

Date of Hearing: June 11, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

SB 1197 (Alvarado-Gil) – As Amended April 3, 2024

**SENATE VOTE:** 37-0

**SUBJECT:** In-home respite services

**SUMMARY:** Permits children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits and regional center services to receive in-home respite services if they are residing with any of the following:

- a) A relative, or, in the case of an Indian child, an extended family member;
- b) A nonrelative extended family member (NREFM);
- c) A resource family;
- d) A tribally approved home; or,
- e) A small family home or foster family home that is not vendored by the regional center as a residential facility.

**EXISTING LAW:**

- 1) Establishes the AFDC-FC program for children under 18 years of age and nonminor dependents (NMDs) meeting specified conditions. (Welfare and Institutions Code [WIC] § 11401, *et seq.*)
- 2) Establishes the Lanterman Developmental Disabilities Services Act (Lanterman Act), which states that California is responsible for providing a range of services and supports sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage of life, and to support their integration into the mainstream life of the community. (WIC § 4500, *et seq.*)
- 3) Establishes a system of nonprofit regional centers, overseen by the Department of Developmental Services (DDS), to provide fixed points of contact in the community for all persons with developmental disabilities and their families, to coordinate services and supports best suited to them throughout their lifetime. (WIC §4620)
- 4) Provides that children who receive both AFDC-FC benefits and regional center services who are residing with a relative, NREFM, a foster family home or small family home that is not vendored by the regional center as a residential facility shall not be prohibited from receiving in-home respite services. (WIC §4684)
- 5) Defines “resource family” to mean an individual or family that has successfully met both the home environment assessment standards and the permanency assessment criteria, as specified, necessary for providing care for a child placed by a public or private child

placement agency by court order, or voluntarily placed by a parent or legal guardian. (WIC § 16519.5)

- 6) Creates a process by which regional centers may “vendorize” service providers, thereby providing a path to contract for services with that provider and ensuring maximum flexibility and availability of appropriate services and supports for persons with developmental disabilities. (WIC § 4648)

**FISCAL EFFECT:** According to the Senate Appropriations Committee on April 12, 2024, “Unknown ongoing costs to the General Fund due to a potential increase in authorized in-home respite services.”

#### **COMMENTS:**

**Background:** *Aid to Families with Dependent Children-Foster Care.* The AFDC-FC program uses federal, state, and county funds to provide financial assistance for children who have been placed in foster care. In order to be eligible for AFDC-FC, a child or NMD, defined as a foster youth over 18 years of age who satisfies specified criteria, must be placed in an eligible foster care placement, including, but not limited to: the approved home of a relative, NREFM, resource family; a small family home; or a licensed foster family agency for placement into a certified or approved home.

*Lanterman Developmental Disabilities Act* originally became statute in 1969. The Lanterman Act provides entitlement to services and supports for individuals ages three and older who have a qualifying developmental disability. Qualifying disabilities include autism, epilepsy, cerebral palsy, intellectual disabilities, and other conditions closely related to intellectual disabilities that require similar treatment. To qualify, an individual must have a disability that is substantial that began before 18 years of age, and is expected to be lifelong. There are no income-related eligibility criteria. Direct responsibility for implementation of the Lanterman Act’s service system is shared by DDS and a statewide network of 21 regional centers, which are private, community-based nonprofit entities, that contract with DDS to carry out many of the state’s responsibilities.

As of August 2023, the 21 regional centers served 459,395 consumers, providing services such as: information and referral; assessment and diagnosis; counseling; lifelong individualized planning and service coordination; purchase of necessary services included in the Individual Program Plan (IPP); resource development; outreach; assistance in finding and using community and other resources; advocacy for the protection of legal, civil and service rights; early intervention services for at-risk infants and their families; genetic counseling; family support; planning, placement, and monitoring for 24-hour out-of-home care; training and educational opportunities for individuals and families; and, community education about developmental disabilities.

*In-Home Respite Services.* Respite is used to relieve family members from the responsibility of providing care to their loved ones with intellectual and developmental disabilities (I/DD). Respite services offer caregivers time for other activities such as chores, caring for other children, self-care, and resting. Respite services are distinct from day care, which is meant to help caregivers by caring for the child or NMD while going to work, school, or training. The necessity and hours for respite services are determined through the IPP process, with

consideration of the consumer and family's needs and preferences. In-home respite services typically include:

- Assisting the family members to enable a person with I/DD to stay at home;
- Providing appropriate care and supervision to protect that person's safety in the absence of a family member(s);
- Relieving family members from the constantly demanding responsibility of providing care; and,
- Attending to basic self-help needs and other activities that would ordinarily be performed by the family member.

In-home respite services for AFDC-FC recipients and regional center consumers were authorized in 2007 by SB 84 (Committee on Budget and Fiscal Review), Chapter 177, Statutes of 2007. However, as a result of a drafting error, there were reported implementation challenges. Prior to SB 84, only relative caregivers who were unlicensed were eligible for in-home respite care. Non-relatives were ineligible because they were either a licensed or certified residential care facility or foster family home receiving funds from a public agency or regional center for the care and supervision provided.

AB 9 X4 (Evans), Chapter 9, Statutes of 2009-10 Fourth Extraordinary Session, a budget trailer bill, made a series of changes to the developmental services system to enact cost savings. Among these were changes to respite services, including a restriction that limited eligibility for respite services to an unlicensed relative, which was law prior to SB 84. AB 107 (Committee on Budget), Chapter 18, Statutes of 2017, a budget trailer bill, repealed the portions of AB 9 X4 related to the restriction on respite. Although this effectively reinstated SB 84, implementation remained a challenge due to the incorrect citation. According to the bill's sponsors, non-relative caregivers who have been resource family-approved have reported being denied access to in-home respite services due to this drafting error.

AB 340 (Hancock), Chapter 464, Statutes of 2007, established the term "resource family" for the purposes of a resource family pilot program to replace various processes for approving foster care placements. The term resource family is now commonly used in the child welfare services system and statute. *This bill* seeks to remove the incorrect citation and update the list of persons eligible for in-home respite to include a resource family and a caregiver of an NMD, as defined.

**Author's Statement:** According to the Author, "Regional centers provide critical services and supports to individuals with developmental disabilities and their families. Regional centers assist caregivers by providing family support services, such as in-home respite services, that enable individuals to meet their medical and dental, educational, recreational, vocational, social, and emotional needs.

"In California, where there is a strong emphasis on community-based care and inclusion, in-home respite services play a vital role in supporting families in their efforts to care for their loved ones at home.

"However, inconsistencies in the provision of these services for children and youth in foster care exist due to outdated and erroneous information within the law. While some regional centers

adhere to the intentions of SB 84, others interpret the law differently, as evidenced through their purchase of services policies. This discrepancy has resulted in eligible families being denied critical services, jeopardizing the stability of these especially vulnerable children and their families while increasing the risk of costly placements for them in residential care facilities.

“This bill will rectify an inaccurate citation in the law and update the language used to describe caregivers to align with current child welfare law. SB 1197 will ensure that qualified individuals and their families receive the support to which they are entitled.”

**Equity Implications:** The provisions of this bill seek to ensure that caregivers of youth who are both in the foster care system and clients of regional centers have access to in-home respite services. Respite care is an essential resource for caregivers of disabled individuals and provides temporary relief from the responsibilities of caregiving, allowing the caregiver to recover and re-energize. Data indicate that while respite care can reduce caregiver stress and burnout, improve mental health, it can also improve the care recipient’s quality of life. Foster youth and regional center clients are among the most vulnerable populations and it is crucial to remove barriers to accessing services to maintain permanency of foster placements by ensuring the caregivers have appropriate breaks.

#### **RELATED AND PRIOR LEGISLATION:**

*SB 84 (Committee on Budget and Fiscal Review), Chapter 177, Statutes of 2007*, see comments above.

*AB 9 X4 (Evans), Chapter 9, Statutes of 2009*, see comments above.

*AB 340 (Hancock), Chapter 464, Statutes of 2007*, see comments above.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Children's Law Center of California (Co-Sponsor)  
Disability Rights California (Co-Sponsor)  
Public Counsel (Co-Sponsor)  
Association of Regional Center Agencies  
California Alliance of Caregivers  
California Community Living Network  
California Disability Services Association  
Children Now  
County Welfare Directors Association of California  
Disability Voices United (DVU)  
Educate. Advocate.  
PathPoint  
SCDD  
The California Respite Association  
Western Center on Law & Poverty

**Opposition**

None on file.

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