

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

April 1, 1991



ALL COUNTY INFORMATION NOTICE NO. I-35-91

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY PROBATION OFFICERS
LOCAL AND COUNTY MENTAL HEALTH DIRECTORS
ALL COUNTY ADOPTION AGENCIES
ALL FOSTER FAMILY AGENCIES
ALL GROUP HOME PROVIDERS
ALL GROUP HOME CONSULTANTS

SUBJECT: 1990 CHAPTERED LEGISLATION RELATED TO THE FOSTER CARE PROGRAM

The purpose of this letter is to provide you with a summary of the foster care program legislation which was enacted into law during 1990 and which became effective January 1, 1991, unless otherwise noted. This summary is for informational purposes only.

Additional All-County Letters (ACLs) or All-County Information Notices (ACINs) regarding these bills have been or may be issued to provide more detailed descriptions, instructions, and/or program clarity.

Senate Bill (SB) 2233 (Presley), Chapter 1049, Statutes of 1990

This bill adds Section 11469 to the Welfare and Institutions Code, among other changes and additions, which requires the State Department of Social Services (SDSS) in consultation with group home providers, the County Welfare Directors Association, the Chief Probation Officers of California, the California Conference of Local Mental Health Directors, and the State Department of Mental Health to develop performance standards and outcome measures for determining the effectiveness of the care and supervision provided in group homes under the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program. The group home performance standards are to be implemented beginning July 1, 1995. Pursuant to regulations to be adopted by the SDSS as required by this section, the AFDC-FC group home rate is required to be adjusted for any group home program which fails to meet the performance standards. A report to the legislature is required by January 1, 1994.

Assembly Bill (AB) 4013 (Burton), Chapter 1011, Statutes of 1990

AB 4013 permits the SDSS to disregard the income and savings of children who are court dependents and wards of the court for purposes of determining AFDC-FC eligibility and grant amount if derived through participation in the Independent Living Program (ILP). Many foster children in the ILP will benefit from the change in law because the provisions permit continuing AFDC-FC eligibility while learning employment skills and accumulating resources to facilitate emancipation.

Emergency regulations to implement this bill became effective January 1, 1991.

AB 3282, (Bates), Chapter 1225, Statutes of 1990

This bill requires that Emergency Assistance (EA), consisting of an Unemployed Parent (UP) component and an Abused, Neglected, & Exploited Children (ANEC) component be terminated on September 30, 1990. Effective October 1, 1990, AB 3282 repealed the statutory authority for EA.

AB 3282 does not require new Departmental regulations.

AB 3490 (Brown), Chapter 1469, Statutes of 1990

This bill requires the SDSS to implement a pilot project in the City and County of San Francisco upon the approval of its board of supervisors. AB 3490 allows a monthly payment of \$271 to be made to a treatment facility on behalf of a child who resides in the facility with his/her custodial parent. The targeted population are the children who are court dependents and whose custodial parents have been ordered by the court to receive substance abuse treatment in a treatment facility.

This legislation does not require new Departmental regulations; however, an implementation report is required by June 30, 1991. The SDSS is working with San Francisco County and representatives from other State departments to ensure appropriate implementation procedures. Also, AB 3490 requires the SDSS to submit a legislative report on the success of the pilot project by December 31, 1993.

SB 2234 (Presley), Chapter 1250, Statutes of 1990

This bill requires the SDSS to implement a pilot project (intensive treatment foster care programs) in Alameda and Yolo Counties for children who otherwise would be in danger of long-term group home placement due to the extent of their emotional impairments. The purpose of the pilot is to test a program designed to facilitate the transition of emotionally disturbed children in group home placement to certified Foster Family Homes (FFHs). The pilot is limited to one Foster Family Agency (FFA) per County serving a maximum of 20 children during the first year of implementation and not more than 20 additional children in each subsequent year that the pilot is operational (January 1, 1991 through June 30, 1995). The population eligible for this pilot must currently be in a group home placement at Rate Classification Level (RCL) 12 or higher. The rates for an FFA participating in this pilot will be exempt from the current AFDC-FC FFA rate setting system. Instead, the rates for an FFA participating in this pilot will be set according to a six-model rate structure based on the level of services provided to the eligible child and the certified foster family.

This legislation does not require new Departmental regulations or a legislative report.

SB 746 (Royce), Chapter 76, Statutes of 1990

SB 746 was follow-up legislation to SB 370 (Chapter 1294, Statutes of 1989) that allowed Counties to increase FFH rates by 12 percent effective January 1, 1990 and another five percent increase effective July 1, 1990. However, as required in SB 370, Counties receiving State participation for a basic rate that exceeded the statewide standardized schedule of basic rates were allowed to increase their rates by only one-half of the percentage adjustments granted in other Counties. As a result, SB 746 was enacted, in part, to allow the five Counties paying FFH rates in excess of the statewide standardized schedule of basic rates (for which state participation is received), to pay an amount which, when added to the amount of the rate increase January 1, 1990, did not exceed the rate in effect December 31, 1989, increased by 12 percent. This rate increase became effective May 1, 1990. In addition, these same five Counties were allowed to incorporate the 5% rate increase as mandated by SB 370 effective July 1, 1990, in the May 1, 1990 rate increase. The Counties affected by the May 1, 1990 rate increase are Los Angeles, Orange, Marin, San Diego, and Santa Clara.

This was an urgency measure that became effective May 1, 1990. This legislation does not require new Departmental regulations.

SB 1176 (Royce), Chapter 46, Statutes 1990

This bill contains amendments to SB 370 (Chapter 1284, Statutes of 1989) which established the new group home standardized rate setting system. Changes to the SB 370 ratesetting system include: (1) requiring group home programs to maintain records for five years instead of seven; (2) providing the SDSS with the authority to continue the current ratesetting system until June 30, 1990; (3) requiring group home programs with rates established prior to June 30, 1990, that took into account historical costs, to report actual RCL based on retrospective data; (4) allowing group home providers who are to report a retrospective RCL for Fiscal Year (FY) 1990-91 to choose between two reporting periods; and (5) revising the limitation of RCL 13 and 14 to group home programs by eliminating all references to Community Treatment Facilities. Group home programs which wish to be considered at RCL 13 or 14 must generate the requisite number of points, only accept children with special treatment needs as determined through the Level of Care Assessment Instrument, and have measurable performance standards developed by the County of placement.

Additionally, SB 1176 outlines protest/appeal procedures to be used by group home providers and FFAs who disagree with a rate set by the Department or wish to challenge audit findings. It is anticipated that the emergency regulations for the protest/appeal procedures will become effective April 1, 1991.

Lastly, SB 1176 requires the SDSS to conduct a cost study and include the results in the January 1, 1995 legislative report on the AFDC-FC rate setting system. SB 1176 was an urgency measure that became effective April 10, 1990. Emergency regulations for the group home standardized ratesetting system have been implemented and became effective July 1, 1990.

Copies of the above-described chaptered bills may be obtained from the California Legislative Bill Room, State Capitol Building, Room B-32, Sacramento, California 95814.

If you have any questions regarding foster care related legislation, please contact the Foster Care Program Bureau at (916) 445-0813 or ATSS 485-0813.

Sincerely,



ROBERT A. HOREL
Deputy Director
Welfare Program Division

cc: CWDA