
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> <input type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Evaluator Manual Holders	<u>Transmittal No.</u> 14APX-13
	<u>Date Issued</u> December 2014

Subject:

Appendix A – 2013 Chaptered Legislation
 Community Care Licensing Division, Children’s Residential Facilities

Reason for Change: This document transmits summaries of, and implementation procedures for, legislation chaptered in 2013 affecting the Community Care Licensing Division, Children’s Residential Facilities.

Note: Appendix A was amended to add a summary of, and implementation procedures for, Senate Bill 528 (Chapter 338, Statutes of 2013).

Filing Instructions: Please remove and replace Appendix A – 2013 Chaptered Legislation.

REMOVE: **14APX6 Chaptered Legislation** (Approved 1/10/2014)

INSERT: **14APX-13 Chaptered Legislation**

Approved:

*Original Signed by Lori Starnes
 for Brenda Barner*

12/12/2014

BRENDA BARNER, Bureau Chief
 Technical Assistance and Children’s
 Residential Policy Development Bureau
 Community Care Licensing Division

Date

Contact Person: **TERESA OWENSBY, Manager**
Children’s Residential Policy Unit

Phone Number: **(916) 651-5084**

2013 CHAPTERED LEGISLATION

Summaries and Implementation Plans

CHILDREN'S RESIDENTIAL FACILITIES

“ACTION REQUIRED”

BILL INFORMATION	SUBJECT	PAGE
Assembly Bill 346 (Stone) Chapter 485, Statutes of 2013	Runaway and homeless youth shelters. Amended Section 1502 of, and added Section 1502.35 to, the Health and Safety Code, and amended Sections 319 , 361.2 , 450 , 727 , 11400 , and 11402 of the Welfare and Institutions Code.	1
Assembly Bill 352 (Hall) Chapter 292, Statutes of 2013	Foster care: smoke-free environment. Added Section 1530.7 to the Health and Safety Code.	3
Senate Bill 528 , (Yee) Chapter 338, Statutes of 2013	Dependents: care and treatment: minor parents and nonminor dependent parents. Amended Sections 369 , 16001.9 , and 16002.5 of the Welfare and Institutions Code.	5

“INFORMATION ONLY – NO ACTION REQUIRED”

BILL INFORMATION	SUBJECT	PAGE
Assembly Bill 74 Committee on Budget	Committee on Budget. Human Services. Amended Sections 1530.8 and 1562 of the Health and Safety Code , and amended Section 319.2 of, and added Sections 319.3 and 16010.8 to, the Welfare and Institutions Code.	7
Assembly Bill 413 (Chávez) Chapter 100, Statutes of 2013	Foster care: specialized foster care homes. Amended Section 17732 of the Welfare and Institutions Code.	9
Assembly Bill 1108 (Perea) Chapter 772, Statutes of 2013	Sex offenders: foster care homes: prohibitions. Added Section 3003.6 to the Penal Code.	11
Assembly Bill 1133 (Mitchell) Chapter 490, Statutes of 2013	Foster children: special health care needs. Added Section 17739 to the Welfare and Institutions Code.	13

Unless otherwise noted, all new legislation becomes effective on January 1, 2014. When conducting licensing visits, Licensing Program Analysts (LPAs) should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.

ACTION REQUIRED

Assembly Bill 346 (Stone), Chapter 485, Statutes of 2013

This bill became effective January 1, 2014.

Affects: New Group Home Sub-category: Runaway and Homeless Youth Shelters

Subject: Runaway and homeless youth shelters; [Assembly Bill \(AB\) 346](#) amended [Section 1502](#) of, and added [Section 1502.35](#) to, the Health and Safety Code, and amended Sections [319](#), [361.2](#), [450](#), [727](#), [11400](#), and [11402](#) of the Welfare and Institutions Code.

HISTORY

Many homeless youth shelters are recipients of the Federal Runaway and Homeless Youth Act (RYHA) grant. To receive the RHYA, the homeless shelters must be in compliance with applicable state shelter licensing requirements. While California's Community Care Facility Act (CCFA) requires most types of facilities that serve youth to be licensed, CCFA did not require homeless shelters to be licensed. Additionally, state law did not provide clear requirements nor guidance that delineates what is considered a homeless youth shelter. In recent years, the California Department of Social Services (the Department) licensed several homeless youth shelters as group homes, either by issuing exceptions or waivers to make the shelter fit into the group home category. AB 346 was sponsored by the Department to create uniformity across the state by licensing shelters as a group home sub-category, and to ensure that federal funds are not jeopardized from a lack of either consistency with licensing or a clear policy directive from the state.

SUMMARY

[AB 346](#) implements statewide licensing requirements for runaway and homeless youth shelters (shelter). The Department is required to license a shelter pursuant to [Section 1502.35 of the Health and Safety Code](#) and the applicable sections of the CCFA.

Specifically, this bill:

- Amended [Section 1502 of the Health and Safety Code](#) to define the following terms:
 - **“Group home”** means a residential facility that provides 24-hour care and supervision to children, delivered at least in part by staff employed by the licensee in a structured environment. The care and supervision provided by a group home shall be nonmedical, except as otherwise permitted by law.”
[\(HSC § 1502\(a\)\(13\).\)](#)¹

¹ **Note:** The new statutory definition for “Group home” is consistent with the definition contained in the Group Home regulations ([22 CCR § 84001\(g\)\(1\)](#)) and in [Section 11400\(h\) of the Welfare and Institutions Code](#).

- “**Runaway and homeless youth shelter**’ means a group home licensed by the Department to operate a program pursuant to Section 1502.35 to provide voluntary, short-term, shelter and personal services to runaway youth or homeless youth, as defined in paragraph (2) of subdivision (a) of Section 1502.35.” ([HSC § 1502\(a\)\(14\).](#))
- Added [Section 1502.35 of the Health and Safety Code](#), which:
 - Created a new group home licensing sub-category entitled “Runaway and homeless youth shelter.”
 - Requires the Department to license a “runaway and homeless youth shelter” as a group home pursuant to [Section 1502.35 of the Health and Safety Code](#) .
 - Requires the Department to adopt regulations by December 1, 2014.
 - Authorizes the Department to implement the applicable provisions of this section by publishing information releases or similar instructions from the director until the regulations adopted by the Department become effective.
- Amended Sections [319](#), [361.2](#), [450](#), and [727](#) of the Welfare and Institutions Code to clarify that a shelter is not a placement option for dependent, nonminor dependent, or probation youth. These provisions do not preclude dependent or probation youth from voluntarily entering a shelter.
- Amended the definition for “Group Home” in [subdivision \(h\) of Section 11400 of Welfare and Institutions Code](#) for consistency with subdivision (a)(13) of Section 1502 of the Health and Safety Code.
- Added the definition for “Runaway and Homeless Youth Shelter” in [subdivision \(ab\) of Section 11400 of the Welfare and Institutions Code](#).
- Amended [subdivision \(c\) of Section 11402 of the Welfare and Institutions Code](#) to clarify that a shelter is not eligible for an AFDC-FC rate.

IMPLEMENTATION

On or before December 1, 2014, the Department will adopt regulations to implement [Section 1502.35 of the Health and Safety Code](#), in consultation with interested parties, including representatives of provider organizations that serve homeless youth or runaway youth. The Department will implement applicable provisions of [Section 1502.35 of the Health and Safety Code](#) by publishing an information release within 60 days of the issuance of this document. Until the information release is published or regulations have been adopted, the Department shall license runaway and homeless youth shelters pursuant to [Section 1502.35 of the Health and Safety Code](#).

ACTION REQUIRED

Assembly Bill 352 (Hall), Chapter 292, Statutes of 2013

This bill became effective January 1, 2014.

Affects: Certified Family Homes, Community Treatment Facilities, Crisis Nurseries, Foster Family Agencies, Group Homes, Foster Family Homes, Small Family Homes, and Transitional Housing Placement Programs

Subject: Foster care: smoke-free environment. [Assembly Bill \(AB\) 352](#) added [Section 1530.7 to the Health and Safety Code](#).

SUMMARY

[AB 352](#) added [Section 1530.7 to the Health and Safety Code](#), mandating smoke-free policies for children's residential facilities. Specifically, this bill:

- Requires group homes, foster family agencies, small family homes, transitional housing placement providers, and crisis nurseries to maintain a smoke-free environment in the facility. ([HSC § 1530.7\(a\)](#).)
- Prohibits a person who is licensed or certified to provide residential care in a foster family home or a certified family home to smoke or permit any other person to smoke inside of the home, and when a child is present, on the outdoor grounds of the home. ([HSC § 1530.7\(b\)](#).)
- Prohibits a person licensed or certified to provide residential foster care from smoking in any vehicle regularly used to transport a foster child. ([HSC § 1530.7\(c\)](#).)

EXISTING REGULATIONS

The Community Care Licensing Division (CCLD) regulations currently prohibit smoking in the buildings and on the grounds of the following licensed categories:

- **Small Family Homes:** [22 CCR § 83087\(d\)](#)
- **Group Homes:** [22 CCR § 84087\(c\)](#)
- **Community Treatment Facilities:** [22 CCR § 84187\(a\)](#)
- **Transitional Housing Placement Programs:** [22 CCR § 86087\(f\)](#)
- **Crisis Nurseries:** [22 CCR § 86587\(k\)](#)

The CCLD regulations also prohibit a licensee and staff from smoking, or permitting any person to smoke, in a motor vehicle when a minor child is present in the following licensed categories:

- **Small Family Homes:** [22 CCR § 83074\(c\)](#)

- **Group Homes:** [22 CCR § 84074\(b\)](#)
- **Community Treatment Facilities:** [22 CCR § 84110\(a\)](#)
- **Transitional Housing Placement Providers:** [22 CCR § 86074\(a\)\(2\)](#)
- **Crisis Nurseries:** [22 CCR § 86574\(d\)](#)
- **Certified Foster Homes:** [22 CCR § 88030\(f\)](#)
- **Foster Family Homes:** [22 CCR § 89374\(a\)\(1\)](#)

LPA's shall continue to monitor and enforce existing smoke-free regulations.

IMPLEMENTATION

The CCLD will amend applicable licensing regulation categories to implement [Section 1530.7 of the Health and Safety Code](#) and adopt regulations to impose smoking prohibitions on foster family agencies, foster family homes, and certified family homes. Until regulations have been implemented, LPA's shall implement [Section 1530.7 of Health and Safety Code](#) (AB 352) as follows:

Foster Family Agencies: Effective January 1, 2014, a foster family agency is required to maintain a smoke-free environment in the facility. If a LPA determines that a foster family agency has not maintained a smoke-free environment, the LPA shall cite the foster family agency for a violation of [subdivision \(a\) of Section 1530.7 of the Health and Safety Code](#).

Foster Family Homes: Effective January 1, 2014, a licensed caregiver is prohibited from smoking or permitting any other person from smoking inside of the home, and when a child is present, on the outdoor grounds of the home. If a LPA determines a caregiver has violated this smoking prohibition, the LPA shall cite the caregiver for a violation of [subdivision \(b\) of Section 1530.7 of the Health and Safety Code](#).

Certified Family Homes: Effective January 1, 2014, a certified caregiver is prohibited from smoking or permitting any other person from smoking inside of the home, and when a child is present, on the outdoor grounds of the home. Foster family agencies are required to enforce and monitor smoke-free laws in certified family homes pursuant to [subdivision \(b\) of Section 1530.7 of the Health and Safety Code](#). If a LPA determines a caregiver has violated this smoking prohibition, the LPA shall cite the foster family agency for the caregiver's violation of [subdivision \(b\) of Section 1530.7 of the Health and Safety Code](#).

ACTION REQUIRED

Senate Bill 528 (Yee), Chapter 338, Statutes of 2013

This bill became effective January 1, 2014.

Affects: Certified Family Homes, Community Treatment Facilities, Crisis Nurseries, Foster Family Agencies, Group Homes, Foster Family Homes, Small Family Homes, and Transitional Housing Placement Programs

Subject: Dependents: care and treatment: minor parents and nonminor dependent parents. [Senate Bill \(SB\) 528 \(Chapter 338, Statutes of 2013\)](#) amended [Sections 369, 16001.9](#), and [16002.5](#) of the Welfare and Institutions Code.

SUMMARY

[SB 528](#) added to the Foster Youth Bill of Rights the right of a child (minor or nonminor) in foster care to have access to age-appropriate and medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections at 12 years of age or older. ([W&IC § 16001.9 \(a\)\(26\)](#).) Additionally, [SB 528](#):

- Clarified that (1) none of the provisions contained in [Section 369 of Welfare and Institutions Code](#) shall be construed as limiting the right of dependent children, commencing with Section 6920 of the Family Code, to consent to treatment, including the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy (including contraception, abortion, and prenatal care), treatment of infectious, contagious, or communicable diseases, mental health treatment, and treatment for alcohol and drug abuse and (2) if a dependent child is 12 years of age or older, his or her social worker is authorized to inform the child of his or her right as a minor to consent to and receive those services, as necessary, and may also provide dependent children access to age-appropriate, medically accurate information about sexual development, reproductive health, and prevention of unplanned pregnancies and sexually transmitted infections. ([W&IC § 369\(h\)](#).)
- Clarified that the personal rights of individuals in foster care apply to nonminor dependents, by replacing the term “children in foster care” with “minors and nonminors in foster care.” ([W&IC § 16001.9 \(a\)](#).)
- Required caregivers for nonminor dependent parents and their children to demonstrate a willingness and ability to provide support and assistance to them, in the same manner as caregivers of minor dependents and their children. ([W&IC § 16002.5\(e\)](#).)

EXISTING PERSONAL RIGHTS REGULATIONS

The Department has incorporated and clarified the rights of foster children, as listed in [Section 16001.9 of the Welfare and Institutions Code](#), in Community Care Licensing Division (CCLD) regulations for the licensing categories listed below. Please see the applicable regulation references below.

- **Foster Family Homes:** [22 CCR § 89372](#)
- **Certified Family Homes²:** [22 CCR § 89372](#)
- **Community Treatment Facilities:** [22 CCR § 84172](#)
- **Transitional Housing Placement Programs:** [22 CCR § 86072](#)

The Department has afforded personal rights to foster children, consistent with [Section 16001.9 of the Welfare and Institutions Code](#), in CCLD regulations for group homes and small family homes. Please see the applicable regulation references below.

- **Group Homes:** [22 CCR § 84072](#)
- **Small Family Homes:** [22 CCR § 83072](#)

IMPLEMENTATION

Until regulations are implemented and forms are updated by the Department, if a licensee or certified family home violates any of the personal rights of a foster child, age 12 years or older, as specified in [Welfare and Institutions Code section 16001.9\(a\)\(26\)](#), a licensing program analysts should cite the licensee or foster family agency as follows:

- **Foster Family Homes:** [22 CCR § 89372\(a\)](#)
- **Certified Family Homes:** [22 CCR § 89372\(a\)](#)
- **Group Homes:** [22 CCR § 80000\(b\)](#) and [W&IC § 16001.9 \(a\)\(26\)](#)
- **Small Family Homes:** [22 CCR § 80000\(b\)](#) and [W&IC § 16001.9 \(a\)\(26\)](#)
- **Community Treatment Facilities:** [22 CCR § 84172\(b\)](#)
- **Transitional Housing Placement Programs:** [22 CCR § 86072 \(d\)\(23\)](#)

Additionally, a LPA should cite the following AB 12 Interim Licensing Standards for the violation of a nonminor dependent's right:

- **Foster Family Homes:** [22 CCR § 893172\(b\)](#)
- **Certified Family Homes:** [22 CCR § 893172\(b\)](#)
- **Small Family Homes:** [22 CCR § 83172\(b\)](#)
- **Group Homes:** [22 CCR § 84472\(b\)](#)
- **Transitional Housing Placement Programs:** [22 CCR § 86172\(b\)](#)

² **Note:** Pursuant to [22 CCR § 88030\(f\)](#), certified family homes shall conform to the regulations for "Foster Family Homes," Chapter 9.5, commencing with [Section 89200](#).

INFORMATION ONLY - NO ACTION REQUIRED

Assembly Bill 74 (Committee on Budget) Chapter 21, Statutes of 2013

This bill became effective January 1, 2014.

Affects: Group Homes

Subject: Committee on Budget. Human Services. [Assembly Bill \(AB\) 74](#) amended Sections [1530.8](#) and [1562 of the Health and Safety Code](#), and amended Section [319.2](#) of, and added Sections [319.3](#) and [16010.8 to, the Welfare and Institutions Code](#).

SUMMARY

[AB 74](#) is a budget trailer bill that includes amendments to the Community Care Facilities Act (Health & Saf. Code § 1500 *et. seq.*) pertaining to group home care, consistent with the Continuum of Care Reform effort. The Continuum of Care Reform effort's objectives include supporting foster youth in transitioning from congregate care to a less restrictive, more family-like setting, as appropriate.

Specifically, this bill:

- Amended [Section 1530.8 of the Health and Safety Code](#) in order to grant the Department the authority to adopt regulations that apply to group homes that care for children aged 6 to 12, inclusive, to the extent the department determines such regulations are necessary. In order to determine whether such regulations are necessary, and what any resulting standards should include, the department shall consult with interested parties that include, but are not limited to, representatives of current and former foster youth, advocates from children in foster care, county welfare and mental health directors, chief probation officers, representatives of care providers, experts in child development, and representatives of the legislature.
- Amended [Section 1562 of the Health and Safety Code](#) expressing the Legislature's intent that foster children reside in the least restrictive, family-based settings that can meet their needs, and that group homes be utilized only for short term, specialized, and intensive treatment purposes that are consistent with a case plan determined by the child's best interests. This section also encourages the Department to ensure that the education, qualification, and training requirements for group home staff are consistent with the intended role of group homes to provide short-term, specialized, and intensive treatment, with a particular focus on crisis intervention, behavioral stabilization, and other treatment-related goals, as well as the connections between those efforts and work toward permanency for children.

- Amended [Section 319.2](#) of, and added [Section 319.3](#) to, the Welfare and Institutions Code, enacting additional limitations on the placement of children under six in group homes and enacting new limitations on the placement of children ages 6 to 12 in group homes.
 - [Section 319.2 of the Welfare and Institutions Code](#) is amended to require the deputy director or director of the county child welfare department, or an assistant chief probation officer or chief probation officer of the county probation department to approve a case plan documenting the need for placement of a child under age six in a group home beyond 60 days. Previously, the “supervisor of the caseworker’s supervisor” was permitted to approve such a case plan.
 - [Section 319.3 of the Welfare and Institutions Code](#) is added to enact similar restrictions on placement, including time-limitations, as those contained in Section 319.2, for a dependent child who is 6 to 12 years of age, inclusive, and who is placed in a group home.
- Added [Section 16010.8 of the Welfare and Institutions Code](#) stating the intent of the Legislature that no child or youth in foster care reside in group care for longer than one year.

IMPLEMENTATION

No action is required. [AB 74](#) became effective June 27, 2013. Further information regarding the law’s requirements regarding placements in group homes can be found in [All County Letter 13-87](#), issued by the Department on October 28, 2013.

INFORMATION ONLY-NO ACTION REQUIRED

Assembly Bill 413 (Chávez), Chapter 100, Statutes of 2013

This bill became effective January 1, 2014.

Affects: Small Family Homes

Subject: Foster care: specialized foster care homes. [Assembly Bill \(AB\) 413](#) amended [Section 17732 of the Welfare and Institutions Code](#).

SUMMARY

[AB 413](#) corrects a drafting error made by [AB 1928 \(Chapter 120, Statutes of 2012\)](#) in [Section 17732 of the Welfare and Institutions Code](#), which addresses limitations on the number of children placed in specialized foster care homes. [AB 1928](#) inadvertently mis-numbered two subdivisions governing the placement of children with or without special health care needs in licensed small family homes operating as specialized foster care homes. Please see the chart below for a description of the correction. (Corrected subdivisions are highlighted). Additionally, this bill corrected an obsolete code reference in [Section 17732\(b\)](#), by replacing the reference to Section 1523 of the Health and Safety Code (now repealed) with a reference to [Section 1523.1 of the Health and Safety Code](#).

Before AB 1928	After AB 1928	(AB 413) Effective. Jan 1, 2014
<p>(b) A licensed small family home, but not a certified home, may exceed the two-child placement limit...if... [cont.] and the following additional conditions have been met:</p> <p>(1) [cont.]</p> <p>(2) Whenever four or more foster care children are physically present in the facility, the licensee of the small family home has the assistance of a caregiver to provide specialized in-home health care to the children except that:</p> <p>(A) Night assistance shall not be required for those hours that the individualized health care plan team for each child with special health care needs has documented that the child will not require specialized medical services during that time.</p> <p>(B)The department may determine that additional assistance is required to provide appropriate care and supervision for all children in placement. The determination shall only be made after consultation with the appropriate regional center and any appropriate individual health care teams.</p> <p>(3) On-call assistance is available at all times to respond in case of an emergency. The on-call assistant shall meet the requirements of paragraph (5) of subdivision (c) of Section 17731.</p> <p>(4) The home is sufficient in size to accommodate the needs of all children in the home.</p>	<p>(a)(2) A licensed small family home, but not a certified home, may exceed the two-child placement limit...if... [cont.] and the following additional conditions have been met:</p> <p>(A) [cont.]</p> <p>(B) Whenever four or more foster children are physically present in the facility, the licensee of the small family home has the assistance of a caregiver to provide specialized in-home health care to the children except that:</p> <p>(i) Night assistance shall not be required for those hours that the individualized health care plan team for each child with special health care needs has documented that the child will not require specialized medical services during that time.</p> <p>(ii) The department may determine that additional assistance is required to provide appropriate care and supervision for all children in placement. The determination shall only be made after consultation with the appropriate regional center and any appropriate individual health care teams.</p> <p>(iii) On-call assistance is available at all times to respond in case of an emergency. The on-call assistant shall meet the requirements of paragraph (5) of subdivision (c) of Section 17731.</p> <p>(iv) The home is sufficient in size to accommodate the needs of all children in the home.</p>	<p>(a)(2) A licensed small family home, but not a certified home, may exceed the two-child placement limit ... if... [cont.] and the following additional conditions have been met:</p> <p>(A) [cont.]</p> <p>(B) Whenever four or more foster children are physically present in the facility, the licensee of the small family home has the assistance of a caregiver to provide specialized in-home health care to the children except that:</p> <p>(i) Night assistance shall not be required for those hours that the individualized health care plan team for each child with special health care needs has documented that the child will not require specialized medical services during that time.</p> <p>(ii) The department may determine that additional assistance is required to provide appropriate care and supervision for all children in placement. The determination shall only be made after consultation with the appropriate regional center and any appropriate individual health care teams.</p> <p>(C) On-call assistance is available at all times to respond in case of an emergency. The on-call assistant shall meet the requirements of paragraph (5) of subdivision (c) of Section 17731.</p> <p>(D) The home is sufficient in size to accommodate the needs of all children in the home.</p>

EXISTING REGULATIONS

Although [Section 17732 of the Welfare and Institutions Code](#) was previously mis-numbered by [AB 1928 \(Chapter 120, Statutes of 2012\)](#), the corresponding Community Care Licensing Division Regulations were implemented accurately. For reference, please see:

- **Small Family Homes Regulations:** [22 CCR § 83010.1\(a\)\(1\)\(A\)-\(C\)](#) or [22 CCR § 83010.1\(a\)\(2\)\(A\)-\(G\)](#) *Limitations on Capacity for Specialized Small Family Homes*

IMPLEMENTATION

No new action is required. LPAs shall continue to cite a small family home under the [22 CCR § 83010.1\(a\)\(1\)\(A\)-\(C\)](#) or [22 CCR § 83010.1\(a\)\(2\)\(A\)-\(G\)](#), when appropriate.

INFORMATION ONLY - NO ACTION REQUIRED

Assembly Bill 1108 (Perea), Chapter 772, Statutes of 2013

This bill became effective January 1, 2014.

Affects: Group Home, Foster Family Homes, Certified Family Homes, Foster Family Agencies, Small Family Homes, Community Treatment Facilities, Transitional Housing Placement Providers, Crisis Nurseries, and Child Care Facilities

Subject: Sex offenders: foster care homes: prohibitions. [Assembly Bill \(AB\) 1108](#) added [Section 3003.6 to the Penal Code](#).

SUMMARY

[AB 1108](#) added [Section 3003.6 to the Penal Code](#) to make it a misdemeanor for any person required to register as a sex offender, based on the commission of an offense against a minor, to reside (except as a client), to work, or to volunteer in any of the following facilities:

- A child day care facility that is licensed by the Department.
- A children's residential facility that is licensed by the Department.
- A home certified by a foster family agency, or approved by a county child welfare services agency.
- A home or facility that receives a placement of a child who has been, or may be, declared a dependent child of the juvenile court pursuant to [Section 300 of the Welfare and Institutions Code](#) or who has been, or may be, declared a ward of the juvenile court pursuant to [Section 601](#) or [602 of the Welfare and Institutions Code](#).

EXISTING LAWS

All adults residing, working, or volunteering (other than those volunteers who are exempt by statute) in a children's facility licensed by the Department are required to be fingerprinted and subject to a criminal history background check. After review of the record, the director may grant an exemption from disqualification for a license, or for employment, residence or presence in a child day care facility if the director has substantial and convincing evidence to support a reasonable belief that the person convicted of the crime, is of good character so as to justify granting an exemption. However, an exemption may not be granted if the conviction was for any of the designated criminal offences, including [subdivision \(c\) of Section 290 of the Penal Code](#). Thus, if an adult is required to register as a sex offender, the Department may take action to exclude the adult from residing, working, or volunteering in the licensed facility pursuant to [Sections 1522](#), or [1596.871 of the Health and Safety Code](#).

BACKGROUND

The Department will continue to perform Megan's law checks and compare address matching for all applicants for licensure and upon visits as circumstances warrant. When a registered sex offender is found to be present, working, or residing in a licensed facility or certified family home, the Department will take appropriate action, which may include any of the following: obtaining an exclusion order, a Temporary Suspension Order, revocation of the license, or requiring decertification of the certified family home.

IMPLEMENTATION

No action is required. While the bill does not mandate the Department to cross report to law enforcement, a LPA may wish to notify law enforcement when a registered sex offender is residing, working, or volunteering at a licensed facility or certified family home. This may enable law enforcement to take action against the offender, who could be charged with a misdemeanor violation pursuant to the provisions of this bill.

INFORMATION ONLY – NO ACTION REQUIRED

AB 1133 (Mitchell), Chapter 490, Statutes of 2013

This bill became effective January 1, 2014.

Affects: Small Family Homes, Specialized Foster Family Homes, and Specialized Certified Family Homes.

Subject: Foster children: special health care needs. [Assembly Bill \(AB\) 1133](#) added [Section 17739 to the Welfare and Institutions Code](#).

SUMMARY

[AB 1133](#) added [Section 17739 to the Welfare and Institutions Code](#) to require that social workers, when placing a foster child who is “medically fragile,” give priority consideration to a foster parent who is an individual nurse provider who provides health services under the federal Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program. The bill qualifies this requirement in two ways:

- The priority to be granted to nurse providers is deemed secondary to that given to a relative of the child.
- The creation of this priority does not prohibit the court or a child welfare agency from placing a medically fragile foster child in a specialized foster care home with appropriate support services or another suitable placement if it is deemed to be in the best interest of the child.

AB 1133 also clarifies that, for purposes of placement, a “medically fragile child” meets the definition of a “child with special health care needs,” as specified in [Section 17710 of the Welfare and Institutions Code](#).

EXISTING REGULATIONS

The term “child with special health care needs” is defined in the Community Care Licensing Division Regulations in the following sections:

- **Small Family Homes** (Definitions: [22 CCR § 83001](#).)
- **Foster Family Agencies** (Definitions: [22 CCR § 88001](#).)
- **Foster Family Homes** (Definitions: [22 CCR § 89201](#).)

IMPLEMENTATION

No action is required.