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## EVALUATOR MANUAL TRANSMITTAL SHEET

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<p><b><u>Distribution:</u></b></p> <p>_____ All Child Care Evaluator Manual Holders</p> <p><u>X</u> All Residential Care Evaluator Manual Holders</p> <p>_____ All Evaluator Manual Holders</p>	<p><b><u>Transmittal No.</u></b> <b>07APX-12</b></p> <hr/> <p><b><u>Date Issued</u></b> <b>December 2007</b></p>
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**Subject:**

**2007 Chaptered Legislation**

**Appendix A**

**Community Care Facilities (Children's Residential)**

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**Reason For Change:**

This transmits summaries of legislation chaptered in 2007 affecting Community Care Facilities (Children's Residential). The summaries are divided into two sections as follows:

1. Immediate Action Required – Interim instructions are provided.
2. Information Only – No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document become operative on January 1, 2008.

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**Filing Instructions:**

Insert the attached pages into Appendix A. Do not remove similar documents from the previous years.

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**Approved:**

***Thomas Stahl***

***12/24/07***

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# SUMMARY AND IMPLEMENTATION PLANS 2007 CHAPTERED LEGISLATION

## CHILDREN'S RESIDENTIAL FACILITIES

GROUP HOMES	CERTIFIED FAMILY HOMES
FOSTER FAMILY HOMES	SMALL FAMILY HOMES
FOSTER FAMILY AGENCIES	CRISIS NURSERIES
COMMUNITY TREATMENT FACILITIES	ADOPTION AGENCIES
TRANSITIONAL HOUSING PLACEMENT PROGRAM	

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### ***INFORMATION ONLY – NO ACTION REQUIRED***

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**Unless otherwise noted, all new legislation becomes effective on January 1, 2008. When conducting licensing visits, LPAs should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.**

# **ACTION REQUIRED**

## **SB 7 (Oropeza), CHAPTER 425, STATUTES OF 2007**

**Affects:** Child Care Facilities (CCF) and Community Care Facilities

**Subject:** Smoking in vehicle with minor passengers

**Summary:** SB 7 adds Section 118947 to the Health and Safety Code and requires that effective January 1, 2008 it is an infraction for a person to smoke a cigar, cigarette or pipe in a vehicle, whether in motion or at rest, in which there is a minor.

This bill specifically:

1. Makes it an infraction punishable by a fine not exceeding \$100 for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a minor.
2. Prohibits a law enforcement officer from stopping a vehicle for the sole purpose of determining whether the driver is in violation of the antismoking provision.
3. Designates this bill as the Marco Firebaugh Memorial Children's Health and Safety Act of 2007.

### **Implementation:**

Effective January 1, 2008, if licensing staff observe or determine that a provider or staff is smoking in a vehicle with children present whether parked or moving; then cite Section 1550(c) of the Health and Safety Code. Licensing staff shall cite this section because the provider or staff would be engaging in conduct which is inimical to the health of the child in care, specifically smoking in a vehicle.

# **ACTION REQUIRED**

## **SB 104 (Machado), CHAPTERED 288, STATUTES OF 2007**

**Affects:** Crisis Nurseries (CN)

**Subject:** Crisis Nurseries (CN)

**Summary:** SB 104 amends Health and Safety (HS) Code sections 1516, 1562.8, 1596.792 and Welfare and Institutions (WI) Code sections 11402 and 11462.7 by extending the January 1, 2008 sunset date for the Crisis Nurseries (CN) licensing category to July 1, 2011. The bill also amends HS Code section 1516, subdivision (g) by adding a new reporting requirement for CN that accept children placed directly by a county child welfare services agency and a requirement for county welfare agencies that place children in CN. The bill also adds WI Code section 11400.1, which adds the definition of CN for purposes of WI Code Division 9, Chapter 2, Article 5, Aid to Families with Dependent Children – Foster Care.

CN are defined in HS Code section 1516, subdivision (a) as “a facility licensed by the department pursuant to subdivision (j) to provide short-term, 24-hour nonmedical residential care and supervision for children under six years of age, who are either voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation, for no more than 30 days or, except as provided in subdivision (e), who are temporarily placed by a county child welfare service agency for no more than 14 days.”

### **Applicability to CN:**

- CN are authorized to be licensed as a Children’s Residential facility category until July 1, 2011 unless statute is enacted to further extend this date or current statute is repealed.
- HS Code section 1516, subdivision (g)(2) requires CN that accept children placed directly by a county child welfare service agency shall also annually provide a summary report to the Department within 60 days of the subsequent calendar year. This report shall indicate the total number of children placed directly by a county child welfare services agency, the length of stay and age for each child, the average length of stay and age for each child, the average length of stay for all of the children placed directly by the county, and the reasons given by the county for use of the crisis nursery for placement.
- HS Code section 1516, subdivision (g)(3) requires that a county child welfare agency inform the CN of the reason for the selection of the CN as the placement choice when placing a child in a CN.

**Implementation of SB 104:**

- Licensing analysts must contact existing Crisis Nurseries and inform them of this new reporting requirement during the year.
- Licensing analysts shall cite HS Code section 1516 subdivision (g)(2) if CN facilities do not comply with the new reporting requirements specified therein.
- Regulations may be developed at a later date.

# ACTION REQUIRED

## **SB 703 (Ducheny), CHAPTERED 583, STATUTES OF 2007**

**Affects:** Foster Family Agencies (FFA), Foster Family Home (FFH), Certified Family Home (CFH), Adoption Agencies (AA)

**Subject:** Compliance with the federal Adam Walsh Child Protection and Safety Act and the Intercountry Adoption Act of 2000

**Summary:** Although this bill touches on a variety of issues, this implementation plan concentrates on the Adam Walsh Child Protection, and the Intercountry Adoption Act of 2000.

## **Adam Walsh Child Protection and Safety Act of 2006.**

**Summary:** The first portion of the bill in this implementation plan addresses changes to state law required by recent and significant changes to federal law in the area of child welfare. Sections 13 and 15 of the federal Adam Walsh Child Protection and Safety Act of 2006 require that before a home may be licensed or certified, *both CA and FBI criminal background checks must be completed. A pre-licensure check is also required of the California Child Abuse Registry (CACI) and registries in each state in which the prospective foster parent has lived in the past five years* (Sections 13 amends Health & Safety Code Section 1522, and Section 15 amends Health & Safety Code Section 1522.1.) Implementation date: January 1, 2008.

## **Implementation of the Adam Walsh Child Protection and Safety Act**

### Children's Residential Program

- Regional offices have been trained on the new features of the LIC 508D (rev 9/07) about when to make a CBCB referral
- A letter was sent to the FFAs informing them of their responsibility to ensure that CFH individuals complete the LIC 508D (rev 9/07) and, when applicable, forward it to the Caregiver Background Check Bureau (CBCB) email box at [CBCB\\_Out Of State CACI@DSS](mailto:CBCB_Out_Of_State_CACI@DSS).
- Regional offices have been directed to inform the FFAs of this new requirement and to provide a copy of the letter to them.
- New requirements will be included in the foster family homes orientation scripts
- For all FFH applications received after 1/1/08, review the LIC 508D (rev 9/07) and forward those that the applicant has identified they have lived in another state within the last 5 years to CBCB via the designated email box at [CBCB\\_Out Of State CACI@DSS](mailto:CBCB_Out_Of_State_CACI@DSS).

### CBCB

- After applicant has submitted fingerprints and is established in the Caregiver Background Check (CBC) system, update CBC system and trigger the out-of-state CACI indicator.

- Query database for specific states forms and requirements.
- Contact applicant and obtain appropriate authorizations if necessary.
- Request a check of the indicated state's child abuse and neglect registry.

Negative response - No report on file – Update CBC/LIS.

Positive response - Report filed – Request report from agency that conducted initial investigation. Review report and either clear or refer case to Investigations Branch (IB) for investigation. Upon completion of investigation and review of IB report, CBCB will either clear or refer for Administrative Action and input decision into the CBC/LIS system.

- If no response from either the state registry or the local agency after two attempts, will refer to Federal Government for non compliance.
- Update the Evaluator Manual background check sections regarding this process.
- Promulgate regulations.

### **Intercountry Adoption Act of 2000**

#### **Summary:**

- This bill ensures conformity with federal regulations relating the federal Safe and Timely Interstate Placement of Foster Children Act of 2006 and with the federal Intercountry Adoption Act of 2000.
- As a condition of licensure by CCLD to provide intercountry adoption services, any private full-service adoption agency and any noncustodial adoption agency must be accredited by the Council on Accreditation, or supervised by an accredited primary provider, or acting as an exempted provider.
- The accredited primary provider may supervise unaccredited providers as part of the adoption process when the private full-service adoption agency or a noncustodial adoption agency ensures that each supervised provider operates under a written agreement with the primary provider.
- The primary provider must provide to the Department a copy of the written agreement with each supervised provider containing all provisions required by federal regulations.
- The bill defines an exempted provider as “a social work professional or organization that performs a home study on any prospective adoptive parent or a child background study or both in the United States in connection with a convention adoption and who is not currently providing and has not previously provided any other adoption service in the case.”

## **Implementation of the Intercountry Adoption Act of 2000**

Until regulations are developed and promulgated, licensing analysts are to use Section 8900 of the Family Code to cite unaccredited adoption agencies or adoption agencies not supervised by a primary provider that are providing intercountry adoption services.

Licensing analysts may use the Council on Accreditation website at <http://www.coanet.org/front3/page.cfm?sect=7> to inquire whether an adoption agency has been accredited.

If the Council of Accreditation inquires about adoption agencies, licensing staff will cooperate and share information. This may include:

- ❖ an interview by the council or its staff,
- ❖ providing public documents such as licensing reports. If the documents requested contain potentially confidential information, (i.e., children's names, potential adoptive parents names), consultation with the Legal division will be done prior to providing such documents.

Licensing analysts may also contact Elizabeth Espinosa, Administrative Coordinator of intercountry adoptions, Council on Accreditation, at (212) 797- 2000 ext. 267 or e-mail her at [eespinosa@coanet.org](mailto:eespinosa@coanet.org) to clarify any questions.

# INFORMATION ONLY – NO ACTION REQUIRED

## AB 304 (Huff), CHAPTER 18, STATUTES OF 2007

**Affects:** Community Care Facilities and Residential Care Facilities for the Elderly

**Subject:** Community Care Facilities and Residential Care Facilities for the Elderly:  
Disaster and Mass Casualty Plans

**Summary:** The statutes created by this bill require every community care facility (CCF) and residential care facility for the elderly (RCFE) to provide a disaster and mass casualty plan, upon request by any fire department, law enforcement agency, civil defense and/or other disaster authority in their area. This bill also states, “**The department is not required to monitor compliance with this section as part of its regulatory monitoring functions.**”

### Community Care Facilities:

Every CCF shall provide a copy of the disaster and mass casualty plan, upon request by any fire department, law enforcement agency, or civil defense or other disaster authority in the area or community in which the facility is located.

Although Foster Family Homes (FFH) do not typically fall under the purview of the General Licensing Requirements, they must follow section 80023 Disaster and Mass Casualty Plan of the General Licensing Requirements, yet only for the purposes of Health and Safety Code (HS) 1520.7, added by this bill.

Although Adult Day Programs (ADP) have their own Disaster and Mass Casualty Plan regulations (Title 22, section 82023), HS 1520.7, added by this bill, requires that ADP licensees use the General Licensing Requirements section 80023, only for the purposes of this statute.

HS section 1540 (which addresses penalties), referenced in added section HS 1520.7, does not apply to the requirements of section 1520.7.

**The department is not required to monitor compliance with HS 1520.7.** However the Department still has the authority to monitor compliance with Title 22 regulations which require CCFs (other than Foster Family Homes) to have a disaster and mass casualty plan.

### Residential Care Facilities for the Elderly:

This bill adds HS 1569.194 which requires every RCFE to provide a copy of the disaster and mass casualty plan (required by section 87223 of the Residential Care Facilities for the Elderly regulations), upon request by any fire department, law enforcement agency, or civil defense or other disaster authority in the area or community in which the facility is located. Health and Safety Code Section 1569.40 (which addresses penalties), referenced in HS 1569.194, does not apply to the requirements of HS 1569.194.

**The department is not required to monitor compliance with the specific requirements of HS 1569.194.** However, the Department still has the authority to monitor compliance with disaster and mass casualty plans per Title 22 section 87223.

# INFORMATION ONLY – NO ACTION REQUIRED

## AB 340 (Hancock), CHAPTER 464, STATUTES OF 2007

**Affects:** Foster Family Homes (FFH)

**Subject:** Child Welfare Services: Resource Family Pilot Program

**Summary:** Assembly Bill (AB) 340 requires the Department, in consultation with stakeholders and interested parties, to implement a three-year resource family pilot program, in up to five counties, to establish a single comprehensive resource family approval process for foster care and adoption. This single process will replace the current separate processes for licensing foster family homes, approving relatives and non-related extended family members (NREFMs), and approving adoptive families.

The bill defines **Resource Family** to mean an individual or couple that a participating county determines to have successfully met both the home approval standards and the permanency assessment criteria necessary to provide care for a related or unrelated child who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency. Resource families are required to have an understanding of the needs of children who have been abused and neglected and have the ability to meet those needs, knowledge of child development and effective, prudent parenting, and the ability to ensure financial security for the family.

AB 340 has four components:

- Resource Family Pilot Program. A pilot program will be implemented (Welfare and Institutions (WI) Code section 16519.5(a)) to establish a resource family approval process.
- Combined Resource Family Approval Process. An approved resource family will be eligible to be a foster parent, adoptive parent, or guardian (WI Code section 16519.5(c)(2)). A resource family will be approved after clearances are received for criminal history and child abuse, inspection of building and grounds of the resource family home, and caregiver risk assessment (WI Code section 16519.5(d)(1)(A) through (D)). A permanency assessment must be completed prior to a child's placement with a resource family unless compelling reasons for the child's placement exist (WI Code section 16519.5(e)(1)).
- Enhanced Safety Checks. A resource family criminal background check will include information about any out-of-state federal conviction or arrest (Family Code section 8712). The Child Abuse Central Index (CACI) and the Child Welfare Services Case Management System (CWS/CMS) will be accessed to obtain any child abuse history.
- State-Supervised, County-Administered Model for Services. The Department and selected counties will have specified responsibilities for the Resource Family Pilot Program (WI Code sections 16519.5(f)(1) through (10) and 16519.5(g)(1) through (11)).

This pilot project is still in the development stage. Once standards are developed and the participating counties selected, further notification will be given. Resource families are exempt from licensure, relative approval, and adoption approval (WI Code section 16519.5(p)(1) through (3)).

# INFORMATION ONLY – NO ACTION REQUIRED

## AB 1331 (Evans), CHAPTER 465, STATUTES OF 2007

**Affects:** Foster Family Agencies (FFA), Certified Family Homes (CFH), Foster Family Homes (FFH), Group Homes (GH), Community Treatment Facilities (CTF), Small Family Homes (SFH), and Transitional Housing Placement Programs (THPP).

**Subject:** Foster Youth: Federal Benefits for Foster Youth

**Summary:** AB 1331 adds Welfare and Institutions (WI) Code section 13757, which requires counties to screen youth in foster care and 16 ½ to 17 ½ years of age and nearing emancipation from foster care, or likely to remain in foster care past the usual emancipation age of 18 years of age for his or her eligibility to apply and receive federal Supplemental Security Income (SSI) benefits.

Counties are required to switch a youth's foster care funding from federal to state Aid to Families with Dependent Children-Foster Care (AFDC-FC) to fund the foster youth's placement during the month of application or during the month after the application is made.

To the extent possible, the foster youth's application shall be timed to allow a determination of his or her eligibility for SSI prior to the youth's emancipation from placement in a Children's Residential home and permit SSI benefits to be suspended for no more than 12 months prior to the youth's emancipation from care.

# INFORMATION ONLY – NO ACTION REQUIRED

## AB 1453 (Soto), CHAPTER 466, STATUTES OF 2007

**Affects:** Group Homes (GH) and Community Treatment Facilities (CTF)

**Subject:** Foster Care Residentially Based Services

**Summary:** AB 1453 amends Welfare and Institutions (WI) Code section 18987.7 to require the Department to convene a workgroup of designated public and private stakeholders which would develop a plan for transforming current Group Home (GH) care for foster children or youth into a system of Residentially Based Services (RBS).

The bill defines **Residentially Based Services (RBS)** to mean providing behavioral or therapeutic interventions delivered in nondetention group care settings where multiple children or youth live in the same housing unit and receive care and supervision from paid staff. These interventions and services include environmental and intensive treatment interventions, parallel pre-discharge community-based interventions, and post-discharge follow-up support and services.

Counties and private nonprofit agency GH operators are permitted to enter into voluntary agreements for the purpose of developing, implementing, and testing alternative program designs and funding models. Up to 4 counties or county consortiums may participate, including LA and Alameda, the 2 Title IV-E waiver counties. If either of the 2 Title IV-E waiver counties do not participate, other counties may do so. These agreements shall be valid for a period not to exceed five years from January 1, 2008, unless a later enacted statute extends or removes this limitation.

AB 1453 authorizes the Department to:

- Select participating counties, based on letters of interest submitted to the Department from these counties, in consultation with the California Alliance of Child and Family Services and the County Welfare Directors Association.
- Authorize counties to enter into voluntary agreements with private non-profit agencies to test alternate program designs and cost-neutral funding models.
- Waive child welfare regulations regarding the role of counties in conjunction with private nonprofit agencies operating RBS to facilitate voluntary agreements and the development and implementation of service delivery models.

Current GH licensing requirements will continue to apply regardless of the degree to which GH programs are transformed into RBS during the term of voluntary agreements, unless a waiver request is received and approved.

## INFORMATION ONLY – NO ACTION REQUIRED

### SB 473 (Cox), CHAPTER 248, STATUTES OF 2007

**Affects:** This bill does not impact CCLD.

**Subject:** State Agencies: Fingerprinting Vendors

**Summary:** SB 473 prohibits a state agency that requires fingerprinting for any non-law-enforcement purpose from requiring the use of specific Live Scan providers certified by the Department of Justice. It also authorizes state agencies to identify on their web sites a list of certified Live Scan providers and provide a link to the Department of Justice's web site that lists all Live Scan providers.

# INFORMATION ONLY – NO ACTION REQUIRED

## **SB 720 (Kuehl), CHAPTER 475, STATUTES OF 2007**

**Affects:** Certified Family Homes (CFH), Foster Family Homes (FFH), and Foster Family Agencies (FFA)

**Subject:** Foster Children

**Summary:** SB 720 specifies the rate of payment for care and supervision of a dependent infant living with a dependent teen parent in a Whole Foster Family Home.

- This bill amends Welfare and Institutions (WI) Code section 11465(d)(2) to require that the payment for care and supervision of a dependent infant living with a dependent teen parent in a Whole Foster Family Home be the same as a dependent child living with a dependent teen parent in a group home.
- This bill clarifies that the following may be a Whole Family Foster Home: an existing foster home, KinGAP relative's home, non-related legal guardian's home, where the guardianship was established by the dependency court.
- This bill amends WI Code section 16501.25(a) to expand the definition of teen parent to include a child adjudged to be a current or former dependent child or ward of the court or a child who is a ward of a non-related legal guardian receiving case management and living in an out-of-home placement.

# INFORMATION ONLY – NO ACTION REQUIRED

## **SB 785 (Steinberg), CHAPTER 469, STATUTES OF 2007**

**Affects:** Certified Family Homes (CFF), Foster Family Homes (FFH), Small Family Homes (SFH), Foster Family Agencies (FFA), Community Treatment Facilities (CTF), Group Homes (GH), Community Treatment Facilities (CTF), and Adoption Agencies (AA)

**Subject:** Foster Children: Mental Health Services

**Summary:** Foster Care Children Mental Health Services

- This bill requires the California Health and Human Services Agency to coordinate the efforts of the California Department of Mental Health and the Department of Social Services to ensure that foster children in out of county placements receive timely and needed mental health services.
- This bill requires that Informational materials be provided to providers and county Child Welfare Agencies.