

ASSEMBLY BILL

No. 1164

Introduced by Assembly Member Thurmond

February 17, 2017

An act to amend Section 8212 of the Education Code, and to amend Section 11460 of, and to add Section 11461.6 to, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1164, as introduced, Thurmond. Foster care placement: funding.

Existing law, the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, requires foster care providers to be paid a per-child per-month rate, established by the State Department of Social Services, for the care and supervision of the child placed with the provider. Existing law defines “care and supervision” to include, among others, food, clothing, shelter, and daily supervision.

This bill would establish the Child Care Bridge Program for Foster Children (bridge program). The bill would authorize, contingent upon an appropriation of \$22,000,000 annually, county welfare departments to administer the bridge program and distribute vouchers to children between birth and 4 years of age, placed with an approved resource family or the child of a young parent involved in the child welfare system. The bill would require, for counties that choose to participate, that county welfare departments determine eligibility for the bridge program and provide a monthly voucher for child care for up to 6 months following the child’s initial placement, unless the child and resource family are able to access long-term, subsidized child care prior to the end of the 6-month period. The bill would allow eligibility for a child care voucher to be extended for 6 months, at the discretion of the county

welfare department, if the child and resource family have been unable to access long-term, subsidized child care during the initial 6-month period. The bill would require that each child receiving a monthly child care voucher be provided with a child care navigator, as specified.

The bill would provide that “daily supervision,” for purposes of payments to foster care providers, may include licensed child care if work responsibilities preclude a resource family from being at home when the child for whom they have care and responsibility is not in school. The bill would make other conforming changes.

Existing law establishes the California Child Care Initiative Project for certain purposes, including increasing the availability of qualified child care programs in the state and establishing child care resource and referral programs to serve a defined geographic area.

This bill would require, contingent upon an appropriation of \$4,000,000 annually, each child care resource and referral program to provide a child care navigator to support children in foster care and children previously in foster care upon return to their home of origin. The bill would also require, contingent upon an appropriation of \$5,000,000 annually, the child care resource and referral program to provide trauma-informed training and coaching to child care providers working with children in the foster care system.

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

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

1 SECTION 1. Section 8212 of the Education Code is amended
2 to read:
3 8212. (a) For purposes of this article, child care resource and
4 referral programs, established to serve a defined geographic area,
5 shall provide the following services:
6 (a)
7 (1) Identification of the full range of existing child care services
8 through information provided by all relevant public and private
9 agencies in the areas of service, and the development of a resource
10 file of those services which shall be maintained and updated at
11 least quarterly. These services shall include, but not be limited to,
12 family day care homes, public and private day care programs,
13 full-time and part-time programs, and infant, preschool, and
14 extended care programs.

1 The resource file shall include, but not be limited to, the
2 following information:

3 ~~(1)~~

4 (A) Type of program.

5 ~~(2)~~

6 (B) Hours of service.

7 ~~(3)~~

8 (C) Ages of children served.

9 ~~(4)~~

10 (D) Fees and eligibility for services.

11 ~~(5)~~

12 (E) Significant program information.

13 ~~(b)(1)~~

14 (2) (A) Establishment of a referral process which responds to
15 parental need for information and which is provided with full
16 recognition of the confidentiality rights of parents. Resource and
17 referral programs shall make referrals to licensed child day care
18 facilities. Referrals shall be made to unlicensed care facilities only
19 if there is no requirement that the facility be licensed. The referral
20 process shall afford parents maximum access to all referral
21 information. This access shall include, but is not limited to,
22 telephone referrals to be made available for at least 30 hours per
23 week as part of a full week of operation. Every effort shall be made
24 to reach all parents within the defined geographic area, including,
25 but not limited to, any of the following:

26 ~~(A)~~

27 (i) Toll-free telephone lines.

28 ~~(B)~~

29 (ii) Office space convenient to parents and providers.

30 ~~(C)~~

31 (iii) Referrals in languages which are spoken in the community.

32 Each child care resource and referral program shall publicize its
33 services through all available media sources, agencies, and other
34 appropriate methods.

35 ~~(2)(A)~~

36 (B) (i) Provision of information to any person who requests a
37 child care referral of his or her right to view the licensing
38 information of a licensed child day care facility required to be
39 maintained at the facility pursuant to Section 1596.859 of the
40 Health and Safety Code and to access any public files pertaining

1 to the facility that are maintained by the State Department of Social
2 Services Community Care Licensing Division.

3 ~~(B)~~

4 (ii) A written or oral advisement in substantially the following
5 form will comply with the requirements of ~~subparagraph (A)~~:
6 *clause (i)*:

7 “State law requires licensed child day care facilities to make
8 accessible to the public a copy of any licensing report pertaining
9 to the facility that documents a facility visit or a substantiated
10 complaint investigation. In addition, a more complete file regarding
11 a child care licensee may be available at an office of the State
12 Department of Social Services Community Care Licensing
13 Division. You have the right to access any public information in
14 these files.”

15 ~~(e)~~

16 (3) Maintenance of ongoing documentation of requests for
17 service tabulated through the internal referral process. The
18 following documentation of requests for service shall be maintained
19 by all child care resource and referral programs:

20 ~~(1)~~

21 (A) Number of calls and contacts to the child care information
22 and referral program or component.

23 ~~(2)~~

24 (B) Ages of children served.

25 ~~(3)~~

26 (C) Time category of child care request for each child.

27 ~~(4)~~

28 (D) Special time category, such as nights, weekends, and swing
29 shift.

30 ~~(5)~~

31 (E) Reason that the child care is needed.

32 This information shall be maintained in a manner that is easily
33 accessible for dissemination purposes.

34 ~~(4)~~

35 (4) Provision of technical assistance to existing and potential
36 providers of all types of child care services. This assistance shall
37 include, but not be limited to:

38 ~~(1)~~

39 (A) Information on all aspects of initiating new child care
40 services including, but not limited to, licensing, zoning, program

1 and budget development, and assistance in finding this information
2 from other sources.

3 ~~(2)~~

4 (B) Information and resources that help existing child care
5 services providers to maximize their ability to serve the children
6 and parents of their community.

7 ~~(3)~~

8 (C) Dissemination of information on current public issues
9 affecting the local and state delivery of child care services.

10 ~~(4)~~

11 (D) Facilitation of communication between existing child care
12 and child-related services providers in the community served.

13 Services prescribed by this section shall be provided in order to
14 maximize parental choice in the selection of child care to facilitate
15 the maintenance and development of child care services and
16 resources.

17 (5) (A) *Contingent upon an appropriation of four million dollars*
18 *(\$4,000,000) annually for purposes of this subparagraph, provision*
19 *of a child care navigator to support children in foster care, and*
20 *children previously in foster care upon return to their home of*
21 *origin. The navigator shall work with the child's resource family,*
22 *social worker, and child and family team to assess child care*
23 *opportunities appropriate to the child's age and needs, assist the*
24 *resource family in identifying potential opportunities for an*
25 *ongoing child care subsidy, assist the caregiver in completing*
26 *appropriate child care program applications, and develop an*
27 *overall, long-term child care plan for the child.*

28 (B) *Contingent upon an appropriation of five million dollars*
29 *(\$5,000,000) annually for purposes of this subparagraph, provision*
30 *of trauma-informed training and coaching to child care providers*
31 *working with children in the foster care system. Training shall*
32 *include, but not be limited to, infant and toddler development and*
33 *research-based, trauma-informed best care practices. Child care*
34 *providers shall be provided with coaching to assist them in*
35 *applying training techniques and strategies for working with*
36 *children in foster care.*

37 ~~(e)~~

38 (b) (1) A program operating pursuant to this article shall, within
39 two business days of receiving notice, remove a licensed child day

1 care facility with a revocation or a temporary suspension order, or
2 that is on probation from the program’s referral list.

3 (2) A program operating pursuant to this article shall, within
4 two business days of receiving notice, notify all entities, operating
5 a program under Article 3 (commencing with Section 8220) and
6 Article 15.5 (commencing with Section 8350) in the program’s
7 jurisdiction, of a licensed child day care facility with a revocation
8 or a temporary suspension order, or that is on probation.

9 SEC. 2. Section 11460 of the Welfare and Institutions Code is
10 amended to read:

11 11460. (a) (1) Foster care providers shall be paid a per child
12 per month rate in return for the care and supervision of the
13 AFDC-FC child placed with them. The department is designated
14 the single organizational unit whose duty it shall be to administer
15 a state system for establishing rates in the AFDC-FC program.
16 State functions shall be performed by the department or by
17 delegation of the department to county welfare departments or
18 Indian tribes, consortia of tribes, or tribal organizations that have
19 entered into an agreement pursuant to Section 10553.1.

20 (2) (A) Foster care providers that care for a child in a
21 home-based setting described in paragraph (1) of subdivision (g)
22 of Section 11461, or in a certified home or an approved resource
23 family of a foster family agency, shall be paid the per child per
24 month rate as set forth in subdivision (g) of Section 11461.

25 (B) The basic rate paid to either a certified family home or an
26 approved resource family of a foster family agency shall be paid
27 by the agency to the certified family home or approved resource
28 family from the rate that is paid to the agency pursuant to Section
29 11463.

30 (b) “Care and supervision” includes food, clothing, shelter, daily
31 supervision, school supplies, a child’s personal incidentals, liability
32 insurance with respect to a child, reasonable travel to the child’s
33 home for visitation, and reasonable travel for the child to remain
34 in the school in which he or she is enrolled at the time of
35 placement. Reimbursement for the costs of educational travel, as
36 provided for in this subdivision, shall be made pursuant to
37 procedures determined by the department, in consultation with
38 representatives of county welfare and probation directors, and
39 additional stakeholders, as appropriate.

1 (1) (A) A child who meets the eligibility criteria of the Child
2 Care Bridge Program for Foster Children, as established by
3 Section 11461.6, may be provided with a voucher for child care
4 services for the child for up to six months immediately following
5 the child's placement as well as a child care navigator to assist
6 the child and resource family in accessing long-term subsidized
7 child care.

8 (B) "Daily supervision" includes licensed child care if work
9 responsibilities preclude resource families from being at home
10 when the child for whom they have care and responsibility is not
11 in school. It also includes child care for periods when the resource
12 family is required to participate, without the child, in activities
13 associated with parenting a child in foster care that are beyond
14 the scope of ordinary parental duties, including, but not limited
15 to, attendance at administrative or judicial reviews, case
16 conferences, and resource family training.

17 ~~(1)~~

18 (2) For a child or youth placed in a short-term residential
19 therapeutic program or a group home, care and supervision shall
20 also include reasonable administration and operational activities
21 necessary to provide the items listed in this subdivision.

22 ~~(2)~~

23 (3) For a child or youth placed in a short-term residential
24 therapeutic program or a group home, care and supervision may
25 also include reasonable activities performed by social workers
26 employed by the program provider that are not otherwise
27 considered daily supervision or administration activities.

28 ~~(3)~~

29 (4) The department, in consultation with the California State
30 Foster Parent Association, and other interested stakeholders, shall
31 provide information to the Legislature, no later than January 1,
32 2017, regarding the availability and cost for liability and property
33 insurance covering acts committed by children in care, and shall
34 make recommendations for any needed program development in
35 this area.

36 (c) It is the intent of the Legislature to establish the maximum
37 level of financial participation in out-of-state foster care group
38 home program rates for placements in facilities described in
39 subdivision (h) of Section 11402.

- 1 (1) The department shall develop regulations that establish the
2 method for determining the level of financial participation in the
3 rate paid for out-of-state placements in facilities described in
4 subdivision (h) of Section 11402. The department shall consider
5 all of the following methods:
- 6 (A) Until December 31, 2016, a standardized system based on
7 the rate classification level of care and services per child per month.
 - 8 (B) The rate developed for a short-term residential therapeutic
9 program pursuant to Section 11462.
 - 10 (C) A system that considers the actual allowable and reasonable
11 costs of care and supervision incurred by the out-of-state program.
 - 12 (D) A system that considers the rate established by the host
13 state.
 - 14 (E) Any other appropriate methods as determined by the
15 department.
- 16 (2) Reimbursement for the Aid to Families with Dependent
17 Children-Foster Care rate to be paid to an out-of-state program
18 described in subdivision (h) of Section 11402 shall only be paid
19 to programs that have done all of the following:
- 20 (A) Submitted a rate application to the department, which shall
21 include, but not be limited to, both of the following:
 - 22 (i) Commencing January 1, 2017, unless granted an extension
23 from the department pursuant to subdivision (d) of Section
24 11462.04, the equivalent of the mental health program approval
25 required in Section 4096.5.
 - 26 (ii) Commencing January 1, 2017, unless granted an extension
27 from the department pursuant to subdivision (d) of Section
28 11462.04, the national accreditation required in paragraph (6) of
29 subdivision (b) of Section 11462.
 - 30 (B) Maintained a level of financial participation that shall not
31 exceed any of the following:
 - 32 (i) The current fiscal year’s standard rate for rate classification
33 level 14 for a group home.
 - 34 (ii) Commencing January 1, 2017, the current fiscal year’s rate
35 for a short-term residential therapeutic program.
 - 36 (iii) The rate determined by the ratesetting authority of the state
37 in which the facility is located.
 - 38 (C) Agreed to comply with information requests, and program
39 and fiscal audits as determined necessary by the department.

1 (3) Except as specifically provided for in statute, reimbursement
2 for an AFDC-FC rate shall only be paid to a group home or
3 short-term residential therapeutic program organized and operated
4 on a nonprofit basis.

5 (d) A foster care provider that accepts payments, following the
6 effective date of this section, based on a rate established under this
7 section, shall not receive rate increases or retroactive payments as
8 the result of litigation challenging rates established prior to the
9 effective date of this section. This shall apply regardless of whether
10 a provider is a party to the litigation or a member of a class covered
11 by the litigation.

12 (e) Nothing shall preclude a county from using a portion of its
13 county funds to increase rates paid to family homes, foster family
14 agencies, group homes, and short-term residential therapeutic
15 programs within that county, and to make payments for specialized
16 care increments, clothing allowances, or infant supplements to
17 homes within that county, solely at that county's expense.

18 (f) Nothing shall preclude a county from providing a
19 supplemental rate to serve commercially sexually exploited foster
20 children to provide for the additional care and supervision needs
21 of these children. To the extent that federal financial participation
22 is available, it is the intent of the Legislature that the federal
23 funding shall be utilized.

24 SEC. 3. Section 11461.6 is added to the Welfare and
25 Institutions Code, to read:

26 11461.6. (a) The Legislature finds and declares the following:

27 (1) When a child is first placed in foster care he or she is in
28 crisis and in immediate need of a stable placement with a loving
29 resource family.

30 (2) A barrier to finding resource families for children, especially
31 young children, is the difficulty they experience in accessing
32 subsidized child care for the foster child.

33 (3) The difficulty accessing subsidized child care at the time of
34 placement, in addition to being a barrier to stability, can also lead
35 to delayed placement, subsequent placement changes, or sibling
36 separation, all of which retraumatize foster children.

37 (b) The Child Care Bridge Program for Foster Children is hereby
38 established for the purpose of stabilizing foster children with
39 resource families at the time of initial placement by providing a
40 voucher for child care and development services for up to six

1 months immediately following the child's placement and by
2 providing the resource family with a child care navigator to assist
3 the family in accessing long-term subsidized child care.

4 (c) Contingent upon appropriation of twenty-two million dollars
5 (\$22,000,000) annually for the purposes of this section, the Child
6 Care Bridge Program for Foster Children shall be administered by
7 county welfare departments for counties that choose to participate
8 in the program to distribute vouchers to eligible children. These
9 funds may be encumbered to a local alternative payment agency
10 pursuant to Section 8220.1 of the Education Code. If the county
11 chooses to contract with the local alternative payment agency to
12 provide alternative payment services, this contract shall not
13 displace, or result in the reduction of an existing contract with, a
14 current alternative payment program.

15 (d) Participating county welfare departments shall determine
16 eligibility of a child for the Child Care Bridge Program for Foster
17 Children and provide an eligible child between birth and four years
18 of age placed with an approved resource family or the child of a
19 young parent involved in the child welfare system, including a
20 nonminor dependent, with a monthly voucher for child care
21 commensurate with regional market rate requirements, as specified
22 in Section 8357 of the Education Code, upon and for up to six
23 months following the child's initial placement.

24 (e) Each child receiving a monthly child care voucher shall be
25 provided with a child care navigator, pursuant to paragraph (5) of
26 subdivision (a) of Section 8212 of the Education Code, who shall
27 work directly with the child's resource family, social worker, and
28 the child and family team to assist in accessing child care at the
29 time of placement as well as long-term, subsidized child care for
30 the child, as necessary.

31 (f) Each child receiving a monthly child care voucher shall be
32 eligible to receive child care pursuant to the voucher for up to six
33 months. If the child and resource family access long-term,
34 subsidized child care prior to the end of the six-month period
35 covered by the voucher, eligibility for the monthly voucher shall
36 terminate upon enrollment in long-term, subsidized child care.

37 (g) Eligibility for the monthly voucher may be extended beyond
38 the initial six-month period for an additional six-month period,
39 not to exceed 12 months in total, at the discretion of the county
40 welfare department, if the child and resource family have been

- 1 unable to access long-term, subsidized child care during the initial
- 2 six-month period.
- 3 (h) Assistance of a child care navigator, pursuant to subdivision
- 4 (e), shall be available until the child and family procures long-term,
- 5 subsidized child care.

O