

County Welfare Directors Association 2001 Chaptered & Vetoed Legislation Report



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ADULT SERVICES

AB 530 (Reyes)
Chapter 845

Crime Prevention: Requires the Department of Justice to provide subsequent arrest information regarding persons who are employed to provide non-medical domestic or personal care to an aged or disabled person in the recipient's own home, upon request of the employer. Also extends the sunset date on the Rural Crime Prevention Program operated in eight counties to July 1, 2002.

AB 830 (Cohn)
Chapter 682

Senior Legal Services: Establishes a task force to study and recommend innovative measures to improve the delivery of legal services to senior citizens. The Governor deleted a \$100,000 appropriation in the bill and added a signing message directing the Department of Aging to implement the bill within existing resources.

AB 1286
(Rod Pacheco)
Chapter 563

Conservatorships: Bonds: (1) Exempts public guardians from the requirement that original statements from a financial institution accompany all accountings to the court for the estate of a conservatee or ward. (2) Prohibits a probate court from waiving the filing of a bond by a conservator without good cause, and requires that a separate bond be filed for each conservatee, except in cases where the assets of multiple conservatees are commingled, in which case one bond that covers all assets may be required. Note that existing state law appears to exempt public guardians from this requirement, as well.

AB 1690
(Human Services)
Chapter 196

Elder and Dependent Abuse Reporting: Training: Requires Residential Care Facilities for the Elderly to train staff on how to recognize and report elder and dependent adult abuse.

SB 333 (Escutia)
Chapter 301

Elder Death Review Teams: Authorizes each county to establish an interagency elder death review team, composed of specified members, to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communication among persons who perform autopsies and the persons and agencies involved in elder abuse or neglect cases, and sets forth confidentiality provisions for the interaction of team members.

SB 502 (Ortiz)
Chapter 579

Elder Abuse: Requires, by January 1, 2003, the Office of Criminal Justice Planning (OCJP) to establish a uniform approach for providing medical examinations, documentation and evidence collection for victims of domestic violence and elder and dependent adult abuse. In a signing message, the Governor deleted Section 2 of the bill, which contained a \$100,000 appropriation to implement the bill, and directed OCJP to implement the bill within its existing resources.

SB 696 (Speier)
Chapter 693

Pharmacies: Prescription Benefits: Creates a discount prescription drug program for Medicare beneficiaries, which is voluntary for Medicare

beneficiaries, pharmacies and drug manufacturers, to be administered by the Department of Health Services. The discounts would come from negotiated reduced prices, plus additional reductions due to manufacturer rebates.

SB 1190 (Health)
Chapter 452

Assistive Dog Allowance: Increases the monthly allowance for Social Security Disability Insurance recipients whose incomes are not above the federal poverty level and who own guide, signal, or service dogs from \$35 to \$50, to be used for dog food and other care and maintenance of the dog.

BUDGET & APPROPRIATIONS



AB 427 (Hertzberg)
Chapter 125

Public Social Services: Enacts three foster-care related programs as part of the 2001-02 budget package. 1) Expands the Transitional Housing Payment Program and extends eligibility to former foster youth up to age 21; 2) Creates the Supportive Transitional Emancipation Program to provide monthly stipends to certain former foster youth; and 3) Establishes a pilot project in Los Angeles County to provide Internet-based education and health information for foster youth.

AB 429 (Budget)
Chapter 111

Social Services Budget Trailer Legislation: Enacts budget-related statute concerning the Departments of Aging, Rehabilitation, Alcohol and Drug Programs, Employment Development, Social Services and to the Health and Human Services Agency Data Center.

AB 430 (Cardenas)
Chapter 171

Health Budget Trailer Legislation: Enacts budget-related statute concerning the Departments of Health Services, Developmental Services, Mental Health, and Managed Care and to the Managed Risk Medical Insurance Board, the Emergency Medical Services Authority, and the Organization of Area Boards.

SB 739 (Peace)
Chapter 739

2001-02 Budget Act: Enacts the state budget for the 2001-02 fiscal year.



CALWORKS & FOOD STAMPS

AB 1692
(Human Services)
Chapter 652

CalWORKs Eligibility: Work Activities: Enables CalWORKs participants to remain eligible for aid for more than 18/24 cumulative months if they receive subsidized employment through the U.S. Department of Labor Welfare-to-Work program or participate in work experience as defined under current TANF regulations. (CWDA Sponsored Legislation)



CHILDRENS' ISSUES

AB 102
(Rod Pacheco)
Chapter 133

Child Abuse Reporting: Emotional Well-Being: Authorizes any mandated child abuse reporter who knows or reasonably suspects that mental suffering has been inflicted upon a child, or that his or her emotional well-being is endangered in any other way, to make a report of the suspected abuse. This is clean-up legislation to the author's AB 1241 (Statutes of 2000) which made a number of technical changes to the Child Abuse Neglect and Reporting Act.

AB 160 (Bates)
Chapter 698

Domestic Violence: Protective Orders: Provides that a domestic violence restraining order issued by a criminal court has precedence in enforcement over any civil order issued against the same defendant. Requires the Judicial Council to establish a protocol by January 1, 2003, that courts shall use to coordinate multiple orders against the same defendant. The protocol is to include mechanisms for information sharing among criminal, family, and juvenile courts concerning orders and cases that involve the same parties, and shall require that orders permitting contact between the restrained person and his or her children provide for the safe exchange of the children and be consistent with any "no contact order" issued by a criminal court.

AB 313 (Goldberg)
Chapter 842

Women, Infants, and Children: Allows WIC participants to shop at any authorized retail food vendor, instead of a specific, pre-selected store. Also requires the Department of Health Services to review and report on the integrity of the program and to report on the feasibility of implementing an Electronic Benefits Transfer system and the use optical scanning technology for WIC coupons. In a signing message, Governor Davis directed DHS to establish a WIC Fraud Unit and asked for follow-up legislation that would extend the implementation deadline (currently July 1, 2002).

AB 333 (Wright)
Chapter 675

Foster Care: Requires that monthly visits to children in out-of-home care by a social worker or probation officer include a private discussion between the youth and worker. Prohibits the contents of this discussion from being disclosed to the foster parent or group home staff, except in cases where the social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or disclosure is necessary to fulfill the county's caretaking responsibility.

AB 538 (Cardoza)
Chapter 353

Adoption: 1) Requires that when siblings are to be adopted as a group, all of the siblings must be assigned to one social worker, unless such an assignment would adversely affect the children or the county's operations. 2) Permits county agencies to share information about a foster child's history with prospective adoptive parents. 3) Allows county investigations required in step-parent adoptions to be conducted by a licensed clinical social worker or a licensed marriage family therapist. 4) Requires a paternity action to be consolidated with a petition for termination of parental rights, unless substantial hardship is shown. 5) Allows families adopting foreign-born children to use the delayed registration procedure during re-adoption proceedings.

AB 636 (Steinberg)
Chapter

Child Welfare Services: Requires the California Health and Human Services Agency to convene a workgroup by October 1, 2002, charged with establishing a plan for a new outcome-based process of reviewing child and family services programs in each county. The Department of Social Services must establish the new review system effective April 1, 2003, with reviews to begin no later than January 1, 2004. The bill also would eliminate the current Division 31 process reviews as of this date.

AB 705 (Steinberg)
Chapter 747

Dependent Children: Siblings: Requires a social worker to place siblings taken into temporary custody together, if it is appropriate and practical, or to note the steps taken to place them together or why placing them together is inappropriate or impractical. 2) Adds "substantial interference with a sibling relationship" to the list of factors a judge may use as a basis for not terminating parental rights. 3) Gives the court limited jurisdiction after adoption to enforce post-adoption sibling contact agreements. 4) Requires a social worker to provide the dependent child's counsel with a complete report, rather than a summary, at the same time the parents and/or parents' counsel are provided with the complete report.

AB 899 (Liu)
Chapter 683

Rights of Foster Children: Specifies the rights of children in foster care, and requires social workers and foster care providers to supply information regarding those rights.

AB 1129 (Liu)
Chapter 713

Juvenile Court Proceedings: Authorizes the juvenile dependency court, when issuing a restraining order protecting a child from certain behavior by any parent, guardian, or current or former member of the child's household, to issue an order protecting the parent, guardian, or caretaker from that person, whether the child resides with them or not.

- AB 1261 (Migden)**
Chapter 686
Independent Living Program: Increases the amount of savings that a foster youth over the age of 16 may retain, from \$5,000 to \$10,000.
(CWDA Sponsored Legislation)
- AB 1449 (Keeley)**
Chapter 463
Child Support: Allows the county child support department, in consultation with the county child welfare agency, to decide on a case-by-case basis whether to forego collection of owed child support if it is in the child's best interests and promotes reunification. Also allows county child welfare agencies to decide up-front to forego the commencement of child support in order to facilitate family reunification.
- AB 1695 (Human Services)**
Chapter 653
Foster Care: Conforms state child welfare laws with recent changes to federal law and regulations as a result of the Adoption and Safe Families Act of 1997, by clarifying state practices with regard to the licensure and approval of relative and non-relative foster homes. *(CWDA Sponsored Legislation)*
- AB 1696 (Human Services)**
Chapter 831
Minors: Requires a probation officer investigating the facts surrounding a minor being taken into custody, who has reason to believe that the minor is at risk of entering foster care placement, to make reasonable efforts to prevent or eliminate the need to remove the minor from home.
- AB 1697 (Judiciary)**
Chapter 754
Judicial Proceedings: Technical clean-up legislation to update the family and juvenile law codes consistent with legislation passed in recent years. Also restores a provision that was inadvertently chaptered out of the juvenile dependency laws during the last session, which requires a social worker's social study or evaluation of a juvenile court dependent to include a discussion of whether the child has any siblings also under the court's jurisdiction and, if so, the appropriateness of developing or maintaining the sibling relationship.
- SB 432 (Monteith)**
Chapter 470
Parole: Child Abuse: Requires the California Department of Corrections and the Board of Prison Terms to provide notification to a county child welfare services agency that requests notification of the impending release of an inmate committed to state prison for child abuse, sexual offenses against a child, or domestic violence.
- SB 819 (Johnson)**
Chapter 378
Child Day Care Facilities: Requires that the Department of Social Services reopen an investigation into a licensed child day care facility when any person provides the department with a certified copy of a court record in which a judicial officer has determined that a child's injury may have been inflicted while in the custody of the day care facility. Also contains a provision requiring the department to provide the county child protection agency with a copy of the court record. In a signing message, the Governor asked that the author carry clean-up legislation during the coming year to remove this provision, because county child protection agencies play no role in the investigation of licensed child care facilities.
- SB 841 (Alpert)**
Chapter 694
Foster Care: Requires the Department of Social Services to provide technical assistance and training to help counties that elect to establish Early

Start to Emancipation programs similar to a program established in the County of Los Angeles in order to provide services to foster youth as they transition from middle school to high school. In a signing message, the Governor deleted a \$125,000 appropriation from the bill and directed the department to implement the bill within existing resources.

SB 884 (Escutia)
Chapter 445

Dependent Children: Clarifies that a county child welfare agency has the authority to grant case-by-case exemptions to the state laws governing the approval or rejection of caregivers based on the results of a fingerprint background check, upon entering into an agreement with DSS. This legislation does not require counties to grant exemptions, but instead allows each county to decide whether to seek the exemption authority. The department is required to report to the Legislature on the implementation of these provisions, which sunset on January 1, 2005.

SB 940 (Judiciary)
Chapter 830

Disclosure of Information Regarding Juveniles: 1) Requires juvenile court judges to consider subdivision (e) of Section 24 of the Standards of Judicial Administration, which recommends a leadership role for judges in the development and coordination of services and resources for at-risk youth and their families. 2) Requires, when a minor is under the jurisdiction of the juvenile court in one county and is alleged to come within the jurisdiction of the juvenile court in another county, that the two counties make an initial determination of whether dependency or delinquency would best serve the interests of the minor and the protection of society, to be presented in the court where the petition is filed. Any other court having jurisdiction over the minor must receive notice within five days of the presentation of the recommendations. 3) Allows a hearing to be held upon a written notice to appear in the case of an infraction violation by a minor, without consent of the minor. 4) Requires probation to begin proceedings to terminate parental rights when a ward has been in foster care 15 of the most recent 22 months, with certain exceptions. 5) Clarifies for Los Angeles County the persons/entities entitled to receive a copy of juvenile police records.

MEDI-CAL & HEALTHY FAMILIES



AB 59 (Cedillo)
Chapter 894

Health Programs: Eligibility: Expedites Medi-Cal and Healthy Families enrollment for children receiving free meals through the National School Lunch Program as of July, 2002. Enables school districts to share information contained on the school lunch program application with county welfare departments for the purposes of determining Medi-Cal eligibility, upon consent of the parent or guardian. The county will use the school lunch application to determine income eligibility and will follow up with families for additional information needed to verify eligibility. (CWDA Sponsored Legislation)

- AB 495 (Diaz)**
Chapter 648
- Health Care Coverage:** Creates the Children's Health Initiative Matching Fund to provide local agencies with federal matching funds for health insurance coverage for children whose family incomes are at or below 300 percent of the federal poverty level and who do not qualify for health care benefits through Healthy Families or Medi-Cal. Funding will come from unused federal financial participation available to California's Healthy Families program. A federal waiver required in order to implement this bill will not be submitted until after the Healthy Families parental coverage waiver is approved.
- AB 963 (Cardoza)**
Chapter 526
- Medi-Cal Reimbursement:** Requires that county-operated community clinics must be reimbursed for Medi-Cal services using the methodology used for reimbursing licensed surgical centers, to the extent federal financial participation is available and with certain exceptions.
- SB 344 (Ortiz)**
Chapter 276
- Health Care Data Reporting:** Requires the Department of Health Services to place on its website data relating to Medi-Cal program enrollment and other program data, in a format that is easily understandable to the general public.
- SB 493 (Sher)**
Chapter 897
- Health Programs:** At the time of a household's annual Food Stamp recertification, requires the county to send the household a notice asking permission to use the income and family information in the Food Stamp case file to make an eligibility determination for Medi-Cal or Healthy Families.



MISCELLANEOUS

- AB 328 (Salinas)**
Chapter 367
- Mental Health Realignment: Reports:** Requires the Department of Mental Health to work cooperatively with the California Mental Health Directors Association (CMHDA) and other relevant parties to submit specified data on the current status of the county mental health programs.
- ABX1 3 (Wright)**
Chapter 11
- California Alternative Rates for Energy or CARE Program:** Requires CARE program funds to be used to provide natural gas customers who enroll in CARE during a specified period of time with a one-time bill credit based on the amount of each gas corporation's average CARE customer discount applied during specified months.
- SB 73 (Dunn)**
Chapter 668
- Taxation: Low-Income Housing:** Increases the amount of low-income housing tax credits available from \$50 million to \$70 million starting in 2001, and adjusts that amount for inflation each year. Also directs the California Tax Credit Allocation Committee to review and evaluate the geographic apportionment methodology of the low-income housing credit program and to report back to the Legislature by June 30, 2002.

VETOED LEGISLATION



AB 20 (Koretz)

Senior Centers: Would require the Department of Aging to conduct statewide research on the need for senior centers throughout the state. In his veto message, the Governor noted that while collecting complete and reliable information on the need to establish senior centers across the state is important, the bill was not funded in the budget and the survey could create an expectation of future funding for senior centers which may not be forthcoming due to the rapid decline in the economy.

AB 144 (Cedillo)

Public Social Services: Would allow CalWORKs cash aid and food stamp applicants to own a motor vehicle with a fair market value of \$15,000 or less if employed or engaged in work related activities. In addition, applicants or recipients who are victims of abuse could retain one vehicle regardless of the value until they are no longer subject to or at risk of abuse. In vetoing the legislation, Governor Davis cited increased costs for grants, food stamps, and supportive services for families who become eligible as a result of the change.

AB 524 (Aroner)

Personal Care Services: Advance Payment: Would require the Department of Health Services to submit a federal waiver request, developed in consultation with the Department of Social Services, to secure Medi-Cal funding for eligible Personal Care Services Program (PCSP) recipients opting into the advance payment method. Would require CDSS to modify the Case Management Information and Payrolling System (CMIPS) to accommodate the PCSP changes. In his veto message, the Governor indicated that the potential high costs of CMIPS changes could not be justified in light of the declining economy.

AB 767 (Goldberg)

CalWORKs: Food Stamps: Would permit counties to provide aid under CalWORKs, non-health-care general assistance benefits, or food stamps to persons convicted of a felony for the possession or use of controlled substances if they meet one of several specified conditions related to drug treatment. In his veto message, the Governor expressed concerns that the bill would significantly change the CalWORKs program and increase caseloads, resulting in higher costs for county administration, grants, and employment services.

AB 1111 (Simitian)

Financial Abuse Specialist Teams: Would establish the Elder and Dependent Adult Financial Abuse Protection Program within the Office of Criminal Justice Planning, the purpose of which would be to combat the financial abuse of elder and dependent adults. The Governor vetoed this legislation in light of the declining economy and other existing resources for identifying and combating elder abuse.

- AB 1497 (Negrete McLeod)** **California Victim Compensation:** Would allow counties to submit claims to the California Victim Compensation Board for the costs of forensic evidentiary interviews with victims of child abuse. In vetoing the bill, Governor Davis expressed concern that broadening the purposes of the Victims Restitution Fund could set a costly precedent and have a negative long-term fiscal impact on the fund. He indicated that he sees no reason to supplant current county spending on these interviews.
- AB 1739 (Reyes)** **Foster Care and Emergency Housing:** Would require the Department of Social Services to revise foster care placement guidelines and modify emergency shelter and transitional housing program eligibility restrictions. The Governor indicated the bill would require DSS to develop foster care placement guidelines in conflict with the requirements of the federal Adoption and Safe Families Act, jeopardizing more than \$300 million in federal financial participation.
- SB 30 (Chesbro)** **Mental Health:** Would require the Health and Human Services Agency to establish a Realignment Review Task Force to examine the relationship between the state and counties in the delivery of mental health, health, social services and related programs. The Governor stated that the SB 30 study would be largely duplicative of a study completed by the Office of the Legislative Analyst earlier this year and that he would use that report, in addition to the report required by AB 328 (Salinas) to consider any future changes to Realignment.
- SB 101 (Brulte)** **Abandonment of Newborns:** Would appropriate \$1 million to DSS for a media campaign to inform persons likely to abandon their newborns about the options available under recently enacted legislation, also by Senator Brulte. While the Governor indicated his support for the intent of this bill, he vetoed it because it was not funded in the Budget Act and directed DSS to pursue collaborative efforts with the Department of Health Services, Department of Education, and Office of the Attorney General to develop a cost-effective outreach plan for the program.
- SB 380 (Murray)** **CalWORKs: Community College Students:** Would allow CalWORKs recipients attending community colleges to apply one hour of study time for each hour of classroom instruction, up to a maximum of six hours per week, towards their work requirement. In his veto message, the Governor noted that he could not support the bill because it reduces the work requirement for these CalWORKs participants.
- SB 515 (Alpert)** **Youth Development Act:** Would establish the Youth Development Act and create the California Council on Youth Development, representing state officials, state departments, and youth. The Governor indicated that he supports coordinating services for youth, but vetoed the bill because it would require agencies to redirect their base funding.
- SB 833 (Ortiz)** **Medi-Cal Program: Eligibility:** Would align certain Medi-Cal eligibility rules for two-parent families with rules for single-parent families, at an estimated cost of \$1 million to the General Fund. In his veto message, the Governor indicated that while he has supported health coverage

expansions for children and families in the past, he opposes the bill due to the declining economy and projected budget shortfalls.

- SB 961 (Polanco)** **Domestic Violence Reporting:** Would require child protective agencies, in collaboration with local law enforcement, to develop protocols for responding to violence in homes where children reside. In vetoing the bill, the Governor indicated that he believed the goals of the bill can be accomplished through the Office of Criminal Justice Planning's existing Violence Against Women Vertical Prosecution Program (VAW-VP). The veto message directs OCJP to require VAW-VP grantees to develop protocols as a condition of receiving funds.
- SB 962 (Polanco)** **Child Death Review Team Training:** Would appropriate \$100,000 from the General Fund to the Office of Criminal Justice Planning (OCJP) for the purpose of training statewide Child Death Review Teams. In his veto message, the Governor indicates that he opposes this additional General Fund spending due to the declining economy and expected budget shortfalls, and directs OCJP to continue its Child Death Review Team project using federal funds.
- SB 963 (Vincent)** **Pupil Records:** Would authorize social workers and probation officers to access student records for purpose of casework planning and monitoring wards and probationers. The Governor vetoed the bill in light of the declining economy. The veto message notes that many counties already receive this information from their local schools and encourages all districts to share the needed information.