section 10950.

(g) (1) The following funding shall be used for the Approved Relative Caregiver Funding Option Program:

(A) The applicable regional per-child CalWORKs grant, in accordance with subdivision (a) of Section 11253.4.

(B) General Fund resources, as appropriated in paragraph (2).

(C) County funds only to the extent required under paragraph (3) of subdivision (e).

(D) Funding described in subparagraphs (A) and (B) is intended to fully fund the base caseload of approved relative caregivers, which is defined as the number of approved relative caregivers caring for a child who is not eligible to receive AFDC-FC payments, as of July 1, 2014.

(2) The following amount is hereby appropriated from the General Fund as follows:

(A) The sum of fifteen million dollars (\$15,000,000), for the period of January 1, 2015, to June 30, 2015, inclusive.

(B) For the period of July 1, 2015, to June 30, 2016, inclusive, there shall be appropriated an amount equal to the sum of all of the following:



(i) Two times the amount appropriated pursuant to subparagraph (A), inclusive of any increase pursuant to paragraph (3).

(ii) The amount necessary to increase or decrease the CalWORKs funding associated with the base caseload described in subparagraph (D) of paragraph (1) to reflect any change from the prior fiscal year in the applicable regional per-child CalWORKs grant described in subparagraph (A) of paragraph (1).

(iii) The additional amount necessary to fully fund the base caseload described in subparagraph (D) of paragraph (1), reflective of the annual California Necessities Index increase to the basic rate paid to foster care providers.

(C) For every 12-month period thereafter, commencing with the period of July 1, 2016, to June 30, 2017, inclusive, the sum of all of the following shall be appropriated for purposes of this section:

(i) The total General Fund amount provided pursuant to this paragraph for the previous 12-month period.

(ii) The amount necessary to increase or decrease the CalWORKs funding associated with the base caseload described in subparagraph (D) of paragraph (1) to reflect any change from the prior fiscal year in the applicable regional per-child CalWORKs grant described in subparagraph (A) of paragraph (1).

(iii) The additional amount necessary to fully fund the base caseload described in subparagraph (D) of paragraph (1), reflective of the annual California Necessities Index increase to the basic rate paid to foster care providers.



(D) Notwithstanding clauses (ii) and (iii) of subparagraph (B) and clauses (ii) and (iii) of subparagraph (C), the total General Fund appropriation made pursuant to subparagraph (B) shall not be less than the greater of the following amounts:

(i) Thirty million dollars (\$30,000,000).

(ii) Two times the amount appropriated pursuant to subparagraph (A), inclusive of any increase pursuant to paragraph (3).

(3) To the extent that the appropriation made by subparagraph (A) of paragraph (2) is insufficient to fully fund the base caseload of approved relative caregivers as of July 1, 2014, as described in subparagraph (D) of paragraph (1), for the period of January 1, 2015, to June 30, 2015, inclusive, as jointly determined by the department and the County Welfare Directors' Association and approved by the Department of Finance on or before October 1, 2015, the amount specified in subparagraph (A) of paragraph (2) shall be increased by the amount necessary to fully fund that base caseload.

(4) Funds available pursuant to paragraph (2) shall be allocated to participating counties proportionate to the number of their approved relative caregiver placements, using a methodology and timing developed by the department, following consultation with county human services agencies and their representatives.

(5) Notwithstanding subdivision (e), if in any fiscal year the entire amount of funding appropriated by the state for the Approved Relative Caregiver Funding Option Program has not been fully allocated to or utilized by participating counties, a participating county that has paid any funds pursuant to subparagraph (C) of paragraph (1) of subdivision (g) may request reimbursement for those funds from the department.



The authority of the department to approve the requests shall be limited by the amount of available unallocated funds.

(h) An approved relative caregiver receiving payments on behalf of a child pursuant to this section shall not be eligible to receive additional CalWORKs payments on behalf of the same child under Section 11450.

(i) To the extent permitted by federal law, payments received by the approved relative caregiver from the Approved Relative Caregiver Funding Option Program shall not be considered income for the purpose of determining other public benefits.

(j) Prior to referral of any individual or recipient, or that person's case, to the local child support agency for child support services pursuant to Section 17415 of the Family Code, the county human services agency shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims good cause exception at any subsequent time to the county human services agency or the local child support agency, the local child support agency shall suspend child support services until the county social services agency determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the local child support agency shall suspend child support services until the applicant or recipient requests their resumption, and shall take other measures that are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for the time the failure to cooperate lasts.



(k) Consistent with Section 17552 of the Family Code, if aid is paid under this chapter on behalf of a child who is under the jurisdiction of the juvenile court and whose parent or guardian is receiving reunification services, the county human services agency shall determine, prior to referral of the case to the local child support agency for child support services, whether the referral is in the best interest of the child, taking into account both of the following:

(1) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(2) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

(l) Effective January 1, 2017, if a relative has been approved as a resource family pursuant to Section 16519.5, the approved relative shall be paid an amount equal to the resource family basic rate at the child's assessed level of care as set forth in subdivision (g) of Section 11461 and Section 11463.

(m) This section shall remain in effect only until July 1, 2017, and as of that date is repealed.

SEC. 4. Section 11461.3 is added to the Welfare and Institutions Code, to read:

11461.3. (a) The Approved Relative Caregiver Funding Program is hereby established for the purpose of making the amount paid to approved relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC



payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments.

(b) Counties shall pay an approved relative caregiver a per child per month rate at the child's assessed level of care, as set forth in subdivision (g) of Section 11461 and Section 11463, in return for the care and supervision, as defined in subdivision (b) of Section 11460, of the child if all of the following conditions are met:

(1) The child resides in California.

(2) The child is described by subdivision (b), (c), or (e) of Section 11401 and the county welfare department or the county probation department is responsible for the placement and care of the child.

(3) The child is not eligible for AFDC-FC while placed with the approved relative caregiver because the child is not eligible for federal financial participation in the AFDC-FC payment.

(c) Subdivision (b) shall not be interpreted to prevent a county from supplementing the payment made to the approved relative with any county optional program, including, but not limited to, a specialized care increment, as described in subdivision (e) of Section 11461, or a clothing allowance, as described in subdivision (f) of Section 11461.

(d) Any income or benefits received by an eligible child or the approved relative caregiver on behalf of the eligible child that would be offset against the basic rate paid to a foster care provider pursuant to subdivision (g) of Section 11461, shall be offset from any funds that are not CalWORKs funds paid to the approved relative caregiver pursuant to this section.



(e) Counties shall recoup an overpayment in the Approved Relative Caregiver Funding Program received by an approved relative caregiver using the standards and processes for overpayment recoupment that are applicable to overpayments to an approved home of a relative, as specified in Section 11466.24. Recouped overpayments shall not be subject to remittance to the federal government. Any overpaid funds that are collected by the participating counties shall be remitted to the state after subtracting both of the following:

(1) An amount not to exceed the county share of the CalWORKs portion of the Approved Relative Caregiver Funding Program payment, if any.

(2) Any other county funds that were included in the Approved Relative Caregiver Funding Program payment.

(f) To the extent permitted by federal law, payments received by the approved relative caregiver from the Approved Relative Caregiver Funding Program shall not be considered income for the purpose of determining other public benefits.

(g) Prior to referral of any individual or recipient, or that person's case, to the local child support agency for child support services pursuant to Section 17415 of the Family Code, the county human services agency shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims good cause exception at any subsequent time to the county human services agency or the local child support agency, the local child support agency shall suspend child support services until the county social services agency determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the local child support agency shall suspend child support services until the



applicant or recipient requests their resumption, and shall take other measures that are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for the time the failure to cooperate lasts.

(h) Consistent with Section 17552 of the Family Code, if aid is paid under this chapter on behalf of a child who is under the jurisdiction of the juvenile court and whose parent or guardian is receiving reunification services, the county human services agency shall determine, prior to referral of the case to the local child support agency for child support services, whether the referral is in the best interest of the child, taking into account both of the following:

(1) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(2) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

(i) For purposes of this section, an "approved relative caregiver" includes a relative, as defined by paragraph (2) of subdivision (f) of Section 319, who has been approved as a resource family pursuant to Section 16519.5.

SEC. 5. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the



2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Approved Relative Caregiver Funding Program.

Existing law establishes the Approved Relative Caregiver Funding Option Program (ARC Program), in counties that choose to participate, for the purpose of making the amount paid to relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments. Existing law requires a county that has opted into the ARC Program to pay an approved relative caregiver a per child per month rate that is equal to the basic rate paid to foster care providers and that is funded, in part, through the CalWORKs program.

Existing law also generally requires a child who has been placed in the home of a relative who has been approved as a resource family to receive a grant that equals the resource family basic rate at the child's assessed level of care.



This bill would, effective July 1, 2017, repeal the latter provision and instead require counties to participate in the ARC Program. Because this bill would impose new duties on counties, this bill would impose a state-mandated local program.

Existing law specifies the manner in which the ARC Program is funded, including by appropriating from the General Fund, for every 12-month period commencing with the period of July 1, 2016, to June 30, 2017, inclusive, an amount calculated pursuant to a specified formula.

This bill would delete those provisions.

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.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

