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An act to add Section 11461.37 to the Welfare and Institutions Code,
relating to public social services.



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

SECTION 1. Section 11461.37 is added to the Welfare and Institutions Code, to read:

11461.37. (a) It is the intent of the Legislature to provide support to emergency caregivers, as defined in subdivision (c), who care for children and nonminor dependents prior to approval of an application under the Resource Family Approval Program.

(b) For placements made on and after July 1, 2018, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure to an emergency caregiver on behalf of a child or nonminor dependent placed pursuant to subdivision (d) of Section 309, Section 361.45, or based on a compelling reason pursuant to subdivision (e) of Section 16519.5, if all the following criteria are met:

(1) The child or nonminor dependent is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the emergency caregiver.

(2) The child or nonminor dependent resides in California.

(3) The emergency caregiver has signed and submitted to the county an application for resource family approval.

(4) An application for the Emergency Assistance Program has been completed.

(c) For purposes of this section, "emergency caregiver" means an individual who has a pending resource family application filed with an appropriate agency on or after July 1, 2018, and who has been assessed pursuant to Section 361.4 or has successfully completed the home environment assessment portion of resource family approval pursuant to paragraph (2) of subdivision (d) of Section 16519.5.

(d) The beginning date of aid for payments made pursuant to subdivision (b) shall be the date of placement.

(e) Funding for payments made pursuant to subdivision (b) shall be as follows:

(1) For emergency or compelling reason placements made during the 2018–19 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program that is included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program that is included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), the federal and state share of payments made pursuant to this paragraph shall not continue upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 180 days, whichever occurs first.

(2) For emergency or compelling reason placements made during the 2019–20 fiscal year, and each fiscal year thereafter:



(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program that is included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program that is included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), the federal and state share of payments made pursuant to this paragraph shall not continue upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 90 days, whichever occurs first.

(f) (1) An emergency caregiver eligible for payments pursuant to subdivision (b) of Section 11461.35, as that section read on June 30, 2018, shall continue to be eligible for such payments on and after July 1, 2018, until the emergency caregiver's resource family application is approved or denied.

(2) Funding for any payments described in paragraph (1) shall be as follows:

(A) If the emergency caregiver was eligible to receive payments funded through the Approved Relative Caregiver Funding Program, payments shall be made through that program until the application for resource family approval is approved or denied.

(B) If the emergency caregiver was eligible to receive payments funded through the Emergency Assistance Program, payments shall be made through that program, subject to the following conditions:

(i) Up to 180 total days of payments shall be made to the emergency caregiver through the Emergency Assistance Program. For the purpose of this subdivision, "total days of payments" includes all payments made to the emergency caregiver through the Emergency Assistance Program pursuant to this section and Section 11461.35, as that section read on June 30, 2018.

(ii) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), the federal and state share of payments made pursuant to this paragraph shall not continue upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 180 total days, whichever occurs first.

(g) (1) If the application for resource family approval is approved, the funding source for the placement shall be changed to AFDC-FC or the Approved Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility requirements.

(2) If the application for resource family approval is denied, eligibility for funding pursuant to this section shall be terminated.

(h) The department shall monitor the implementation of this section, including, but not limited to, tracking the usage and duration of Emergency Assistance Program payments made pursuant to this section and evaluating the duration of time a child or nonminor dependent is in a home pending resource family approval. The department may request information or data necessary to oversee the implementation of this section until data collection is available through automation.



(i) No appropriation pursuant to Section 15200 shall be made for implementation of this section.

(j) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through all-county letters or similar instructions until regulations are adopted.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____
General Subject: Emergency caregiver aid payments.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, a child who is placed in the approved home of a relative is eligible for AFDC-FC if he or she is eligible for federal financial participation in the AFDC-FC payment, as specified. Existing law provides for benefits for a child who is placed in the approved home of a relative and who is ineligible for AFDC-FC pursuant to the CalWORKs program. Existing law establishes the Approved Relative Caregiver Funding Program (ARC) 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 provides for the implementation of the resource family approval process, which replaces the multiple processes for licensing foster family homes, certifying foster homes by foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families. Existing law defines a resource family as an individual or family that has successfully met both home environment assessment standards and permanency assessment criteria, as specified, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian.

Existing law provides for the temporary or emergency placement of dependent children of the juvenile court and nonminor dependents with relative caregivers or nonrelative extended family members under specified circumstances. Under existing law, a relative caregiver or nonrelative extended family member is required to submit an application for approval as a resource family and initiate a home environment assessment within 5 business days after the placement. Existing law, until June 30,



2018, requires counties to provide support payments equivalent to the resource family basic level rate of the home-based family care rate structure to emergency caregivers, as defined, who have pending applications under the Resource Family Approval Program, meet specified requirements, and are caring for children or nonminor dependents who reside in California and are not otherwise eligible for AFDC-FC or ARC. Existing law requires the payments to be made either through ARC or through the TANF block grant emergency assistance program for child welfare services, as specified.

This bill would require that the payments made to emergency caregivers pursuant to the provisions described above be continued beyond June 30, 2018, as specified. The bill would require counties to similarly make payments to emergency caregivers with pending resource family applications and who meet specified requirements for emergency placements of children or nonminor dependents made on or after July 1, 2018, as specified. The bill would require the payments to be made through the TANF block grant emergency assistance program for child welfare services and require counties to be responsible for the nonfederal share of cost. Notwithstanding these payment provisions, the bill would require the State Department of Social Services to fund 70% of the emergency payment and the county to fund 30% of the emergency payment, if a child or nonminor dependent is determined to be ineligible for the TANF emergency assistance program. The bill would require the funding source of the payments to be changed to AFDC-FC or ARC upon approval of the resource family application. The bill would also terminate eligibility for payments pursuant to these provisions if the resource family application is denied. The bill would require the department to monitor the implementation of these provisions and would authorize the department to request information or data necessary to oversee the implementation of these provisions until data collection is available through automation. The bill would authorize the department to implement and administer these provisions through all-county letters or similar instructions until regulations are adopted.

By expanding the duties of counties relating to foster care, this bill would impose a state-mandated local program.

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

This bill would provide that the continuous appropriation would not be made for purposes of implementing the bill.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

