

AMENDED IN ASSEMBLY MARCH 27, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1164**

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**Introduced by Assembly Member Thurmond**

February 17, 2017

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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 amended, 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 *Emergency Child Care Bridge Program* for Foster Children (bridge program). The bill would authorize, contingent upon an appropriation of ~~\$22,000,000 annually~~, *\$11,000,000 in the 2017–18 fiscal year and \$22,000,000 annually thereafter*, county welfare departments to administer the bridge program and distribute vouchers to ~~children between birth and 4 years of age~~, *an eligible child who is placed with an approved resource family or family, a licensed or certified foster family, or an approved relative or nonrelative extended family member, or who is 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 *monthly payment either*

*directly to the family or to the child care provider or provide a monthly voucher for child care care, in an amount that is commensurate with the regional market rate, 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 payment or 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 payment or voucher be provided with a child care navigator, as specified. specified, and would authorize the county to establish local priorities in the implementation of the bridge program.*

~~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~~, \$2,500,000 in the 2017–18 fiscal year and \$5,000,000 annually thereafter, 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~~, \$2,000,000 in the 2017–18 fiscal year and \$4,000,000 annually thereafter, 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:

1 8212. (a) For purposes of this article, child care resource and  
2 referral programs, established to serve a defined geographic area,  
3 shall provide the following services:

4 (1) Identification of the full range of existing child care services  
5 through information provided by all relevant public and private  
6 agencies in the areas of service, and the development of a resource  
7 file of those services which shall be maintained and updated at  
8 least quarterly. These services shall include, but not be limited to,  
9 family day care homes, public and private day care programs,  
10 full-time and part-time programs, and infant, preschool, and  
11 extended care programs.

12 The resource file shall include, but not be limited to, the  
13 following information:

- 14 (A) Type of program.
- 15 (B) Hours of service.
- 16 (C) Ages of children served.
- 17 (D) Fees and eligibility for services.
- 18 (E) Significant program information.

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

- 31 (i) Toll-free telephone lines.
- 32 (ii) Office space convenient to parents and providers.
- 33 (iii) Referrals in languages which are spoken in the community.

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

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

1 Health and Safety Code and to access any public files pertaining  
2 to the facility that are maintained by the State Department of Social  
3 Services Community Care Licensing Division.

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

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

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

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

20 (B) Ages of children served.

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

22 (D) Special time category, such as nights, weekends, and swing  
23 shift.

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

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

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

30 (A) Information on all aspects of initiating new child care  
31 services including, but not limited to, licensing, zoning, program  
32 and budget development, and assistance in finding this information  
33 from other sources.

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

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

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

1 Services prescribed by this section shall be provided in order to  
2 maximize parental choice in the selection of child care to facilitate  
3 the maintenance and development of child care services and  
4 resources.

5 (5) (A) (i) Contingent upon an appropriation of ~~four million~~  
6 ~~dollars (\$4,000,000) annually~~ *two million five hundred thousand*  
7 *dollars (\$2,500,000) in the 2017–18 fiscal year and five million*  
8 *dollars (\$5,000,000) annually thereafter* for purposes of this  
9 subparagraph, provision of a child care navigator to support  
10 children in foster care, ~~and children previously in foster care upon~~  
11 ~~return to their home of origin.~~ *origin, and children of parents*  
12 *involved in the child welfare system, including the children of*  
13 *nonminor dependents.* The navigator shall work with the child’s  
14 resource family, social worker, and child and family team to assess  
15 child care opportunities appropriate to the child’s age and needs,  
16 assist the resource family in identifying potential opportunities for  
17 an ongoing child care subsidy, assist the caregiver in completing  
18 appropriate child care program applications, and develop an overall,  
19 long-term child care plan for the child.

20 (ii) *As a condition of receiving funds pursuant to this*  
21 *subparagraph, each resource and referral agency shall develop*  
22 *and enter into a memorandum of understanding, contract, or other*  
23 *formal agreement with the county child welfare agency in order*  
24 *to facilitate interagency communication and, to the maximum*  
25 *extent possible, to leverage federal funding, including*  
26 *administrative funding, available pursuant to Title IV–E of the*  
27 *Social Security Act, to enhance the navigation support authorized*  
28 *under this subparagraph, or the resource and referral agency shall*  
29 *explain, in writing, annually, why entering into a memorandum*  
30 *of understanding, contract, or other formal agreement with the*  
31 *county child welfare agency is not practical or feasible. This*  
32 *section shall not limit the provision of child care navigation support*  
33 *to children who are in the foster care system, including children*  
34 *who are eligible for the Emergency Child Care Bridge Program*  
35 *for Foster Children established pursuant to Section 11461.6 of*  
36 *the Welfare and Institutions Code.*

37 (B) (i) Contingent upon an appropriation of ~~five million dollars~~  
38 ~~(\$5,000,000) annually~~ *two million dollars (\$2,000,000) in the*  
39 *2017–18 fiscal year and four millions dollars (\$4,000,000)*  
40 *annually thereafter* for purposes of this subparagraph, provision

1 of trauma-informed training and coaching to child care providers  
2 working with children in the foster care system. Training shall  
3 include, but not be limited to, infant and toddler development and  
4 research-based, trauma-informed best care practices. Child care  
5 providers shall be provided with coaching to assist them in applying  
6 training techniques and strategies for working with children in  
7 foster care.

8 *(ii) As a condition of receiving funds pursuant to this*  
9 *subparagraph, each resource and referral agency, in coordination*  
10 *with the California Child Care Resource and Referral Network,*  
11 *shall develop and enter into a memorandum of understanding,*  
12 *contract, or other formal agreement with the county child welfare*  
13 *agency in order to, to the maximum extent possible, leverage*  
14 *federal funding, including training funds, available pursuant to*  
15 *Title IV–E of the Social Security Act, to enhance the training*  
16 *support authorized under this subparagraph, or the resource and*  
17 *referral agency shall explain, in writing, annually, why entering*  
18 *into a memorandum of understanding, contract, or other formal*  
19 *agreement with the county child welfare agency is not practical*  
20 *or feasible.*

21 (b) (1) A program operating pursuant to this article shall, within  
22 two business days of receiving notice, remove a licensed child day  
23 care facility with a revocation or a temporary suspension order, or  
24 that is on probation from the program's referral list.

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

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

33 11460. (a) (1) Foster care providers shall be paid a per child  
34 per month rate in return for the care and supervision of the  
35 AFDC-FC child placed with them. The department is designated  
36 the single organizational unit whose duty it shall be to administer  
37 a state system for establishing rates in the AFDC-FC program.  
38 State functions shall be performed by the department or by  
39 delegation of the department to county welfare departments or

1 Indian tribes, consortia of tribes, or tribal organizations that have  
2 entered into an agreement pursuant to Section 10553.1.

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

8 (B) The basic rate paid to either a certified family home or an  
9 approved resource family of a foster family agency shall be paid  
10 by the agency to the certified family home or approved resource  
11 family from the rate that is paid to the agency pursuant to Section  
12 11463.

13 (b) “Care and supervision” includes food, clothing, shelter, daily  
14 supervision, school supplies, a child’s personal incidentals, liability  
15 insurance with respect to a child, reasonable travel to the child’s  
16 home for visitation, and reasonable travel for the child to remain  
17 in the school in which he or she is enrolled at the time of  
18 placement. Reimbursement for the costs of educational travel, as  
19 provided for in this subdivision, shall be made pursuant to  
20 procedures determined by the department, in consultation with  
21 representatives of county welfare and probation directors, and  
22 additional stakeholders, as appropriate.

23 (1) ~~(A)~~—A child who meets the eligibility criteria of the  
24 *Emergency Child Care Bridge Program for Foster Children*, as  
25 established by Section 11461.6, may be provided with a voucher  
26 for child care services for the child for up to six months  
27 immediately following the child’s placement as well as a child  
28 care navigator to assist the child and resource family in accessing  
29 long-term subsidized child care.

30 ~~(B) “Daily supervision” includes licensed child care if work~~  
31 ~~responsibilities preclude resource families from being at home~~  
32 ~~when the child for whom they have care and responsibility is not~~  
33 ~~in school. It also includes child care for periods when the resource~~  
34 ~~family is required to participate, without the child, in activities~~  
35 ~~associated with parenting a child in foster care that are beyond the~~  
36 ~~scope of ordinary parental duties, including, but not limited to,~~  
37 ~~attendance at administrative or judicial reviews, case conferences,~~  
38 ~~and resource family training.~~

39 (2) For a child or youth placed in a short-term residential  
40 therapeutic program or a group home, care and supervision shall

1 also include reasonable administration and operational activities  
2 necessary to provide the items listed in this subdivision.

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

8 (4) The department, in consultation with the California State  
9 Foster Parent Association, and other interested stakeholders, shall  
10 provide information to the Legislature, no later than January 1,  
11 2017, regarding the availability and cost for liability and property  
12 insurance covering acts committed by children in care, and shall  
13 make recommendations for any needed program development in  
14 this area.

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

19 (1) The department shall develop regulations that establish the  
20 method for determining the level of financial participation in the  
21 rate paid for out-of-state placements in facilities described in  
22 subdivision (h) of Section 11402. The department shall consider  
23 all of the following methods:

24 (A) Until December 31, 2016, a standardized system based on  
25 the rate classification level of care and services per child per month.

26 (B) The rate developed for a short-term residential therapeutic  
27 program pursuant to Section 11462.

28 (C) A system that considers the actual allowable and reasonable  
29 costs of care and supervision incurred by the out-of-state program.

30 (D) A system that considers the rate established by the host  
31 state.

32 (E) Any other appropriate methods as determined by the  
33 department.

34 (2) Reimbursement for the Aid to Families with Dependent  
35 Children-Foster Care rate to be paid to an out-of-state program  
36 described in subdivision (h) of Section 11402 shall only be paid  
37 to programs that have done all of the following:

38 (A) Submitted a rate application to the department, which shall  
39 include, but not be limited to, both of the following:

- 1 (i) Commencing January 1, 2017, unless granted an extension  
2 from the department pursuant to subdivision (d) of Section  
3 11462.04, the equivalent of the mental health program approval  
4 required in Section 4096.5.
- 5 (ii) Commencing January 1, 2017, unless granted an extension  
6 from the department pursuant to subdivision (d) of Section  
7 11462.04, the national accreditation required in paragraph (6) of  
8 subdivision (b) of Section 11462.
- 9 (B) Maintained a level of financial participation that shall not  
10 exceed any of the following:
- 11 (i) The current fiscal year's standard rate for rate classification  
12 level 14 for a group home.
- 13 (ii) Commencing January 1, 2017, the current fiscal year's rate  
14 for a short-term residential therapeutic program.
- 15 (iii) The rate determined by the ratesetting authority of the state  
16 in which the facility is located.
- 17 (C) Agreed to comply with information requests, and program  
18 and fiscal audits as determined necessary by the department.
- 19 (3) Except as specifically provided for in statute, reimbursement  
20 for an AFDC-FC rate shall only be paid to a group home or  
21 short-term residential therapeutic program organized and operated  
22 on a nonprofit basis.
- 23 (d) A foster care provider that accepts payments, following the  
24 effective date of this section, based on a rate established under this  
25 section, shall not receive rate increases or retroactive payments as  
26 the result of litigation challenging rates established prior to the  
27 effective date of this section. This shall apply regardless of whether  
28 a provider is a party to the litigation or a member of a class covered  
29 by the litigation.
- 30 (e) Nothing shall preclude a county from using a portion of its  
31 county funds to increase rates paid to family homes, foster family  
32 agencies, group homes, and short-term residential therapeutic  
33 programs within that county, and to make payments for specialized  
34 care increments, clothing allowances, or infant supplements to  
35 homes within that county, solely at that county's expense.
- 36 (f) Nothing shall preclude a county from providing a  
37 supplemental rate to serve commercially sexually exploited foster  
38 children to provide for the additional care and supervision needs  
39 of these children. To the extent that federal financial participation

1 is available, it is the intent of the Legislature that the federal  
2 funding shall be utilized.

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

5 11461.6. (a) The Legislature finds and declares the following:

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

9 (2) *Chapter 773 of the Statutes of 2015 and Chapter 612 of the*  
10 *Statutes of 2016, commonly known as Continuum of Care Reform,*  
11 *aggravates California’s shortage of foster care placements and*  
12 *demands that we address the major barriers to parent recruitment.*

13 ~~(2)~~

14 (3) A major barrier to finding resource families for children,  
15 especially young children, is the difficulty they experience in  
16 accessing subsidized child care for the foster child.

17 ~~(3)~~

18 (4) The difficulty accessing subsidized child care at the time of  
19 placement, in addition to being a barrier to stability, can also lead  
20 to delayed placement, subsequent placement changes, or sibling  
21 separation, all of which retraumatize foster children.

22 (b) The *Emergency Child Care Bridge Program for Foster*  
23 *Children* is hereby ~~established~~ *established, to be implemented at*  
24 *the discretion of each county,* for the purpose of stabilizing foster  
25 children with resource families at the time of initial placement by  
26 providing a *payment or voucher* for child care and development  
27 services for up to six months immediately following the child’s  
28 placement and by providing the resource family with a child care  
29 navigator to assist the family in accessing long-term subsidized  
30 child care.

31 (c) Contingent upon appropriation of *eleven million dollars*  
32 *(\$11,000,000) in the 2017–18 fiscal year and twenty-two million*  
33 *dollars (\$22,000,000) annually thereafter* for the purposes of this  
34 section, the *Emergency Child Care Bridge Program for Foster*  
35 *Children* shall be administered by county welfare departments for  
36 ~~counties~~ that choose to participate in the ~~program to distribute~~  
37 ~~vouchers to eligible children. These funds may be encumbered to~~  
38 ~~a local alternative payment agency pursuant to Section 8220.1 of~~  
39 ~~the Education Code. If the county chooses to contract with the~~  
40 ~~local alternative payment agency to provide alternative payment~~

1 services, this contract shall not displace, or result in the reduction  
2 of an existing contract with, a current alternative payment program.

3 (d) (1) As determined by the county welfare department, and  
4 consistent with guidance issued jointly by the State Department  
5 of Social Services and the State Department of Education, counties  
6 may establish local priorities and may either provide payment  
7 directly to the resource family or child care provider, or contract  
8 with a local alternative payment agency to distribute vouchers for  
9 child care.

10 (2) Counties that elect to provide payment directly to a child  
11 care provider or to distribute vouchers shall pay commensurate  
12 with the regional market rates, as described in Section 8357 of the  
13 Education Code.

14 (3) For counties that elect to contract with a local alternative  
15 payment agency, as described in Section 8220 of the Education  
16 Code, to distribute child care vouchers, the vouchers shall be in  
17 an amount commensurate with the regional market rates, as  
18 described in Section 8357 of the Education Code and the contract  
19 shall not displace, or result in the reduction of, an existing contract  
20 with a current local alternative payment program.

21 ~~(d)~~

22 (e) (1) Participating county welfare departments shall determine  
23 eligibility of a child for the *Emergency Child Care Bridge Program*  
24 for Foster Children and provide an eligible child between birth  
25 and four years of age placed with an approved resource family or  
26 the child of a young parent involved in the child welfare system,  
27 including a nonminor dependent, with a monthly voucher for child  
28 care commensurate with regional market rate requirements, as  
29 specified in Section 8357 of the Education Code, upon and for up  
30 to six months following the child's initial placement. *Children.*

31 (2) Family placements eligible to receive payment or a voucher  
32 for child care and developmental services include all of the  
33 following:

34 (A) Approved resource families and families that have a child  
35 placed with them based on an emergency or for a compelling  
36 reason, as described in Section 16519.5.

37 (B) Currently licensed or certified foster care providers, as  
38 defined in Sections 1502 and 1506.5 of the Health and Safety Code.

39 (C) Currently approved relatives or nonrelative extended family  
40 members as described in Sections 309, 361.4, and 362.7.

1 (D) Parents under the jurisdiction of the juvenile court,  
2 including, but not limited to, nonminor dependent parents.

3 (3) A participating county welfare department may provide a  
4 payment or voucher if work responsibilities preclude resource  
5 families from being at home when the child for whom they have  
6 care and responsibility is not in school or for periods when the  
7 resource family is required to participate, without the child, in  
8 activities associated with parenting a child in foster care that are  
9 beyond the scope of ordinary parental duties, including, but not  
10 limited to, attendance at administrative or judicial reviews, case  
11 conferences, and resource family training.

12 (e)

13 (f) Each child receiving a monthly child care *payment or voucher*  
14 shall be provided with a child care navigator, pursuant to paragraph  
15 (5) of subdivision (a) of Section 8212 of the Education Code, who  
16 shall work directly with the child's resource family, social worker,  
17 and the child and family team to assist in accessing child care at  
18 the time of placement as well as long-term, subsidized child care  
19 for the child, as necessary.

20 (f)

21 (g) Each child receiving a monthly child care *payment or*  
22 *voucher* shall be eligible to receive ~~child care pursuant to the~~  
23 *payment or voucher* for up to six months. If the child and resource  
24 family access long-term, subsidized child care prior to the end of  
25 the six-month period covered by the *payment or voucher*, eligibility  
26 for the monthly *payment or voucher* shall terminate upon  
27 enrollment in long-term, subsidized child care.

28 (g)

29 (h) Eligibility for the monthly *payment or voucher* may be  
30 extended beyond the initial six-month period for an additional  
31 six-month period, not to exceed 12 months in total, at the discretion  
32 of the county welfare department, if the child and resource family  
33 have been unable to access long-term, subsidized child care during  
34 the initial six-month period.

35 ~~(h) Assistance of a child care navigator, pursuant to subdivision~~  
36 ~~(e), shall be available until the child and family procures long-term,~~  
37 ~~subsidized child care.~~

38 (i) *The department shall seek all federal approvals necessary*  
39 *to claim federal reimbursement under Title IV-E of the Social*

1 *Security Act in order to maximize state and local funding for child*  
2 *care.*

3 *(j) This section shall not be interpreted to create an entitlement*  
4 *to child care payment or voucher.*

5 *(k) The program established pursuant to this section is intended*  
6 *to complement county child welfare agency efforts to recruit,*  
7 *retain, and support resource families as described in Section*  
8 *16003.5, and any funding provided to counties pursuant to this*  
9 *section shall supplement those county activities to support the*  
10 *goals of Chapter 773 of the Statutes of 2015 and Chapter 612 of*  
11 *the Statutes of 2016.*

O