

County Welfare Directors Association 1999 Chaptered & Vetoed Legislation Report

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SJR 10 (Dunn) Older Americans Act6

ADULT SERVICES

- AB 27 (Nakano)**
Chapter #950
Long-Term Care Infrastructure Blueprint: Authorizes the Health and Human Services Agency to contract with a consulting firm for the development of a long-term care infrastructure blueprint.
- AB 59 (Cedillo)**
or
Chapter #561
Elder Abuse: Protective Orders: Establishes procedures for an elder or dependent adult to seek a protective order against a caretaker or relative.
- AB 452 (Mazzoni)**
Chapter #895
Long-Term Care: Establishes a Long-Term Care Council within the Health and Human Services Agency.
- AB 582 (Firebaugh)**
Chapter #859
Ageing Department: MSSP: Requires the Department of Aging to formulate criteria for the approval and designation of local Multipurpose Senior Services Program (MSSP) sites.
- AB 739 (Pescetti)**
Chapter #236
Adult Protective Services: Current law provides an elder or dependent adult abuse reporting exception for all mandated reporters in specific instances. This measure limits the mandated reporting exemption in existing law to physicians, surgeons, registered nurses, and psychotherapists and revises the circumstances in which mandated reporters are not required to report abuse.
- AB 868 (Cardoza)**
Chapter #943
Long-Term Care Ombudsman: Establishes minimum qualifications for the office of Long-Term Care Ombudsman. Makes other minor changes.
- AB 1108 (Assembly Human Services Committee) Hospice Care:** Permits an adult residential care facility to obtain a licensing waiver to allow a person who has been diagnosed as terminally ill to remain in the facility.
- AB 1499 (Lowenthal)**
Chapter #414
Mandated Reporter Training: Requires each long-term health care facility and community care facility to provide training to the relevant staff in order to recognize and report elder and dependent adult abuse.
- AB 1697 (Assembly Aging and Long-Term Care Committee) Fund for Senior Citizens:**
Chapter #228
Extends the sunset date for the income tax check-off for the California Fund for Senior Citizens from January 1, 2000, to January 1, 2005.
- SB 286 (Wright)**
Chapter #359
Residential Care Facilities: Background Checks: Exempts from the criminal background check required under existing law certain individuals in residential care facilities for the elderly, such as resident's spouses and volunteers.
- SB 910 (Vasconcellos) Aging: Strategic Plan:** Requests the University of California (UC) to conduct a demographic study of the aging population of the state, identify existing resources for serving the aging population, and develop a plan for a longitudinal state aging database. Requires the Health and Human Services Agency to develop a statewide strategic plan based on the work

that the UC conducts.

SB 1003 (Vasconcellos) Adult Protective Services: Allows county APS Agencies to forgo an in-person response to reports of elder or dependent adult abuse if the county finds that the person is not at imminent risk of harm. The bill's provisions sunset on January 1, 2001. This measure was sponsored by CWDA.

SJR 10 (Dunn)
Res. Chapter #57 **Older Americans Act of 1965:** Memorializes the President and the Congress of the United States to enact legislation that would reauthorize the federal Older Americans Act of 1965 without further delay.

BUDGET AND APPROPRIATIONS

AB 319 (Thomson)
Chapter #847 **Health Programs:** Requires the State Department of Health Services each year to forward to each county 25 percent of their annual General Fund allocation for health services programs.

AB 1111 (Aroner)
Chapter #147 **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 Welfare Data Center.

AB 1682 (Honda)
Chapter #90 **IHSS Budget Trailer Legislation:** Enacts budget related statute concerning In-Home Supportive Services (IHSS). Specifically the bill requires counties to establish an employer of record for IHSS providers, for purposes of employer-employee relations, that is either 1) a public authority, 2) a contractor, or 3) the county. Also would have created an ongoing state share of cost for wages and benefits above the minimum wage in the IHSS public authority mode, however, this provision was deliberately "chaptered out" and replaced by the provision in SB 710 (see below).

SB 160 (Peace)
Chapter #50 **1999-2000 Budget Act:** Enacts the state budget for the 1999-2000 fiscal year.

SB 708 (Senate Budget and Fiscal Review Committee) Social Services Budget Trailer
Chapter #148 **Legislation:** Enacts budget related statute concerning the Medi-Cal program and the Cash Assistance Program for Immigrants (CAPI) program.

SB 710 (Burton)
Chapter #91 **IHSS Budget Trailer Legislation:** Replaces the provisions concerning the state's share of In-Home Supportive Services (IHSS) Public Authority provider wages in AB 1682 with a provision that provides an 80 percent state match for an increase in wages of up to \$0.50. This provision sunsets on July 1, 2000.

CALWORKS, FOOD STAMPS & MEDI-CAL

- AB 87 (Floyd)**
Chapter #763
WIC Program: EBT: Requires the Department of Health Services to conduct a feasibility study on establishing an electronic benefit transfer (EBT) system for the Women, Infants and Children (WIC) program.
- AB 97 (Torlakson)**
Chapter #893
Low-Income Housing: Deletes the January 1, 2000, sunset date for California's low-income housing credit program and extends the program for as long as the federal low-income housing tax credit program remains in effect.
- AB 155 (Migden)**
Chapter #820
Medi-Cal: Expands Medi-Cal to cover individuals who are disabled and have an income of no more than 250 percent of the federal poverty level, subject to federal financial participation.
- AB 181 (Zettel)**
Chapter #851
Child Care: After School Care: Establishes the "Six-to-Six" pilot project in San Diego County to provide extended child care to school-age children.
- AB 458 (Zettel)**
Chapter #823
Child Care: Requires child care resource and referral agencies to inform individuals being referred of their right to view a child care provider's licensing documentation and information.
- AB 510 (Wright)**
Chapter #826
CalWORKs: Recipient Reporting: Establishes a nine-county pilot project to operate a quarterly reporting and prospective budgeting system in the CalWORKs and Food Stamps programs. This measure was sponsored by CWDA.
- AB 643 (Wesson)**
Chapter #829
Youthbuild Program: Establishes the Youthbuild program within the Employment Development Department to provide grants to organizations which provide employment and training to disadvantaged youth.
- AB 855 (Cardenas)**
Chapter #492
Child Care Loan Guaranty: Expands the types of child care facilities eligible for the Child Care and Development Loan Guaranty and Direct Loan programs to include licensed child care and development facilities and family day care homes. Makes other minor changes.
- AB 926 (Cedillo)**
Chapter #573
Job Training: At-Risk Youth: Revises the criteria for the administration of and the funding requirements for an existing at-risk youth training demonstration program.
- AB 1052 (Jackson)**
Chapter #548
Child Care: Eliminates the June 30, 2000, sunset date for the California Child Care Initiative, thereby making the program permanent.
- AB 1518 (Soto)**
Chapter #919
CalWORKs: Integrated Services Pilot: Establishes pilot projects in Alameda, San Bernardino and Ventura Counties to provide integrated services to families participating in the CalWORKs program who have multiple barriers to achieving self-sufficiency.
- SB 164 (Johnston)**
Medi-Cal: Prevents reparation payments made to Japanese-Americans

- Chapter #471 by the Canadian government from affecting eligibility for or levels of financial aid, Medi-Cal, or public assistance benefits.
- SB 516 (Haynes)**
Chapter #551 **Welfare-to-Work Grants:** Requires the Employment Development Department (EDD) and the Department of Social Services (DSS) to adopt regulations to implement the federal options to provide US Department of Labor block grant and CalWORKs employment services through charitable, religious, or private organizations.
- SB 618 (Chesbro)**
Chapter #934 **Child Care Facilities: Fingerprinting:** Prohibits the Department of Justice from charging a fee for the fingerprinting of volunteers at child care facilities until July 1, 2000, and thereafter prohibits the charging of a fee only if funding to pay for volunteer fingerprinting is provided in the annual budget act.
- SB 938 (Solis)**
Chapter #882 **Child Care: Alternative Payment Providers:** Increases the proportion of subsidized child care slots allowed in Alternative Payment Provider (APP) supported facilities from 50 percent to 75 percent when certain supply shortfall conditions exist.
- SB 1247(Escutia)**
Chapter #371 **Electronic Benefit Transfer:** Requires benefits issued through Electronic Benefit Transfer (EBT) cards to be staggered over a three day period, while permitting counties to exempt individuals from the three day staggering for hardship.

CHILD SUPPORT

- AB 196 (Kuehl)**
Chapter #478 **Child Support:** Requires local child support programs to be transferred from the district attorney's office to a new, separate and independent county department. Creates a new State Department of Child Support Services (DCSS) and transfers state oversight of the program from the State Department of Social Services to the DCSS. Expands the responsibilities of the Franchise Tax Board to collect overdue child support payments.
- AB 150 (Aroner)**
Chapter #479 **Child Support: Automation:** Requires the Department of Child Support Services (DCSS), through the Franchise Tax Board, to procure, develop, implement and maintain a automated child support system. The 1999-2000 state budget reduced child support funding to counties in order to pay the federal penalty levied due to California's failure to establish an automated child support system. This bill appropriates \$95.5 million to backfill that reduction.
- AB 380 (Wright)**
Chapter #653 **Child Support Orders:** Makes numerous changes to the process of setting, modifying, enforcing and setting aside child support orders.
- AB 472 (Aroner)**
Chapter #803 **Child Support: Fair Hearings:** Establishes a process for custodial and non-custodial parents to obtain a fair hearing in order to address accounting, distribution, or arrearage disputes relating to child support.

- SB 240 (Speier)**
Chapter #652 **Child Support Enforcement:** Makes numerous changes to the existing child support enforcement and Family Law Facilitator Program statutes.
- SB 542 (Burton)**
Chapter #480 **Department of Child Support Services:** Enacts a variety of minor changes to statutory provisions enacted through AB 196 (Kuehl/1999) regarding the Department of Child Support Services (DCSS).

CHILDRENS' ISSUES

- AB 65 (Ducheny)**
Chapter #275 **Indian Child Welfare Act:** Directs the juvenile court to comply with the federal Indian Child Welfare Act in cases in which a tribe determines that a dependent minor is eligible for membership in the tribe. Establishes timeframes for transferring a child to the tribe's jurisdiction.
- AB 118 (Washington)**
Chapter #620 **Foster Care: Liability:** In cases relating to the alleged abuse of a child in foster care, exempts from the time limit for filing a lawsuit against a county any time during which both of the following occurred: the child was in out-of-home care; and the county failed to disclose that the abuse occurred.
- AB 390 (Scott)**
Chapter #547 **Adoption Assistance Payments:** Eliminates consideration of a family's income in determining a payment level under the Adoption Assistance Program (AAP). Limits recovery of AAP overpayments to cases where adoptive parents are no longer legally responsible for the child or the child is no longer receiving support from the adoptive family.
- AB 575 (Aroner)**
Chapter #997 **Probation: Group Home Placements:** Aligns the state's juvenile probation statutes with state dependency law and the federal Adoptions and Safe Families Act for probation-supervised foster care placements.
- AB 673 (Honda)**
Chapter #1004 **Supervised Visitation:** Authorizes the Superior Court in each county to establish supervised visitation and group counseling programs.
- AB 740 (Steinberg)**
Chapter #805 **CWS: Expedited Permanency:** Authorizes the juvenile court to expedite the permanency of an entire sibling group in dependency after six months when one of the siblings is under three years old and the parent(s) is clearly failing in family reunification services. This measure was sponsored by CWDA.
- AB 1225 (Ashburn)**
Chapter #905 **Adoption Assistance:** Increases from \$3,500 to \$5,000 the maximum adoption agency fee reimbursement for which an adoptive family is eligible.
- AB 1576 (Assembly Health Committee) California Children and Families Program:** Makes minor changes to the California Children and Families First Program (Proposition 10) by renaming the program and by allowing counties that do not have a birthing hospital to receive an allocation of the tobacco tax

assessed by Proposition 10.

- AB 1659 (Assembly Human Services Committee) Residential Care Facilities:** Makes Chapter #881 various changes to existing statutes concerning out-of-state group home care. Corrects a drafting error in previous legislation by requiring staff in residential care facilities to be fingerprinted.
- AJR 21 (Runner)** **Child Sexual Abuse:** Urges the President and Congress to reject and Res. Chapter #112 condemn any suggestions that sexual relations between children and adults which are otherwise illegal are anything but abusive, destructive, exploitative, reprehensible and punishable by law.
- SB 208 (Polanco)** **Sexual Abuse:** Creates a presumption in dependency proceedings that Chapter #417 a child is at substantial risk of abuse or neglect if their parent or guardian is currently alleged to have committed or previously was convicted of sexual abuse
- SB 518 (Schiff)** **Dependent Children: Placement:** Reduces from 30 days to seven Chapter #346 calendar days the length of the automatic stay on a judgment or order of the juvenile court for the out-of-state placement of a dependent child.
- SB 525 (Polanco)** **CWS: Child Death Reporting:** Requires counties to create a record in Chapter #1012 the CWS/CMS computer system whenever a child death suspected of being related to child abuse is reported to the county. Requires local law enforcement agencies and county welfare departments to cross-report child death cases suspected of being the result of child abuse. Makes other minor changes to the mission and membership of the State Child Death Review Council.
- SB 543 (Bowen)** **Foster Youth: Health and Education Records:** Requires the case plan Chapter #552 for each foster youth to contain a summary of the child's health, mental health, and education records. Requires counties to provide foster parents with a health and education summary within 30 days of initial placement and within 48 hours of any change in placement.
- SB 792 (Ortiz)** **Family Court: Child Sexual Abuse:** Protects a parent's right to child Chapter #985 visitation in instances in which the parent lawfully reports suspected child sexual abuse.
- SB 955 (Escutia)** **CWS: Out-of-Home Care:** Increases the reimbursement rates of certain Chapter #634 group home providers to correct a drafting error in the social services budget trailer legislation (AB 1111/1999) which provided the same rate increase for all other providers. States legislative intent that the Department of Social Services consider a broad array of services in determining the appropriate services to be provided to children.
- SB 1089 (Bowen)** **CWS: Post-Traumatic Stress Training:** Includes post-traumatic stress Chapter #211 disorder training within the child welfare training academy curriculum.
- SB 1199 (Costa)** **CPS: Release of Parolees: Notification:** Requires the State

Chapter #957 Department of Corrections to notify a local CPS agency if a released parolee who was convicted of child abuse violates a condition of their parole that restricts their visitation with their family.

SB 1226 (Johannessen) CWS: Status Review Hearing: Specifies that the failure of the parent or guardian to make “substantive progress” in every component of the court-ordered reunification program is *prima facie* evidence that return of the child to the parent’s custody would be detrimental to the child.
Chapter #399

SB 1270 (Senate Health and Human Services Committee) Interstate Adoptions: Implements provisions of the federal Adoptions and Safe Families Act relating to interstate adoption agreements. Makes children eligible for Medi-Cal if they are subject to an interstate adoption agreement.
Chapter #887

MISCELLANEOUS

AB 1259 (Strom-Martin) Integrated Services Pilot: Extends the existing integrated services pilot program to Alameda, Humboldt and Mendocino Counties. Under the pilot, these counties are authorized to operate an integrated health and human services program, sharing information across programs.
Chapter #705

AB 1686 (Assembly Information Technology Committee) DOIT: Sunset Extension: Extends the sunset date on the statutory authorization for the Department of Information Technology (DOIT) from July 1, 2000 to July 1, 2002.
Chapter #873

SB 948 (Alarcon) Affordable Housing: Makes numerous changes to existing statute regarding the siting of low income housing in order to increase the development of affordable housing.
Chapter #968

VETOED LEGISLATION

AB 100 (Thomson) Tobacco Settlement Fund: Proposed to establish the State Tobacco Settlement Fund and permit monies received through the state’s tobacco lawsuit settlement to be spent on health care for children and uninsured adults and on teen smoking cessation. The Governor vetoed the bill citing existing Medi-Cal funding for health services and a lack of any need for a restricted fund to pay for these services.

AB 247 (Kuehl) Foster Parents: Court Hearings: Proposed to authorize foster parents to receive notices of juvenile court hearings and to attend such hearings concerning a youth in their care, unless the youth objects to their attendance. The Governor, in vetoing the bill, stated that he believes that current law provides adequate local discretion and that legislation is not required achieve appropriate foster parent participation.

AB 607 (Aroner) Foster Children’s Health Care Services Act: Would have required that

all foster children receive mental health assessments periodically. Would have required that upon removal of a child, each social worker obtain information about a child's health status. The Governor vetoed the bill citing the \$9.9 million appropriation for public health nurses in the CWS program, and stating that any new program changes regarding health care for foster youth should be made in the context of the budget process.

- AB 645 (Honda)** **Foster Youth: Special Education:** Proposed to establish procedures for foster youth with special education needs to be assessed and referred for special education services within the K-12 education system. The Governor noted that he supports the policy contained in the bill but vetoed the bill due to the state-reimbursable costs it would impose on local government.
- AB 789 (Campbell)** **Medi-Cal:** Proposed to increase the minimum monthly personal and incidental needs allowance for aged, blind or disabled Medi-Cal recipients in institutional care. In vetoing the measure the Governor cited the bill's estimated \$2 million General Fund (GF) cost.
- AB 912 (Maldonado)** **IHSS: Background Checks:** Proposed to waive the criminal background check fee charged by the Department of Justice to IHSS providers to conduct a criminal background review. The Governor cited the cost of eliminating the fee as the reason for his veto.
- AB 1020 (Corbett)** **Foster Care: Special Education:** Proposed to authorize foster parents, guardians and pupil advocates to request special education services for a child in their care. In vetoing the bill, the Governor stated that the bill's "legal definition of 'parent' is overly broad" and "would unnecessarily drive up the number of referrals at taxpayer expense."
- AB 1039 (Aroner)** **CalWORKs:** Proposed to create a CalWORKs wage-based community service pilot program in up to five counties; to allow SIP participants to count up to six hours of study time per week towards their weekly work participation requirements; and to require counties to notify recipients of their right to contest their welfare-to-work plan. The Governor stated that he does not support making major changes to the CalWORKs program and that "providing subsidized employment for up to 60 months is inconsistent with the message that welfare is temporary."
- AB 1500 (Wesson)** **CWS: Family Preservation:** Proposed to allow counties to renew family preservation contracts until January 1, 2006, without a competitive procurement. The Governor cited his opposition to by-passing the competitive bidding process in vetoing the measure.
- AB 1534 (Runner)** **CalWORKs: Microenterprise:** Proposed to authorize the State Trade and Commerce Agency to issue Microenterprise Technical Assistance Grants to service providers who assist CalWORKs participants in establishing small businesses. In vetoing the bill, the Governor argued that counties are authorized under existing TANF law to operate their own

microenterprise programs.

- SB 48 (Sher)** **Public Records: Disclosure:** Proposed to require state and local public entities to pay a daily fine for failure to release requested records, if the Attorney General issues an opinion that the records should be public. The Governor vetoed the measure arguing that the bill would create new costs to the General Fund and conflicts of interest for the Attorney General in representing state and local public entities.
- SB 119 (Ortiz)** **Pre-School:** Proposed to authorize the Sacramento City Unified School District to operate a three-year pilot project to provide school readiness classes for pre-school aged children. The Governor vetoed the bill citing the budget's expansion of funding for pre-school on a statewide basis.
- SB 156 (Figueroa)** **California Early-Start Program:** Proposed to make numerous minor changes to the California Early-Start program in order to bring it into compliance with the federal Individuals with Disabilities Education Act. The Governor vetoed the bill stating that he would like to address new programmatic or resource requirements through the budget process.
- SB 163 (Hughes)** **Elder Abuse:** Proposed to establish a three-year, three-county financial abuse pilot project. The Governor argued that increased funding for the new APS program and the existing legal authority of local Public Guardians precludes the need for this legislation.
- SB 236 (Solis)** **Welfare-to-Work:** Proposed to prohibit employers in the seasonal construction industry from hiring a welfare-to-work participant instead of a seasonal employee. In vetoing the bill, the Governor stated that the measure is overly restrictive.
- SB 259 (Wright)** **CalWORKs: Child Care:** Required that CalWORKs participants with children aged 11 or 12 be provided with child care when the participant is required to participate in welfare-to-work activities. The Governor stated that the current budget already funds child care services for these children and that "all eligible 11 and 12 year-olds will continue to enjoy the level of services called for in this bill and provided for in my budget." This measure was sponsored by CWDA.
- SB 659 (Wright)** **CalWORKs: Substance Abuse:** Proposed to make persons who have been convicted of felony possession, use or manufacture of controlled substances eligible for the CalWORKs and Food Stamps programs if they meet specified drug treatment and testing program requirements. In vetoing the measure, the Governor states that "convicted felons do not deserve the same treatment as law-abiding citizens, especially those that manufacture, transport, or distribute drugs."
- SB 781 (Speier)** **CalWORKs: Low-Income Housing:** Proposed to establish a rental housing subsidy program for CalWORKs participants who spend more than 50 percent of their income on rent. The Governor cited the ability of counties to use CalWORKs incentive funding to provide housing subsidies

as the reason for his veto.

- SB 869 (Schiff)** **CalWORKs: Youth Employment Training:** Proposed to add regional occupation and vocational studies programs to the list of independent study programs in which high school youth can enroll, and to encourage CalWORKs case managers to inform 16 and 17-year-old participants of opportunities to participate in regional occupation programs. In vetoing the bill, the Governor expressed concern about the bill's impact on funding for public education due to concurrent enrollment of students in regional occupation programs and independent study.
- SB 879 (Speier)** **Child Care: Funding:** Proposed to require the Department of Education to consider the proportion of infants and toddlers in working families when making allocations for child care funding. **[Gov veto message??]**
- SB 887 (Ortiz)** **Foster Care: Group Home Care:** Proposed to establish a Group Home Fraud Investigation Unit within the Attorney General's office and to make numerous changes in the regulation of group homes. The Governor noted his desire to examine the changes proposed by the bill in the context of the budget process.
- SB 903 (McPherson)** **Kinship Care:** Proposed to relax the minimum requirement for counties to participate the Kinship Support Services Program (KSSP) by lowering the required proportion of youth in relative placements from 40 percent to 25 percent. The Governor stated that he wanted to review the measure in the context of the budget process, due to the cost of the bill.
- SB 908 (Murray)** **Family Friends Project:** Proposed to fund and expand the existing Family Friends Project in Los Angeles through which seniors volunteer to provide services to disabled, chronically ill, or at-risk youth. In vetoing the bill, the Governor cited his wish to review the measure in the context of the budget process.
- SB 1005 (Escutia)** **Learning Disabilities: Training Requirements:** Proposed to require the Department of Social Services to identify model approaches to screening for learning disabilities among CalWORKs recipients and to provide training in each county on such screenings. Also proposed to require the state child welfare social worker training requirements to include information on screening for learning disabilities. In vetoing the measure the Governor stated that the bill would result in duplication of training that is already being provided by state and county staff.
- SB 1137 (Vasconcellos)** **Employment Training:** Proposed to establish a centralized state economic and workforce data collection and analysis system within the Employment Development Department (EDD). In vetoing the bill, the Governor cited the recent creation of the Workforce Investment Board and stated his desire to have the new Board establish its own priorities.
- SB 1249 (Escutia)** **CalWORKs:** Proposed to require the provision of mediation for families on CalWORKs in order to resolve school attendance problems, the provision

of mileage reimbursement for automobile travel required to attend welfare-to-work activities, and the production of a report by the Department of Social Services for the Legislature on the impact of time limits in the CalWORKs program. In vetoing the measure, the Governor cited his objection to the school attendance provisions.

SB 1268 (Senate Health and Human Services Committee) Children and Families First Act of 1999: Proposed to rename the Proposition 10 Children and Families First Commission as the California Children and Families Commission, add the Superintendent of Public Instruction to the Commission, and make other minor changes. The Governor stated that he does not support changing provisions of law enacted by popular vote without a compelling reason, and that no such reason has been documented in support of this bill's changes to the membership of the Commission.