

Assembly Committee on Human Services

2003-2004

LEGISLATIVE BILL SUMMARY

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October 2004

**2003- 2004 Final
Legislative Summary
Assembly Committee on Human Services
Honorable Lois Wolk, Chair**

The Assembly Committee on Human Services has jurisdiction over programs and services designed to assist the state's most vulnerable populations – abused and neglected children, disabled persons, low-income families and the elderly. In 2003, the committee addressed the full range of subjects within its purview.

Among notable achievements, the committee authored **AB 1716**, a successful bill protecting state funding to the counties for social services transferred, or “realigned,” from the state to the counties. It also approved **AB 2795 (Wolk)**, the Chair's legislation implementing key aspects of the state's Child Welfare Services (CWS) Program Improvement Plan giving counties needed flexibility to provide appropriate services for abused and neglected children.

The committee passed bills prohibiting discrimination against foster children [**AB 458 (Chan)**], increasing access to food assistance [**AB 231 (Steinberg)** and **AB 1796 (Leno)**], creating an innovative child care pilot project in San Mateo County [**AB 1326 (Simitian)**], streamlining workers' compensation coverage for in-home care workers [**AB 632 (Kehoe)**], setting standards for admission agreements to residential care facilities for the elderly [**SB 211 (Dunn)**] and creating a new community care licensing category for crisis nurseries, facilities which provide short-term care and supervision for children under six years old [**SB 855 (Machado)**].

The committee dealt extensively with services for persons with developmental disabilities. It approved a series of bills designed to facilitate the smooth transition of clients to community settings when old and costly developmental centers are closed, including **AB 1693 (Wolk)**, which authorized the state to exchange developmental center land for property designed to provide community services to persons displaced by the closure of a facility. Ultimately, however, the only bill to be signed was **AB 2100 (Steinberg/Richman)**, which establishes "family teaching homes," a new class of community care facilities for adults with disabilities, in anticipation of the closure of Agnews Developmental Center, and authorizes the Department of Developmental Services to approve proposals to purchase such facilities as permanent housing for clients of the regional centers.

In addition to passing legislation to improve the state's Child Welfare Services (CWS) program, the committee engaged in a serious examination of current efforts to develop a comprehensive new approach to CWS and foster care. In September of 2003, it hosted a roundtable discussion of the Department of

*Assembly Human Services Committee
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Social Services' Redesign package, and in March 2004 it held an informational hearing about local innovative programs counties have created to protect vulnerable children and stabilize their families.

Another informational hearing in September featured successful local programs helping CalWORKs families make a successful transition from welfare to self-sufficiency.

Additionally, the committee addressed the policy implications of state budgetary proposals affecting human services. Along with its Senate committee counterpart and the Assembly Budget Subcommittee, in February 2003 it convened a special joint two-day informational hearing on proposals to realign fiscal and programmatic responsibility for a variety of social services between the state and local governments.

Finally, the committee co-sponsored with the Senate Health and Human Services Committee a joint hearing on the state's Community Service Block Grant state plan and application for over \$50 million in federal funds to be used for energy assistance, emergency shelter, community food and nutrition and other programs designed by local community action programs to serve the poor.

The following is a more detailed summary of the bills heard by the Committee in 2003-04.

LOCAL GOVERNMENT HUMAN SERVICES FUNDING

AB 1716 (Committee on Human Services, Wolk, Chair): Local Revenue Fund: allocations. Chapter 450, Statutes of 2003

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (24-0)
Assembly Floor (73-0)
Assembly Concurrence (79-0)

Senate H. & H. S. (7-1)
Senate Appropriations (13-0)
Senate Floor (79-0)

Existing law provides for the allocation of state sales tax revenues and vehicle license fees into the continuously appropriated Local Revenue Fund, for the allocation of money to counties for various stated purposes. Existing law also specifies the allocation of tax revenues into the various accounts and subaccounts of the Local Revenue Fund, including the Sales Tax Growth Account.

Existing law requires counties that receive allocations of money from the fund to establish and maintain a local health and welfare trust fund comprised of several accounts, including the social services account.

This bill allows restoration of \$27 million from increased sales tax revenues to replace earlier declines in realignment funding for county social services. It also states the intent of the Legislature that certain committees of the Legislature develop recommendations on realignment by April 1, 2004.

AB 1881 (Berg) Integrated health and human services programs. Chapter 655, Statutes of 2004.

Legislative History

Assembly Human Services (6-1)
Assembly Appropriations (20-0)
Assembly Floor (54-13)
Assembly Concurrence (57-19)

Senate H. & H. S. (8-1)
Senate Appropriations (S.R. 28.8)
Senate Floor (25-4)

Existing law authorizes the Counties of Humboldt, Mendocino, and Alameda, until January 1, 2005, to implement a program for the funding and delivery of services and benefits through an integrated and comprehensive county health and human services system. Existing law requires a participating county to evaluate its program and to submit its final report to the Governor or the Governor's designee and the Legislature by no later than January 1, 2004.

This bill allows any county to participate in an integrated comprehensive human services program, provides that counties must implement such a program by January 2009, and requires the report to be submitted by July 1, 2008.

**AB 2747 (Garcia): Local Revenue Fund: Sales Tax Growth Account: Caseload Subaccount.
Chapter 315, Statutes of 2004.**

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (20-0) Rec. Consent
Assembly Floor (76-0)

Senate H. & H. S. (13-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (37-0)

Existing law provides for the allocation of state sales tax revenues and vehicle license fees into the continuously appropriated Local Revenue Fund, for the allocation of moneys to counties for various stated purposes, from the accounts contained in the fund.

Existing law requires counties that receive allocations of moneys from the fund to establish and maintain a local health and welfare trust fund comprised of several accounts, including the social services account.

Existing law requires that the Controller deposit into the Caseload Subaccount of the Sales Tax Growth Account of the Local Revenue Fund an amount that is sufficient to fund the net cost for the realigned portion of the county or city and county share of growth in social services caseloads and any share of growth from the previous year or years for which sufficient revenues were not available in the Caseload Subaccount.

This bill declared the intent of the Legislature that counties receive allocations from the Caseload Subaccount as soon as possible after funds are received in the Sales Tax Growth Account, and required the Department of Finance to recommend to the Legislature a procedure to expedite the preparation and provision of the allocations schedule.

Legislative History

Assembly Rules (5-2)
Assembly Human Services (not heard)

**AB 2766 (Richman): Local human service programs.
Died in the Assembly Human Services Committee.**

Legislative History

Assembly Human Services (not heard)

Existing law provides for the allocation of funds appropriated from the continuously appropriated Local Revenue Fund for the distribution of sales tax and motor vehicle license fee moneys to local agencies for the reallocation of state and local responsibilities in the administration of various social programs.

This bill changed the distribution formulae used to distribute growth to mental health and health realignment revenue to counties.

ASSISTANCE TO LOW-INCOME FAMILIES

AB 231 (Steinberg): Food stamps: CalWORKs: benefits. Chapter 743, Statutes of 2003

Legislative History

Assembly Human Services (4-2)
Assembly Appropriations (17-7)
Assembly Floor (43-30)
Assembly Concurrence (46-30)

Senate H. & H. S. (8-3)
Senate Appropriations (13-0)
Senate Floor (25-12)

Existing federal law establishes procedures for establishing eligibility under the federal Food Stamp Program, including the use of face-to-face interviews. Existing law adopts the federal option providing five months of transitional food stamp benefits for households who discontinue receipt of CalWORKs assistance, and specifies conditions and procedures under which those benefits are provided.

This bill specifies that rules governing the resource value of motor vehicles under the Food Stamp Program shall be aligned with an alternative program funded by the Temporary Assistance for Needy Families (TANF) block grant, i.e., a program other than CalWORKs. It repeals the current \$4,650 limit on the value of a vehicle which can be excluded for food stamp purposes.

This bill requires each county welfare department, except for good cause, to consider whether a household is exempt from complying with face-to-face interview requirements at initial application and recertification but permits a person eligible for an exemption to request a face-to-face interview.

This bill deletes the specific conditions and procedures governing transitional benefits and states that these benefits are available to the maximum extent permitted by federal law.

AB 345 (McCarthy): CalWORKs: sanctions. Died In Assembly Human Services Committee.

Legislative History

Assembly Human Services (not heard)

Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the Temporary Assistance for Needy Families (TANF) block grant, under which each county provides cash assistance and other benefits to qualified low-income families.

Under existing law, when an individual fails or refuses to comply with specified components of the CalWORKs program without good cause, the individual is subject to financial sanctions consisting of removal of the noncompliant adult from the assistance unit for a period of three to six months.

This bill deleted the existing sanction requirements, required sanction of a family's entire benefit after two months of total noncompliance, and provided for a pro rata penalty for partial noncompliance.

**AB 749 (Matthews): CalWORKs: food stamps: statewide fingerprint imaging system.
Died in the Assembly Appropriations Committee.**

Legislative History

Assembly Human Services (withdrawn)
Assembly Health (24-0) Rec. Consent
Assembly Appropriations (not heard)

Existing law requires the State Department of Social Services and the California Health and Human Services Agency Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under the Food Stamp Program and, with certain exceptions, the CalWORKs program.

As it was referred to the Human Services Committee, this bill repealed the fingerimaging requirement for CalWORKs and food stamp applicants and recipients. It was subsequently amended to permit the Department of Health Services to use a single reimbursement methodology for any category of durable medical equipment, and was re-referred to the Assembly Health Committee.

**AB 917 (S. Horton): CalWORKs: parent or relative caretaker: offenders.
Failed Passage in the Assembly Human Services Committee.**

Legislative History

Assembly Human Services (1-2) Failed Passage
Assembly Human Services. (4-0) Reconsideration granted
Assembly Human Services (3-3) Failed Passage

Existing law authorizes aid under the CalWORKs program for a needy relative with whom a needy child is living if the relative is not receiving aid under other assistance programs.

This bill made a parent or other needy relative caretaker who has been convicted of child abuse, child molestation, or spousal abuse ineligible to receive assistance under the CalWORKs program if that person remained in the same residence as the victim of the abuse or the needy child who is eligible to receive CalWORKs benefits, unless the presence of that parent or needy relative caretaker in the residence was in conformity with a county- or court-approved family reunification plan.

**AB 1057 (Lieber): CalWORKs program: eligibility: fingerprint imaging.
Died in the Assembly Human Services Committee.**

Legislative History

Assembly Human Services (not heard)

Existing law requires the State Department of Social Services and the California Health and Human Services Agency Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with the determination of eligibility for benefits under the CalWORKs and the Food Stamp programs.

This bill repealed that requirement. It required the department to implement a pilot program, upon approval of the County of Los Angeles, for the continuation of a fingerprint imaging system in connection with determining eligibility under the CalWORKs program.

**AB 1402 (Wolk): CalWORKs program: eligibility.
Chapter 398, Statutes of 2003.**

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (18-6)
Assembly Floor (50-25)
Assembly Concurrence (48-26)

Senate H. & H. S. (7-3)
Senate Appropriations (S.R. 28.8)
Senate Floor (24-13)

Existing law requires the State Department of Social Services to establish regulations consistent with federal law to implement a quarterly recipient reporting system for use in determining eligibility and the amount of benefits under the CalWORKs and food stamp programs.

Existing law establishes procedures to determine the eligibility of a CalWORKs or food stamp recipient when a change in income is reported.

This bill resolves a conflict with federal law to allow implementation of a simpler reporting system – using quarterly instead of monthly reports and basing aid on prospective rather than past circumstances – in the CalWORKs and food stamps programs.

The bill also requires the department, in consultation with the County Welfare Directors Association, to report to the relevant policy and fiscal committees of the Legislature in April 2005 regarding the effects upon program efficiency and integrity of implementation of certain revised reporting procedures, and to determine the data collection needs required to assess the effects of these procedures.

AB 1403 (Wolk): CalWORKs.

Chapter 367, Statutes of 2004 (in different form than considered in Human Services Committee)

Legislative History

Assembly Human Services (5-1) vote not relevant

Senate Floor (38-0)

Assembly Floor (47-2) vote not relevant

Assembly Concurrence (77-0)

Existing federal law provides for allocation of federal funds through the federal Temporary Assistance for Needy Families (TANF) block grant program to eligible states. Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program for the allocation of federal funds received through the TANF program, under which each county provides cash assistance and other benefits to qualified low-income families.

As introduced and considered by the Human Services Committee, this bill stated the legislature's intent to implement reauthorization of TANF so as to preserve CalWORKs training, child care and safety net features.

This bill was subsequently amended to rename the California Physician Corps Loan Repayment Program the Steven M. Thompson Physician Loan Repayment Program, and to commemorate Steven M. Thompson.

AB 1796 (Leno): Food stamps: eligibility.

Chapter 932, Statutes of 2004

Legislative History

Assembly Human Services (5-2)

Senate H. & H. S. (9-2)

Assembly Appropriations (14-5)

Senate Appropriations (7-5)

Assembly Floor (42-30)

Senate Floor (21-12)

Assembly Concurrence (43-32)

Existing law provides for the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law provides that a person convicted of specified felonies related to controlled substances shall be ineligible for aid under the Food Stamp Program.

This bill permits persons convicted of drug felonies involving possession or use to qualify for food stamps if they demonstrate completion, participation or enrollment in a government-recognized drug program or provide evidence they are currently not using controlled substances.

**AB 2013 (Steinberg): Statewide fingerprint imaging system.
Died in Senate Health and Human Services Committee.**

Legislative History

Assembly Human Services (5-2)
Assembly Appropriations (14-4)
Assembly Floor (41-33)

Senate H. & H. S. (not heard)

Existing law requires the State Department of Social Services and the Health and Welfare Data Center to design, implement, and maintain a statewide fingerprint imaging system for use in connection with determining eligibility for benefits under the Aid to Families with Dependent Children (AFDC) program and the Food Stamp Program.

This bill repealed authority for fingerimaging of food stamp and CalWORKs recipients.

**AB 2101 (Goldberg): California Supplemental Food Program for Women, Infants, and Children.
Assembly refused to concur in Senate Amendments.**

Legislative History

Assembly Budget (18-1) vote not relevant
Assembly Floor (79-0) vote not relevant
Assembly Human Services (4-2)
Assembly Concurrence (36-31)

Senate H. & H. S. (7-2)
Senate Appropriations (S.R. 28.8)
Senate Floor (31-4)

Assembly refused to concur in Senate Amendments.

Under existing law, the California Special Supplemental Food Program for Women, Infants, and Children (WIC) provides for the issuance of nutrition coupons, to certain recipients with nutritional need that are redeemable by recipients at any authorized retail food vendor.

This bill required the state to implement federal law reauthorizing the WIC program and organize WIC vendors into "peer groups" for purposes of establishing reimbursement formulae based upon the average redemption amounts for retail stores whose sales are not primarily in WIC coupons.

**AB 2188 (S. Horton): CalWORKs: ineligibility.
Died in Assembly Appropriations Committee Suspense file.**

Legislative History

Assembly Human Services (5-2)
Assembly Appropriations (held on suspense)

Existing law provides that an individual who has been convicted in state or federal court of a felony that has as an element the possession, use, or distribution of a controlled substance is ineligible for aid under the CalWORKs program.

This bill denied CalWORKs to persons with felony convictions for child abuse and sex-related crimes, with exceptions for those completing probation, parole, in treatment or receiving an exemption pursuant to a judicial determination.

**AB 2667 (Haynes): Aid to immigrants.
Failed passage in Assembly Human Services Committee**

Legislative History

Assembly Human Services (1-5) Failed passage

Existing law requires the State Department of Social Services to establish and supervise a county-administered program to provide cash assistance to aged, blind, and disabled legal immigrants (CAPI) who are not eligible to receive benefits under the federal Supplemental Security Income program solely due to their immigration status.

Existing law provides that an individual who entered the United States on or after August 22, 1996, shall be eligible for aid under the program if he or she meets certain criteria, but counts the income of the immigrant's sponsor for purposes of determining his or her eligibility.

This bill overturned a court decision allowing low-income aged, blind or disabled legal immigrants to qualify for Cash Assistance Program for Immigrants (CAPI) if they physically entered U.S. before August 22, 1996, without the deeming of income applied to those entering after August 22, 1996, even if their immigration status was adjusted thereafter.

**AB 2989 (Corbett): CalWORKs eligibility: work activities.
Vetoed by the Governor**

Legislative History

Assembly Human Services (5-2)
Assembly Appropriations (16-5)
Assembly Floor (46-31)

Senate H. & H. S. (9-3)
Senate Appropriations (S.R. 28.8)
Senate Floor (22-13)

Existing law requires certain CalWORKs recipients to participate in welfare-to-work activities for a designated number of hours per week, and defines what activities count toward the hourly requirement. At the time the bill was considered, participants were limited to 18 or 24 months in education and training programs before being assigned to community service.

This bill allowed Alameda County CalWORKs participants in Registered Nursing programs up to 48 months to complete program.

Subsequent to the Committee's consideration of this bill, the legislature enacted SB 1104, the human services budget trailer bill, which made changes to the CalWORKs work requirements imposing 20 hours of defined "core work" activities among the 32 required of single parents, and eliminating the 18-24 month welfare-to-work time limit.

**SB 1639 (Alarcón): CalWORKs recipients: education and training.
Chapter 668, Statutes of 2004.**

Legislative History

Senate H. & H. S. (8-3)

Senate Appropriations (7-5)

Senate Floor (22-13)

Senate Concurrence (22-13)

Assembly Higher Ed. (6-0)

Assembly Human Services (4-1)

Assembly Appropriations (14-5)

Assembly Floor (46-32)

Existing law: (1) establishes the CalWORKs program under which each county provides cash assistance and other benefits and services to qualified low-income families and individuals (2) establishes the Student Aid Commission as the primary state agency for the administration of state-authorized student financial aid programs, including the Cal Grant program, available to students attending all segments of postsecondary education; and (3) declares that it is the policy of the state that all children in foster care have prescribed rights.

This bill includes intensive English language training among services offered by community colleges to CalWORKs participants. It also encourages institutions of higher education to disseminate information about postsecondary education to foster youth, adds access to information about educational opportunities in the foster children's bill of rights, and requires the Department of Social Services, county welfare departments and educational institutions to collaborate with the Student Aid Commission regarding access to higher education for foster youth.

**SJR 3 (Alarcón): Temporary Assistance for Needy Families (TANF) program.
Resolution Chapter 136, Statutes of 2003.**

Legislative History

Senate H. & H. S. (9-3)

Senate Floor (24-14)

Senate Concurrence (25-15)

Assembly Human Services (5-1)

Assembly Floor (40-32) Refused Adoption

Assembly Floor (46-29) Reconsideration Granted

Assembly Floor (45-28) Adopted

This measure urges the Congress of the United States to increase the Temporary Assistance to Needy Families (TANF) block grant funding to certain states, allow states to use TANF funds to provide an additional 24 months of TANF eligibility for families who have used 60 months of TANF eligibility, consider "stopping the clock" on TANF assistance for recipients who are meeting work participation requirements or live in counties with high unemployment rates, increase funding for the Child Care and Development Block Grant, and give states flexibility to design the most effective strategies to help people secure jobs.

**SJR 15 (Alarcón): Federal poverty level.
Resolution Chapter 31, Statutes of 2004.**

Legislative History

Senate Rules (4-0)
Senate Floor (27-9)

Assembly Human Services (5-1)
Assembly Floor (46-21)

This bill urges Congress and the President to revise the method of calculating the federal poverty level to take into account more realistic factors and costs of minimal living standard.

FOSTER CARE/CHILD WELFARE SERVICES/ADOPTIONS

**AB 194 (Lieber): Private adoption agencies: compensation.
Died in the Assembly Human Services Committee.**

Legislative History

Assembly Human Services (not heard)

Under existing law, the Adoption Assistance Program requires the state to compensate private adoption agencies for the costs of placing for adoption children in foster care who are eligible for Adoption Assistance Program benefits, from any funds appropriated for this purpose. Existing law provides that the maximum amount of reimbursement shall be \$5,000.

This bill provided that contracts with private adoption agencies shall not be construed to displace county employees.

**AB 353 (Montanez): Child welfare services: foster siblings.
Chapter 28, Statutes of 2003.**

Legislative History

Assembly Human Services (6-0) Rec. Consent
Assembly Floor (73-0)

Senate Judiciary (5-0) Rec. Consent
Senate Floor (37-0)

Under existing law, whenever a child is removed from a parent or guardian's custody, except in certain circumstances, court-ordered child welfare services must be provided to the child and the child's parents as a means of attempting to reunify the family. Those reunification services, however, need not be provided if the child has been adjudicated a dependent of the juvenile court as a result of severe sexual abuse or severe physical harm to the child or a sibling of the child.

This bill clarifies that child welfare reunification services need not be provided when a child has been removed because of abuse to a sibling, defined to include a foster child not related by blood to the dependent child.

**AB 408 (Steinberg): Dependent children.
Chapter 813, Statutes of 2003.**

Legislative History

Assembly Judiciary (13-0)
Assembly Human Services (5-0)
Assembly Appropriations (25-0)
Assembly Floor (78-0)
Assembly Concurrence (78-0)

Senate H. & H. S. (11-0)
Senate Judiciary (6-0) Rec. Consent
Senate Appropriations (13-0)
Senate Floor (40-0)

Existing law requires the juvenile court to review the status of every child in foster care at least every 6 months, to determine specified facts concerning the child, and to consider permanency planning options regarding a child who is in long-term foster care, as specified.

This bill requires the court to determine whether the placing agency has made reasonable efforts to maintain a child's relationships with individuals who are important to a child who is 10 years of age or older and who is placed in a group home, and make any order to ensure that actions are taken to maintain those relationships. In specified circumstances, the bill requires social workers and certain agencies to make efforts to identify those persons and to make efforts to maintain those relationships.

This bill requires that the notice of a hearing in the juvenile court that is sent to a child who is 10 years of age or older state that the child has the right to attend the hearing.

This bill additionally requires the state to encourage the development of approaches to child protection that ensure that no child leaves foster care without a lifelong connection to a committed adult. The bill provides that every dependent child shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities, and that state and local regulations and policies may not prevent or create barriers to participation in those activities.

This bill requires a child welfare services case plan for a child 16 years of age or older, when appropriate, to include a written description of programs and services to assist the child in independent living, and require the case plan to be developed with the child and other persons who are important to the child. The bill also requires specified case plans to contain information about individuals who are important to a child, and requires social workers to make an effort to identify those individuals.

**AB 458 (Chan): Foster care.
Chapter 331, Statutes of 2003.**

Legislative History

Assembly Human Services (4-1)
Assembly Appropriations (16-8)
Assembly Floor (46-31)
Assembly Concurrence (48-28)

Senate H. & H. S. (8-3)
Senate Appropriations (S.R. 28.8)
Senate Floor (23-11)

Existing law provides that it is the policy of the state that foster children have specified rights. Existing law also requires an administrator of a group home facility to complete a certification program and that

every licensed foster parent complete specified preplacement training and additional annual training.

This bill affirms the rights of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. This bill requires training for administrators, licensing personnel, licensed foster parents, and relative caretakers to include training about these rights.

This bill provides that this policy shall not be interpreted to create or modify existing preferences for foster placements, or to limit the local placement agency's ability to make placement decisions for the child based on the child's best interests.

**AB 1151 (Dymally): Foster care.
Chapter 847, Statutes of 2003.**

Legislative History

Assembly Judiciary (14-0)
Assembly Human Services (5-0)
Assembly Rules (6-0)
Assembly Human Services (5-0)
Assembly Appropriations (25-0) Rec. Consent
Assembly Floor (78-0)
Assembly Concurrence (76-0)

Senate Judiciary (7-0) Rec. Consent
Senate Appropriations (11-0)
Senate Floor (40-0)

Existing law requires a claim for personal injury against a public entity to be presented not later than six months after accrual of the cause of action, and provides that the time during which a person is detained or adjudged a dependent child of the juvenile court pursuant to certain provisions of law shall not be counted in that one-year period.

This bill provides that the time during which a minor is adjudged to be a dependent child of the juvenile court shall not be counted in that one-year period if the minor is without a guardian ad litem or conservator for purposes of filing civil action, and provides that the same rule applies to claims against the Foster Family Home and Small Home Insurance Fund filed by a foster parent or third party.

Under existing law, juvenile court records are generally confidential, with certain limited exceptions. Existing law requires the release to the public of juvenile case files that pertain to a deceased dependent child of the juvenile court, pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection.

This bill provides that after the death of a minor foster child, designated information regarding that child shall be subject to disclosure pursuant to the California Public Records Act.

Existing law relating to the establishment of a case plan for a child in foster care expresses a policy that these children be in a safe home or out-of-home setting.

This bill specifies that "safe" for these purposes means a home or setting that is free from abuse or neglect, as described in specified existing law. The bill makes a legislative finding that the definition of safe contained in the bill is declaratory of existing law.

This bill declares legislative intent that nothing in the decision of the California Court of Appeal in *County of Los Angeles v. Superior Court of Los Angeles: Real Party in Interest Terrell R.* (2002) 102 Cal.App.4th 627 shall be held to change the standards of liability or immunity for injuries to children in protective custody as they existed prior to that decision, and to confirm the state's duty to comply with all requirements under certain federal law that are relevant to the protection and welfare of children in foster care.

**AB 1365 (Steinberg). Child welfare services.
Died in the Assembly Appropriations Suspense File.**

Legislative History

Assembly Human Services(5-0)

Assembly Appropriations (held on suspense)

The Child Welfare System Improvement and Accountability Act of 2001 requires the department to establish the California Child and Family Service Review System, in order to review, commencing January 1, 2004, all county child welfare systems. Existing law requires the California Health and Human Services Agency to convene a workgroup comprised of representatives of specified entities and organizations to establish a work plan for conducting the child and family service reviews. As part of the work plan established by the workgroup, county child welfare departments are required to perform a self-assessment of child welfare services in each county.

This bill required that, in accordance with the work plan, each county child welfare department establish a team of specified individuals to conduct these self-assessments.

**AB 1913 (Cohn): Foster care providers: evaluation and criminal records checks.
Chapter 373, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0) Rec. Consent

Assembly Appropriations (20-0) Rec. Consent

Assembly Floor (76-0)

Assembly Concurrence (78-0)

Senate H. & H. S. (9-0) Rec. Consent

Senate Appropriations (S.R. 28.8)

Senate Floor (31-0)

Existing law authorizes temporary placement of a minor child in the home of an able and willing relative, or an able and willing nonrelative extended family member, upon completion of an assessment of the suitability of the relative or nonrelative extended family member by the county welfare department. Under existing law, the standards used to evaluate and grant or deny approval of the home of a relative or nonrelative extended family member for the placement of a child are required to be the same standards as set forth in regulations for licensing foster family homes.

This bill requires the county welfare department to approve or deny a relative caregiver's home for purposes of AFDC-FC eligibility immediately following the placement of a child.

**AB 1986 (Wolk) Placement of children: background checks.
Chapter 290, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0) Rec. Consent
Assembly Appropriations (20-0) Rec. Consent
Assembly Floor (77-0)
Assembly Concurrence (78-0)

Senate H. & H. S. (9-0) Rec. Consent
Senate Appropriations (S.R. 28.8)
Senate Floor (33-0)

Existing law generally provides that if a fingerprint clearance check indicates that a person has been convicted of a specified crime, a child who has been removed from the home of his or her parents may not be placed in the home of that person. However, existing law also provides an exception to that prohibition if the county has granted an exemption based on substantial and convincing evidence to support a reasonable belief that the person with the criminal record is of such good character as to justify the placement and not present a risk of harm to the child. A county may issue a criminal records exemption only if it has been granted permission to do so by the Director of Social Services. The authority for counties to make this determination expires on January 1, 2005.

This bill extends until January 2010 the operative date of these provisions giving counties the temporary authority to grant criminal records exceptions when determining fitness of a placement of a foster child.

**AB 2151 (Jackson): Adoption practices: State Department of Social Services.
Chapter 851, Statutes of 2004 (as amended to deal with different subject)**

Legislative History

Assembly Human Services (5-1) vote not relevant
Assembly Appropriations (16-5) vote not relevant
Assembly Floor (49-28) vote not relevant
Assembly Health (13-3)
Assembly Concurrence (59-21)

Senate H. & H. S. (8-1) not relevant
Senate Appropriations (S.R. 28.8) vote not relevant
Senate H. & H. S. (7-2)
Senate Appropriations (28.8)
Senate Floor (24-12)

As originally heard by the Assembly Committee on Human Services, this bill required DSS to set timelines and develop policies and standards to speed the adoption process. As passed by the Legislature, this measure pertains to Medi-Cal reimbursement rates.

**AB 2496 (S. Horton): Child Welfare Services Program Improvement Fund.
Chapter 168, Statutes of 2004**

Legislative History

Assembly Human Services (7-0) Rec. Consent
Assembly Appropriations (20-0) Rec. Consent
Assembly Floor (77-0)
Assembly Concurrence (79-0)

Senate H. & H. S. (10-0) Rec. Consent
Senate Appropriations (S.R. 28.8)
Senate Floor (38-0)

Under existing law, the state, through the State Department of Social Services and county welfare departments, maintains a public system of statewide child welfare services, to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, to reduce the necessity for removing these children from their homes, to encourage speedy reunification of families when it can be safely accomplished, to locate permanent homes and families for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care.

This bill creates a fund to receive philanthropic money given to the State for use in child welfare services programs.

**AB 2645 (Mountjoy) Foster care: psychotropic medication.
Died on the Assembly Appropriations Committee Suspense File.**

Legislative History

Assembly Human Services (6-1)
Assembly Judiciary (withdrawn)
Assembly Appropriations (held on suspense)

Existing law provides for the placement of certain children in foster care, and also provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement.

This bill required DSS to conduct a descriptive study in four counties (Alameda, Madera, San Bernardino and Stanislaus) of foster youth using psychotropic drugs, to include a comparison of foster youth and youth in the general population.

**AB 2661 (Steinberg): Foster care.
Chapter 643, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0)
Assembly Appropriations (21-0)
Assembly Floor (76-0)
Assembly Concurrence (79-0)

Senate H. & H. S. (11-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (37-0) vote rescinded
Senate Floor (39-0)

Existing law defines a foster family agency as an organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Existing law also authorizes the department to require a foster family agency to deny or revoke a certified family home's certificate of approval, based on an inspection of the home and a subsequent finding by the department of noncompliance with licensing requirements.

Existing regulations require a foster family agency to provide the department with a log of family homes certified and decertified each month, including whether a decertification was necessitated by any one of several listed factors.

This bill requires the owner or operator of a family home applying for certification to provide accurate information regarding the applicant's certification or decertification. This bill also authorizes the Department of Social Services (DSS), a county or a foster family agency to request or divulge information to determine whether it is safe to certify a foster parent or relative caregiver.

This bill authorizes DSS to issue a citation and a \$50 penalty for a foster family agency's failure to provide DSS with the required information.

**AB 2749 (Dutton): Child abuse and neglect investigations: child welfare training program.
Chapter 292, Statutes of 2004.**

Legislative History

Assembly Public Safety (6-0) Rec. Consent
Assembly Human Services (7-0) Rec. Consent
Assembly Appropriations (20-0) Rec. Consent
Assembly Floor (77-0)

Senate H. & H. S. (10-0) Rec. Consent
Senate Public Safety (4-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (37-0)

The Child Abuse and Neglect Reporting Act (CANRA) requires designated professionals, known as mandated reporters, who have contact with children to report to law enforcement agencies known or suspected child abuse or neglect. The federal Child Abuse Prevention and Treatment Act (CAPTA) provides federal grants to states for child abuse and neglect prevention and treatment programs and for the investigation and prosecution of such cases.

This bill requires a person performing an investigation that results from a report made pursuant to CANRA to, at the time of initial contact with the person subject to the investigation, advise the person of the complaints or allegations made against him or her in a manner that is consistent with law protecting

the identity of a reporter under the act. The bill also requires that training include the legal duties of child protective services social workers.

AB 2795 (Wolk): Child welfare services: wards of the juvenile court: case plans: family maintenance services.

Chapter 332, Statutes of 2004.

Legislative History

Assembly Human Services (7-0) Rec. Consent
Assembly Appropriations (19-0) Rec. Consent
Assembly Floor (76-0)
Assembly Concurrence (78-0)

Senate H. & H. S. (10-0) Rec. Consent
Senate Appropriations (S.R. 28.8)
Senate Floor (36-0)

Existing law declares that the foundation and central unifying tool in child welfare services is the case plan. A written case plan is required to be completed within 30 days of the initial removal of a child or an in-person emergency response by a county welfare department. Also under existing law, when a minor is ordered by the juvenile court to be detained, the assigned probation officer is required complete a case plan within 30 days of the minor's initial removal.

Existing law requires family maintenance services to be provided or arranged for by county welfare department staff, in order to maintain a child in his or her own home. Existing law also provides that the services are limited to six months, but authorizes the extension of these services for one six-month period if it can be shown that the objectives of the service plan can be achieved within that time.

This bill implements state's Program Improvement Plan (PIP), submitted to the U.S. Department of Health and Human Services in response to that agency's program review, by:

- (1) Extending the time period for completion of a written case plan by county welfare department and probation officer to a maximum of 60 days; and
- (2) Authorizing multiple six-month extensions of family maintenance services, if it can be shown that the objectives of the service plan can be achieved within that time, and provided within the county's allocation

**AB 2807 (Steinberg): Minors.
Chapter 810, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0) Rec. Consent
Assembly Judiciary (11-0) Rec. Consent
Assembly Floor (72-0)
Assembly Concurrence (80-0)

Senate Judiciary (7-0)
Senate Appropriations (28.8)
Senate Floor (37-0) rescinded
Senate Floor (36-0)

Existing law requires social workers and other specified persons to prepare reports and evaluations for the juvenile court containing information about children who are, or may become, dependent children of the juvenile court.

Existing law also declares the Legislature's intent to conform state statutes to specified federal legislation regarding adoption and to reinvest any incentive payments received through that legislation into the child welfare system to provide adoption services.

This bill is a clean-up of last year's AB 408 (Steinberg), which made it easier to adopt foster children. It revises provisions requiring the court to review the status of a dependent child in foster care. The bill specifies that the court is to make appropriate orders to enable a child who is 10 years of age or older and has been in out-of-home placement in a group home for 6 months or longer to maintain relationships with individuals than the child's siblings who are important to the child, consistent with the child's best interests.

This bill requires the state to reinvest any incentive payments received through the implementation of the federal Adoption Promotion Act of 2003 for placement of older children into the child welfare system.

**AB 2873 (Garcia): Child abuse prevention: citizen review panels.
Chapter 350, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0) Rec. Consent
Assembly Appropriations ((20-0) Rec. Consent
Assembly Floor (77-0)
Assembly Concurrence (74-0)

Senate Judiciary (7-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (39-0)

Existing law establishes the Office of Child Abuse Prevention in the State Department of Social Services, for the purpose of planning, improving, developing, and carrying out programs and activities relating to the prevention, identification, and treatment of child abuse and neglect. Existing federal law generally requires every state that receives a federal grant for child abuse and neglect prevention treatment programs to establish not less than three child abuse citizen review panels, and requires a citizen review panel to examine the policies, procedures, and practices of state and local agencies, and to evaluate the extent to which state and local agencies are effectively discharging their child protection responsibilities. Existing federal law prevents members of a citizen review panel from disclosing information about any specific child protection case, subject to civil sanctions to be imposed by the state.

This bill conforms state law to federal law regarding the establishment and duties of a child abuse and prevention citizen review panel.

**SB 591 (Scott): Dependent children: caregiver information.
Chapter 812, Statutes of 2003.**

Legislative History

Senate H. & H. S. (11-0)
Senate Appropriations (11-0)
Senate Floor (40-0)
Senate Concurrence (40-0)

Assembly Human Services (6-0)
Assembly Appropriations (23-0) Rec. Consent
Assembly Floor (78-1)

Existing law requires the court, before determining the appropriate disposition of children removed from their parents' custody and placed in foster care, to receive in evidence specified information, including a social study or evaluation made by a social worker or child advocate appointed by the court.

Existing law requires that the responsible local agency make a diligent effort in all out-of-home placements of dependent children to develop and maintain sibling relationships, and also requires the preparation of a case plan with respect to child welfare services for the child.

This bill requires that the study and evaluation made by a social worker or child advocate include the willingness of the child's relative and the child's caregiver to provide legal permanency for the child if reunification is unsuccessful.

The measure creates and defines a "caregiver placement agreement" to provide a variety of information to caregivers and it also requires that information regarding parent or sibling interaction, including frequency of contact or visitation as ordered by the court, be provided to a child's foster parent or caretaker.

Additionally this bill provides that the placing agency must notify the caregiver of the child's attorney contact information as soon as possible after placement, and it requires the Judicial Council to revise attorney standards of representation in child dependency proceedings. This rule would also direct a child's attorney to provide his or her contact information to any client 10 years of age or older.

This bill requires that the case plan shall contain information to help a child prepare to transition from foster care to independent living, to a child 16 years of age or older when appropriate, including steps the agency is taking to ensure that the child has a connection to a caring adult.

This bill also includes language mandating that the case plan of a child 10 years of age or older include identification of individuals important to the child consistent with the child's best interests, and that the social worker allow the child to identify those individuals.

**SB 693 (Murray): Undersecretary of Foster Care Coordination.
Died on the Assembly Appropriations Committee Suspense File.**

Legislative History

Senate Health & Human Services (10-2)
Senate Appropriations (8-4)
Senate Floor (25-12)

Assembly Human Services (5-1)
Assembly Appropriations (held on suspense)

Existing law provides for the establishment of the California Health and Human Services Agency for the implementation and oversight of human services and health care programs.

This bill provided for the appointment by the Secretary of California Health and Human Services and confirmation by the Senate of an Undersecretary of Foster Care Coordination in the California Health and Human Services Agency, and required the undersecretary to coordinate those activities of state and local agencies that provide for the needs of children placed in foster care.

**SB 706 (Florez): Foster care.
Died in the Assembly Rules Committee.**

Legislative History

Senate Env. Quality (7-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (26-8)

Assembly Human Services (5-0)
Assembly Judiciary (withdrawn)
Assembly Rules (not heard)

Existing law establishes the Foster Family Home and Small Family Home Insurance Fund, and provides that the purpose of the fund is to pay, on behalf of foster family homes and small family homes, claims of foster children, their parents, guardians, or guardians ad litem resulting from occurrences peculiar to the foster care relationship and the provision of foster care services. Existing law exempts the fund for liability for various losses and injuries.

This bill renamed the fund, extended the scope of foster care entities for which the fund may be used, limited claims upon foster family home and small family home insurance fund, excluded from coverage homes certified by foster family agencies. This bill required foster parents to fully disclose information reasonably requested by the fund to enable it to investigate and appropriately resolve claims against the fund.

This bill also required that attorneys provided by the fund must be approved by the department or its designated contract agency.

**SB 707 (Florez): Foster family homes.
Died in the Assembly Human Services Committee.**

Legislative History

Senate Agr. & Wat. Res. (withdrawn)	Assembly Nat. Res. (7-4) vote not relevant
Senate Rules (withdrawn)	Assembly L. Gov. (5-1) vote not relevant
Senate Env. Qual. (4-2) vote not relevant	Assembly Appropriations (13-9) vote not relevant
Senate Appropriations (S. R. 28.8) vote not relevant	Assembly Floor (inactive file)
Senate Floor (22-16) vote not relevant	Assembly Rules (5-2)
	Assembly Human Services (not heard)

Under existing law, the Department of Social Services and county child protective services agencies provide for the provision of services, including foster care services to abused and neglected children. Existing law also establishes the California Community Care Facilities Act, providing for the licensing and evaluation of community care facilities including foster family agencies, foster family homes, and small family homes.

As referred to the Committee, this measure would have created an Inspector General for Children's Services to evaluate cases in which a child dies in an out-of-home placement. Further, this bill would have required DSS to develop a letter-grade evaluation system for family homes certified by a licensed foster family agency, group homes, and for foster family homes. This evaluation system would be based in part on the number, severity and resolution of complaints made against the home.

This bill was amended into a different subject matter before it was heard in the Human Services Committee, but not subsequently referred to a different committee.

**SB 739 (Ducheny): Children's services: Indian tribes.
Chapter 373, Statutes of 2003.**

Legislative History

Senate H. & H. S. (11-1)	Assembly Human Services (6-0)
Senate Appropriations (S.R. 28.8)	Assembly Appropriations (22-0)
Senate Floor (28-7)	Assembly Floor (77-0)
Senate Concurrence (34-2)	

Existing law requires each county to provide child welfare services. Existing law also requires each county to provide payments on behalf of eligible children in foster care pursuant to the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program.

Existing law authorizes the Director of Social Services, in accordance with federal law, to enter into agreements with Indian tribes to delegate to the Indian tribe county responsibilities for either or both the provision of child welfare services and the provision of payments pursuant to the AFDC-FC program.

This bill authorizes the director to establish a 3-year pilot project with the Washoe Tribe of California and Nevada to explore the feasibility of permitting Indian tribes to provide child welfare services to a broad population of Indian children and families within Indian reservations or rancherias.

This bill requires that, prior to the implementation of the pilot project, the director establish an implementation workgroup.

**SB 947 (Ducheny): Indians: child welfare services: adoptions.
Chapter 469, Statutes of 2003.**

Legislative History

Senate Judiciary (6-0)

Senate Appropriations (S.R. 28.8)

Senate Floor (37-0)

Senate Concurrence (40-0)

Assembly Judiciary (13-0)

Assembly Human Services (6-0)

Assembly Appropriations (22-0)

Assembly Floor (79-0)

Existing federal law, the Indian Child Welfare Act, specifies that an Indian tribe shall have exclusive jurisdiction, except in certain cases, over any custody proceeding involving an Indian child, and specifies procedures and rights applicable to state court proceedings involving an Indian child. These provisions authorize an Indian child's tribe to intervene in state court proceedings to determine the foster care placement of, or termination of parental rights to, an Indian child.

Existing state law requires state and local authorities to provide notice of, and to transfer child custody proceedings to, an Indian tribe within a specified period in cases in which an Indian child has been removed from parental custody by those authorities and the tribe has exclusive jurisdiction.

This bill requires the State Department of Social Services, a licensed adoption agency, or the adoption service provider to ask whether a child is or may be a member of an Indian tribe when a parent seeks to relinquish a child for adoption or to execute an adoption placement agreement. The bill requires those entities to send a notice to any Indian tribe of which the child is or may be a member or eligible for membership.

The bill also requires that there be a court finding that diligent efforts have been made to locate an appropriate relative before placing a child in foster care including requesting information about appropriate Indian tribes and evaluation of each relative whose name is submitted.

Existing law authorizes an agency responsible for the placement of a foster child to take into consideration in placing the child the cultural, ethnic, or racial background of the child and the capacity of the prospective foster parents to meet the needs of a child of this background.

This bill deletes those provisions and, instead, provides that specified provisions of existing law with respect to the placement of children in foster care shall not be construed to affect the application of the Indian Child Welfare Act.

Existing law provides that the Director of the State Department of Social Services may enter into an agreement with any California Indian tribe for the delegation to the tribe of the responsibility, that would otherwise be that of a county, for the provision of child welfare services or assistance payments.

This bill precludes such delegation from imposing liability upon the participating county or the State of California for any act or omission performed by an officer, agent, or employee of the participating tribe.

This bill imposes civil penalties making false statements or representations, or for omitting information of physically removing a child in order to obstruct the application of unification of an Indian child with their tribe.

**SB 984 (Scott): Dependent children: Welfare Advance Fund payments: adoptions.
Chapter 323, Statutes of 2003.**

Legislative History

Senate H. & H. S. (11-0)	Assembly Human Services (7-0)
Senate Judiciary (5-0)	Assembly Judiciary (13-0)
Senate Appropriations (S.R. 28.8)	Assembly Appropriations (22-0)
Senate Floor (37-0)	Assembly Floor (78-0)
Senate Concurrence (39-0)	

Existing law authorizes an agency placing a child in foster care, or the State Department of Social Services or licensed adoption agency to which a child has been freed for adoption, to consider the cultural, ethnic, or racial background of the child, and the capacity of the prospective foster or adoptive parents to meet the needs of the child.

This bill eliminates those provisions.

Existing law establishes in the State Treasury the Welfare Advance Fund, and provides that moneys in this revolving fund are to be appropriated for the purpose of making payments or advances to counties and the Employment Development Department with respect to specified programs.

This bill instead provides that moneys in the fund are appropriated for the purpose of making payments or advances to counties, Indian tribes, the federal Social Security Administration, or other federal, state, or local governmental entities, of the state and federal shares of local assistance programs, and for the payment of refunds.

Under existing law, the Adoption Assistance Program, administered by the State Department of Social Services and each county, requires the payment of aid to adoptive families, based on the needs of program-eligible children adopted by those families. One of the bases upon which a child is eligible for adoption assistance benefits is if the child is the subject of an agency adoption.

This bill establishes eligibility for Adoption Assistance Program benefits for a child who is otherwise eligible for program benefits and who, at the time a petition for either an agency or independent adoption, is filed, has met the requirements for federal SSI benefits.

**SB 1178 (Kuehl) Dependent Children: parenting.
Chapter 841, Statutes of 2004.**

Legislative History

Senate H. & H. S. (8-1)	Assembly Human Services (5-1)
Senate Appropriations (11-1)	Assembly Appropriations (16-3)
Senate Floor (33-1)	Assembly Floor (58-21)
Senate Concurrence (34-0)	

Existing law authorizes the juvenile court to adjudge a child a dependent child of the court if the child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness caused by the acts or negligence of the parent or guardian. Existing law also provides for foster care placement situations for dependent minors by state and local child welfare agencies.

This bill creates the Teen Parent in Foster Care Act, expressing Legislative intent that dependent teen parents and their children benefit when given the opportunity to form and remain a family, and that the supplemental payment rate for infants of foster youth is not adequate given the rising costs of infant care. It also requires, to the greatest extent possible, child welfare agencies in conjunction with providers and the state to identify and utilize whole family placements and other placement models that provide supportive family focused care for dependent teens and their children. It also encourages the Department of Social Services (DSS) and local child welfare agencies to collect data on the number of minors in foster care who give birth and the number of minor parents who remain in placement with their children.

**SB 1612 (Speier): Foster care and child welfare services: funding.
Chapter 845, Statutes of 2004.**

Legislative History

Senate H. & H. S. (10-) Rec. Consent	Assembly Human Services(5-0) Rec. Consent
Senate Appropriations (S.R. 28.8)	Assembly Appropriations (19-) Rec. Consent
Senate Floor (35-0)	Assembly Floor (77-2)
Senate Concurrence (33-4)	

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including foster family homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

This bill would require the State Department of Social Services to seek a federal waiver to authorize counties that elect to subsidize child care for foster parents to use federal foster care matching funds for the purpose of subsidizing that child care. The bill would require the federal funds to match only county funds.

This bill also restores \$17 million in Child Welfare Services (CWS) dollars reduced by the Governor's Budget veto by redirecting \$10 million in unspent, unallocated funds, and transferring \$7.15 million in funds from the Case Management System or CWS Redesign activities.

**SB 1860 (Bowen): Community based foster care pilot program.
Died on the Assembly Appropriation Committee Suspense File.**

Legislative History

Senate H. & H. S. (10-0) Rec. Consent
Senate Judiciary (5-0)
Senate Appropriations (13-0)
Senate Concurrence (37-0)

Assembly Human Services(6-0)
Assembly Appropriations (held on suspense)

Existing law relating to foster care placement declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, and to remove a child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public.

This bill required the Department of Social Services (DSS) to award a county non-profit organization a grant to establish a three-year child-centered and family-focused pilot foster care model designed to keep siblings together. It specified the contents of the pilot project, including child placement, case management, foster parent training, and support services. It also required data reporting by the non-profit pilot site, authorized DSS to accept federal or private funding to be deposited in the Community-Based Foster Care Pilot Program Fund established in the State Treasury, and specified that the pilot would only be non-General Fund sources are available for this purpose.

SERVICES FOR AGED PERSONS

**AB 528 (Mullin): Alzheimer's disease: dementia: residential care facilities for the elderly.
Chapter 383, Statutes of 2003.**

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (17-0)
Assembly Floor (49-25)
Assembly Concurrence (49-29)

Senate H. & H. S. (7-3)
Senate Appropriations (S.R. 28.8)
Senate Floor (23-14)

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires the director of the department to adopt regulations for these facilities.

This bill defines "sundowning" to mean a condition in which persons with cognitive impairment experience recurring confusion, disorientation, and increasing levels of agitation that coincide with the onset of late afternoon and early evening. It provides that residential care facilities for the elderly that serve residents with Alzheimer's disease and other forms of dementia should include information on sundowning as part of the training for direct care staff, and should include in the plan of operation a description explaining activities that are available for residents to decrease the effects of sundowning, including increasing outdoor activities in appropriate weather conditions.

**AB 784 (Daucher): California Department of Aging.
Died on the Assembly Appropriations Committee Suspense File.**

Legislative History

Assembly Aging & Long Term Care (6-0)
Assembly Human Services (5-1)
Assembly Appropriations (held on suspense)

Existing law creates the California Department of Aging and provides that the duties of the department include providing leadership to the area agencies on aging in developing systems of home- and community-based services for the aging.

This bill renames the department the California Department of Adult and Aging Services and moves provisions governing in-home supportive services, adult protective services, family and caregivers of brain-impaired adults, and independent living centers into the department's jurisdiction.

**AB 786 (Daucher): San Mateo County: home care assessment pilot project.
Chapter 436, Statutes of 2003.**

Legislative History

Assembly Aging & Long Term Care (6-0)	Senate H. & H. S. (11-0)
Assembly Human Services (6-0)	Senate Appropriations (S.R. 28.8)
Assembly Appropriations (24-0)	Senate Floor (39-0)
Assembly Floor (80-0)	
Assembly Concurrence (76-0)	

Existing law provides a variety of programs to serve older persons and persons with disabilities that allow these individuals to live in their own homes and still receive necessary services. These programs include the Multipurpose Senior Services Program, the In-Home Supportive Services program, AIDS case management services, adult day health care programs, and adult day programs.

This bill requires the County of San Mateo to adopt the Minimum Data Set-Home Care (MDS-HC) assessment instrument for use, until December 31, 2008, by home- and community-based programs that serve elderly and disabled persons. It provides that no provisions of the pilot project shall be interpreted to modify existing program eligibility requirements, reporting timeframes, or other program standards. It excludes certain licensed home health agencies from the requirements of this bill.

This bill requires the county to seek funding for an evaluation of the use of the MDS-HC assessment instrument by an independent research organization, and would require the results of the evaluation to be reported to the Legislature and to the Long-Term Care Council in the California Health and Human Services Agency on or before May 31, 2009. The bill becomes inoperative on July 1, 2009.

**AB 1369 (Pavley): Residential care facilities for the elderly: automatic external defibrillators.
Chapter 626, Statutes of 2004 (As enacted, bill dealt with different subject).**

Legislative History

Assembly Human Services (5-0) vote not relevant	Senate H. & H. S. (7-3) vote not relevant
Assembly Appropriations (19-2) vote not relevant	Senate Judiciary (4-1) vote not relevant
Assembly Floor (53-22) vote not relevant	Senate Env. Qual. (6-1)
Assembly E.S. & T.M. (5-2) Concur in Senate Amendments	Senate Appropriations (S.R. 28.2)
Assembly Concurrence (54-25)	Senate Floor (24-11)

Existing law authorizes the Emergency Medical Services Authority to establish minimum standards for the training and use of automatic external defibrillators by individuals not otherwise licensed or certified for the use of the device. Under existing law, the State Department of Social Services licenses and regulates residential care facilities for the elderly.

This bill, as it was considered in the Assembly Human Services Committee, required every residential care facility for the elderly, where the facility's licensed bed capacity exceeds 60 persons, to acquire and maintain, and train personnel in the use of, automatic external defibrillators.

This bill also provided that when an employee of a residential care facility for the elderly used or attempts to use an automatic external defibrillator to render emergency care or treatment in a manner consistent with the bill, neither the employee, the facility, nor the board of directors of that facility would be liable for civil damages resulting from any acts or omissions in rendering the emergency care or treatment.

In the Senate, the contents of the bill were changed, and in final form it prohibited sale or distribution of a mercury-added thermostat.

**AB 2550 (Steinberg): Continuing care contracts.
Chapter 129, Statutes of 2004**

Legislative History

Assembly Human Services (6-0)	Senate H. & H. S. (10-0) Rec. Consent
Assembly Appropriations (20-0)	Senate Appropriations (28.8)
Assembly Floor (77-0)	Senate Floor (38-0)

Existing law provides for the regulation by the State Department of Social Services of activities relating to continuing care contracts that govern care provided to an elderly resident in a continuing care retirement community for the duration of the resident's life or a term in excess of one year.

Existing law requires each provider to compute its liquid reserve requirement as of the end of the provider's most recent fiscal year based on its audited financial statements for that period and, at the time it files its annual report, to file a form certifying certain financial information. Existing law requires each provider to include a liquid reserve for its operating expenses in an amount that equals or exceeds 45 days' net operating expenses.

Existing law, until January 1, 2005, establishes requirements for the department to implement a trial program, and report to the Legislature, on assessing long-term care provider solvency, and requires each provider to obtain an actuarial study and file it with the department, except under specified circumstances.

This bill implements recommendations of study review panel regarding financial requirements (reserves, actuarial studies) for continuing care retirement communities. It extends the liquid reserve requirement to an amount equaling or exceeding 75 days' net operating expenses.

**SB 211 (Dunn): Residential care facilities for the elderly: admission agreements.
Chapter 409, Statutes of 2003.**

Legislative History

Senate H. & H. S. (8-2)

Senate Appropriations (S.R. 28.8)

Senate Floor (23-14)

Senate Concurrence (25-15)

Assembly Judiciary (8-3)

Assembly Human Services (6-0)

Assembly Appropriations (22-0)

Assembly Floor (77-0)

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services, including, among other things, regulation of admissions procedures and agreements. A violation of the provisions relating to residential care facilities for the elderly is a misdemeanor.

This bill specifies requirements for the form and content of admission agreements, for residential care facilities for the elderly, and requires a facility to conspicuously post a copy of its agreement within the facility. The bill requires the admission agreement to include a comprehensive description of any items and services provided, an explanation of third-party services, information relating to residents' rights, and information relating to billing and payment, term of contract, refunds, and termination of the agreement.

This bill prohibits an admission agreement from including grounds for involuntary transfer or eviction that are inconsistent with state law. The bill would also require a copy of the signed and dated admission agreement to be given to the resident or the resident's representative.

**SB 540 (Soto): Residential care facilities for the elderly: special services.
Chapter 322, Statutes of 2003.**

Legislative History

Senate H. & H. S. (12-0)

Senate Appropriations (S.R. 28.8)

Senate Floor (37-0)

Senate Concurrence (39-0)

Assembly Human Services (7-0)

Assembly Appropriations (22-0)

Assembly Floor (78-0)

Existing law provides for the regulation and licensure of residential care facilities for the elderly by the State Department of Social Services. A violation of these provisions is a misdemeanor.

This bill requires a licensee of a residential care facility for the elderly that advertises or promotes special care, programming, or environments for persons with a specific health related condition to provide to each prospective resident prior to admission an accurate narrative description of these services and programs, in writing. The bill requires all reasonable efforts to be made to communicate this information to a person who is unable to read it himself or herself.

**SB 1662 (Soto): Residential care facilities for the elderly: rates.
Chapter 401, Statutes of 2004.**

Legislative History

Senate H. & H. S. (7-2)

Senate Appropriations (5-5) Failed Passage

Senate Appropriations - Reconsideration Granted (8-5)

Senate Floor(22-13)

Senate Concurrence (27-1)

Assembly Human Services (6-0)

Assembly Appropriations (21-0)

Assembly Floor (78-0)

Existing law requires a licensee of a residential care facility for the elderly that increases the rates of fees for residents or makes increases in any of its rate structures for services to provide no less than 60 days' prior written notice to the resident or the resident's representative, setting forth the amount of the increase, the reason for the increase, and a general description of the additional costs, except for an increase in the rate due to a change in the level of care of the resident. A violation of the provisions relating to the licensure or operation of a residential care facility for the elderly is a crime.

This bill requires that notices of increased fees associated with an increase in services provided in residential care facilities for the elderly be provided within two business days after the fee increase is imposed.

YOUTH SERVICES

**AB 2026 (Hancock): Youth pilot program: extension.
Chapter 134, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0)

Assembly Appropriations (20-0) Rec. Consent

Assembly Floor (72-0)

Senate H. & H. S. (10-0) Rec. Consent

Senate Appropriations (S.R. 28.8)

Senate Floor (32-1)

Existing law authorizes designated six participating counties to establish a child and family interagency coordinating council to implement various aspects of a Youth Pilot Project. The six counties are Alameda, Contra Costa, Fresno, Marin, Placer and San Diego. Under the pilot program, various children's services funds may be transferred to a designated county fund for services for children and families. Existing law terminates the program on July 1, 2004.

This bill extends the operative duration of the Youth Pilot Project (YPP) to January 1, 2009.

**AB 2947 (Pacheco): Youth services.
Died on the Assembly Appropriations Committee Suspense file.**

Legislative History

Assembly Human Services (7-0) Rec. Consent
Assembly Appropriations (held on suspense)

Under the Comprehensive Youth Services Act funds are provided to counties for the provision of services to children who are habitual truants, runaways, at risk of being wards of the court, or under the supervision of a county probation department. Existing law provides for the act to remain operative only until October 31, 2004, and would repeal it on January 1, 2005.

This bill repealed the sunset on California Youth Services Act, providing juvenile probation services. It allowed any source of funds to be used for the services rather than only moneys appropriated from the Temporary Assistance for Needy Families block grant.

**SB 215 (Alpert): Youth policy.
Vetoed by the Governor.**

Legislative History

Senate H. & H. S. (10-3)	Assembly Human Services (4-1)
Senate Appropriations (S.R. 28.8)	Assembly Appropriations (14-3)
Senate Floor (22-11)	Assembly Floor (48-29)
Senate Concurrence (21-14)	

Existing law establishes the Governor's Mentoring Partnership, whose legislative findings and declarations state that it is the goal of the Legislature to give every young person in California access to a quality mentoring relationship.

This bill established the California Youth Policy Council (CYPC) to serve as a vehicle for policymakers to plan and act across sectors, including education, health, human services, youth employment, juvenile justice and community services. It provided that CYPC bring together programs and agencies, including those engaged in violence prevention, after school programs, career development and adolescent health, to better align youth development efforts. It also provided that CYPC focus on strategies to reduce adolescent pregnancy and substance abuse, improve adolescent health and fitness, improve academic achievement and increase opportunities for civic engagement, work experience and volunteerism. The CYPC was to consist of 25 commissioners, at least 25% of whom were required to be youth aged 14-24.

SERVICES FOR DISABLED PERSONS

AB 200 (Richman): Developmental centers. Died on the Assembly Appropriations Committee Suspense File.

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (held on suspense)

Existing law vests in the State Department of Developmental Services jurisdiction over various state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires the State Department of Developmental Services to comply with certain requirements when closing a developmental center. Under existing law, the department allocates funds to private nonprofit entities known as regional centers, which are required to provide, or arrange for the provision of, services and supports for persons with developmental disabilities.

This bill authorized the State Department of Developmental Services to sell or lease at fair market value the state-owned property of developmental centers that are closed, and requires that the proceeds be placed in the State Developmental Services Community Living Fund, created by the bill. The bill establishes requirements as to the movement of consumers from developmental centers that will be closed into community living arrangements.

The bill permitted the department to establish a system of small residential developmental facilities for community living, with priority to be given to their location in communities in which consumers reside who are moving from developmental centers that will be closed. The bill required the department to develop incentives for employees to remain at developmental centers until they are closed, and permitted those employees to transfer to other facilities.

AB 271 (Nuñez): Developmental services: human resources. Died in Senate Appropriations Committee.

Legislative History

Assembly Human Services (4-1)	Senate H. & H. S. (8-3)
Assembly Appropriations (17-7)	Senate Appropriations (not heard)
Assembly Floor (47-28)	

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services (DDS) to contract with regional centers for the provision of various services and supports to persons with developmental disabilities.

This bill provided for alternative employment options for state employees working in developmental centers in the event a developmental center closed. It permitted DDS to establish state-owned and state-operated residential facilities.

**AB 649 (Wiggins): Developmental disabilities workforce service centers.
Vetoed by the Governor.**

Legislative History

Assembly Human Services (6-1)
Assembly Floor (57-9)
Assembly Concurrence (61-18)

Senate H. & H. S. (9-29-2)
Senate Appropriations (8-5)
Senate Floor (22-12)

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services (DSS) to contract with private nonprofit entities known as regional centers, who are required to provide, or arrange for the provision of, services and supports for persons with developmental disabilities. Existing law requires the development of an individual program plan for an individual with developmental disabilities eligible for regional center services.

This bill expressed the intent of the Legislature to ensure that there is sufficient funding for the community system of services to persons with developmental disabilities, and declared policies governing the budgeting of community-based services for persons with developmental disabilities. It required the Department of Developmental Services to maximize federal funding, and provided that should sufficient funds be available, the budget reinvest the amount of state general fund dollars equal to the increased level of federal financial participation in the community services system, instead of using the federal funds to supplant state funds.

As initially heard in the Human Services Committee in 2003, this bill created "Workforce Service Centers" to serve as employers of record, engage in recruitment and employee screening and develop training for workers serving people with developmental disabilities. It was amended to deal with funding for services to people with developmental disabilities in the Human Services Committee.

**AB 1693 (Wolk): Developmental services: closure of developmental centers.
Died in Senate Rules Committee.**

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (17-7)
Assembly Floor (78-1)

Senate H. & H. S. (withdrawn)
Senate Rules (withdrawn)
Senate P. E. R. S. (withdrawn)
Senate Rules Committee (not heard)

Under existing law, the State Department of Developmental Services (DDS) provides a range of services to clients with developmental disabilities.

This bill authorized the department to exchange developmental center property for real property of equal value in one or more locations in the state in the event that the developmental center is scheduled for closure, and required DDS to use a portion of the property of the closed center to provide new living arrangements for consumers previously served by the center. As heard in Assembly Human Services Committee, it created a five-year pilot program to establish a central services hub, staffed by state employees, to deliver services for persons with severe developmental disabilities or severe behavioral problems. The services would be delivered at the central services hub and at state-owned residences established in the community in close proximity to the central services hub.

In the Senate, the bill was amended to deal with a different subject matter, state employees' retirement, but was not heard in a Senate policy committee.

**AB 2100 (Steinberg): Developmental services.
Chapter 831, Statutes of 2004**

Legislative History

Assembly Budget (23-1)

Senate H. & H. S. (9-1)

Assembly Floor (78-0)

Senate Floor (33-2)

Assembly Human Services (5-0) For Concurrence

Assembly Concurrence (79-0)

Existing law requires the State Department of Developmental Services (DDS) to contract with private-nonprofit corporations for the establishment of regional centers to provide services and supports for persons with developmental disabilities and their families. Existing law places state developmental centers within the jurisdictions of the department, including Agnews Developmental Center.

This bill establishes "family teaching homes," a new class of community care facilities for adults with disabilities, in anticipation of the closure of Agnews Developmental Center, and authorizes DDS to approve proposals to purchase such facilities as permanent housing for clients of the regional centers. This bill is a response by DDS to an \$11 million appropriation in the 2004-05 state budget to develop community resources for Agnews residents.

**AB 2774 (Richman): Developmental centers.
Died in the Assembly Appropriations Committee Suspense file.**

Legislative History

Assembly Human Services (5-2)

Assembly Appropriations (held on suspense)

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires the State Department of Developmental Services to comply with procedural requirements when closing a developmental center, including submitting a plan to the Legislature and holding at least one public hearing.

Under existing law, the department allocates funds to private nonprofit entities known as regional centers, which are required to provide, or arrange for the provision of, services and supports for persons with developmental disabilities.

This bill required DDS to close four of the five remaining Developmental Centers by 2016, and place the proceeds of the sale of Developmental Center land into a trust account and directed toward the improvement of community services.

**AB 2775 (Richman): Developmental services: reimbursement.
Died on the Assembly Appropriations Committee Suspense file.**

Legislative History

Assembly Human Services (7-0)
Assembly Appropriations (held on suspense)

Existing law establishes the State Department of Developmental Services and sets forth its duties and responsibilities, including administration of developmental centers.

Under existing law, the department also contracts with regional centers to provide, or arrange for the provision of, services for persons with developmental disabilities in the community.

This bill required DDS to implement several cost saving measures recommended by the Legislative Analyst's Office: (1) collection by DDS of information on the annual income of families that receive services, (2) adoption of a co-payment plan to be proposed by DDS, and (3) inclusion of ancillary services among services provided by Intermediate Care Facilities for persons with developmental disabilities. It also required a study of best practices. Related provisions were adopted in SB 1103, the health services trailer bill to the 2004-05 state budget

**ACR 34 (Matthews): Developmental disabilities: direct care workforce.
Resolution Chapter 69, Statutes of 2003.**

Legislative History

Assembly Human Services (6-0)	Senate H. & H. S. (10-0)
Assembly Floor (80-0)	Senate Floor (37-0)

This measure recognizes that building a stable, well-trained direct care workforce to provide supports and services to individuals with developmental disabilities is important in advancing California's commitment to community integration for those individuals and to personal security for them and their families.

**SB 577 (Kuehl): Protection and advocacy agencies.
Chapter 878, Statutes of 2003.**

Legislative History

Senate H. & H. S. (9-3)	Assembly Judiciary (9-3)
Senate Judiciary (5-2)	Assembly Human Services (4-1)
Senate Appropriations (S.R. 28.8)	Assembly Appropriations (16-1)
Senate Floor (24-15)	Assembly Floor (46-33)
Senate Concurrence (24-13)	

Existing law prescribes, in accordance with federal law, the powers of the protection and advocacy agency, which is a private, nonprofit corporation, charged with protecting and advocating for the rights of persons with developmental disabilities and mental disorders.

Under existing law, a protection and advocacy agency's powers include the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of the rights of persons with developmental disabilities and persons with mental illness, to provide information and referral to programs and services addressing the needs of persons with developmental disabilities and persons with mental illness, and to investigate any incident of abuse or neglect of persons with developmental disabilities or persons with mental illness if the complaints are reported to the protection and advocacy agency or if probable cause exists to believe that abuse or neglect has occurred.

This bill updates and consolidates authority of California's Protection and Advocacy, Inc., to advocate on behalf of developmentally disabled, mentally ill and other disabled persons, and clarifies the agency's right of access to records of persons with disabilities and to facilities and programs serving those persons consistent with federal law.

**SB 1364 (Chesbro): Developmental disabilities.
Chapter 68, Statutes of 2004.**

Legislative History

Senate H. & H. S. (10-0) Rec. Consent
Senate Floor (36-0)

Assembly Human Services (5-0) Rec. Consent
Assembly Floor (78-0)

Existing law, the Lanterman Developmental Disabilities Services Act, establishes the State Council on Developmental Disabilities with 29 voting members, who, among other qualifications, are persons with developmental disabilities or parents, siblings, guardians, or conservators of these persons.

This bill makes technical changes to bring state law relating to the State Council on Developmental Disabilities into conformity with federal law, and corrects an error in the drafting of SB 1630 (Chesbro) of 2002, a bill which merged Area Boards on Developmental Disabilities into the federally funded State Board of Developmental Disabilities.

**SB 1365 (Chesbro): Preventing unnecessary institutionalization
Vetoed by the Governor.**

Legislative History

Senate H. & H. S. (9-2)
Senate Appropriations (9-3)
Senate Floor (27-11)
Senate Concurrence (28-8)

Assembly Health (16-0)
Assembly Human Services (5-1)
Assembly Appropriations (14-4)
Assembly Floor (51-7)

Existing law establishes programs for the provision of care and services to eligible individuals with disabilities. Existing law, the federal Americans with Disabilities Act of 1990 (P.L. 101-336), as held by the United States Supreme Court, in *Olmstead v. L.C.* (1999) 527 U.S. 581, prohibits public agencies from unnecessarily institutionalizing individuals with disabilities, and requires states to provide community-based treatment for persons with disabilities when the state's treatment professionals determine that that placement is appropriate, the affected persons do not oppose the treatment, and the placement can be reasonably accommodated, taking into account the resources available to the state and the needs of others with mental disabilities.

This bill created the Olmstead Advisory Council (OAC) to monitor and promote the state's implementation of the U.S. Supreme Court's decision in *Olmstead v. L.C.* It required the OAC to include persons with disabilities and seniors, including those who are currently residing in institutions, and advocates for persons with disabilities and seniors, including family members, and representatives of long-term care providers and city and county governments. It also required the California Health and Human Services Agency and appropriate state departments to explore and report to the Legislature on options for expanding or modifying the state Medicaid plan or Medicaid waivers and for modifying state laws or regulations in order to address barriers to persons moving from, or avoiding placement in, institutions.

IN-HOME SUPPORTIVE SERVICES

**AB 632 (Kehoe): In-home supportive services providers: employment benefits.
Chapter 209, Statutes of 2003.**

Legislative History

Assembly Human Services (4-1)

Assembly P.E.R. & S.S. (8-0)

Assembly Appropriations (19-5)

Assembly Floor (55-24)

Assembly Concurrence (77-0)

Senate H. & H. S. (10-0)

Senate Appropriations (S.R. 28.8)

Senate Floor (30-4)

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified, aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Under existing law, if the state or a county provides for direct payment for the purchase of in-home supportive services, the State Department of Social Services is required to assure payment of contributions for workers' compensation coverage for the recipient's IHSS provider.

This bill requires the department to assure the obligation to pay contributions for workers' compensation coverage for IHSS providers who are employed under contracts entered into by a county with a nonprofit agency or proprietary agency. The bill requires a county that has existing contracts with nonprofit agencies or proprietary agencies whose employees would be covered under this provision to reduce the contract hourly rate by a designated amount.

**AB 811 (Dymally): In-home supportive services: direct deposit wage payments.
Died on the Assembly Appropriations Committee Suspense File.**

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (held on suspense)

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are

responsible for the administration of the program. Existing law allows any IHSS recipient who hires and pays his or her service provider and who has been a recipient for at least a year to receive his or her IHSS grant through an electronic transfer.

This bill allowed any IHSS provider to authorize payment to him or her for IHSS services through direct deposit under a program established by the Controller. It required the State Department of Social Services and the Controller to coordinate efforts to implement these provisions.

Similar IHSS direct deposit proposals were later contained in AB 2145 (Ridley-Thomas) and AB 1470 (Vargas), described below.

**AB 824 (Matthews): In-home supportive services: wage and benefit increases.
Vetoed by the Governor**

Legislative History

Assembly P.E. R&S (6-2) not relevant
Assembly Appropriations (17-7) not relevant
Assembly Floor (48-31) not relevant
Assembly Human Services (5-1) for concurrence
Assembly Concurrence (69-7)

Senate H. & H. S. (9-2)
Senate Appropriations (7-4)
Senate Floor (25-12)

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization.

Existing law permits services to be provided under the IHSS program either through the employment of individual providers by the county, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Existing law requires the state to pay 65% of the nonfederal share of wage and benefit increases negotiated by a public authority or nonprofit consortium, up to a designated amount.

This bill extended the same wage and benefit sharing ratios, and schedules for wage and benefit increases, that apply to counties with Public Authorities to those counties which, themselves, serve as the employer of record for individual providers of IHSS services.

**AB 1319 (Bates): In-Home Supportive Services program.
Died on the Assembly Appropriations Committee Suspense File.**

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (held on suspense)

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are

responsible for the administration of the IHSS program. Existing law requires each county to establish, or act as, an employer for IHSS personnel for purposes of provisions of statutory law regarding employer-employee relations.

This bill allowed Public Authorities and non-profit consortia providing IHSS services under contract with a county to include criminal background checks conducted by the Department of Justice when investigating the qualifications and background of potential IHSS employees, and prohibited IHSS employees or IHSS clients from being charged a fee to cover the administrative costs of processing a criminal background check.

**AB 1470 (Vargas): In-home supportive services: direct deposit wage payments.
Chapter 826, Statutes of 2004.**

Legislative History

Assembly Human Services (4-1)
Assembly Appropriations (16-7)
Assembly Floor (41-31)
Assembly Concurrence (67-10)

Senate H. & H. S. (8-2)
Senate Appropriations (Held on Suspense)

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, through employment by the recipient, by or through contract by the county, or by the creation of a public authority or pursuant to a contract with a nonprofit consortium, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Under existing law, counties are responsible for the administration of the program. Existing law allows an IHSS recipient who hires and pays his or her service provider and who has been a recipient for at least a year to receive his or her IHSS grant through an electronic transfer.

This bill requires the Department of Social Services (DSS) and the State Controller to arrange for direct deposit with one or more financial institutions in order to allow IHSS workers to choose to receive payments for services to be directly deposited into their personal accounts with financial institutions. It requires that the Controller and DSS to collect these costs from a non-governmental third-party contractor or the organization, entity, or individual requesting payment.

In its original form, as heard by the Human Services Committee in 2003, this bill authorized an increase in-home supportive services wages, benefits, or both, by voter initiative in any county to the same extent that these wages and benefits may be increased by the board of supervisors under the IHSS program. This version of the bill was held in the Senate Appropriations Committee, and was later amended to authorize IHSS direct deposit payments.

AB 2082 (Ridley-Thomas): In-home supportive services: public authority: Los Angeles County. Died on the Assembly Inactive file.

Legislative History

Assembly Human Services (5-1)
Assembly Rules (6-0)
Assembly Floor (Inactive file)

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium. Existing law requires a county that elects to establish a public authority for this purpose to enact an enabling ordinance that sets forth the membership and membership qualifications for the public authority governing board, and other matters relating to the governing board and the operation of the public authority.

This bill required Los Angeles County to establish a governing board of the public authority consisting of 15 members, all of who were to be current or past IHSS recipients, none of whom could be a member of the board of supervisors or an employee of the county. It specified that members of the governing board be elected in a secret ballot election by eligible voters, defined as IHSS recipients residing in Los Angeles County.

AB 2145 (Ridley-Thomas): In-home supportive services: direct deposit wage payments. Vetoed by the Governor.

Legislative History

Assembly Human Services (6-1)
Assembly Appropriations (16-5)
Assembly Floor (55-24)

Senate H. & H. S. (10-1)
Senate Appropriations (S.R. 28.8)
Senate Floor (25-6)

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, through employment by the recipient, by or through contract by the county, or by the creation of a public authority or pursuant to a contract with a nonprofit consortium, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Under existing law, counties are responsible for the administration of the program. Existing law allows an IHSS recipient who hires and pays his or her service provider and who has been a recipient for at least a year to receive his or her IHSS grant through an electronic transfer.

This bill required the California Department of Social Services (DSS) and the State Controller (Controller) to arrange for direct deposit with one or more financial institutions in order to allow IHSS workers to choose to receive payments for services to be directly deposited into their personal accounts with financial institutions.

After this bill was vetoed, AB 1470 (Vargas) was amended to address Administration concerns expressed in the veto, and was subsequently passed and signed into law.

**AB 2414 (Hancock) Personal care services.
Died in the Assembly Human Services Committee.**

Legislative History

Assembly Human Services (not heard)

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and other low-income persons. Personal care services provided to an individual who is eligible for Medi-Cal benefits as a categorically needy person are a Medi-Cal covered benefit. Existing law also provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes.

This bill provided that when personal care services are provided pursuant to a contract with a nonprofit agency that is under the control of a public jurisdiction other than a county or a public authority and the contract is for the purpose of providing personal care assistance on an emergency and short-term basis, the nonprofit agency may provide the same scope of supportive and personal care services as are included in the Medi-Cal and IHSS programs.

**AB 2534 (Bates): In-Home Supportive Services providers: criminal background checks.
Died on the Assembly Appropriations Committee Suspense File.**

Legislative History

Assembly Human Services (7-0) Rec. Consent

Assembly Appropriations (held on suspense)

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, by or through contract by the county, by the creation of a public authority or pursuant to a contract with a nonprofit consortium, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes.

Existing law provides that the Department of Justice shall secure any criminal record of a person to determine whether the person has been convicted of any felony within the last 10 years if an employer of the person, including an IHSS recipient, requests the determination and submits fingerprints of the person to the Department of Justice.

This bill authorized In-Home Supportive Services (IHSS) non-profit consortia and Public Authorities to include criminal background checks, conducted by the Department of Justice (DOJ), in processing potential IHSS caregivers. It prohibited IHSS employees, potential IHSS employees, or IHSS clients from being charged a fee to cover the administrative costs of processing a criminal background check. and allowed the DOJ to assess a fee pursuant to existing law to cover the costs of furnishing summary criminal history information.

**AB 3056 (Vargas): In-Home Support Services: modes of benefits delivery.
Vetoed by Governor.**

Legislative History

Assembly Human Services(6-0)
Assembly Appropriations (16-5)
Assembly Floor (54-23)
Assembly Concurrence (54-23)

Senate H. & H. S. (9-2)
Senate Appropriations (S.R. 28.8)
Senate Floor (29-8)

Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Under existing law, counties are responsible for the administration of the IHSS program.

Existing law permits services to be provided under the IHSS program either through the employment by the county of providers, payment to recipients for the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Existing law requires each county to appoint an in-home services advisory committee.

This bill established a procedure to be followed prior to a county discontinuing a mode of IHSS service delivery. It provided that the IHSS advisory committee review the proposed action and receive input from the recipients who use the mode of service delivery proposed to be eliminated, make an assessment of the potential impact upon recipients of eliminating that mode of service in its advisory capacity and advise the county board of supervisors of its findings. It required that the county board of supervisors determine, at least 30 days before canceling the mode of service, that the gains realized by the cancellation outweigh any negative consequences which may result from the action.

CHILD CARE

**AB 179 (Chan): California Children and Families Commission.
Chapter 378, Statutes of 2003.**

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (24-0)
Assembly Floor (73-0)
Assembly Concurrence (77-0)

Senate H. & H. S. (9-1)
Senate Appropriations (S.R. 28.8)
Senate Floor (24-12 [failed]) reconsidered
Senate Floor (34-1)

The California Children and Families Act of 1998, an initiative measure, requires that the California Children and Families Program, established by the act, be funded by certain surtaxes imposed on the sale and distribution of cigarettes and tobacco products and deposited into the California Children and Families Trust Fund, and that the fund be used for the implementation of comprehensive early childhood development and smoking prevention programs. Existing law establishes a state commission, the California Children and Families Commission, with specified powers and duties relating to the administration of the act on a state level.

This bill provides that the state commission may also be known as First 5 California, and deletes reference to the name of the state commission used for mass media and other communication purposes. This bill also changes the date the state commission is required to annually conduct an audit and prepare a written report on implementation and performance from October 15 to January 31, and would revise the minimum content of the report.

**AB 366 (Mullin): Child care: substitute employee registry.
Vetoed by Governor.**

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (24-0)
Assembly Floor (73-0)
Assembly Concurrence (57-22)

Senate H. & H. S. (11-0)
Senate Appropriations (10-0)
Senate Floor (40-0)

Existing law authorizes the State Department of Social Services (DSS) to adopt regulations to create substitute employee registries for persons working at more than one facility licensed by the department, in order to permit these registries to submit fingerprint cards and child abuse index information for child care registries. Existing law additionally authorizes the department to operate a substitute child care employee registry pilot program for the above purposes, pursuant to specified criteria, and to charge a reasonable annual licensing fee to participating registry facilities.

This bill required, until January 1, 2007, DSS to operate the substitute child care employee registry pilot program, and after that date authorized DSS to operate the pilot program in its discretion. The bill required that the child care worker be registered with the registry, and not with an individual child care facility that temporarily employs the child care worker. The bill required the registry to maintain all employee records for a child care worker at its central office subject to inspection or electronic transfer to the department if requested. The bill also required DSS to adopt regulations to permit registries to submit fingerprint images to the Department of Justice for child care workers associated with registries.

**AB 379 (Mullin): Family child care home education networks.
Chapter 897, Statutes of 2004.**

Legislative History

Assembly Human Services(6-1)
Assembly Appropriations (23-0)
Assembly Floor (65-13)
Assembly Concurrence (50-29)

Senate H. & H. S. (9-2)
Senate Appropriations (S.R. 28.8)
Senate Floor 24-8)

Existing law requires the Superintendent of Public Instruction to administer general child care and development programs consisting of programs that offer a full range of services for children from infancy to 14 years of age, for any part of a day, by a public or private agency, in centers and family child care homes.

This bill codifies an existing contracting procedure within the California Department of Education for Family Child Care Home Education Networks (FCCHEs), which recruit and enroll families in child care, provide training for parents and providers, and make payments to licensed family child care home providers.

**AB 529 (Mullin): Family day care homes.
Chapter 744, Statutes of 2003.**

Legislative History

Assembly Human Services (5-0)
Assembly Floor (74-0)
Assembly Concurrence (76-0)

Senate H. & H. S. (8-2)
Senate Floor (31-3)

The California Child Day Care Facilities Act, provides for the licensing and regulation of child day care facilities, including family day care homes, by the State Department of Social Services. Existing law authorizes a small family day care home to provide day care for more than six and up to eight children. Existing law also authorizes a large family day care home to provide day care for more than 12 children and up to and including 14 children. One of the conditions applicable to both small and large family day care homes is that at least two of the children be at least six years of age.

This bill instead allows the above referred condition to be met if at least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

**AB 1326 (Simitian): Child care subsidies: County of San Mateo: pilot project.
Chapter 691, Statutes of 2003.**

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (25-0)
Assembly Floor (78-0)
Assembly Concurrence (78-0)

Senate Education (10-0)
Senate H. & H. S. (7-4)
Senate Appropriations (8-3)
Senate Floor (29-7)

Existing law requires the Superintendent of Public Instruction to adopt rules and regulations on eligibility, enrollment, and priority of services for federal and state subsidized child care programs.

This bill authorizes the County of San Mateo, as a pilot project, to develop and implement an individualized county child care subsidy plan. The bill requires the plan to ensure that child care subsidies received by the county are used to address local needs, conditions, and priorities of working families in the community. The bill requires the County of San Mateo, prior to implementing the plan, to develop a plan that may, except as specified, supersede existing law with regard to eligibility requirements, fees, reimbursement rates, and methods of maximizing use of funds. The plan must give priority to those with the lowest income, may not reduce eligibility for Stage 2 CalWORKs child care, and must treat families receiving Stage 3 CalWORKs child care equally to others in subsidized care. The bill requires the plan to be approved by the local child care planning council and the Child Development

Division of the State Department of Education. The bill requires the Legislative Analyst and the Senate Office of Research to review the data contained in the child care subsidy plan before the plan is submitted to the local child care planning council for approval.

The bill also requires the County of San Mateo to submit annual reports to the Legislature, the State Department of Social Services, and the State Department of Education that summarize the success of the plan and to submit a final report to those entities on or before December 31, 2008

**AB 1393 (Kehoe): Child care: before and after school programs.
Chapter 366, Statutes of 2004.**

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (24-0)

Assembly Floor (80-0)

Assembly Human Services (7-0) For Concurrence

Assembly Floor (79-0)

Senate H. & H. S. (11-0) Rec. Consent

Senate Floor (33-0)

Existing law establishes the Six-to-Six Before and After School Program for the purpose of creating locally administered and locally funded before and after school enrichment programs that partner schools and communities to provide academic and literacy support and safe, constructive alternatives for youth in kindergarten and grades 1 to 9. Existing law repeals the program on January 1, 2005.

As introduced and originally considered by the Human Services Committee, this bill dealt with the process used by Regional Centers to purchase services for residents with developmental disabilities. The Committee heard the amended bill when it returned to the Assembly for concurrence in Senate amendments.

**AB 1849 (Nation): Child care and development.
Died in the Assembly Appropriations Committee Suspense File.**

Legislative History

Assembly Human Service(5-2)

Assembly Appropriations (held on suspense)

Existing law includes child care centers as community care facilities requiring licensure by the Community Care Licensing Division (CCL) of DSS and authorizes the assessment of fees to pay the costs of licensing. Current law requires the Superintendent of Public Instruction to establish reasonable standards and assigned reimbursement rates for child care providers that contract with the State Department of Education, and authorizes a program above the standard reimbursement rate (SRR) to be considered on a case-by-case basis for rate adjustments due to documented increases in insurance costs, up to the maximum rate.

Existing law authorizes the Superintendent of Public Instruction to enter into local contractual agreements for the delivery of extended day care services, known as School Age Community Child care Programs.

This bill addressed the financial crisis of child day care centers by:

- 1) Transferring funds from the CDE to the Community Care Licensing Division of DSS to pay fees for CDE-contracted child care centers, and exempting centers from paying annual child care licensing fees;
- 2) Allowing CDE-contracted centers paid at the maximum Standard Reimbursement Rate to apply for rate increases to cover insurance costs;
- 3) Clarifying the authority for CDE to reimburse child care agencies for up to four training days per year; and
- 4) Allowing agencies that can prove to CDE that they cannot operate on the rate paid for School Age Community Child Care Programs (SACCC), also known as “latchkey” programs, to convert their SACCC contracts to ones administered and funded as General Child Care programs.

**AB 2205 (Oropeza): California Helping Heroes Child Care Program.
Chapter 555, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0)
Assembly Appropriations (16-4)
Assembly Floor (79-0)
Assembly Concurrence (79-0)

Senate H. & H. S. (10-0)
Senate Appropriations (13-0)
Senate Floor (38-0)

Existing law authorizes funds appropriated for the purposes of the Child Care and Development Services Act to be used for alternative payment programs to allow for maximum parental choice. Existing law prescribes the administration, eligibility criteria, and payment arrangements for alternative payment programs.

This bill creates the Helping Heroes Child Care Program, a subsidized program for families with one or more parents in active military, reserves or National Guard deployed in Iraq. The bill applies other applicable provisions of the Child Care and Development Services Act to the Helping Heroes Program. Families who meet income eligibility standards for existing subsidized child care as well as those whose income has declined by 45% or more as a result of the deployment. Families who receive child care services from the United States military are not eligible. The bill provides that the program may operate only to the extent federal funding is received for this purpose. The program sunsets on January 1, 2010.

**AJR 12 (Chan): Head Start program.
Resolution Chapter 72, Statutes of 2003.**

Legislative History

Assembly Human Services (4-1)
Assembly Floor (49-30)
Assembly Concurrence (48-26)

Senate Health & Human Services (7-1)
Senate Floor (23-13)

This measure memorializes Congress to reject the President's Head Start proposal establishing a block grant pilot program and eliminating standards for teacher training and quality of services to Head Start children.

**SB 1343 (Escutia): Child care: Infant and Toddler Care Master Plan.
Vetoed by the Governor**

Legislative History

Senate Education (8-0)
Senate H. & H. S. (9-3)
Senate Appropriations (7-3)
Senate Floor (26-11)
Senate Concurrence (24-12)

Assembly Human Services (4-1)
Assembly Education (7-3)
Assembly Appropriations (14-3)
Assembly Floor 49-29)

Existing law requires the Superintendent of Public Instruction to develop standards for the implementation of quality programs. Existing law requires the Superintendent of Public Instruction to develop the state plan for child care and development services in collaboration with prescribed agencies and requires the State Department of Education (SDE) to coordinate the state plan required under federal law with the state's master plan for child care and development.

This bill required the Superintendent of Public Instruction (SPI) to establish a privately-funded task force to develop an Infant and Toddler Care Master Plan, designed to be coordinated with universal preschool efforts. The task force would consist of 20 members, 15 appointed by the SPI, and the remainder by the California Children and Families Association, the Department of Social Services, Health and Human Services Agency, and State First 5 California Commission. Among its elements, the plan's recommendations would identify strategies to ensure access for children from birth through age three that would be integrated with programs for preschool age children, recommend methods to coordinate with and provide access to comprehensive services and recommend methods to ensure that licensing laws and regulations are developmentally based and appropriate to ensure the health and safety of infants and toddlers in out-of-home care.

**SB 1657 (Scott): Child care: reporting.
Held on the Assembly Appropriations Committee Suspense File.**

Legislative History

Senate H. & H. S. (10-0) Rec. Consent	Assembly Human Services (6-0)
Senate Public Safety (6-0)	Assembly Appropriations (held on suspense)
Senate Appropriations (12-0)	
Senate Floor (37-0)	

Existing law establishes a system of payment of child care subsidies on behalf of eligible low-income families, administered by SDE and delivered through contracts with child care providers and alternative payment programs, setting forth standards for eligibility, payment rates for providers of care and family fees. Current law authorizes SDE to enforce and monitor contracts and conduct compliance reviews and audits of alternative payment programs (APs).

This bill required the State Department of Education (SDE) to adopt regulations relating to inaccurate application and reporting practices, misappropriation of funds, overpayments and fraud in subsidized child care programs. A similar provision was incorporated into budget trailer bill, SB 1104.

**SB 1897 (Burton): Child care reform.
Vetoed by the Governor.**

Legislative History

Senate H. & H. S. (9-3)	Assembly Education (4-2)
Senate Appropriations (8-4)	Assembly Human Services (6-3)
Senate Floor (22-11)	Assembly Appropriations (16-5)
Senate Adopts Conference Report (23-15)	Assembly Adopts Conference Report (47-12)

Existing law authorizes the Superintendent of Public Instruction (SPI) to develop standards for the implementation of quality child care programs and to contract for the provision of child care and development services.

This bill addressed child care reform in four areas: assessment of supply and demand; workforce development; collective action by family day care providers; and reimbursement rates linked to quality. Specifically, the bill:

- 1) Assigned to the Child Development Department (CDD) of the State Department of Education (SDE) the responsibility to collect information and provide to the SPI an assessment regarding the supply and demand for subsidized child care, based on data regarding the availability of care for families, including families facing barriers and those needing linguistically appropriate care, the cost of care, the needs of working families not eligible for subsidized care and access in rural and urban communities.
- 2) Required CDD to convene a task force of affected stakeholders to develop and submit to the Legislature on or before January 1, 2006, a Child Care and Development Workforce Development Plan.

- 3) Required that by July 1, 2006, SDE develop and implement a pilot program to test a new system of establishing reimbursement rates for subsidized child care provided through the alternative payment program, in urban, rural and suburban counties geographically dispersed and representing diverse economic conditions.
- 4) Required the Child Development Division (CDD) of SDE to conduct a biennial assessment of the reimbursement system for subsidized child care, including, by July 1, 2005, development of cost estimates to increase the reimbursement rate for child care centers and review of the funding structure and reimbursement rate system for alternative payment programs.
- 5) Required SDE to adopt regulations authorizing family child care providers to select certified representatives, exempt from state antitrust laws, for the purpose of acting collectively for limited and specified purposes: (a) negotiation for and purchase of group benefits; (b) marketing of family child care programs; (c) operation of substitute provider pools; (d) representation of family providers in disputes or enforcement proceedings; and (e) negotiation and entering into contracts with public and private entities that administer state-funded public subsidies for family child care services.

Additionally, the bill expressed legislative intent that any new, unrestricted state or federal funds appropriated for subsidized child care first be used to maintain current eligibility funding and then balanced between incrementally increasing the number of eligible families and enhancing the quality of care through rate reform.

COMMUNITY CARE LICENSING

AB 22 (Maddox): Child day care facilities: family day care homes: police contact information. Died in the Assembly Human Services Committee.

Legislative History

Assembly Human Services (not heard)

Existing law requires, as a condition of receiving a license or special permit for a person to operate or manage a child day care facility or a family day care home, the fingerprinting of, and criminal record clearance for, applicants and persons to be employed by, reside at, or be present in any of these facilities. Existing law authorizes the Department of Social Services to revoke a license or special permit to operate or manage these facilities if any person employed by, residing at, or present in a facility listed above has been convicted of specified offenses, unless the department has granted an exemption from disqualification.

This bill required the department, before issuing a license or special permit to any person to operate or manage a child day care facility or a family day care home, and before specified other persons may be present in the facility or home, to obtain from the relevant local law enforcement any information regarding contacts by local law enforcement agencies with the applicant or other person. This bill required that the local law enforcement agency supply the information to the department upon request.

**AB 72 (Bates): Child care providers.
Chaptered 358, Statutes of 2004.**

Legislative History

Assembly Human Services (6-0) Rec. Consent
Assembly Appropriations (25-0) Rec. Consent
Assembly Floor (78-0)
Assembly Concurrence (79-0)

Senate H. & H. S (11-0) Rec. Consent
Senate Appropriations (S.R. 28.8)
Senate Floor (37-0)

Existing law requires every child care resource and referral program to advise every person who requests a child care referral of his or her right to the licensing information of a licensed child day care facility required to be maintained at the facility, and to access any public files pertaining to the facility that are maintained by the State Department of Social Services Community Care Licensing Division. Existing law requires the State Department of Social Services to notify a resource and referral agency when the department takes specified actions with respect to the license of a child day care facility within the resource and referral agency's jurisdiction.

This bill, in addition, requires every child care resource and referral program to remove from the program's referral list a licensed child day care facility, with a revocation or a temporary suspension order or that is on probation. It requires each child care resource and referral agency to notify specified child day care payment programs in the agency's jurisdiction of every licensed child day care facility with a revocation or a temporary suspension order or that is on probation. It further requires that once a resource and referral program notifies an alternative payment program, the alternative payment program terminate payment to the licensed child day care facility and notify the parents and facility that payment has been terminated and the reason for the termination. The bill also requires the department's Community Care Licensing Division to notify a child day care facility with a temporary suspension order or that is on probation that a resource and referral agency will not provide a referral for the facility.

**AB 1240 (Mullin): Care facilities: criminal record clearances.
Chapter 653, Statutes of 2004.**

Legislative History

Assembly Human Services (4-0)
Assembly Appropriations (22-0) Rec. Consent
Assembly Floor (78-0)
Assembly Concurrence (78-0)

Senate Pub. Safety (4-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (34-0)

Existing law requires, as a condition of obtaining a license or permit for a person to operate or to provide direct care services in a community care facility, the fingerprinting of, and criminal record clearance for, applicants and persons to be employed by or be present in any of these facilities. Existing law also authorizes the Department of Social Services to revoke a license or permit to operate or manage these facilities if any person in specified capacities in a facility has been convicted of specified offenses, unless the department has granted an exemption from disqualification.

This bill increases civil penalties from \$100 per violation to \$100 per violation per day for a maximum of five days for the first violation, up to a maximum of 30 days for a second or subsequent violation within a 12-month period, for violations of criminal background check provisions governing various community care facilities. It also requires the sharing of criminal record clearances and exemptions between DSS and county offices with department-delegated licensing authority.

**AB 1558 (Daucher): Child care: health studios: trustline registry.
Vetoed by Governor (after the bill was amended into an unrelated subject matter).**

Legislative History

Assembly Human Services (6-0) not relevant
Assembly Appropriations (24-0) not relevant
Assembly Floor (76-0) not relevant
Assembly Health (16-0) For Concurrence.
Assembly Concurrence (80-0)

Senate H. & H. S. (7-2)
Senate Appropriations (S.R. 28.8)
Senate Floor (38-0)

Existing law authorizes a child care provider who possesses any one of four identification cards to initiate a background examination process by submitting one set of fingerprints and a completed trustline application to the Department of Justice. Existing law requires the State Department of Social Services to establish a trustline registry and, upon submission of the trustline application and fingerprints, to enter into the trustline registry the provider's name and other specified information.

As considered by the Assembly Human Services Committee, this bill prohibited any person 18 years of age or older employed by, or volunteering at, a health studio or health club from providing care for, or directly supervising, a child at the facility unless that person is registered as a trustline child care provider. This bill also required the facility to display a notice pertaining to these requirements that contains specified information, and required that specified provisions regarding the above requirements be included in health studio membership contracts.

The bill was amended in the Senate to deal with a different subject matter, the creation of legal entities to make health care benefits available under the Medi-Cal program.

**AB 1569 (Correa): Child day care facilities: criminal record information: study.
Died on the Senate Appropriations Committee Suspense File (after being amended into an unrelated subject matter)**

Legislative History

Assembly Human Services (4-0) not relevant
Assembly Appropriations (17-0) not relevant
Assembly Floor (59-16) not relevant

Senate H. & H. S. (9-2)
Senate Appropriations (held on suspense)

The California Child Day Care Facilities Act provides for the licensure and regulation of child day care facilities by the State Department of Social Services (DSS). Existing law requires the department to obtain criminal record information on specified individuals from appropriate law enforcement agencies prior to issuing a license or permit to operate or manage a child day care facility and prior to employment,

residence, or presence in the facility. Existing law disqualifies any individual convicted of a crime other than a minor traffic violation or arrested for designated crimes from obtaining a child day care facility license or permit, or from employment, residence, or presence in a child day care facility under these provisions, except that the department may grant an exemption from this disqualification if certain conditions exist

As passed by the Assembly, this bill required the office of the Legislative Analyst to complete and submit to the Legislature a study concerning the criminal background check process for child day care facilities conducted by the State Department of Social Services and the Department of Justice.

A different version of this bill giving public access to criminal background information of persons granted a DSS exemption was heard and passed by the Assembly Human Services Committee.

In the Senate, this bill was amended into an unrelated subject matter – smoking in vehicles with minor passengers.

**AB 1683 (Pavley): Child day care: licensing report.
Chapter 403, Statutes of 2003.**

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (18-4)
Assembly Floor (56-22)
Assembly Concurrence (58-19)

Senate H. & H. S. (8-2)
Senate Appropriations (S.R. 28.8)
Senate Floor (25-12)

Under existing law, the State Department of Social Services licenses and regulates child day care facilities in accordance with specified requirements. Willful or repeated violation of child day care facility requirements is a misdemeanor.

Existing law requires every licensed child day care facility to make accessible to the public a copy of any licensing report pertaining to the facility that documents a facility visit by the department or a substantiated complaint investigation.

This bill requires each licensed child day care facility to post a copy of a licensing report pertaining to the facility that documents either a facility visit that results in a citation, or a substantiated complaint investigation, immediately upon receipt. The bill also requires the report and verifying documents to remain posted for 30 consecutive days. It provides that failure to comply with these posting requirements will result in an immediate civil penalty of \$100.

This bill requires family day care homes to comply with the posting provisions contained in the bill only during the hours when clients are present.

**AB 2005 (Aghazarian): Community care facilities: group home programs.
Chapter 656, Statutes of 2004.**

Legislative History

Assembly Human Services (7-0)	Senate H. & H. S. (9-0)
Assembly Appropriations (20-0) Rec. Consent	Senate Appropriations (S.R. 28.8)
Assembly Floor (76-0)	Senate Floor (38-0)
Assembly Concurrence (76-1)	

Existing law requires the State Department of Social Services to classify group home programs and to establish rates for foster care providers licensed as group homes according to those classifications. Existing law prohibits the department from establishing a rate for a new program of a new or existing provider unless the provider submits a recommendation from the host county, the primary placing county, or a regional consortium of counties that the program is needed in that county, that the provider is capable of effectively and efficiently operating the program, and that the provider is willing and able to accept AFDC-FC children for placement who are determined by the placing agency to need the level of care and services that will be provided by the program.

This bill requires group home operators who wish to establish a new program or a new location to obtain a statement of from the “host” county that the program is needed, and that the provider is capable and willing to accept AFDC-FC children for placement who are determined to need the level of care and services provided by the program.

**AB 2149 (Longville): Group homes: foster care.
Chapter 833, Statutes of 2004**

Legislative History

Assembly Human Services (6-0)	Senate H. & H. S. (11-0)
Assembly Appropriations (16-0)	Senate Appropriations ((S.R. 28.8)
Assembly Floor (78-0)	Senate Floor (37-0)
Assembly Concurrence (79-0)	

Existing law requires a community care facility providing residential care for six or fewer persons to provide a procedure for immediate response to incidents and complaints. Existing law requires a placement agency that is engaged in finding homes or other places for placement of persons for temporary or permanent care to notify the appropriate licensing agency of any known or suspected reportable incidents that would jeopardize the health or safety of residents in a community care facility.

Existing law requires the director of the Department of Social Services (DSS) to establish an automated license information system on licensees and former licensees of licensed community care facilities, to maintain a record of any information that may be pertinent, as determined by the director. Existing law also authorizes DSS to transmit a copy to interested and affected parties of all inspection reports given to the facility by the department during the past year as a result of a substantiated complaint regarding a violation of the act relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision.

This bill allows host counties to access and obtain incident reports and substantiated complaint reports from DSS regarding the group homes located in the host county even if the host county is not the placing county. It requires group homes create a process to respond to incidents and complaints.

AB 2352 (Jackson) Residential care facilities for persons with chronic, life-threatening illness. Chapter 121, Statutes of 2004.

Legislative History

Assembly Human Services (7-0) Rec. Consent
Assembly Appropriations (20-0) Rec. Consent
Assembly Floor (77-0)

Senate H. & H. S. (10-0) Rec. Consent
Senate Appropriations (S.R. 28.8)
Senate Floor (38-0)

Existing law provides for the licensure and regulation of residential care facilities for persons with chronic life-threatening illness (RCFCI's) by the State Department of Health Services. For purposes of these provisions, a chronic life-threatening illness means HIV disease or AIDS.

This bill adds persons with terminal illnesses other than HIV/AIDS to reside RCFCI's.

AB 2548 (S. Horton): Community care facilities: alcoholism or drug abuse recovery or treatment facilities: public notice.

Failed passage in the Assembly Human Services Committee.

Legislative History

Assembly Human Services (2-4) Failed passage

Existing law provides for the licensure and regulation of community care facilities by the State Department of Social Services. Existing law requires the department or county licensing agency to notify, in writing, the city or county planning authority in which a residential care facility will be located at least 45 days prior to approving any application for a new residential care facility. Existing law provides for the licensure and regulation of alcoholism or drug abuse recovery or treatment facilities that provide 24-hour residential nonmedical services in a group setting to adults, administered by the State Department of Alcohol and Drug Programs.

This bill required a county that receives notice under this provision to schedule a meeting to provide an opportunity for public comment for purposes of facilitating greater understanding between residents and owners of the facility and other community members, and to provide public notice that a new residential care facility is proposed in the county, including notice of the meeting and information regarding the general location of the facility.

**AB 2629 (Salinas): Community care facilities: mentally ill residents.
Chapter 660, Statutes of 2004**

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (16-4)
Assembly Floor (51-27)
Assembly Concurrence (54-24)

Senate H. & H. S. (9-2)
Senate Appropriations (S.R. 28.8)
Senate Floor (25-11)

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation by the State Department of Social Services (DSS) of community care facilities.

This bill would require the Community Care Licensing Division of DSS, by January 1, 2006, to enter into memoranda of understanding with up to ten local mental health departments that volunteer to participate, each of which would outline a formal protocol to address shared responsibilities, monitoring responsibilities, facility closures, training, and a process for mediation of disputes between the local mental health authority and DSS' local licensing office relating to adult residential facilities and social rehabilitation facilities.

**SB 382 (Oller): Community care facilities: notice.
Chapter 120, Statutes of 2004.**

Legislative History

Senate Public Safety (5-0)
Senate Appropriations (28.8)
Senate Floor(35-0)

Assembly Human Services (5-0) Rec. Consent
Assembly Loc. Govt. (9-0) Rec. Consent
Assembly Floor (77-0)

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities, including group homes, by the State Department of Social Services (DSS). Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

Existing law requires the director of DSS or county licensing agency, before approving an application for a new residential care facility, to notify the city or county of the proposed location of the facility, and authorizes a city or county to request denial of the license on the basis of over concentration of residential care facilities.

This bill makes technical and clarifying changes regarding approval process and notification of intent to open new residential facility.

**SB 855 (Machado): Community care facilities: crisis nurseries.
Chapter 664, Statutes of 2004.**

Legislative History

Senate H. & H. S. (11-0)	Assembly Human Services (6-0)
Senate Health & Human Services (S.R. 28.8)	Assembly Appropriations (21-0)
Senate Floor (40-0)	Assembly Human Services (5-0)
Senate Concurrence (28-1)	Assembly Floor (72-0)

Existing law provides for the licensure and regulation by the State Department of Social Services of community care facilities, including facilities that provide care for children. Current law divides licenses for children's programs into general categories, including foster family homes, foster family agencies, group homes, child day care centers, and family day care homes. Existing law requires pursuant to DSS regulations that group homes for children under six years old have a facility manager, who must meet specified education and training requirements, as well as houseparents who reside in the facility and primary caregivers who perform duties during normal working hours. Violation of the provisions relating to community care facilities is a misdemeanor.

This bill establishes a new community care licensing category for crisis nurseries, defined as facilities in designated locations providing short-term, 24-hour nonmedical residential care and supervision for children under six years old who are placed for up to 30 days in temporary care due to a crisis or stressful situation, or who are temporarily placed by a county child welfare service agency for no more than 14 days. Facilities qualifying as crisis nurseries are those currently operating or with an application pending, or who are found by DSS to meet an urgent, significant and unmet need for temporary respite care for children under the age of six.

The bill allows limited use of volunteers to count in staffing, authorizes a one to four staff ratio at nighttime instead of one to three currently required by group home regulations, and permits up to one-third of a facility's capacity to consist of referrals from the county child protective services agency.

SOCIAL WORKERS

**AB 445 (Vargas): Social workers.
Died in the Senate Business and Professions Committee.**

Legislative History

Assembly Business & Professions (13-0)	Senate B. & P. (not heard)
Assembly Human Services (4-0)	
Assembly Floor (61-11)	

Existing law defines an approved school of social work to mean a school that is accredited by the Commission on Accreditation of the Council on Social Work Education.

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This bill required that, on or after January 1, 2007, only an individual who possesses a degree from an approved school of social work, an institution that is in candidacy status, as determined by the Council on Social Work Education, or a foreign school of social work, may represent himself or herself as a "social worker." The bill also provided that it shall not be construed to apply to an individual who is classified by his or her employer as a "social worker" if the individual holds this classification prior to January 1, 2004.

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ASSEMBLY COMMITTEE ON HUMAN SERVICES

2003-04 BILL SUMMARY

Subject	Referred	Analyzed	Heard	Passed by HS Committee	Enrolled	Cha
Foster Care/CWS/adoptions	26	24	24	24	18	
Assistance to Low-Income Families	16	12	12	10	7	
Community Care Licensing	13	13	12	11	9	
Services for Disabled Persons	12	12	12	12	5	
Child care	12	12	12	12	9	
In-home supportive services	10	9	9	9	4	
Services for Aged Persons	8	8	8	8	6	
Local Government Human Services Funding	4	3	3	3	3	
Youth Services	3	3	3	3	2	
Social Workers	1	1	1	1	0	
TOTAL	103	98	96	93	64	

Note: AB 1393 Counted twice, heard as (Bates) Services for Disabled and (Kehoe) Child Care.