

2012

2011-2012 Legislative Bill Summary

Assembly Committee on Human Services

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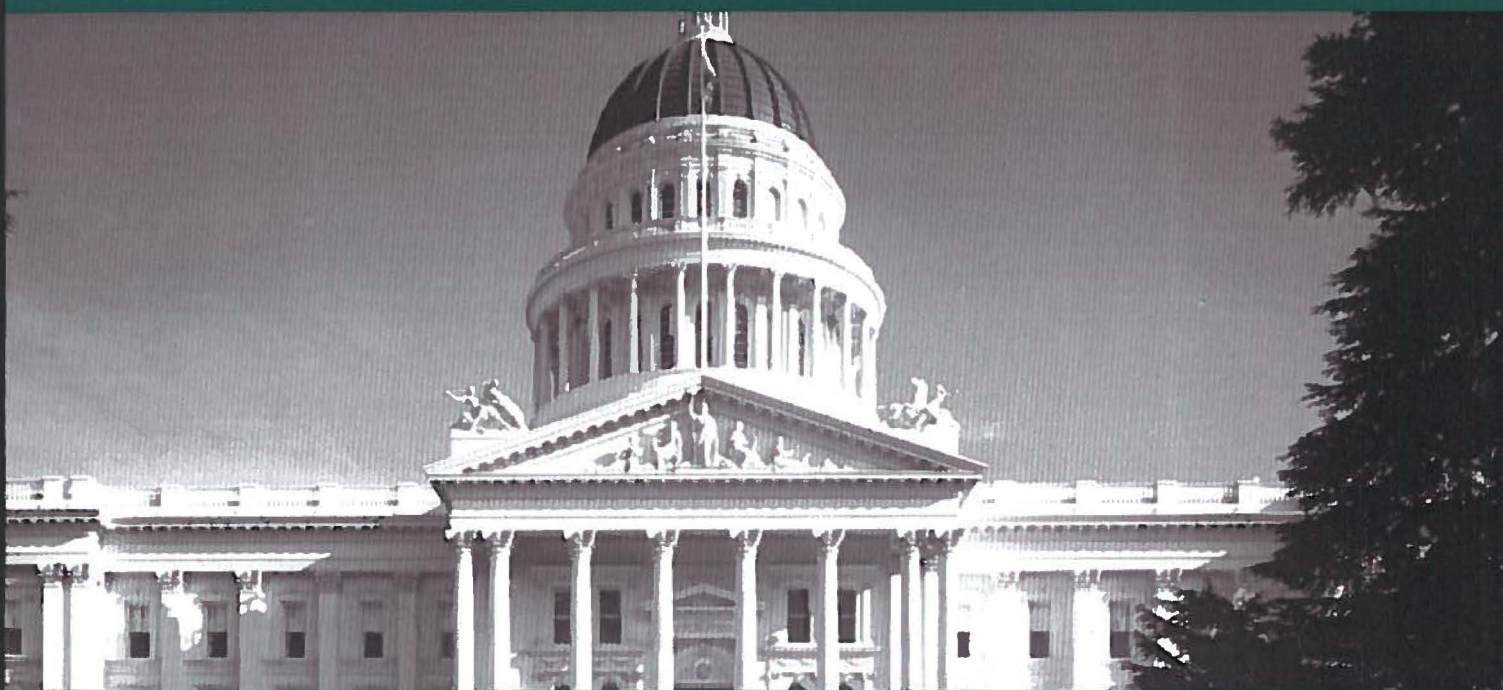
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Assembly Committee on Human Services

2011-12 Legislative Bill Summary



Committee Members

Jim Beall, Jr., Chair
Brian Jones, Vice Chair
Tom Ammiano
Shannon Grove
Isadore Hall, III
Anthony Portantino

Committee Staff

Myesha Jackson, Chief Consultant
Chris Reeve, Senior Consultant
Irene Frausto, Committee Secretary

Former Committee Staff

Eric Gelber, Chief Consultant (2011 - 2012)
Michelle Cabrera, Senior Consultant (2011)
Francis Chacon, Senior Consultant (2011)

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Assembly Committee on Human Services

2011-12 LEGISLATIVE BILL SUMMARY

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ASSEMBLY COMMITTEE ON HUMAN SERVICES

2011-12 LEGISLATIVE BILL SUMMARY

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ASSEMBLY COMMITTEE ON HUMAN SERVICES
JIM BEALL, JR., CHAIR

2011-12 LEGISLATIVE BILL SUMMARY

INTRODUCTION

The Assembly Committee on Human Services has jurisdiction over programs and services designed to assist the state's most vulnerable populations – children who have been abused or neglected, people with disabilities, low-income families, and the elderly. In the 2011-2012 Legislative Session, 112 bills were referred to the Committee, 83 were passed by the Legislature, and 33 became law.

A complete summary of bills referred to the Human Services Committee in the 2011-12 session follows.

CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)
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As of August 2012, 563,347 California families¹ relied on CalWORKs, the state's Temporary Assistance for Needy Families (TANF) welfare-to-work program. CalWORKs provides monthly income assistance and employment-related services aimed at moving children out of poverty and helping families meet basic needs and become self-sufficient. The State Department of Social Services (DSS) administers the program at the state level, and county welfare departments administer it locally. CalWORKs is funded by the federal TANF block grant, state General Fund dollars, and county funds, and the program's combined federal, state, and local 2011-12 budget was \$5.8 billion.

Generally, adults are limited to a total of 48 months of CalWORKs cash assistance (this time limit was reduced from 60 months in 2011). If a family has not entirely left aid by the end of the parent's time limit, the children may qualify for "safety net assistance" until they reach age 18. Some families qualify for hardship exceptions or extensions to the limit if they are disabled, of advanced age, or have been unable to engage in employment because of domestic abuse or care for a disabled family member.

There are three basic categories of CalWORKs families: single parent, two-parent, and "child only." More than half of CalWORKs cases only provide assistance for children; adults in those households are unaided due to receipt of Supplemental Security Income, status as a legal guardian or relative, a previous felony drug conviction, immigration status, lifetime limits on aid, or sanction status for not

¹ <http://www.cdss.ca.gov/research/res/pdf/caltrends/CA237Caseload.pdf>

meeting program requirements. The average monthly grant for a typical family of three in the program (one parent and two children) is about \$471 per month (up to a maximum of \$638 for a family of three in a high-cost county). The maximum grant for a household with two children and no aided adult is \$516 per month.

Just under half of the CalWORKs cases include aided adults, in addition to children, and about 70% of those aided adult parents are required to participate in welfare-to-work activities designed to lead to employment and self-sufficiency. About half of adult CalWORKs recipients are employed at least part-time. Some work-eligible adults also participate in job search, vocational training, education, or services such as mental health, domestic violence prevention or substance treatment to facilitate finding sustainable employment. An adult participating in welfare-to-work can receive supportive services, such as child care, to help him or her meet work requirements.

Programmatic Change Tied to the Budget

The 2012-13 budget included trailer bill language that reduces the number of months an aided adult can receive welfare-to-work services under current state work requirements from 48 months to 24 months. In order for work-eligible adults to receive aid for the full 48-month lifetime limit, he or she will need to meet federal work participation requirements, which are more limited than state requirements, for at least 24 of those 48 months.

2011-12 CalWORKs Legislation

AB 6 (Fuentes) – CalWORKs and CalFresh Chapter 501, Statutes of 2011

Streamlines a number of issues related to the administration of CalFresh (formerly known as the Food Stamp Program) and CalWORKs and improves nutritional outcomes.

Legislative History

Assembly Human Services (4-2)
Assembly Appropriations (11-6)
Assembly Floor (49-27)
Assembly Concurrence (50-26)

Senate Human Services (4-0)
Senate Appropriations (6-3)
Senate Floor (27-11)

AB 373 (Garrick) – CalWORKs: time limits for aid Died; failed passage in the Assembly Human Services Committee

Reduced the number of months, from 48 to 24 that a CalWORKs recipient can remain on aid, and makes related conforming changes.

Legislative History

Assembly Human Services (2-4 Failed passage)

AB 479 (Nestande) CalWORKs
Died; failed passage in the Assembly Human Services Committee

Precludes children from receiving California Work Opportunity and Responsibility to Kids program (CalWORKs) benefits once a parent reaches the 48-month lifetime limit on aid unless the parents are complying with federal work requirements. This would include eliminating general assistance (GA) aid to children whose parents or caretakers have reached the 48-month lifetime limit on aid until the children reach age 18 and would prohibit counties from providing welfare-to-work services, such as subsidized employment, to CalWORKs parents once they have reached the 48-month lifetime limit on aid.

Legislative Summary

Assembly Human Services (2-4 Failed passage)

AB 596 (Carter) – Child care: CalWORKs recipients: rights
Died on the Assembly Appropriations Suspense file

Required the California Department of Education (CDE) to collaborate with welfare rights and legal services advocates to develop and adopt regulations and other policy statements to provide CalWORKs program recipients of child care the same level of due process protections and procedural protections that are afforded to public assistance recipients pursuant to specified sections in the Welfare and Institutions Code and their corresponding regulations.

Legislative History

Assembly Education (7-3)

Assembly Human Services (4-2)

Assembly Appropriations (Held on Suspense)

AB 730 (Grove) - CalWORKs eligibility: periodic drug testing
Died; not heard in the Assembly Human Services Committee

Required random drug testing of all CalWORKs recipients and denies aid if the recipient refuses to attend or fails a one-year mandated drug treatment program.

Legislative History

Assembly Human Services (Not heard)

AB 756 (Mitchell) – Electronic benefits transfer system
Died; failed passage in the Assembly Human Services Committee

Makes Automated Teller Machine (ATM) withdrawals or Point-of-Sale (POS) transactions free of surcharges for welfare recipients in the California Work Opportunity and Responsibility to Kids program (CalWORKs) when they use their state-issued Electronic Benefits Transfer card (EBT card).

Legislative History

Assembly Human Services (3-2 Failed passage)

AB 833 (Yamada) – CalWORKs: maximum aid payments
Died; not heard in the Assembly Human Services Committee

Created an exception to the rule prohibiting an increase in the maximum aid payment for children born into a family that has received aid under the CalWORKs program continuously for the 10 months prior to the birth of the child, allowing for an increase in the case of a child who is disabled.

Legislative History

Assembly Human Services (Not heard)

AB 924 (Logue) – CalWORKs eligibility and administration
Died; not heard in the Assembly Human Services Committee

Terminated aid, in child-only households, if the parent or caretaker relative is not meeting the federal work participation requirements.

Legislative History

Assembly Human Services (Not heard)

AB 949 (Gorell) – CalWORKs eligibility: fraudulent representations: fines
Died; failed passage in the Assembly Human Services Committee

Doubled the fines on individuals convicted of fraud committed to obtain or retain aid under the CalWORKs program.

Legislative History

Assembly Human Services (2-4 Failed passage)

AB 959 (Jones) – CalWORKs and CalFresh: reporting
Chapter 506, Statutes of 2011

Improves the administration of a discontinuance notice of benefits for recipients of CalWORKs.

Legislative History

Assembly Human Services (6-0)

Senate Human Services (7-0)

Assembly Appropriations (17-0)

Senate Appropriations (9-0)

Assembly Floor & 75-0)

Senate Floor (38-0)

Assembly Concurrence (79-0)

AB 1140 (Donnelly) – CalWORKs: eligibility: time limit
Died; not heard in the Assembly Human Services Committee

Reduced the existing time limits on receipt of CalWORKs aid from 48 to 6 months; and makes children ineligible for county general assistance when the family exhausted their six-month time limit.

AB 1140 (Donnelly) continued

Legislative History

Assembly Human Services (Not heard)

AB 1173 (Huber) – CalWORKs: fraud prevention and reduction Died; not heard in the Assembly Human Services Committee.

Established a pilot program, administered by the State Department of Social Services, that would reimburse a county for creating a program that would save money through early fraud prevention and detection within the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

Legislative History

Assembly Human Services (Not heard)

AB 1182 (Roger Hernández) – CalWORKs eligibility: asset limits: vehicles Vetoed by the Governor

Deleted the requirement that county welfare departments assess the value of a vehicle when determining and re-determining eligibility for applicants and recipients of CalWORKs.

Legislative History

Assembly Human Services (4-2)

Senate Human Services (4-3)

Assembly Appropriations (11-0)

Senate Appropriations (6-0)

Assembly Floor (55-17)

Senate Floor (23-15)

Assembly Concurrence (52-25)

AB 1640 (Mitchell) – CalWORKs: benefits: pregnant mothers Chapter 778, Statutes of 2012

Requires payment of California Work Opportunity and Responsibility to Kids Act (CalWORKs) aid and CalFresh benefits to otherwise eligible pregnant mothers. Specifically, this bill:

- 1) Requires payment of CalWORKs aid to an eligible pregnant mother who is 18 years of age or younger in a family without a needy child qualified for aid upon verification of pregnancy dependent upon the Cal-Learn Program being operative.
- 2) Requires payment of CalWORKs aid to an eligible pregnant mother for the month in which the birth is anticipated and for the three-month period immediately prior to the month in which the birth is anticipated.

Legislative History

Assembly Human Services (4-2)

Senate Human Services (4-1)

Assembly Appropriations (12-0)

Senate Appropriations (5-2)

Assembly Floor (50-24)

Senate Floor (25-12)

Assembly Concurrence (54-26)

**AB 1691 (Bonnie Lowenthal) – CalWORKs: welfare to work activities.
Died on the Senate Appropriations Suspense file**

Included English as a second language (ESL) education as a core welfare-to-work activity in the California Work Opportunity and Responsibility to Kids (CalWORKs) program. Specifically, this bill:

- 1) Included ESL education as a core welfare-to-work activity in the CalWORKs program for eight months, and authorized a county to extend this period to 12 months.
- 2) Authorized CalWORKs recipients to continue to participate in ESL education beyond the specified time limit as a noncore activity.

Legislative History

Assembly Human Services (4-1)
Assembly Appropriations (11-4)
Assembly Floor (56-18)

Senate Human Services (5-2)
Senate Appropriation (Held on Suspense)

**AB 2035 (Bradford) Electronic benefits transfer cards: skimming
Chapter 319, Statutes of 2012**

Protects recipients of benefits through the electronic benefits transfer (EBT) system from a loss of benefits through the practice of skimming by providing that a recipient would not incur any loss of cash benefits that are taken by an unauthorized withdrawal, removal, or use of benefits that does not occur by the use of a physical EBT card issued to the recipient or authorized 3rd party to directly access the benefits.

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (16-0)
Assembly Floor (73-0)
Assembly Concurrence (77-1)

Senate Human services (7-0)
Senate Appropriations (7-0)
Senate Floor (37-0)

**AB 2352 (Hernández) CalWORKs eligibility: asset limits: vehicles
Died on the Senate Appropriations Suspense file**

Deleted the requirement that county welfare departments assess the value of a vehicle when determining and re-determining eligibility for applicants and recipients of the California Work Opportunity and Responsibility to Kids (CalWORKs) program.

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (12-5)
Assembly Floor (48-25)

Senate Human Services (4-3)
Senate Appropriations (Held on Suspense)

**AB 2469 (Grove) – CalWORKs eligibility periodic drug testing
Died; not heard in the Assembly Human Services Committee**

Required applicants for and recipients of cash aid under the California Work Opportunity and Responsibility to Kids (CalWORKs) program to undergo periodic drug testing as a condition of eligibility.

Legislative History

Assembly Human Services (Not heard)

CHILD CARE

This Committee shares jurisdiction over child care issues with the Assembly Education Committee; although, much of the policy changes affecting this area have and continue to be carried out through the budget process. This Committee is responsible for the licensing of child day care facilities and Stage One Child Care.

Care is provided to children in families currently or previously receiving support through the California Work Opportunity and Responsibility to Kids Program (CalWORKs), the state's welfare-to-work program, as well as to other low-income working families subject to available resources. The state spends a total of \$3.1 billion on child care. Of that amount, \$1.4 billion are federal funds from the Temporary Assistance for Needy Families (TANF) and the Child Care and Development block grants. An estimated 200,000 eligible children go unserved and are on waiting lists because of a shortage of child care resources.

State administration

The state's child care system has a dual purpose: caring for children while their parents work and enhancing their developmental potential as they prepare for and attend school. Two state departments administer child care programs: the CDE (responsible for more than 2/3 of the funds) and the Department of Social Services (responsible for administering the first stage of child care for CalWORKs recipients).

Families are eligible for subsidized care when their incomes are lower than 75% of the State Median Income (SMI). For families whose incomes are above 44% of SMI, a graduated schedule of family fees applies, up to 8% of gross income.

Reimbursement rates

Rates to providers, paid through Alternative Payment Programs, are based upon a Regional Market Rate (RMR), up to the 85th percentile of cost of equivalent care based on surveys of private providers in every region. Child care centers contracting with the CDE are paid a single Standard Reimbursement Rate (SRR), which is adjusted for infants and toddlers, children with exceptional needs or disabilities, children at risk of abuse or neglect, and children with limited English proficiency.

CalWORKs child care

More than half of the total cost of subsidized child care is spent for current or former recipients of CalWORKs. Delivery of care for this population is provided through a three-stage process. Stages One and Two are statutory entitlements. In Stage One, CalWORKs applicants and recipients are

provided care early in their welfare-to-work activities before their care situation becomes stabilized. In Stage Two, current and former recipients are guaranteed care while they continue to participate and for two years after they leave aid. Stage Three care is not a statutory entitlement but has been provided since CalWORKs began, covering families after Stage Two until they no longer need care or exceed the general subsidized care income eligibility limits.

Subsidized child care

Child care and development services for low-income families, whether they are recipients of CalWORKs or not, are provided by a variety of entities. Child care centers and large and small family day care homes, which contract directly with CDE, must meet established educational standards enforced by CDE (known as "Title 5" programs) and health and safety standards enforced by the DSS (known as "Title 22" programs). There is also specialized care such as migrant care, and informal license-exempt care provided by relatives or for a single child. Alternative Payment Programs administer voucher payments, and Resource and Referral agencies help families find appropriate care, provide education for the community, and provide training and support for providers.

Programmatic Change Tied to the Budget

This year's budget did not include the Governor's proposal to prepare and then re-align all state child care programs, except for state preschool, from the CDE to the DSS. Although proposed, the Legislature denied this substantial shift of child care services from one agency to another. However, the Legislature did approve an across the board funding cut for all General Fund supported child care programs: General Child Care, Migrant Day Care, Alternative Payment Program, CalWORKs Stage 3, and Allowance for the Handicapped. This reduction will generate \$80 million in non-Proposition 98 General Fund savings. It also froze cost of living adjustments until 2014-15 for all state funded child care and development programs.

2011-12 Child Care Legislation

AB 596 (Carter) Child care: CalWORKs recipients: rights Died on the Assembly Appropriations Suspense file

See CalWORKs (page 8)

AB 823 (Dickinson) – California Children's Coordinating Council Vetoed by the Governor

Established the Children's Coordinating Council of California (Council) until January 1, 2019 to make recommendations to the Governor and Legislature on ways to improve the delivery of services to children, youth and their families, including, but not limited to a report to the governor and Legislature by October 31 of each odd numbered year. The Council would be co-chaired by the State Superintendent of Public Instruction and the Secretary of Health and Human Services, and would be made up of by the Chief Justice of the California Supreme Court or his or her designee; the Secretary of the Department of Corrections and Rehabilitation; the Director of Social Services; the Director of Health Care Services; the State Public Health Officer; the Director of Mental Health; Director of Alcohol and Drug Programs; Director of Developmental Services; Director of Child Support Services; two members of the Assembly and the Senate respectively; and, additional members as appointed by the Governor.

AB 823 (Dickinson) continued

Staffing of the council would be a shared responsibility between the co-chairs and the council would only be established if non-state funds are available. The Bureau of State Audits would be required to conduct a performance audit of the council and to report its findings to the council and the Legislature by January 1, 2018. It would also preclude the establishment of the council until the Department of Finance determines there are sufficient funds to administer the council, based upon estimates developed by the Superintendent of Public Instruction and the Secretary of California Health and Human Services Agency.

Legislative History

Assembly Human Services (4-2)
Assembly Appropriations (12-5)
Assembly Floor (52-24)
Assembly Concurrence (53-27)

Senate Human Services (4-3)
Senate Appropriations (5-2)
Senate Floor (23-13)

AB 1312 (Smyth) – Child care: exemption from licensure: public recreation programs Died; not heard in the Assembly Human Services Committee

Expanded the number of authorized hours that unlicensed public recreation programs can operate their programs for children ages zero to 18 years.

Legislative History

Assembly Human Services (Not heard)

AB 1820 (Block) Child safety: day care facilities: choking hazards Died on the Assembly Appropriations Suspense file

Prohibited the use or possession of choking hazards, including push pins, small toys, marbles and other objects that measure less than 1.75 inches in diameter in child care facilities caring for children six years of age or younger. In addition, this bill requires the Department of Social Services to determine compliance with this law during their regularly scheduled inspection visits.

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (Held on Suspense)

AB 1872 (Alejo) Child day care facilities: nutrition Vetoed by the Governor

Amended nutrition standards for family day care homes. Specifically, this bill:

- 1) Required the Department of Social Services (DSS), for the purpose of improving the provision of nutrition in child care facilities and benefitting current and prospective child care providers, to post on its Internet Web site information about the United States Department of Agriculture's Child and Adult Care Food Program (CACFP).

AB 1872 (Alejo) continued

- 2) Required, except as provided, a family day care home to ensure that meals and snacks provided include, at a minimum, the amount of food and the components that are specified in CACFP.
- 3) Required DSS to explain, and update as needed, these nutritional requirements on its Internet Web site, in department outreach material, and during the orientation of prospective family day care home providers.
- 4) Provided that the above CACFP standards do not apply:
 - a) If the child has a documented medical necessity that includes the need for "medical food," to the extent necessary to meet the child's medical needs; or,
 - b) To meals or snacks provided by a parent or legal guardian for his or her child at a family day care home.
- 5) Provided that DSS shall only review the status of compliance with the requirements of this bill during regularly scheduled, authorized monitoring inspections, and is not required to conduct separate and independent visits.
- 6) Required that DSS, if it determines a family day care home is noncompliant with the requirements of this bill to recommend to the family day care home relevant nutrition information and training.
- 7) Provided that provisions under which willful or repeated violations of the Child Day Care Facilities Act or implementing rules and regulations constitute a misdemeanor are not applicable to the provisions of this bill.

Legislative History

Assembly Human Services (4-2)
Assembly Appropriations (12-5)
Assembly Floor (52-25)
Assembly Concurrence (53-27)

Senate Human Services (4-2)
Senate Appropriations (5-2)
Senate Floor (23-13)

AB 1991 (Smyth) Child care: exemption from licensure: public recreation programs Chapter 122, Statutes of 2012.

Extends the allowable hours and weeks of operation for public recreation programs for kindergarten through 12th grade from 16 to 20 hours per week or less, and from 12 to 14 weeks or less during a 12-month period.

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (16-0)
Assembly Floor (72-0)

Senate Human Services (7-0)
Senate Appropriations (S. R. 28.8)
Senate Floor (36-0)

**SB 119 (Lowenthal) – Emergency youth shelter facilities
Died on the Assembly Appropriations Suspense file**

Created a licensing category for emergency youth shelter facilities and directs the Department of Social Services to adopt regulations for them by January 1, 2013.

Legislative History

Senate Human Services (7-0)

Assembly Human Services (6-0)

Senate Appropriations (8-0)

Assembly Appropriations (Held on Suspense)

Senate Floor (38-0)

**SB 309 (Liu) – Child day care facilities: youth with disabilities
Chapter 470, Statutes of 2011**

Allows schoolage child care centers to serve persons with developmental disabilities who are age 18 to 22 and are enrolled in a special education program under specified conditions.

Legislative History

Senate Human Services (7-0)

Assembly Human Services (6-0)

Senate Appropriations (17-0 consent)

Assembly Appropriations (17-0)

Senate Floor (39-0)

Assembly Floor (79-0)

Senate Concurrence (34-0)

**SB 737 (Walters) – Organized camps
Vetoed by the Governor**

Clarified statutes related to the licensing and regulation of license-exempt "organized camps" and expands the operating hours of the Afterschool Education and Safety Program.

Legislative History

Senate Human Services (7-0)

Assembly Human Services (5-1)

Senate Appropriations (8-0)

Assembly Appropriations (16-0)

Senate Floor (39-0)

Assembly Floor (72-5)

Senate Concurrence (40-0)

CHILD WELFARE SERVICES/FOSTER CARE

The child welfare system in California is made up of public and private agencies, institutions, and programs responsible for responding to the nearly 500,000 reports of suspected child abuse and neglect filed each year by concerned professionals and community members. These organizations provide services to children who are victims of abuse or neglect or who are at risk of becoming victims of abuse or neglect.

After a concerned individual reports an allegation of abuse or neglect, a county social worker determines if an investigation needs to occur and how quickly. An investigation may end the intervention, or it may begin the family's further involvement in the child welfare system. Whenever possible, families are provided with assistance and services so that their children may safely remain in or return to their home. In some cases of imminent risk of harm to the child, temporary or

permanent removal from the home is necessary. In July 2012, approximately 60,000 children in California were living in out-of-home placements or foster care after being removed from their homes as a result of abuse, neglect, or involvement in the juvenile justice system.² Due to efforts aimed at reducing the length of stay for children in foster care, and moving toward permanent placements more quickly, California has managed to decrease its overall foster care caseload by 10% over the past ten years despite a growth in the overall number of children in the state.

The DSS is the principal entity responsible for the state's child welfare system, although each of the state's 58 counties administers its own child welfare program. Federal and state laws provide the framework for child welfare services, which are funded through a combination of federal, state, and county resources. Federal funding is generally available in cases where a child's parents have incomes below specified levels, which applies to approximately 75% of children in foster care.

Foster care is intended to provide children with temporary out-of-home placements until they can safely return home or be permanently placed with relatives or other committed adults. Placement options vary, and as of January 2012, foster children were placed with foster family homes (9%), foster family agencies (26%), kin (33%), group home providers (10%), or in other living arrangements.

Programmatic Changes Tied to the Budget

After \$1.6 billion in state funding for the Child Welfare Services (CWS), foster care, and adoptions programs was realigned to the counties in the 2011-12 Budget Act, Legislators approved trailer bill language to implement the programmatic realignment as a part of the 2012-13 budget. Because the realignment of CWS provided for additional local control over program expenditures, the trailer bill included new outcomes and fiscal reporting requirements for DSS. Additional trailer bill changes included extending the moratorium on licensure of new group homes or changes to existing licenses, with some exceptions, and providing transitional services to non-minor dependents to prevent gaps in the services available to them.

2011-12 CWS/Foster Care Legislation

AB 73 (Feuer) – Dependency proceedings: public access Died; not heard in the Assembly Human Services Committee

Created a four-year pilot in three counties, to test whether California should consider moving from presumptively closed juvenile dependency hearings to presumptively open juvenile dependency hearings.

Legislative History

Assembly Judiciary (10-0)

Assembly Human Services (Not heard)

²Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Williams, D., Yee, H., Hightower, L., Lou, C., Peng, C., King, B., & Henry, C. (2012). *Child Welfare Services Reports for California*. Retrieved 11/2/2012, from University of California at Berkeley Center for Social Services Research website. URL: http://cssr.berkeley.edu/ucb_childwelfare.

**AB 181 (Portantino) - Foster youth: mental health bill of rights
Died on the Assembly Appropriations Suspense file**

Established the Foster Youth Mental Health Bill of Rights granting foster youth specified rights, and requires the Office of the Foster Care Ombudsperson to disseminate information related to the Foster Youth Mental Health Bill of Rights described above.

Legislative History

Assembly Human Services (4-0)

Assembly Appropriations (Held on Suspense)

**AB 198 (Beall) - Adoption: fingerprinting of adoptive parents
Died; not heard in the Assembly Human Services Committee**

Prevented duplication by authorizing fingerprint images and related information submitted to the Department of Justice for purposes of conducting a criminal records check to apply to both an approval for adoption and licensure as a foster family home or certified family home of a licensed foster family agency.

Legislative History

Assembly Human Services (Not heard)

**AB 212 (Beall) – California Fostering Connections to Success Act
Chapter 459, Statutes of 2011**

Makes various federal compliance, technical and clarifying changes to the California Fostering Connections to Success Act of 2010 (AB 12, Beall & Bass, Chapter 559, Statutes of 2010).

Legislative History

Assembly Human Services (6-0)

Assembly Judiciary (9-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Assembly Concurrence (71-7)

Senate Human Services (7-0)

Senate Judiciary (5-1)

Senate Appropriations (6-1)

Senate Floor (37-1)

**AB 671 (Portantino) – Child welfare services: education and training requirements
Died; failed passage in the Assembly Appropriations Committee**

Required all county social work personnel newly hired after January 1, 2012, and all county social work supervisors to meet specified education and experience criteria, including the requirement for a master's degree from a graduate school of social work or specified master's degree from an accredited or state-approved graduate school in addition to field practice and coursework.

Legislative History

Assembly Human Services (4-2)

Assembly Appropriations (2-9 – Failed passage)

AB 709 (Brownley) – Foster children: school placement: immunization records
Chapter 463, Statutes of 2011

Clarifies that children in foster care who change schools have the right to be enrolled in their new school immediately even if they are unable to produce medical records, including, but not limited to, immunization records, at the time of enrollment. Specifically, this bill: Adds a section to the Health and Safety Code to conform to Education Code provisions requiring school districts to enroll a foster child in school even if he or she is missing immunization records.

Legislative History

Assembly Education (10-0)

Senate Education (9-0)

Assembly Human Services (5-0)

Senate Floor (37-0)

Assembly Floor (78-0)

Assembly Concurrence (79-0)

AB 846 (Bonilla) – Foster youth: identity theft
Died on the Senate Appropriations Suspense file

Added the Department of Social Services (DSS) to the list of entities authorized to request credit reports on behalf of specified foster youth and clarifies the procedures for DSS and the county welfare departments to use when handling suspected identity theft that may be discovered during this process. Required the Office of Privacy Protection to, in consultation with DSS and other stakeholders, to develop a list of nonprofit organizations and governmental agencies that assist consumers with identity theft issues.

Legislative History

Assembly Human Services (4-0)

Senate Human Services (7-0)

Assembly Appropriations (12-4)

Senate Appropriations (Held on Suspense)

Assembly Floor (63-9)

AB 863 (Bonilla) – Foster care insurance
Died on the Assembly Appropriations Suspense file

Expanded the Foster Family Home and Small Family Home Insurance Fund liability insurance coverage for foster parents, to include all criminal or intentional acts committed against a foster child, unless committed by the foster parents themselves.

Legislative History

Assembly Human Services (4-0)

Assembly Appropriations (Held on Suspense)

AB 989 (Mitchell) – Mental health: Children's services
Chapter 640, Statutes of 2011

Requires counties to include programs that consider the needs of transition age foster youth in their three-year plans for funding from the Mental Health Services Act.

AB 989 (Mitchell) continued

Legislative History

Assembly Health (15-1)

Assembly Human Services (6-0)

Assembly Appropriations (12-5)

Assembly Floor (63-13)

Senate Health (9-0)

Senate Appropriations (8-1)

Senate Floor (37-0)

AB 1015 (Charles Calderon) – Child welfare services: California Child and Family Service Review System

Died on the Senate Appropriations Suspense file

Required each county to consult with specified stakeholders when developing county self-assessments, county improvement plans, or similar reports, as specified. Required counties to include in their child and family services review a discussion of operational improvements that could be implemented at a cost savings or within existing resources.

Legislative History

Assembly Human Services (4-2)

Assembly Appropriations (12-4)

Assembly Floor 49-25)

Senate Human Services 4-3)

Senate Appropriations (Held on Suspense)

AB 1110 (Lara) – Dependent children of the juvenile court: county responsibilities: Supplemental Security Income Eligibility

Died on the Assembly Appropriations Suspense file

Required additional reporting and court oversight concerning the receipt of Supplemental Security income for foster youth.

Legislative History

Assembly Human Services (6-0)

Assembly Judiciary (9-0)

Assembly Appropriations (Held on Suspense)

AB 1147 (Yamada) – Dependent children: status reports Vetoed by the Governor

Required social workers to file a report with the court for review at periodic status review hearings documenting the services provided to allow a minor parent in foster care to provide a safe home for his or her child.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

Assembly Concurrence (77-0)

Senate Human Services (7-0)

Senate Appropriations (S.R. 28.8)

Senate Floor (34-0)

**AB 1440 (Perea) - Child abuse and neglect: reports
Died on the Assembly Appropriations Suspense file**

This bill requires a county child welfare agency, within 60 calendar days of determining that abuse or neglect led to a child's death in the county, to review the child's death and prepare a written report containing specified elements. Additionally, this bill requires the county child welfare agency to provide a copy of each of the child death review reports to the State Department of Social Services (DSS) within 10 calendar days of completing the report and requires DSS to review each report for any systemic issues or patterns that need improvement. Commencing January 1, 2013, this bill would also require DSS to include county-specific and child population-specific information from the county child welfare agency death review reports in its annual report identifying child fatalities and any systemic issues or patterns revealed.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (Held on Suspense)

**AB 1611 (Beall) - Child Welfare: racial and ethnic disparities
Died on the Assembly Appropriations Suspense file**

Required counties to develop and implement plans to address racial and ethnic disparities, and failures to equitably serve all communities of color, in the child welfare system. Specifically, this bill required that outcome indicators for the California Child and Family Service Review System (C-CFSR) be examined for each racial and ethnic population serviced within a county and for each county, based on its review cycle, to address its findings in its county self-assessment (CSA) and county system improvement plan (SIP).

It would also require counties to implement specified strategies and activities to address the identified areas of racial and ethnic disproportionality and disparities. This would include prevention services and supports for families of children at risk of placement in the child welfare system, the use of culturally competent staffing, resources, and practices, and developing collaborative partnerships with families and community-based organizations and strategies to identify and recruit kin and non-kin adoptive families.

Required a county with a due date for its next SIP after the effective date of this bill that is on or after January 1, 2014 to amend its most recent SIP by December 31, 2013 to address the issues required by this bill. It would also provide the director of the Department of Social Services (DSS) the authority to take any appropriate action necessary to resolve issues of disproportionality if he or she determines a county is substantially failing to comply with this measure.

It would further require DSS to contract for research evaluating the disproportionality using existing funds or private monies, provide recommendations to the legislature about the evaluations, findings and recommendations, and identify and replicate best practices.

Legislative History

Assembly Human Services (4-2)

Assembly Appropriations (Held on Suspense)

AB 1697 (Perea) - Foster youth: placement
Died on the Assembly Appropriations Suspense file

Required the State Department of Social Services to designate a separate data entry field in the Child Welfare Services Case Management System for a county welfare agency to record information on the reasons for placement of a child with a foster family agency or group home, and requires county welfare agencies to file this information with the system when the placement is made.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (Held on Suspense)

AB 1712 (Beall) - Minors and nonminor dependents: out-of-home placement
Chapter 846, Statutes of 2012

Makes various technical and minor policy changes to the California Fostering Connections to Success Act of 2010 (AB 12). Specifically, this bill:

- 1) Makes the nonminor dependents or youth participating in AB 12 (Beall and Bass), Chapter 559, Statutes of 2010, eligible for the court-appointed special advocate (CASA) program so that volunteer CASAs can provide designated services and support to youth under the jurisdiction of the juvenile court.
- 2) Exempts a parenting youth from referral by the county child welfare department to the local child support agency for the payment of child support while in foster care.
- 3) Clarifies that the social worker or probation officer should give notice of review hearings in dependency proceedings to nonminor dependents and any known siblings.
- 4) Authorizes the caregiver of the nonminor dependent to attend the hearings and to submit relevant written information for filing and distribution to the parties.
- 5) Clarifies provisions relating to youth and competency regarding participation in AB 12.
- 6) Clarifies the definition of the county of residence of a nonminor dependent.
- 7) Clarifies that the youth has federal Health Insurance Portability and Accountability Act of 1996 privacy rights regarding his or her health information and privacy rights regarding educational records and that relevant information may be included only with the consent of the youth.
- 8) Clarifies that a youth who is an Indian child is eligible for tribal customary adoption and allows for adoption to be ordered as the youth's permanent plan and for the termination of jurisdiction ordered once the adoption order is complete and filed with the juvenile court.

AB 1712 (Beall) continued

Legislative History

Assembly Human Services (5-0)

Assembly Appropriations (12-0)

Assembly Floor (76-0)

Assembly Concurrence (79-0)

Senate Human Services (5-0)

Senate Judiciary (4-0)

Senate Appropriations (6-1)

Senate Floor (35-0)

AB 1751 (Pan) - Child support: access to information Chapter 637, Statutes of 2012

Requires that county child welfare agencies and county probation departments be given access to specified child support information related to the noncustodial parents of children who are subject to juvenile court proceedings. Specifically, this bill requires the disclosure, by all state departments, boards, agencies, bureaus, or other agencies of the state or local government, of a parent's name, social security number, most recent address, telephone number, place of employment, or other contact information to a county child welfare agency or county probation department to identify, locate, and notify parents of children who are the subject of juvenile court proceedings, to establish parent and child relationships, and to assess the appropriateness of placements of a child with a noncustodial parent.

It would also authorize the release of a parent's name, social security number, most recent address, telephone number, place of employment or other contact information to county child welfare agencies and probation departments established or maintained by any public entity pursuant to the administration and implementation of the child and spousal support enforcement program.

It would additionally require the Department of Social Services and the Department of Child Support Services, on or before July 1, 2013, to issue an all-county letter or similar instruction explaining the entitlement of county child welfare and probation agencies to specified information in child and spousal support records.

Legislative History

Assembly Human Services (5-0)

Assembly Judiciary (10-0)

Assembly Floor (76-0)

Assembly Concurrence (80-0)

Senate Judiciary (4-0)

Senate Appropriations (17-0)

Senate Floor (38-0)

AB 1764 (R. Hernández) - Private adoption agencies: licensing Died; not heard in the Assembly Human Services Committee

Clarified education and experience requirements for executive directors and supervisors of private adoption agencies. Specifically, this bill:

- 1) Provided that the existing licensing provision requiring social work experience for an executive director or supervisor of a private adoption agency does not require that these individuals be licensed as a clinical social worker.

AB 1764 (R. Hernández) continued

- 2) Provided that an executive director or supervisor of a private adoption agency may, instead, be a licensed marriage and family therapist, other licensed mental health practitioner, or any other qualified individual, provided he or she possesses the experience with respect to social work employment and adoption social work services for those positions otherwise required for licensed private adoption agencies.

Legislative History

Assembly Human Services (Not Heard)

AB 1856 (Ammiano) - Foster care services: cultural competency Chapter 639, Statutes of 2012

Requires foster care providers to receive instruction on cultural competency and sensitivity with respect to lesbian, gay, bisexual, and transgender (LGBT) youth in out-of-home care. Specifically, this bill requires the Department of Social Services to include in its certified group home administrators training program, training on cultural competency and sensitivity relating to, and best practices for, providing adequate care to LGBT youth in out-of-home care. It would also require the training to be provided within the allotted 12 hours of required pre-placement training and within the eight hours of required annual post-placement training, instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to LGBT youth in out-of-home care.

It would further require community college districts with a foster care education program to include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to LGBT youth in out-of-home care. Additionally, it adds to the delineated rights of all children in foster care the right to have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to LGBT youth in out-of-home care.

Legislative History

Assembly Human Services (4-1)

Assembly Appropriations (12-4)

Assembly Floor (49-25)

Assembly Concurrence (54-26)

Senate Human Services (4-2)

Senate Appropriations (S.R. 28.8)

Senate Floor (23-13)

AB 1928 (Cook) - Foster homes: residential capacity Chapter 120, Statutes of 2012

Clarifies conditions under which the number of foster children residing in a specialized foster care home may be increased from two to three. Specifically, this bill provides that a specialized foster care home may have a third foster child with or without special health care needs placed in the home provided that the licensed capacity is not exceeded and specified conditions are met. Also requires that the individualized health care plan team responsible for the ongoing care of each child with special health care needs involved consider the number of adoptive, biological and guardianship children living in the home in meeting the exception requirements for a third

AB 1928 (Cook) continued

foster child with or without special health care needs to be placed in a specialized foster care home.

Additionally requires the Department of Social Services to consider all adoptive biological, foster, and guardianship children living in the home and determine a licensed capacity for foster children that does not cause the home to exceed a total of six children living in the home.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (17-0)

Assembly Floor (75-0)

Senate Human Services (7-0)

Senate Appropriations (S.R. 28.8)

Senate Floor (36-0)

AB 2019 (Hill) - Foster Family Home and Small Family Home Insurance Fund Chapter 642, Statutes of 2012

Establishes requirements regarding the Foster Family Home and Small Family Home Insurance Fund (Fund) to notify a claimant of the decision to approve or reject a claim within 15 days of the decision; provide that an applicable statute of limitations period for a cause of action arising out of the same occurrence for which a claim has been filed with the Fund shall not commence until the date the Department of Social Services, or designated agency, has notified the person that the department has either rejected or approved the claim. It would also require the Fund to be maintained at an adequate level to meet anticipated liabilities and prohibit a homeowner's or tenant's insurance policy issuers from failing to accept an application for that insurance or cancelling that insurance solely because the applicant or policyholder is engaged in foster home activities in a certified family home.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (16-0)

Assembly Floor (72-0)

Assembly Concurrence (77-1)

Senate Human Services (7-0)

Senate Appropriations (7-0)

Senate Floor (37-0)

AB 2023 (Jones) - Foster care placement: rights of children Died; failed passage in the Assembly Human Services Committee

Provided that the right of children in foster care to not be locked in a room, building, or facility premises, unless placed in a community treatment facility, does not apply to privately funded residential facilities that treat individuals under 18 years of age for substance or alcohol abuse.

Legislative History

Assembly Human Services Committee (2-3 Failed passage)

**AB 2093 (Skinner) - Foster Youth Higher Education Preparation and Support Act of 2012
Died on the Assembly Appropriations Suspense file**

Established the Foster Youth Higher Education Preparation and Support Act of 2012 (Act) to provide comprehensive support to students who are current or former foster youth on public college and university campuses. It would require the California State University (CSU), and requests the California Community Colleges (CCC) and the University of California (UC), to establish foster youth campus support programs to provide comprehensive support and outreach to current and former foster youth to retain them in higher education. It would also require CSU campuses and requests the CCC and UC Campuses to designate a foster youth campus support program coordinator using new or existing resources, and would require the Department of Social Services to annually notify foster youth 13 years of age or older, and their caregivers, of the postsecondary educational support provided them pursuant to the Act.

Legislative History

Assembly Human Services (4-2)

Assembly Higher Education (9-0)

Assembly Appropriations (Held on Suspense)

**AB 2513 (Bonilla) - Licensees: foster children: identity theft
Died on the Assembly Appropriations Suspense file**

Required that a license for the operation of a residential community care facility for the care of foster children be forfeited by operation of law if the licensee is convicted of identity theft.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (Held on Suspense)

**SB 121 (Liu) – Pupils: foster children: special education
*Withdrawn from the Assembly Human Services, re-referred to Assembly Education***

Requires a written statement be provided to a local educational agency (LEA) by a parent, guardian, or educational rights holder if he or she makes a determination that it is in the best interest of a foster pupil to be placed in an educational program other than a program operated by the LEA, as specified.

Legislative History

Senate Education (9-0)

Senate Appropriations (6-2)

Senate Floor (26-12)

Senate Floor (34-0)

Assembly Human Services (Not heard)

Assembly Education (9-0)

Assembly Appropriations (17-0)

Assembly Floor (80-0)

SB 1064 (De León) - Child custody immigration
Chapter 845, Statutes of 2012

Prohibits the use of a person's immigration status from being taken into account when reunification services are provided to parents or relatives of children who have been removed from the home when the parent has been detained or deported by federal immigration authorities. Establishes a process by which documents from a person's country of origin may be used for purposes of a background check. It also requires the Department of Social Services to provide counties guidance and technical assistance in the identification and provision of services for children in the child welfare system whose parents have been detained or deported by federal immigration authorities.

Legislative History

Senate Human Services (4-0)

Senate Judiciary (5-0)

Senate Appropriations (5-2)

Senate Floor (28-7)

Senate Concurrence (28-4)

Assembly Judiciary (8-0)

Assembly Human Services (4-0)

Assembly Appropriations (12-5)

Assembly Floor (49-20)

Assembly Floor (65-6)

SB 1089 (Liu) - Alternative treatment facilities for youth
Died on the Assembly Appropriations Committee Suspense file

Required the licensing of private nontraditional alternative treatment facilities for youth. Specifically, this bill defines private nontraditional alternative treatment facilities for youth as any residential or nonresidential facility or program operated by an organization that provides aggressive nontraditional punitive, retaliatory, aversive, or military style behavioral treatment or intervention services for youth. It would prohibit any person or organization from operating a private nontraditional alternative treatment facility unless all licensing requirements are met and the programs are accredited by a nonprofit accrediting organization. It would also prohibit the use of corporal punishment at these facilities.

Legislative History

Senate Human Services (6-0)

Senate Appropriations (7-0)

Senate Floor (39-0)

Assembly Human Services (6-0)

Assembly Appropriations (Held on Suspense)

SB 1319 (Liu) - Child welfare
Chapter 663, Statutes of 2012

Makes five statutory changes to the Health and Safety and the Welfare and Institutions Code relating to services for at-risk children and foster youth. Specifically, this bill:

- 1) Deletes the statutory sunset for "crisis nurseries," thus allowing "crisis nurseries" to operate as a temporary placement option for at risk youth under the age of six.
- 2) Deletes the requirement that foster family homes be subjected to civil penalties for violations of Health and Safety Code Section 1548.

SB 1319 (Liu) continued

- 3) Deletes the statutory sunset for licensed community treatment facilities serving seriously emotionally disturbed children or wards and dependents of the court to have nursing staff on-call rather than onsite if the facility meets specified conditions.
- 4) Preserves the provisional rate setting methodology for "severely emotionally disturbed" children placed in group home settings until the Department of Mental Health can establish a permanent rate methodology.
- 5) Allows the Director of the Department of Social Services (DSS) to extend a waiver of regulations to counties in increments of three years to continue to participate in performance agreements with the DSS to provide foster youth with alternatives to group home care through the expansion of family-based services programs.

Legislative History

Senate Human Services (6-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (37-0)
Senate Concurrence (37-0)

Assembly Human Services (6-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

SB 1521 (Liu) - Child welfare services Chapter 847, Statutes of 2012

Makes a number of amendments and federal conformity changes to the Welfare and Institutions Code relating to the provision of services for foster youth. Specifically, this bill:

- 1) Prohibits reunifications services to a parent or guardian who has been required to register as a sex offender by a court of law under the Adam Walsh Child Protection and Safety Act of 2006 (42 United States Code (U.S.C.) Section 16913(a)).
- 2) Requires County Welfare Agencies (CWA) to annually request a free consumer credit report for a foster youth when she/he turns 16 and for each year thereafter and requires the CWA to refer a foster youth to credit counseling and assistance services, as specified.
- 3) Deletes and adds reporting elements to the Child Welfare Training Program's annual evaluation report, as specified.
- 4) Clarifies that a foster youth's case plan include an educational placement assessment to take into account the educational stability of the child, in accordance with the federal Fostering Connections to Success and Increasing Access to Adoptions Act of 2008 and the Child and Family Services Improvement and Innovation Act of 2011.
- 5) Implements the caseworker visit requirements under the Child and Family Services Improvement and Innovation Act in state law to set minimum monthly visitation requirements.

SB 1521 (Liu) continued

- 6) Allows peer-to-peer mentoring and support groups for parents and primary caregivers, including familial visitation services and activities, in accordance with the Child and Family Services Improvement and Innovation Act.

Legislative History

Senate Human Services (7-0)
Senate Appropriations (7-0)
Senate Floor (39-0)
Senate Concurrence (38-0)

Assembly Human Services (6-0)
Assembly Appropriations (17-0)
Assembly Floor (78-0)

SB 1568 (De Saulnier) - Pupils: foster children: educational placement Chapter 578, Statutes of 2012

Requires a local educational agency to allow a former foster youth to remain enrolled in their school of origin through graduation if the jurisdiction of the court is terminated while the youth is in high school; and exempts a school district from having to provide transportation to a former foster youth with an individual education program (IEP), unless the former foster youth's IEP team specifies that transportation is a necessary related service.

Legislative History

Senate Education (8-0)
Senate Appropriations (7-0)
Senate Floor (38-0)
Senate Concurrence (26-0)

Assembly Human Services (6-0)
Assembly Education (9-0)
Assembly Appropriations (17-0)
Assembly Floor (79-0)

COMMUNITY CARE LICENSING

The Community Care Licensing Division (CCLD) of the Department of Social Services is responsible for the regulatory and licensing activities related to residential and non-residential programs. CCLD is charged with providing preventative and protective services to people in "community care facilities"; 24-hour senior, adult, and child residential care homes as well as non-residential programs (e.g., child care centers and adult day programs). Health facilities—such as skilled nursing facilities, intermediate care facilities, congregate living health facilities, and adult day health centers/community based adult services—are licensed by the Department of Public Health. According to CCLD statistics, as of November, 2012, there were just under 78,000 residential and non-residential programs licensed by CCLD, serving about 1.4 million children and adults.

Prior to 2003, the CCLD was required to visit every facility licensed under the Community Care Licensing Act annually. However, due to declining revenues and the ongoing budget deficit, the state changed the frequency by which the CCLD must visit each licensed facility from annually to once every five years.

CCLD also oversees the criminal background check and administrator certifications conducted to ensure the eligibility of community care providers and their employees. CCLD is responsible for ensuring that licensed homes meet all necessary fire safety requirements and obtaining health screening reports from physicians to verify that the applicant and personnel are capable of

performing assigned tasks. In addition, CCLD reviews financial plans and conducts pre-licensing visits to ensure that the home is in compliance with laws and is ready to begin operation. CCLD also oversees compliance, responds to filed complaints, and administers corrective action when a home fails to adequately protect the health and safety of its occupants.

2011-12 Community Care Licensing Legislation

AB 159 (Beall) – Community care facilities: foster family agencies Chapter 94, Statutes of 2011

Changes the sunset provision on the requirement for certain foster family agencies to employ one full-time social work supervisor for every eight social workers, as specified.

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (15-0)
Assembly Floor (73-0)

Senate Human Services (7-0)
Senate Appropriations (S. R. 28.8)
Senate Floor (33-0)

AB 313 (Monning) – Residential care facilities for the elderly Chapter 365, Statutes of 2011

Requires residential care facilities for the elderly to provide residents, their responsible party, and the local long-term care ombudsman with prescribed notice when specified actions are taken in response to violations that could result in suspension or revocation of the facility's license or that relate to the health and safety of residents.

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (16-0)
Assembly Floor (60-0)
Assembly Concurrence (76-0)

Senate Human Services (7-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (37-0)

AB 419 (Mitchell) – Care facilities. Died on the Assembly Appropriations Suspense file

Increased the frequency of licensing evaluation visits of most categories of facilities licensed by the Department of Social Services.

Legislative History

Assembly Human Services (6-0)
Assembly Appropriations (Held on Suspense)

AB 493 (Perea) – Electronic benefits transfer cards: use restriction

As amended 1.14.12 subject matter changed: Registered sex offenders: community care facilities
Died on the Senate Appropriations Suspense file

Prohibited a person required to register under the Sex Offender Registration Act from residing, working, or volunteering in foster homes or facilities licensed by the Department of Social Services or a county child welfare services agency. This bill would provide that a violation of this prohibition would be a misdemeanor, and would also authorize a juvenile court to waive this prohibition if the residence involved is that of a noncustodial parent, relative, or nonrelative extended family member who receives the placement of a child who is or may be declared a dependent of the court and the court finds that placing the child in that residence is in the child's best interest.

Legislative History

Assembly Human Services (4-2 - vote not relevant) Senate Human Services (6-0)

Assembly Appropriations (11-1 - vote not relevant) Senate Public Safety (5-0)

Assembly Floor (59-10 – vote not relevant) Senate Appropriations (Held on Suspense)

AB 748 (Yamada) – Continuing care retirement communities: contracts

Died; not heard in the Assembly Human Services Committee

Transferred the oversight and regulation of continuing care retirement communities from the Department of Social Services (DSS) to the California Department of Insurance, except for the oversight and regulation of programs and services provided directly to residents of the communities, which would remain with DSS.

Legislative History

Assembly Human Services (Not heard)

AB 899 (Yamada) – Home Care Services Act of 2011

Died on the Assembly Appropriations Suspense file

Established the Home Care Services Act to license and regulate home care services for the elderly, frail, and persons with disabilities.

Legislative History

Assembly Human Services (4-2)

Assembly Judiciary (7-2)

Assembly Appropriations (Held on Suspense)

AB 1142 (Chesbro) – Residential care facilities for the elderly

Died; not heard in the Senate Human Services Committee

Prohibited residential care facilities for the elderly from assessing specified fees related to deceased residents.

AB 1142 (Chesbro) continued

Legislative History

Assembly Human Services (6-0)

Senate Human Services (Not heard)

Assembly Appropriations (16-0)

Assembly Floor (78-0)

AB 1698 (Portantino) - Continuing care home services

Died; not heard in the Assembly Aging and Long Term Care Committee

- 1) Defined a "care at-home program" as a program, including a continuing care program, that provides services to an elderly person in his or her residence, such as care and supervision, meal preparation, housekeeping, laundry, home maintenance, grounds maintenance, companionship, social activities, recreational activities, and referrals to other care providers.
- 2) Exempted a care at-home program, as defined, from licensure under the Residential Care Facilities for the Elderly Act when services are provided by a continuing care at-home program to an elderly person in his or her residence.
- 3) Established specific fiscal reporting requirements for continuing care retirement community providers that operate continuing care at-home programs.

Legislative History

Assembly Human Services (6-0)

Assembly Aging & Long Term Care (Not heard)

AB 1717 (Dickinson) - School district employees: community care facilities

Died on the Assembly Appropriations Suspense file

Required increased communication between school districts, the California Department of Social Services and the Commission on Teacher Credentialing regarding adverse actions taken against employees, licensees, and credential holders.

Legislative History

Assembly Human Services (4-2)

Assembly Education (11-0)

Assembly Appropriations (Held on Suspense)

AB 2066 (Monning) - Residential care facilities for the elderly: revocation of licenses

Chapter 643, Statutes 2012

Establishes procedures to be followed in the event of revocation of a license to operate a residential care facility for the elderly (RCFE), authorizes the Department of Social Services to require licensees to submit a written relocation plan, and requires licensees to provide adequate notice to each RCFE resident and their representatives.

AB 2066 (Monning) continued

Legislative History

Assembly Human Services (6-0)

Assembly Aging and Long Term Care (6-0)

Assembly Appropriations (17-0)

Assembly Floor (70-0)

Assembly Concurrence (79-0)

Senate Human Services (5-0)

Senate Appropriations (S.R. 28.8)

Senate Floor (36-0)

SB 411 (Price) – Home Care Services Act of 2011

Vetoed by the Governor

Established the Home Care Services Act of 2011, requiring the Department of Social Services to license private agencies that provide non-medical home care services, and to certify home care aides.

Legislative History

Senate Health (5-2)

Senate Appropriations (6-2)

Senate Floor (25-13)

Senate Concurrence (24-13)

Assembly Human Services (4-2)

Assembly Health (12-6)

Assembly Appropriations (12-5)

Assembly Floor (48-25)

SB 897 (Leno) – Residential care facilities for the elderly

Chapter 376, Statutes of 2011

Requires licensees of residential care facilities for the elderly to notify the State Long-Term Care Ombudsman, residents and potential residents, and the Department of Social Services of specified events indicating financial distress.

Legislative History

Senate Human Services (7-0)

Senate Appropriations (9-0)

Senate Floor (38-0)

Senate Concurrence (40-0)

Assembly Human Services (6-0)

Assembly Appropriations (15-0)

Assembly Floor (71-5)

DEVELOPMENTAL DISABILITIES

The Lanterman Developmental Disabilities Services Act (Lanterman Act; Welfare & Institutions Code § 4500 *et seq.*) guides the provision of services and supports for Californian's with developmental disabilities³. Each individual under the Act (or "consumer") is legally entitled to "treatment and

³ The term "developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. It includes mental retardation, cerebral palsy, epilepsy, and autism. It also includes disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation. Welf. & Inst. Code § 4512(a). Other Developmental Disabilities are those handicapping conditions similar to mental retardation that require treatment (i.e., care and management) similar to that required by individuals with mental retardation. This does not include handicapping conditions that are solely psychiatric or physical in nature. The handicapping conditions must occur before age 18, result in a substantial handicap, be likely to continue indefinitely, and involve brain damage or dysfunction. Examples of conditions might include intracranial neoplasms, degenerative brain disease or brain damage associated with accidents.

habilitation services and supports in the least restrictive environment.” W&I Code § 4502. Lanterman Act services are designed to enable all consumers to live more independent and productive lives in the community.

Direct responsibility for implementation of the Lanterman Act service system is shared by the Department of Developmental Services (DDS) and 21 Regional Centers (RCs). RCs are private nonprofit entities established pursuant to the Lanterman Act that contract with DDS to carry out many of the state’s responsibilities under the Act. The main roles of RCs include intake and assessment, individualized program plan development, case management, and securing services through generic agencies (e.g., school districts, In-Home Supportive Services) or by purchasing services provided by vendors. RCs also share primary responsibility with local education agencies for provision of early intervention services under the California Early Intervention Services Act (eg: Early Start Program). The Regional Center caseload includes just over 250,000 consumers⁴ who receive services such as respite care, transportation, day treatment programs, residential placements, supported living services, work support programs, and various social and therapeutic activities.

Services provided to people with developmental disabilities are determined through an individual planning process. Under this process, planning teams—which include, among others, the consumer, his or her legally authorized representative, and one or more Regional Center representatives—jointly prepare an Individual Program Plan (IPP) based on the consumer’s needs and choices. The Lanterman Act requires that the IPP promote community integration and maximize opportunities for each consumer to develop relationships, be part of community life, increase control over his or her life, and acquire increasingly positive roles in the community. The IPP must give the highest preference to those services and supports that allow minors to live with their families and adults to live as independently as possible in the community.

Developmental Centers

Approximately 1,600 consumers reside at one of California’s four Developmental Centers (DCs)—and one state-operated, specialized community facility—which provide 24-hour habilitation and medical and social treatment services. Over the years, DDS has engaged in conversations with the Legislature and consumer advocates about closure of the DCs, emphasizing the overarching goal of the Lanterman Act to provide appropriate services to individuals in the least restrictive setting possible. Some of the challenges that arise when a facility is slated for closure include questions about whether there are adequate community services and placement options, as well as family and/or consumer familiarity and comfort with placement in a developmental center (because new admissions have slowed, most DC residents have lived out a good portion of their lives in a facility). Currently, the Lanterman Developmental Center is undergoing closure, and 2012-13 Budget actions prioritized further reducing the DC population.

Programmatic Changes Tied to the Budget

The 2012-13 Developmental Services budget trailer bill contains a number of measures to reduce the DC population over time and ensure that any future placements are appropriate and necessary. These provisions include: significantly restricting the statutory criteria for admissions to DCs and providing for short-term acute crisis placements in DCs for up to six months, limiting the use of locked mental health facilities and out-of-state placements, and strengthening the capacity of the community to serve individuals with challenging needs (including expanded availability of Adult Residential Facilities for

⁴ This caseload number includes the Developmental Center population. Diagnostic and demographic information about the population served by regional centers is available on the DDS website: <http://www.dds.ca.gov/FactsStats/Home.cfm>.

Persons with Special Health Care Needs and the creation of a statewide Specialized Resource Service). Trailer bill language also includes provisions ensuring that the comprehensive assessments and reports for consumers residing in DCs on July 1, 2012 include input from the regional center, the consumer, and the consumer's family, legal guardian, or conservator, when appropriate, and identify the types of community-based services and supports available to the consumer. The budget also included savings from fully implementing SB 946 (Steinberg/Evans), Chapter 650, Statutes of 2011, requiring health care insurers to provide coverage for behavioral health treatment for individuals with pervasive developmental disorders or autism.

2011-12 Developmental Services Legislation

AB 254 (Beall) – Developmental services: Employment First Policy Died; not heard in the Assembly Human Services Committee

Specified requirements for regional center planning teams when developing an individual program plan for a transition age youth or working age adult, consistent with an Employment First Policy, while respecting the consumer's right to choose.

Legislative History

Assembly Human Services (Not heard)

AB 862 (Silva) – Developmental services: regional centers Vetoed by the Governor

Added specified items to the information each regional center is required to post on the regional center's Internet Web site.

Legislative History

Assembly Human Services (6-0)

Senate Human Services (7-0)

Assembly Appropriations (17-0)

Senate Appropriations (9-0)

Assembly Floor (76-0)

Senate Floor (33-0)

Assembly Concurrence (77-0)

AB 1244 (Chesbro) – Developmental services: Self-Determination Program Died; failed passage in the Senate Human Services Committee

Established the Self-Determination Program providing individuals with developmental disabilities with an individual funding allocation to give them greater control over the purchase of services and supports needed to implement their individual program plans.

Legislative History

Assembly Human Services (4-2)

Senate Human Services (3-3 Failed passage)

Assembly Appropriations (12-5)

Assembly Floor (51-27)

**AB 1375 (Huber) – Developmental services: autism spectrum disorders
Died; not heard in the Assembly Human Services Committee**

Required the Department of Developmental Services to provide guidance on evidence-based treatments for autism spectrum disorders.

Legislative History

Assembly Human Services (Not heard)

**AB 1554 (Jeffries) Developmental services: regional centers
Died on the Assembly Appropriations Suspense file**

Added a requirement for Regional Centers to post on their Internet Web sites: 1) the actual rates paid to each regional center vendor, updated annually, except consumers or family members of consumers; and 2) any regional center purchase of services or operations funds provided to a nonprofit housing organization outside the request for proposals process.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (Held on Suspense)

**AB 2338 (Chesbro) Developmental services: Employment First Policy
Died on the Senate Appropriations Suspense file**

Required Regional Center Planning Teams to consider an Employment First Policy when developing Individual Program Plans (IPPs) for regional center consumers over 16 years of age. This bill states that it is the policy of the state that, in furtherance of the Lanterman Act, opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities. This bill also requires information about the Employment First policy to be provided to consumers over age 16 and their representatives.

Legislative History

Assembly Human Services (4-2)

Assembly Appropriations (12-4)

Assembly Floor (48-25)

Senate Human Services (4-3)

Senate Appropriations (Held on Suspense)

**SB 368 (Liu) – Developmental services: decisionmaking
Chapter 471, Statutes of 2011**

Gives juvenile courts the authority to limit a parent or guardian's right to make decisions about the regional center and other developmental services for a child with developmental disabilities, and to appoint a developmental services decisionmaker.

SB 368 (Liu) continued

Legislative History

Senate Human Services (7-0)
Senate Appropriations (8-0)
Senate Floor (40-0)
Senate Concurrence (40-0)

Assembly Human Services (6-0)
Assembly Appropriations (17-0)
Assembly Floor (76-0)

SB 382 (Liu) – Developmental services: regional centers: complaints. Died; not heard in Assembly Human Services Committee

Permitted the performance objectives in the Department of Developmental Services' (DDS) contract with a regional center (RC) to include specified criteria related to complaints and individual program plan services; requires DDS to develop processes and procedures to address retaliation against RC employees and vendors; requires RCs to post a list of vendors and their rates on their Internet Web sites; and clarifies the selection of least costly providers.

Legislative History

Senate Human Services (7-0)
Senate Judiciary (5-0)
Senate Appropriations (8-0)

Assembly Human Services (Not heard)

SB 764 (Steinberg) - Developmental Services: telehealth systems program Vetoed by the Governor

Established a pilot program for the provision of treatment and intervention services for individuals with developmental disabilities through the use of telehealth. This bill also required the Department of Developmental Services to implement appropriate vendorization subcodes for telehealth services and programs.

Legislative History

Senate Human Services (4-0)
Senate Appropriations (6-2)
Senate Floor (24-13)
Senate Concurrence (35-0)

Assembly Human Services (4-0)
Assembly Appropriations (12-0)
Assembly Floor (54-25)

SB 1050 (Alquist) - Autism: telehealth task force Vetoed by the Governor

Required the Department of Developmental Services (DDS) to establish an autism telehealth task force, led by a public or nonprofit entity, to provide technical assistance and recommendations to DDS in the area of telehealth services for individuals with autism spectrum disorders (ASD).

Legislative History

Senate Human Services (7-0)
Senate Appropriations (7-0)
Senate Floor (38-0)
Senate Floor (38-0)

Assembly Human Services (4-0)
Assembly Health (14-0)
Assembly Appropriations (16-0)
Assembly Floor (71-5)

SB 1051 (Liu) - Reports of death, injury, and abuse: developmental centers and state hospitals: mandated reports
Chapter 660, Statutes of 2012

Requires the State Department of Developmental Services (DDS) to report certain events involving death or harm involving a developmental center resident to a designated protection and advocacy agency. The bill also requires the State Department of State Hospitals to report the same categories of events to the protection and advocacy agency, with respect to a resident of a state mental hospital. Additionally, this bill would require mandated reporters in DDS to immediately report suspected abuse to the Office of Protective Services or to the local law enforcement agency.

Legislative History

Senate Human Services (7-0)

Senate Public Safety (7-0)

Senate Appropriations (S.R. 28.8)

Senate Floor (39-0)

Senate Concurrence (37-0)

Assembly Public Safety (6-0)

Assembly Human Services (6-0)

Assembly Appropriations (17-0)

Assembly Floor (78-0)

SB 1392 (Pavley) - Developmental services
Died on the Assembly Appropriations Suspense file

Authorized the lease of real property on the grounds of a state developmental center determined to no longer meet the needs of the state for directly serving persons with developmental disabilities, and created the Californians with Developmental Disabilities Fund for deposit of the generated revenue.

Legislative History

Senate Governmental Organization (12-1)

Senate Appropriations (7-0)

Senate Floor (35-5)

Assembly Human Services (6-0)

Assembly Appropriations (Held on Suspense)

SB 1522 (Leno) - Developmental centers: reporting requirements
Chapter 578, Statutes of 2012

Requires a developmental center to immediately report a death, a sexual assault, an assault with a deadly weapon by a nonresident of the developmental center, an assault with force likely to produce great bodily injury, an injury to the genitals when the cause of injury is undetermined, or a broken bone when the cause of the break is undetermined, to the local law enforcement agency having jurisdiction over the city or county in which the developmental center is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances relating to the incident. The bill requires the developmental center to submit a written report of the incident to the local law enforcement agency within 2 working days of any telephone report to that agency.

SB 1522 (Leno) continued

Legislative History

Senate Human Services (7-0)
Senate Public Safety (7-0)
Senate Appropriations (S.R. 28.8)
Senate Floor (39-0)
Senate Concurrence (35-0)

Assembly Human Services (6-0)
Assembly Public Safety (6-0)
Assembly Appropriations (17-0)
Assembly Floor (80-0)

FOOD ASSISTANCE

CalFresh

Today, 47 million Americans—over 14% of the population—are receiving Supplemental Nutritional Assistance Program (SNAP) benefits (formerly known as Food Stamps), a new record for the nation's premier anti-hunger program for the poor. In California, around four million persons are receiving CalFresh (California's SNAP Program), up from just over three million in 2010. Food banks in the state are also experiencing steep increases in the number of clients they serve.

CalFresh benefits, entirely funded by the federal government, are made available for food purchase monthly through an ATM-like electronic benefits transfer (EBT) card. To qualify, a person's income must meet both net and gross income tests, and resources, such as cash on hand, generally cannot exceed \$2,000, or \$3,000 for households in which there is a disabled or elderly household member. CalFresh, is administered locally by county welfare departments, and the federal, state, and county governments share in the cost of administration of the program (50/35/15), contributing \$815 million, \$558 million, and \$226 million, respectively, in 2011-12⁵. By comparison, the total amount of federal dollars that directly benefitted CalFresh households in 2011-12 was \$7.2 billion.

On average, an individual receives \$150 and a household receives \$335 in benefits per month.

California Food Assistance Program

The California Food Assistance Program (CFAP) provides state-funded food stamps to legal immigrants ineligible for federal food stamps because of their immigration status. It is entirely funded by the state General Fund, costing a total of \$36.6 million⁶ to provide benefits to roughly 39,000 CFAP recipients in 2011-12.

Programmatic Changes Tied to the Budget

The 2012-13 budget included measures to streamline CalFresh program administration, including waiving the face-to-face interview requirement at recertification for households comprised of individuals who are aged or who have a disability and who do not have earnings, and other provisions to remove barriers to accessing benefits.

⁵ CDSS Local Assistance Binder Estimates, May Revise 2012, page 5, line 417

⁶ CDSS Local Assistance Binder Estimates, May Revise 2012, page 3, line 157

2011-12 Food Assistance Legislation

AB 6 (Fuentes) – CalFresh and CalWORKs Chapter 501, Statutes of 2011

See CalWORKs (page 7)

AB 69 (Beall) – CalFresh nutrition for seniors Chapter 502, Statutes of 2011

Allows counties to identify, through the Social Security Administration benefits database, seniors who may be eligible for CalFresh benefits in order to enroll them in the program and improve their nutrition.

Legislative History

Assembly Human Services (4-2)

Senate Human Services (4-0)

Assembly Appropriations (11-6)

Senate Appropriations (6-3)

Assembly Floor (49-27)

Senate Floor (26-2)

Assembly Concurrence (57-21)

AB 828 (Swanson) – CalFresh: eligibility: drug felonies Died on Senate Appropriations Suspense file

Allowed individuals convicted of drug-related felonies to receive federal CalFresh (food stamps) benefits.

Legislative History

Assembly Human Services (4-2)

Senate Human Services (4-3)

Assembly Appropriations (11-6)

Senate Appropriations (Held on Suspense)

Assembly Floor (46-30)

AB 1400 (Human Services Committee) – CalFresh name change and code clean-up Chapter 227, Statutes of 2011

Changes the name of the Food Stamp Program to "CalFresh" and makes technical changes to bring other human services-related code sections up-to-date.

Legislative History

Assembly Human Services (5-0)

Senate Human Services (7-0)

Assembly Floor (68-9)

Senate Floor (36-1)

Assembly Concurrence (63-13)

AB 1560 (Fuentes) CalFresh: categorical eligibility Died on the Senate Appropriations Suspense file

Required the Department of Social Services, to the extent permitted by federal law, to waive the CalFresh gross income test for any individual who is categorically eligible for CalFresh and who is a

AB 1560 (Fuentes) continued

member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal program.

Legislative History

Assembly Human Services (4-2)
Assembly Appropriations (12-5)
Assembly Floor (51-25)

Senate Human Services (4-2)
Senate Appropriations (Held on Suspense)

SB 43 (Liu) – CalFresh Employment and Training program Chapter 507, Statutes of 2011

Seeks to make the state's CalFresh Employment and Training program more effective and equitable.

Legislative History

Senate Human Services (7-0)
Senate Appropriations (8-0)
Senate Floor (39-0)
Senate Concurrence (39-0)

Assembly Human Services (6-0)
Assembly Appropriations (12-0)
Assembly Floor (61-18)

SB 1391 (Liu) CalFresh benefits: overissuance Chapter 491, Statutes of 2012

Establishes procedures, consistent with federal law, for recovering CalFresh overissuances, including requiring benefits to be reduced when an overissuance is caused by intentional

program violation or fraud, inadvertent household error, or when caused by administrative error, under certain circumstances. This bill prohibits collection of an overissuance from being attempted, in connection with a household that is no longer receiving CalFresh benefits, when the overissuance is caused by administrative error and is less than \$125, or a threshold established by the state pursuant to a specified provision, whichever is greater. This bill also requires collection of an overissuance to be attempted, in connection with a household that is no longer receiving CalFresh benefits, when the overissuance is caused by inadvertent household error and is \$35 or more.

Legislative History

Senate Human Services (6-1)
Senate Appropriations (5-2)
Senate Floor (32-6)
Senate Concurrence (26-7)

Assembly Human Services (4-2)
Assembly Appropriations (12-5)
Assembly Floor (52-24)

IN-HOME SUPPORTIVE SERVICES (IHSS)

IHSS is a county-administered program that serves around 440,000 individuals who are aged, blind, or disabled, statewide. Approximately 366,000 IHSS workers provide care for low-income individuals who are aged (65 and over), blind or disabled, living in their own homes (or are capable of doing so if IHSS services are provided), with income low enough to qualify for Supplemental Security Income/State Supplementary Program (SSI/SSP) benefits. Recipients must meet these

eligibility requirements to receive personal care and domestic services through IHSS that allow them to remain safely in their own homes and avoid institutionalization. IHSS services include (1) Paramedical services such as giving medications and changing a colostomy bag; (2) Non-Medical Personal Care services such as toileting, dressing, transportation; (3) Domestic services such as housework, shopping for groceries and meal preparation; and (4) Protective supervision for those who, due to cognitive decline or dementia, cannot be left alone for extended periods.

County social workers determine eligibility for IHSS after conducting a standardized in-home assessment, and periodic reassessments, of an individual's ability to perform specified activities of daily living. Once eligible, recipients are responsible for hiring, firing, directing and supervising their own IHSS provider or providers. Prior to receiving payment for services, providers must submit to a criminal background check and a provider orientation. In approximately 72% of cases, IHSS recipients choose a family member to provide care (including roughly 45% of providers who are a spouse, child, or parent of the recipient). IHSS is funded with federal, state, and county resources.

Programmatic Changes Tied to the Budget

SB 1036 (Chapter 45, Statutes of 2012), a 2012-13 budget trailer bill, enacted changes to the administration of the IHSS program as a part of the Long-Term Services and Supports (LTSS) integration in the Duals Demonstration Project. The Demonstration Project seeks to enable individuals to receive a continuum of services that maximizes access to, and coordination of, benefits between the Medi-Cal and Medicare programs, including the continuum of LTSS and behavioral health services. As an LTSS component, IHSS will be a Medi-Cal service provided through managed care in counties participating in the Demonstration Project, no sooner than March 1, 2013. SB 1036 includes this shift to managed care in the demonstration counties along with language that preserves IHSS recipient rights and maintains the key social model components of the IHSS program. SB 1036 also authorizes the establishment of care coordination teams, with a recipient's consent, which would be comprised of health care and other service providers, and the formation of a stakeholder workgroup to develop a universal assessment tool for all home- and community-based services.

2011-12 IHSS Legislation

AB 876 (Valadao) – In-Home Supportive Services program Chapter 73, Statutes of 2011

Narrows the circumstances that allow a provider of in-home supportive services to sign, on the client's behalf, the form that allows the client to hire a provider with a criminal record that includes various felonies.

Legislative History

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

Senate Human Services (7-0)
Senate Floor 36-0)

AB 1714 (Halderman) In-home supportive services: providers Died; failed passage in the Senate Human Services Committee

AB 1714 (Halderman) continued

Added forgery, embezzlement, extortion, and identity theft to the list of felony offenses for which a conviction precludes a new applicant from being an In-Home Supportive Services (IHSS) provider for a period of 10 years.

Legislative History

Assembly Human Services (4-2)

Senate Human Services (2-3 –failed passage)

Assembly Appropriations (9-6)

Assembly Floor (45-10)

AB 1841 (Silva) In-home supportive services providers: criminal exclusions Died; failed passage in the Assembly Human Services Committee

Deleted the authority of an In-home Supportive Services (IHSS) recipient to submit a waiver enabling a provider applicant who has been convicted of specified offenses to be employed as that individual's IHSS provider.

Legislative History

Assembly Human Services (2-4 Failed passage)

AB 2074 (Bradford) In-Home Supportive Services program: telehealth training program Died; not heard in the Assembly Human Services Committee

Required the Department of Social Services (DSS) to develop a training program for In-Home Supportive Services (IHSS) providers on the utilization of telehealth for purposes of home-based care.

Legislative History

Assembly Human Services (Not heard)

AB 2538 (John A. Pérez) In-home supportive services: criminal exclusions Died; not heard in the Senate Appropriations Committee

Authorized In-Home Supportive Services (IHSS) public authorities to provide the Department of Social Services with copies of the criminal offender record information search response pertaining to individuals applying for a general exception to the criminal exclusions applicable to IHSS provider applicants.

Legislative History

Assembly Human Services (6-0)

Senate Human Services (5-0)

Assembly Appropriations (17-0)

Senate Appropriations (Not Heard)

Assembly Floor (75-0)

SB 930 (Evans) – In-Home Supportive Services: enrollment and fingerprinting Chapter 649, Statutes of 2011

SB 930 (Evans) continued

Repeals requirements that In-Home Supportive Services recipients provide fingerprint images and that provider timesheets include spaces for provider and recipient fingerprints; repeals the prohibition against providers using a post office box address to receive their paychecks; and, corrects problems with the provider appeals process.

Legislative History

Senate Human Services (4-3)

Assembly Human Services (4-1)

Senate Appropriations (6-3)

Assembly Appropriations (11-6)

Senate Floor (23-16)

Assembly Floor (51-27)

Senate Concurrence (23-15)

SB 1503 (Steinberg) In-Home Supportive Services program Died; failed passage in the Assembly Health Committee

Required the Department of Health Care Services and the Department of Social Services to convene a stakeholder group that would establish a plan for the integration of In-Home Supportive Services with other long term supports and services as a part of the overall coordinated care initiative.

Legislative History

Senate Health (6-3)

Assembly Human Services (4-1)

Senate Appropriations (5-2)

Assembly Health (9-3 - Failed passage)

Senate Floor (25-13)

SERVICES FOR SENIORS

2011-12 Senior Services Legislation

AB 533 (Yamada) – Area agencies on aging: independent living centers: funding Died on Assembly Appropriations Suspense file

Created a pass-through mechanism enabling a continuous appropriation of federal funds appropriated to the State of California for the purposes of supporting independent living centers and Area Agencies on Aging.

Legislative History

Assembly Aging and Long Term Care (6-0)

Assembly Human Services (6-0)

Assembly Floor Appropriations (Held on Suspense)

AB 594 (Yamada) – California Department of Aging and Adult Services Died; not heard in the Assembly Human Services Committee

AB 594 (Yamada) continued

Enacted the Community Care Modernization Act of 2011, establishing the California Department of Aging and Adult Services with responsibility for designated programs providing services to older adults and people with disabilities.

Legislative History

Assembly Human Services (Not heard)

MISCELLANEOUS HUMAN SERVICES

AB 808 (Skinner) CalFresh: transitional benefits and recertification (*As amended 5.29.12 in the Senate subject matter changed: Workers' compensation: hospital employers: presumption*) Died on the Senate Floor inactive file

Streamlined the re-application process for former CalWORKs recipients who need to continue their CalFresh benefits when their CalFresh transitional benefits are about to expire.

Specifically, it would have required county welfare departments to provide each household receiving CalFresh transitional benefits with a notice of recertification—indicating an appointment date and time—in order to continue receiving non-transitional CalFresh benefits, and required the recertification process to be designed in a way that would not disrupt recipients' work schedules.

Legislative History

Assembly Human Services (6-0 - vote not relevant)

Assembly Appropriations (17-0 -vote not relevant)

Assembly Floor (75-0 -vote not relevant)

AB 1018 (Donnelly) – Public employees Dual referral to Assembly Judiciary and Assembly Human Services Died; failed passage in the Assembly Judiciary Committee

Required verification of immigration status for all persons who request state benefits and imposes liability and discipline for state and local employees.

Legislative History Legislative History

Assembly Judiciary (3-7 – Failed passage)

AB 1296 (Bonilla) - Health Care Eligibility, Enrollment, and Retention Act. *Not heard by Assembly Human Services Committee: amended, withdrawn from Committee and re-referred to Health Committee pursuant to Assembly Rule 96* Chapter 641, Statutes of 2011

Legislative History

Assembly Human Services (withdrawn)

AB 1970 (Skinner) - Social Services Modernization and Efficiency Act of 2012
(provisions of this bill were eventually added to AB 1359 (Skinner))
Died on the Senate Appropriations Suspense file

Established the Social Services Modernization and Efficiency (SSME) Act, which included various provisions seeking to streamline the application and recertification process for public benefits, including restricting verification of information required of applicants and recipients to what is federally required and establishing alternatives to in-person interviews for applications and redeterminations. This bill would have provided that all applicants and recipients of public social services, including CalFresh and any state health subsidy program, as defined, may choose to receive communications and notices related to benefits and eligibility electronically.

Legislative History

Assembly Human Services (4-2)
Assembly Appropriations (12-4)
Assembly Floor (48-24)

Senate Human Services (4-3)
Senate Appropriations (Held on Suspense)

AB 2101 (Achadjian) - Juvenile Rehabilitation Training Camp Pilot Program
Died; not heard in the Assembly Human Services Committee

Authorized exceptions to group home licensing provisions to permit the establishment of a pilot program for juvenile male felony offenders aged 13 to 17 years of age on a military base in San Luis Obispo County until January 1, 2023. Specifically, this bill establishes the Juvenile Rehabilitation Training Camp Pilot Program in San Luis Obispo County and would allow programs to be exempt from certain background check and community care licensing requirements if certain conditions are met.

Programs would be required to be instructed by qualified individuals with an emphasis on academics, physical fitness, and transforming the criminal mindset; provide individual and group counseling and leadership training; have previously operated as a group home in San Luis Obispo County; and, may only serve up to 60 individuals.

It would further exempt these programs from complying with group home statutes and regulations limiting existing fingerprinting and criminal background check requirements to individuals authorized to have more than incidental contact with a juvenile, including persons providing supervisory, coaching, or counseling services; the chief executive officer or other person serving in like capacity; and additional officers of the governing body with a financial interest in the program, as specified in regulation.

The program would be further allowed to be conducted in an open dormitory setting; policies related to meals, clothing, and supervision to be "commensurate with the needs of the program participants"; and to be established on a military base. Program participants would be required to undergo an assessment to determine the individual's physical and psychological suitability for the program; attend an onsite school supported by credentialed teachers; and not be subjected to physical or chemical force, or physical or mental intimidation or coercion from being used for punishment, behavior modification, or any other purpose except in response to an emergency situation creating

AB 2101 (Achadjian) continued

the risk of imminent physical harm to a participant or staff, and in accordance with use-of-force policies adopted by the Department of Social Services (DSS).

DSS would be required to submit a report on the pilot to the Legislature by January 1, 2018, with specified content and a final report by January 1, 2023.

Legislative History

Assembly Human Services (Not Heard)

AB 2137 (Bradford) - *Peace officers: airport law enforcement.*

Amended, withdrawn from the Assembly Human Services Committee and re-referred to Committee on Public Safety

Not heard by Assembly Human Services Committee.

AB 2186 (Grove) - Youth Emergency Telephone Referral Project Died on the Assembly Inactive File

Recasts and codifies the Youth Emergency Telephone Referral (YETR) Project and requires the California Emergency Management Agency to either administer the YETR Project directly or as a grant program issued through a competitive bidding process.

Legislative History

Assembly Human Services (6-0)

Assembly Appropriations (17-0)

AB 2268 (Eng) Services for underserved populations: funding models Died; not heard in the Assembly Human Services Committee

Requires state and local agencies to create mechanisms to supplement place-based and regional funding strategies for community based organizations (CBOs) that provide health and human services, and educational services. It would have required state and local agencies to create a mechanism to allow CBOs outside targeted boundaries under place-based or regional funding strategies to work with service-eligible community groups within the targeted boundaries and to allow service-eligible community groups outside of targeted boundaries under place-based or regional funding strategies to access services from CBOs within the targeted boundaries. Additionally, this bill would have imposed specific requirements on state and local agencies in creating the mechanisms that are related to cultural, language, and geographic considerations, health care and other disparities, building infrastructure and capacity in underrepresented communities, and adequate resources to ensure these elements can be addressed.

Legislative History

Assembly Human Services (Not heard)

AB 2400 (Butler) - Social rehabilitation facilities
Died; not heard in the Assembly Human Services Committee

Prohibited a licensed social rehabilitation facility from employing more than one licensed physician or surgeon or registered nurse for every 6 patients and would provide that medical services provided by a social rehabilitation facility that employs more than one licensed physician or surgeon or registered nurse for every 6 patients shall not be considered incidental medical services.

It would also presume excessive a rate charged by a social rehabilitation facility that is more than 150% of the rate the state pays for similar services, and require the Department of Social Services (DSS) to investigate complaints of excessive rates. DSS would be further required to issue an order to a facility charging excessive rates to reduce its rate to an amount that is no longer excessive, as determined by DSS, or justify its rate at a hearing, as specified, after which the department would issue an order determining a reasonable rate the facility may charge.

Legislative History

Assembly Human Services (Not heard)

AB 2547 (Blumenfield) - Homeless youth: Statewide Office of the Homeless Youth Advocate
Died on the Senate Appropriations Suspense file

Established the Statewide Office of the Homeless Youth Advocate (OHYA) within the California Health and Human Services Agency (HHS) to coordinate state programs, services and information for homeless youth. The OHYA would be required to provide information, coordinate assistance, and provide technical assistance to reduce unnecessary expenditures associated with duplicated services and to help improve the quality of services to homeless youth; identify procedural and substantive barriers and obstacles that inhibit the provision of services to homeless youth and make recommendations to the entities listed in the bill necessary to remove obstacles to services for homeless youth; make available on its Internet Web site information that is relevant and beneficial to homeless youth; update information received on available funding sources to assist homeless youth; work with entities to identify, facilitate and resolve issues that may inhibit the sharing of information beneficial to helping homeless youth; and, provide a biennial report to the Governor and the Legislature on the activities of the OHYA; and reduce unnecessary costs associated with the overlapping of services to homeless youth. It would also encourage the OHYA to work with other state and federal agencies and departments to meet the goals of the bill, including HHS, the CDE, the Administrative Office of the Courts, nonprofit organizations, appropriate federal departments and other key stakeholders.

Legislative History

Assembly Human Services (5-0)
Assembly Appropriations (12-5)
Assembly Floor (52-21)

Senate Governmental Organization (9-3)
Senate Appropriations (Held on Suspense)

**SB 320 (Wright) – Public social services: hearings
Died on the Assembly Appropriations Suspense file**

Specified procedures pertaining to state administrative hearings requested by applicants for, or recipients of, public social services. Primarily, this bill changes the process for conditional withdrawals, codifies the current policies on establishing the burden of proof, and clarifies and streamlines the scheduling and location of hearings.

Legislative History

Senate Human Services (7-0)

Assembly Human Services (4-2)

Senate Appropriations (6-2)

Assembly Appropriations (Held on Suspense)

Senate Floor (32-7)

**SB 662 (DeSaulnier) – Public services
Died; not heard in the Assembly Human Services Committee**

Authorized the Department of Finance to enter into contracts with counties to operate and integrate the health and safety programs included in the Governor's realignment proposal. This bill requires contracts between the state and the counties to be cost-neutral to both parties and to last 10 years unless they are extended in the ninth year.

Legislative History

Senate Governance & Finance (9-0)

Assembly Human Services (Not heard)

Senate Appropriations (9-0)

Senate Floor (39-0)

**SB 936 (Human Services Committee) – Public social services.
Died; not heard in the Assembly Human Services Committee**

Made technical clean-up changes to the Welfare and Institutions Code.

Legislative History

Senate Human Services (7-0)

Assembly Human Services (Not heard)

Senate Floor (40-0)

**SB 1087 (Walters) - Organized camps
Chapter 652, Statutes of 2012**

Doubles the hours from 30 hours per week to 60 hours per week for which an after school program operated by a city, county or non-profit may operate.

Legislative History

Senate Education (9-0)

Assembly Human Services (5-1)

Senate Health (9-0)

Assembly Appropriations (16-1)

Senate Floor (37-0)

Assembly Floor (75-0)

Senate Concurrence (33-0)

SB 1190 (Hancock) Women, infants, and children's nutrition

This bill was withdrawn from the Assembly Human Services and re-referred to Assembly Health Committee

This bill would have required the Department of Public Health (DPH) to provide the Legislature with briefings twice a year on the development of an electronic benefits transfer (EBT) system for the California Special Supplemental Food Program for Women, Infants, and Children (WIC), beginning on January 1, 2013, and until the system is fully operational.

Legislative History

Senate Health (9-0)

Assembly Human Services (withdrawn)

Senate Appropriations (7-0)

Senate Floor (38-0)

SB 1377 (Corbett) - Protection and Advocacy agencies**Chapter 664, Statutes of 2012**

Clarifies the role of and information available to the state-designated protection and advocacy (P&A) agency. Specifically, this bill:

- 1) Provides that the authority of the Protection and Advocacy Agency (P&A) agency shall include access to the following unredacted records: a citation report, licensing report, survey report, plan of correction, or statement of deficiency prepared by a department responsible for issuing a license or certificate to a program, facility, or service serving an individual with a disability, and provides that the information obtained in those records is subject to the confidentiality requirements of the Welfare and Institutions (W&I) Code Section 4903(f).
- 2) Adds to the enumerated exceptions of existing law that the information and records otherwise subject to certain confidentiality requirements shall also be disclosed to the P&A agency to the extent that the information is contained in an unredacted version of any of the following: an unredacted facility evaluation report form, an unredacted Department of Social Services complaint report form, a citation report, licensing report, survey report, plan of correction, or statement of deficiency prepared by an authorized licensing personnel or authorized representatives described, as specified.
- 3) Deletes obsolete and inapplicable references.

Legislative History

Senate Judiciary (5-0)

Assembly Judiciary (10-0)

Senate Appropriations (S.R. 28.8)

Assembly Human Services (6-0)

Senate Floor (37-0)

Assembly Appropriations (17-0)

Senate Concurrence (37-0)

2011-12 Assembly Human Services bills

<u>Subject</u> ⁷	<u>Referred</u>	<u>Analyzed</u>	<u>Heard</u>	<u>Passed</u> <u>HS</u>	<u>Enrolled</u>	<u>Chaptered</u>	<u>Vetoed</u>
CalWORKs	18	12	12	9	5	4	1
Child Care	8	7	7	7	5	2	3
Child Welfare Services/Foster Care	30	26	26	26	13	12	1
Community Care Licensing	12	11	11	11	5	4	1
Developmental Disabilities	13	10	10	10	6	3	3
Food Assistance	6	6	6	6	4	4	0
In-Home Supportive Services (IHSS)	7	6	6	6	2	2	0
Services for Seniors	2	1	1	1	0	0	0
Miscellaneous Human Services	16	7	7	7	2	2	0
TOTAL	112	86	86	83	42	33	9

⁷ Bills falling under more than one subject area are counted only for the first applicable subject area listed in the table.