

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

SB 407 (Wiener)
Version: March 16, 2023
Hearing Date: April 25, 2023
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Foster care: resource families

DIGEST

This bill requires the Department of Social Services (DSS) to include, in its standards for assessing potential resource families, a requirement that the potential resource family demonstrate the capacity and willingness to care for a child regardless of the child's sexual orientation or gender identity.

EXECUTIVE SUMMARY

California's child welfare system seeks to ensure the safety and protection of children, and where possible, preserve and strengthen families through visitation and family reunification. When a child is removed from their home because of abuse or neglect, it is the state's goal to reunify a foster child or youth with their biological family whenever possible. In instances where reunification is not possible, it is the state's goal to provide a permanent placement alternative, such as adoption or guardianship.

The individuals and families who take children in on a temporary or permanent basis are known as "resource families." These resource families do the essential work of caring for children who have been removed from the custody of their parents or guardians. Over the last ten years, California has moved away from the use of group homes to house these children, making it all the more essential that qualified resource families allowed to serve.

Youth who identify as LGBTQ or gender-expansive are overrepresented in the foster system. An affirming resource family can make all the difference for an LGBTQ or gender-expansive child; LGBTQ and gender-expansive foster children and youths have more positive outcomes overall, including significantly lower rates of attempted suicide and suicidal ideation. While California's foster youth bill of rights provides rights to foster children and youth regarding preferred names and pronouns, and provides

training to resource families regarding cultural competency and best practices, stakeholders report that some resource families are still treating foster children and youth poorly on the basis of their sexual orientation or gender identity.

This bill is intended to add clarity to the resource family approval process by requiring potential resource families to demonstrate a capacity and willingness to meet a foster child's needs regardless of their sexual orientation or gender identity, and to agree to seek out all available resources if issues arise. The author has agreed to amendments to streamline the bill and make clear that the bill's protections apply to all foster children and youth of all sexual orientations and gender identities, while maintaining the bill's goal of ensuring that LGBTQ and gender-expansive foster children are placed in safe, caring homes.

This bill is sponsored by the California Alliance of Child and Family Services and Equality California, and is supported by Aspiranet,, the California Alliance of Caregivers, the California CASA Association, the Child Abuse Prevention Center, DAP Health, Hefesh, John Burton Advocates for Youth, the National Association of Social Workers - California Chapter, the National Center for Lesbian Rights, TransFamily Support Services, and TransYouth Liberation. This bill is opposed by California Catholic Policy, the Pacific Justice Institute - Center for Public Policy, and three individuals. The Senate Human Services Committee passed this bill out with a vote of 3-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or to have been abused or neglected, as specified. (Welf. & Inst. Code, § 202.)
- 2) Establishes the juvenile court, which is intended to provide for the protection and safety of the public and minors who fall under its jurisdiction; a minor may become a dependent of the juvenile court and be removed from the custody of their parent or guardian¹ on the basis of enumerated forms of abuse or neglect. (Welf. & Inst. Code, §§ 202, 245, 300(a)-(j).)
- 3) Declares that it the intent of the Legislature to reaffirm its commitment to children who are in out-of-home placements to live in the least restrictive family setting and as close to the child's family as possible, as specified. (Welf. & Inst. Code, § 16000.)

¹ Going forward, this analysis uses "parent" to include "guardian" and the single includes the plural.

- 4) Requires an out-of-home placement of a child in foster care to be based upon the selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs and is available, in proximity to the parent's home and to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests. (Welf. & Inst. Code, § 16501.1(d).)
- 5) Defines the following relevant terms:
 - a) A "placing agency" is a county child welfare department, county probation department, or foster family agency with responsibility for the placement of a child or nonminor dependent. (Welf. & Inst. Code, § 362.06(a)(4).)
 - b) A "resource family" is an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria, as specified, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent. (Health & Saf. Code, § 1517; Welf. & Inst. Code, § 16519.(c)(1).)
- 6) Requires DSS to implement the Resource Family Approval (RFA) process as a unified, family friendly, and child-centered process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families. (Welf. & Inst. Code, § 16519.5(a).)
- 7) Stipulates that a resource family shall be considered eligible to provide foster care for children in out-of-home placement and shall be considered approved for adoption and guardianship, and authorizes a county to approve a resource family to care for a specific child, as specified. (Welf. & Inst. Code, § 16519.5(c)(4).)
- 8) Provides that approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family or with a relative or non-relative extended family member. Further, approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family. (Welf. & Inst. Code, § 16519.5(c)(6).)
- 9) Requires DSS to adopt standards pertaining to the home environment and permanency assessments of a resource family. (Welf. & Inst. Code, § 16519.5(d).)
- 10) Establishes requirements for Foster Family Agencies (FFAs) that approve resource families, including, among other things, requiring an FFA to be responsible for approving or denying resource family applications, and preparing a written evaluation of an applicant's capacity to foster, adopt, or provide legal guardianship, as specified. (Health & Saf. Code, § 1517(b).)

- 11) Provides that it the state's policy that all persons engaged in providing care and services to foster children, including, but not limited to, foster parents, adoptive parents, relative caregivers, and other caregivers contracting with a county welfare department, shall not be subjected to discrimination or harassment on the basis of their clients' or their own actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. (Welf. & Inst. Code, § 16013.)
- 12) Requires DSS, in consultation with county placement agencies, foster care providers, and other interested community parties, to establish criteria to be used for conducting a comprehensive home study of a licensed or foster parent that evaluates the ability, readiness, and willingness of the licensed foster parent to meet the varying needs of children. (Welf. & Inst. Code, § 16518.)
- 13) Provides that, when placing a child, a placing agency shall not decline to place a child with a resource family because of a resource family parent's actual or perceived sexual orientation, gender identity, or gender expression. (Welf. & Inst. Code, § 16518.5.)

This bill:

- 1) Makes findings and declarations about the over-representation of LGBRQ and gender-expansive youth in the foster system and the trauma that occurs when LGBTQ and gender-expansive youth are not placed with affirming families.
- 2) Defines "gender expansive" as an umbrella term to describe individuals who expand notions of gender expression and identity beyond binary gender norms.
- 3) Specifies, as part of a resource family's obligation to demonstrate an ability and willingness to provide a family setting that promotes normal childhood experiences that serve the needs of the child, that "child" includes LGBTQ and gender-expansive youth.
- 4) Requires a resource family to demonstrate an understanding of the unique needs of LGBTQ and gender-expansive youth, and the capacity and willingness to meet those needs, including an understanding that sexual orientation, gender identity and expression can evolve over time, acceptance of these identities is fundamental to healthy development, and that should difficulties around these issues arise, that they agree to seek out any and all available resources offered by the county, foster family agency, and other offered resources to meet those needs.
- 5) Specifies, as part of DSS's standards for resource family home environment assessments requiring a resource family applicant to demonstrate an understanding of the rights of children in care and the applicant's responsibility to safeguard those

rights, that the rights include those of LGBTQ and gender-expansive foster children; and requires the applicant to demonstrate that understanding by signing a document acknowledging the foster youth rights.

- 6) Requires, as part of DSS's family evaluation conducted as part of its resource family permanency standards, that the risk assessment include an assessment of the ability to provide care and supervision for LGBTQ and gender-expansive youth.
- 7) Provides that DSS is responsible, as part of its obligation for adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families, to include documents for assessing the ability to care for and supervise LGBTQ and gender-expansive youth.
- 8) Requires DSS, as part of its obligation to review an adequate number of county-approved resource families to ensure that approval standards are being properly applied, to ensure that county-approved resource families are upholding the rights of a child in foster care and meeting the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- 9) Requires DSS to have standards for excluding a resource family parent, applicant, or other individual from presence in any resource family home when they do not meet standards for caring for LGBTQ and gender-expansive children.
- 10) Requires DSS to work with stakeholders, including counties, the California Alliance of Child and Family Services, and LGBTQ advocates, to develop standards and a caregiver handbook for caring for LGBTQ and gender-expansive youth.
- 11) Includes the obligation that counties, as part of their obligations to investigate complaints against a resource family and take action if necessary, investigate incidents reported about a resource family not meeting the specific needs of LGBTQ and gender-expansive youth.
- 12) Requires that counties ensure that resource family applicants have the necessary knowledge, skills, and abilities to support LGBTQ and gender-expansive youth in foster care.
- 13) Requires a county to address, in its required training for resource families that care for children who 10 years or older, the disproportionate number of LGBTQ and gender-expansive youth who experience exploitation.

- 14) Permits a county or DSS to deny a resource family application or rescind the approval of a resource family, and for DSS to exclude an individual from any resource family home, for conduct that poses a risk or threat to the health and safety, protection, or well-being of an LGBTQ and gender-expansive youth.

COMMENTS

1. Author's comment

According to the author:

SB 407 ensures that LGBTQ foster youth receive essential support by specifically requiring LGBTQ acceptance to be considered in the resource family approval (RFA) process, creating standard documentation for the assessment of LGBTQ youth needs, and ensuring more frequent follow-up. These youth are at greater risk for homelessness, criminal justice involvement, and mental health challenges, and we must do everything in our power to ensure they have a safe home in the state of California.

2. The dependency system and California's foster population

The child welfare system is intended to achieve a delicate balance of values, including “protecting children from harm, preserving family ties, and avoiding unnecessary intrusion into family life.”² The overarching goal of dependency proceedings is to safeguard the welfare of California's children.³ When a child is found to be under the jurisdiction of the juvenile court, the court is determined to be a dependent of that court and the court may begin proceedings to remove the child from the custody of their parent(s); if, after a series of hearings, a parent is found to be unfit, the court can terminate the parent's parental rights.⁴ The overarching inquiry is whether the child would suffer, or is likely to suffer, harm if they remain with their parent.

The status of every child in the child welfare system is reviewed at least every six months.⁵ The goal is to establish a permanent plan for the child 12 months after removal, but in some circumstances the permanency review hearing may be extended to 18 months or 24 months after removal.⁶ Generally, if a child cannot be safely returned home after the time allotted for reunification services ends, the court terminates the parental rights of the child's parents.⁷ The child's case plan then focuses on permanency services, in an effort to connect the child to a permanent placement through adoption or

² *In re R.T.* (2017) 3 Cal.5th 622, 638.

³ *In re Josiah Z.* (2005) 36 Cal.4th 664, 673.

⁴ See *Welf. & Inst. Code*, §§ 360, 361.3, 366.26.

⁵ *Id.*, §§ 361.21, 366(b).

⁶ See *id.*, §§ 366.21(e) (six-month review), 366.21(f) (12-month review), 366.22(a) (18-month review), 366.25 (24-month review).

⁷ *Id.*, § 366.26.

guardianship.⁸ If an adoption or guardianship is not established, a child may remain in long-term foster care. The child is always supposed to be placed in the most family-like setting, with short-term residential treatment programs used only as necessary to provide intensive services.⁹

When a child is removed from their parent's custody, a social worker must initiate an assessment of the suitability of any able and willing relative or nonrelative extended family member who is available and requests temporary placement of the child.¹⁰ Preferential consideration must first be given to the home of any relative seeking placement of the child.¹¹ If the child is not placed with a relative, consideration should also be given to placing the child with a "nonrelative extended family member," defined as an adult caregiver who has an established family relationship with the child or a familial or mentoring relationship with the child that has been verified by the social services agency.¹²

The individuals and families who take children in on a temporary or permanent basis are known as "resource families." These resource families do the essential work of caring for children who have been removed from the custody of their parents or guardians. The process of obtaining approval to serve as a resource family is extensive and includes a psychosocial assessment, home environment check, and training for all resource families, including relatives, in order to prepare families to better meet the needs of vulnerable children and youth.¹³ Certain special consideration is given to family members and nonrelative family members who request custody of the child, subject to a court's determination as to whether the placement is in the child's best interest.¹⁴

As of January 2023, over 52,000 children and young adults were in foster care in California; the population has generally hovered around 60,000.¹⁵ Black and Native American children are dramatically overrepresented in the foster care system, with rates of 19.7 and 16.2 children in care per 1,000 children, respectively.¹⁶ LGBTQ youth

⁸ *Id.*, § 366.3.

⁹ *Id.*, 16501.1.

¹⁰ *Id.*, § 390(d)(1).

¹¹ *Id.*, § 361.3(a.)

¹² *Id.*, § 362.7.

¹³ *Id.*, § 16519.5.

¹⁴ *Ibid.*

¹⁵ California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care, CWS/CMS 2022 Quarter 4 Extract (Apr. 8, 2023), available at <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s>. All links in this analysis are current as of April 21, 2023.

¹⁶ California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care by Ethnic Group, CWS/CMS 2022 Quarter 4 Extract (Apr. 8, 2023), available at <https://ccwip.berkeley.edu/childwelfare/reports/InCareRates/MTSG/r/rts/s>. Latino children are in care at a rate of 5.7 children per 1,000; white children are in care at a rate of 3.7 children per 1,000;

are also overrepresented in foster care, and have much higher rates of attempting suicide and of being kicked out of their homes or abandoned than LGBTQ youth not in foster care.¹⁷

3. This bill provides additional protections to ensure children in the dependency systems are placed in safe, nurturing resource homes

According to the Alliance of Children's Rights, a sponsor of the bill:

In 2019, California passed AB 175 (Gipson, [Ch. 416, Stats. 2019]), which expanded the foster youth bill of rights to include rights to be referred to by the youth's preferred name and pronoun and maintain privacy of the child's sexual orientation and gender identity and expression. Existing rights also include the right to have caregivers and child welfare personnel that have received instruction on cultural competency and best practices for providing care for LGBTQ+ youth in out-of-home care.

However, while the foster youth bill of rights is strong, it has not translated into the [resource family approval] process or into considerations made when approving caregivers. LGBTQ+ foster youth are still being placed in homes with families that discriminate against or are hostile toward them based on their sexual orientation and/or gender identity.

This bill provides clarity with respect to the resource family approval process to ensure that children of all sexual orientations and gender identities are placed with an affirming, caring family. The author has agreed to amendments to clarify that DSS's approval guidelines should apply equally across orientation and gender-identity categories, as well as to make clear that the approval criteria relate to a potential resource family's behavior, not their beliefs. The relevant inquiry is whether a resource family will be able to provide a caring home for the child regardless of the child's sexual orientation or gender identity, and whether they will agree to seek out available resources if issues arise.

The Pacific Justice Institute – Center for Public Policy, writing in opposition, argues that this bill is contrary to the Supreme Court's recent *Fulton v. City of Philadelphia* opinion.¹⁸ But *Fulton* does not address, much less restrict, a state's ability to set standards for resource homes to ensure children are placed in safe and loving environments. In

children of Asian and Pacific Islander descent are in care at a rate of .9 children per 1,000. (*Ibid.*) There rate for multiracial children is set at 0, which may reflect a data collection issue. (*Ibid.*)

¹⁷ The Trevor Project, The Trevor Project Research Brief: LGBTQ Youth with a History of Foster Care (May 2021), available at <https://www.thetrevorproject.org/wp-content/uploads/2021/07/LGBTQ-Youth-with-a-History-of-Foster-Care-May-2021.pdf>.

¹⁸ (2021) 141 S.Ct. 1868.

Fulton, the City of Philadelphia's standards of practice prohibited its foster care referral agencies from discriminating against potential foster families on the basis of a number of characteristics, including sexual orientation; however, the standards also permitted the City to grant an exception to the anti-discrimination provision, at the discretion of the commissioner.¹⁹ The Court held that, because the City retained the discretion to grant an exemption, the City's refusal to grant an exemption for a Catholic referral agency that refused to approve same-sex resource families for religious reasons was not a general law of neutral applicability.²⁰ Because the City's program of allowing exemptions for some bases for discrimination while not allowing an exemption for religiously based discrimination could not withstand strict scrutiny, the Court held that the City's program violated the Free Exercise Clause of the First Amendment.²¹

This framework is not applicable to this bill. This bill is not directed at the beliefs of potential resource families, religious or otherwise. This bill is directed at conduct, namely, the ability of potential resource families to care for the children entrusted to their care, regardless of a child's sexual orientation or gender identity. California clearly has an " 'interest[] of the highest order' "²² in ensuring that its children are placed in caring, safe homes, and the general, neutrally applied standards set forth in this bill advance that interest.

SUPPORT

California Alliance of Child and Family Services (co-sponsor)
Equality California (co-sponsor)
Aspiranet
California Alliance of Caregivers
California CASA Association
Child Abuse Prevention Center
DAP Health
Hefesh
John Burton Advocates for Youth
National Association of Social Workers - California Chapter
National Center for Lesbian Rights
TransFamily Support Services
TransYouth Liberation

OPPOSITION

California Catholic Policy
Pacific Justice Institute - Center for Public Policy

¹⁹ *Id.* at p. 1878.

²⁰ *Id.* at p. 1881.

²¹ *Id.* at p. 1882.

²² *Id.* at p. 1881.

Three individuals

RELATED LEGISLATION

Pending Legislation:

SB 824 (Ashby, 2023) expands DSS's authority to grant an exemption to restrictions on a person serving as a resource family for a specific child when that person has a criminal conviction, to permit DSS to grant an exception to a person who is an extended family member or a nonrelative extended family member, provided that DSS finds the exemption is justified and other specified conditions are met. SB 824 is pending before this Committee and is scheduled to be heard on the same date as this bill.

AB 1522 (Cervantes, 2023) requires DSS to convene a workgroup to create a report with recommendations to prevent housing instability among LGBTQ youth in foster care. AB 1522 is currently in the Assembly Human Services Committee. AB 1522 is pending before the Assembly Human Services Committee.

Prior Legislation:

AB 2466 (Cervantes, Ch. 967, Stats. 2022) prohibited a placing agency, when placing a foster child, from declining to place a child with a resource family because of a resource parent's actual or perceived sexual orientation, gender identity, or gender expression; and removed the term "hard to place children" from certain statutes.

AB 175 (Gipson, Ch. 416, Stats. 2019) among other things, expanded the foster youth bill of rights to include rights to be referred to by the youth's preferred name and pronoun and maintain privacy of the child's sexual orientation and gender identity and expression.

PRIOR VOTES:

Senate Human Services Committee (Ayes 3, Noes 0)

Appendix A

Proposed amendments are below, subject to any nonsubstantive changes the Office of Legislative Counsel may make. Additions are in bold/underline and deletions are in strikethrough.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) According to the University of California, Berkeley, California Child Welfare Indicators Project, as of October 1, 2022, there were 53,371 youth in foster care in California.

(b) Youth who identify as lesbian, gay, bisexual, transgender, questioning, or another diverse identity (LGBTQ+) and gender-expansive youth are overrepresented in foster care (Human Rights Campaign, 2015), with at least three studies estimating about 30 percent of youth in foster care identify as LGBTQ+ (Baams et al., LGBTQ Youth in Unstable Housing and Foster Care (2019); Matarese et al., The Cuyahoga Youth Count: A Report on LGBTQ+ Youth Experience in Foster Care (2021); Sandfort, Experiences and Well-Being of Sexual and Gender Diverse Youth in Foster Care in New York City: Disproportionality and Disparities (2020)).

(c) Like all young people, LGBTQ+ (including Native American Two-Spirit) children and youth in foster care need the support of a nurturing family to help them navigate their teenage years and grow into healthy adults.

(d) Foster youth have a right to be placed in out-of-home care according to their gender identity and the right to have caregivers that have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care.

(e) LGBTQ+ foster youth are currently being placed in nonaffirming families that have been approved by counties and the state, causing additional harm and trauma. According to the Trevor Project, teens who perceived parental support regarding gender identity were 93 percent less likely to attempt suicide than youth who did not perceive parents as supportive.

(f) It is the intent of the Legislature to have LGBTQ+ affirming resource families for youth in out-of-home care in county and foster family agency homes.

SEC. 2. Section 16519.5 of the Welfare and Institutions Code is amended to read:

16519.5. (a) The State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association of California. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(2) Additional counties may participate in the early implementation of the program upon authorization by the department.

(3) The State Department of Social Services shall be responsible for all of the following:

(A) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association of California.

(B) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for early implementation participation in the program, train appropriate staff, and accept applications from resource families.

(C) Entering into terms and conditions for early implementation participation in the program by counties.

(4) Counties participating in the early implementation of the program shall be responsible for all of the following:

(A) Submitting an implementation plan.

(B) Entering into terms and conditions for early implementation participation in the program.

(C) Consulting with the county probation department in the development of the implementation plan.

(D) Training appropriate staff.

(E) Accepting applications from resource families within the timeframes established by the department.

(5) (A) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to statewide implementation of the program shall not be considered part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

(B) Upon implementation of the program in a county, that county shall not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of prospective guardians and adoptive homes.

(6) The department may waive regulations that pose a barrier to the early implementation and operation of this program. The waiver of a regulation by the department pursuant to this section applies to only those counties or foster family agencies participating in the early implementation of the program and only for the duration of the program.

(7) This subdivision is inoperative on January 1, 2017.

(c) (1) For purposes of this article, "resource family" means an individual or family that has successfully met both the home environment assessment standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian. A resource family shall demonstrate all of the following:

(A) An understanding of the safety, permanence, and well-being needs of children who have been victims of child abuse and neglect, and the capacity and willingness to meet those needs, including the need for protection, and the willingness to make use of support resources offered by the agency, or a support structure in place, or both.

(B) An understanding of children's needs and development, effective parenting skills or knowledge about parenting, and the capacity to act as a reasonable, prudent parent in day-to-day decisionmaking.

(C) An understanding of the role of the individual or family as a resource family and the capacity to work cooperatively with the agency and other service providers in implementing the child's case plan.

(D) The financial ability within the household to ensure the stability and financial security of the family. This requirement may be waived for relative and nonrelative extended family member resource families on a case-by-case basis. For purposes of this subparagraph, there is no minimum income requirement and an applicant who will rely on the funding described in subdivision (l) to meet additional household expenses incurred due to the placement of a child shall not, for this reason, be denied approval as a resource family.

(E) ~~(i)~~ An ability and willingness to provide a family setting that promotes normal childhood experiences that serves the needs of the child, ~~including lesbian, gay, bisexual, transgender, queer, or plus (LGBTQ+) and gender-expansive youth.~~

~~(ii) For purposes of this article, "gender expansive" means an umbrella term to describe individuals who expand notions of gender expression and identity beyond binary gender norms.~~

(F) ~~An understanding of the unique needs of LGBTQ+ and gender-expansive youth,~~ and ~~the~~ capacity and willingness to meet ~~those~~ **the needs of a child regardless of the child's sexual orientation or gender identity**, including an understanding that sexual orientation, gender identity and expression can evolve over time, ~~acceptance of these identities is fundamental to healthy development,~~ and that, should difficulties around these issues arise, that they agree to seek out any and all available resources offered by the county, foster family agency, and other offered resources to meet those needs.

(2) For purposes of this article, and unless otherwise specified, references to a "child" include a "nonminor dependent" and "nonminor former dependent or ward," as defined in subdivision (v) and paragraph (1) of subdivision (aa) of Section 11400.

(3) There is no fundamental right to approval as a resource family. Emergency placement of a child pursuant to Section 309, 319, 361.45, or 727.05, or with a resource family applicant pursuant to subdivision (e), does not entitle an applicant to approval as a resource family.

(4) (A) A resource family shall be considered eligible to provide foster care for children in out-of-home placement and approved for adoption and guardianship.

(B) (i) Notwithstanding subparagraph (A), a county may approve a resource family to care for a specific child, as specified in the written directives or regulations adopted pursuant to this section. Child-specific approval shall be considered if the applicant is a relative or nonrelative extended family member who has an established and significant relationship with a child or a child is already placed in the home of the relative or nonrelative extended family member pursuant to subdivision (e) or Section 309, 319, 361.45, or 727.05.

(ii) When child-specific approval is granted to a relative who has received a criminal records exemption pursuant to clause (iv) of subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the child's placement shall be funded pursuant to Section 11461.3 and the relative shall not be eligible for federal financial participation while the child is placed with them.

(iii) In the case of an Indian child for whom the child's tribe is not exercising its right to approve a home, the county shall apply the prevailing social and cultural standards of the Indian community to resource family approval for that child, as required by subdivision (f) of Section 361.31 and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.). The department shall engage in the tribal consultation process and develop regulations to implement this clause. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this clause through all-county letters or other similar instruction, and provide guidance to counties regarding consistent implementation of this clause.

(5) For purposes of this article, "resource family approval" means that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of a foster family home license issued pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, a certificate of approval issued by a licensed foster family agency, as described in subdivision (b) of Section 1506 of the Health and Safety Code, relative or nonrelative extended family member approval, guardianship approval, and the adoption home study approval.

(6) Approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family or with a relative or nonrelative extended family member. Approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family.

(7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the county shall, consistent with Sections 1520.3 and 1558.1 of the Health and Safety Code, cease any further review of an application if the applicant has had a previous application denial by the department or a county within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or a county within the preceding two years.

(B) Notwithstanding subparagraph (A), the county may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances and conditions that either have been corrected or are no longer in existence. If an individual was excluded from a resource family home or facility licensed by the department, the county shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to subdivision

(g) of Section 16519.6 of this code or pursuant to Section 1569.53, subdivision (h) of Section 1558, subdivision (h) of Section 1569.58, or subdivision (h) of Section 1596.8897, of the Health and Safety Code.

(C) (i) The county may cease any further review of an application if, after written notice to the applicant, the applicant fails to complete an application without good faith effort and within 30 days of the date of the notice, as specified in the written directives or regulations adopted pursuant to this section.

(ii) Clause (i) does not apply if a child is placed with the applicant pursuant to Section 309, 361.45, 727.05, or paragraph (1) of subdivision (e) of Section 16519.5.

(D) The cessation of an application review pursuant to this paragraph does not constitute a denial of the application for purposes of this section or any other law.

(E) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in this section, and, as applicable, Chapter 6.3 (commencing with Section 18360) of Part 6, to maintain approval. A resource family shall comply with the written directives or regulations adopted pursuant to this section and applicable laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or a probation department pursuant to this section or by a foster family agency pursuant to Section 1517 of the Health and Safety Code.

(10) A resource family shall not be licensed to operate a residential facility, as defined in Section 1502 of the Health and Safety Code, a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or a residential care facility for persons with chronic life-threatening illnesses, as defined in Section 1568.01 of the Health and Safety Code, on the same premises used as the residence of the resource family.

(11) (A) An applicant who withdraws an application prior to its approval or denial may resubmit the application within 12 months of the withdrawal.

(B) This paragraph does not preclude a county from requiring an applicant to complete an application activity, even if that activity was previously completed.

(d) (1) The department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

(2) Resource family home environment assessment standards shall include, but not be limited to, all of the following:

(A) (i) (I) A criminal record clearance of each applicant and all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in subdivision (b) of Section 1522 of the Health and Safety Code, pursuant to Section 8712 of the Family Code, utilizing a check of the Child Abuse Central Index pursuant to Section 1522.1 of the Health and Safety Code, and receipt of a fingerprint-based state and federal criminal offender record information search response. The criminal history information shall include subsequent notifications pursuant to Section 11105.2 of the Penal Code.

(II) Consideration of any substantiated allegations of child abuse or neglect against the applicant and any other adult residing in, or regularly present in, the home pursuant to Section 1522.1 of the Health and Safety Code.

(III) If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, home approval shall be denied unless the person has received a criminal records exemption pursuant to clause (iv) of subparagraph (A) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code. If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (B) or (D) of paragraph (2) of subdivision (g) of Section 1522 of the Health and Safety Code, the home shall not be approved unless a criminal record exemption has been granted pursuant to subclause (IV).

(IV) If the resource family parent, applicant, or any other person specified in subclause (I) has been convicted of a crime other than an infraction or arrested for an offense specified in subdivision (e) of Section 1522 of the Health and Safety Code, except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) through (f) of Section 1522 of the Health and Safety Code shall apply. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the department or the county, if that county has been granted permission by the department to issue criminal record exemptions pursuant to Section 361.4, using the exemption criteria currently used for foster care licensing, as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(V) If it is determined, on the basis of the fingerprint images and related information submitted to the Department of Justice, that subsequent to obtaining a criminal record clearance or exemption from disqualification, the person has been convicted of, or is awaiting trial for, a sex offense against a minor, or has been convicted for an offense specified in Section 243.4, 273a, 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the department or county shall notify the resource family to act immediately to remove or bar the person from entering the resource family's home. The department or county, as applicable, may subsequently grant an exemption from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. If the conviction or arrest was for another crime, the resource family shall, upon notification by the department or county, act immediately to either remove or bar the person from entering the resource family's home, or require the person to seek an exemption from disqualification pursuant to subdivision (g) of Section 1522 of the Health and Safety Code. The department or county, as applicable, shall determine if the person shall be allowed to remain in the home until a decision on the exemption from disqualification is rendered.

(ii) For public foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized.

(iii) For private foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized, but the Department of Justice shall disseminate a fitness determination resulting from the federal criminal offender record information search.

(B) A home and grounds evaluation to ensure the health and safety of children.

(C) In addition to the foregoing requirements, the resource family home environment assessment standards shall require the following:

(i) That the applicant demonstrates an understanding of the rights of children in care and the applicant's responsibility to safeguard those rights, ~~including the rights of LGBTQ+ and gender-expansive foster children.~~ The applicant shall demonstrate that understanding through signing a document acknowledging the foster youth rights enumerated in Section 16001.9.

(ii) That the total number of children residing in the home of a resource family shall be no more than the total number of children the resource family can properly care for, regardless of status, and shall not exceed six children, unless exceptional circumstances that are documented in the foster child's case file exist to permit a resource family to care for more children, including, but not limited to, the need to place siblings together, consistent with Section 16002.

(iii) That the applicant understands the applicant's responsibilities with respect to acting as a reasonable and prudent parent, and maintaining the least restrictive environment that serves the needs of the child.

(3) The resource family permanency assessment standards shall include, but not be limited to, all of the following:

(A) Caregiver training, as described in subdivisions (g) and (h).

(B) A family evaluation, which shall include, but not be limited to, interviews of an applicant to assess the applicant's personal history, family dynamic, and need for support or resources, and a risk assessment, ~~including assessing the ability to provide care and supervision for LGBTQ+ and gender expansive foster youth.~~

(i) When the applicant is a relative or nonrelative extended family member to an identified child, the family evaluation shall consider the nature of the relationship between the relative or nonrelative extended family member and the child. The relative or nonrelative extended family member's expressed desire to only care for a specific child or children shall not be a reason to deny the approval.

(ii) A caregiver risk assessment shall include, but not be limited to, physical and mental health, alcohol and other substance use and abuse, family and domestic violence, and the factors listed in paragraph (1) of subdivision (c).

(iii) A county may review and discuss data contained in the statewide child welfare database with an applicant for purposes of conducting a family evaluation, as specified in the written directives or regulations adopted pursuant to this section.

(C) Completion of any other activities that relate to the ability of an applicant or a resource family to achieve permanency with a child.

(4) (A) For a child placed on an emergency basis pursuant to Section 309, 361.45, or 727.05, the home environment assessment, the permanency assessment, and the written report shall be completed within 90 days of the placement, unless good cause exists based upon the needs of the child.

(B) If additional time is needed to complete the home environment assessment or the permanency assessment, the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of those assessments.

(C) The county shall report to the department, on a quarterly basis, the number of families with emergency placements whose home environment assessment or permanency assessment goes beyond 90 days and summarize the reasons for these delays.

(e) (1) A county may place a child with a resource family applicant who has successfully completed the home environment assessment prior to completion of a permanency assessment only if a compelling reason for the placement exists based on the needs of the child.

(A) The permanency assessment and the written report described in paragraph (5) of subdivision (g) shall be completed within 90 days of the child's placement in the home, unless good cause exists.

(B) If additional time is needed to comply with subparagraph (A), the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.

(C) The county shall report to the department, on a quarterly basis, the number of applicants for whom the requirements of subparagraph (A) exceed 90 days and summarize the reasons for these delays.

(2) The home environment and permanency assessments, and the written report described in paragraph (5) of subdivision (g), shall be completed within 90 days of a child's placement with a relative or nonrelative extended family member pursuant to Section 309, 361.45, or 727.05, unless good cause exists.

(3) For any placement made pursuant to this subdivision, AFDC-FC funding shall not be available until approval of the resource family has been completed.

(4) A child placed pursuant to this subdivision shall be afforded all the rights set forth in Section 16001.9.

(5) This section does not limit the county's authority to inspect the home of a resource family applicant as often as necessary to ensure the quality of care provided.

(6) This subdivision does not limit the county's obligation under law to assess and give placement consideration to relatives and nonrelative extended family members and to place a child pursuant to Section 309, 361.3, 361.45, 706.6, or 727.1.

(f) The State Department of Social Services shall be responsible for all of the following:

(1) (A) Until regulations are adopted, administering the program through the issuance of written directives that shall have the same force and effect as regulations. Any directive affecting Article 1 (commencing with Section 700) of Chapter 7 of Division 1 of Title 11 of the California Code of Regulations shall be approved by the Department of Justice. The directives shall be exempt from the rulemaking provisions of the

Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(B) Adopting, amending, or repealing, in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, any reasonable rules, regulations, and standards that may be necessary or proper to carry out the purposes and intent of this article and to enable the department to exercise the powers and perform the duties conferred upon it by this section, consistent with the laws of this state.

(2) Approving and requiring the use of a single standard for resource family approval.

(3) Adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families, including documents for assessing the ability to care for and supervise ~~LGBTQ+ and gender-expansive~~ **children and youth of all sexual orientations and gender identities**. The department shall permit counties to maintain documentation relating to the resource family approval process in an electronic format.

(4) Adopting core competencies for county staff to participate in the assessment and evaluation of an applicant or resource family.

(5) Requiring counties to monitor county-approved resource families, including, but not limited to, both of the following:

(A) Investigating complaints regarding resource families.

(B) Developing and monitoring resource family corrective action plans to correct identified deficiencies and to rescind resource family approval if compliance with corrective action plans is not achieved.

(6) Ongoing oversight and monitoring of county systems and operations including all of the following:

(A) Reviewing the county's implementation plan and implementation of the program.

(B) Reviewing an adequate number of county-approved resource families in each county to ensure that approval standards are being properly applied.

(i) The review shall include case file documentation and may include onsite inspection of individual resource families.

(ii) The review shall occur on a biennial basis and more frequently if the department becomes aware that a county is experiencing a disproportionate number of complaints against individual resource family homes.

(iii) The review shall ensure that county-approved resource families are upholding the rights of a child in foster care and meeting the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(C) Reviewing county reports of serious complaints and incidents involving resource families, as determined necessary by the department. The department may conduct an independent review of the complaint or incident and change the findings depending on the results of its investigation.

(D) Investigating unresolved complaints against counties.

(E) Requiring corrective action of counties that are not in full compliance with this section.

(7) Excluding a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard for any of the reasons specified in Section 16519.61. ~~This includes resource families that do not meet standards for caring for LGBTQ+ and gender-expansive children.~~

(8) Implementing due process procedures, including, but not limited to, all of the following:

(A) Providing a statewide fair hearing process for application denials, rescissions of approval, exclusion actions, or criminal record exemption denials or rescissions by a county or the department.

(B) Providing an excluded individual with due process pursuant to Section 16519.6.

(C) Amending the department's applicable state hearing procedures and regulations or using the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), when applicable, as necessary for the administration of the program.

(9) Working with stakeholders, including counties, the California Alliance of Child and Family Services, and LGBTQ+ advocates, to develop standards and a caregiver

handbook for caring for ~~LGBTQ+~~ and gender-expansive **children and youth of all sexual orientations and gender identities.**

(g) Counties shall be responsible for all of the following:

(1) Submitting an implementation plan and consulting with the county probation department in the development of the implementation plan.

(2) Complying with the written directives or regulations adopted pursuant to this section.

(3) Implementing the requirements for resource family approval and utilizing standardized documentation established by the department. A county may maintain documentation relating to the resource family approval process in an electronic format.

(4) Training appropriate staff, including ensuring staff have the education and experience or core competencies necessary to participate in the assessment and evaluation of an applicant or resource family.

(5) (A) Taking the following actions, as applicable, for any of the reasons specified in Section 16519.61:

(i) (I) Approving or denying resource family applications, including preparing a written report that evaluates an applicant's capacity to foster, adopt, and provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

(II) The applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

(ii) Rescinding approvals of resource families.

(iii) When applicable, referring a case to the department for an action to exclude a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard.

(iv) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing when, in the opinion of the county, urgent action is needed to protect a child from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The county shall serve the resource family with the temporary suspension order and a copy of available discovery in the possession of the county, including, but not limited to, affidavits, declarations, names of witnesses, and other evidence upon which the county relied in issuing the temporary suspension order. The

temporary suspension order shall be served upon the resource family with a notice of action, and if the matter is to be heard before the Office of Administrative Hearings, an accusation. The temporary suspension order shall list the effective date on the order.

(v) Granting, denying, or rescinding criminal record exemptions.

(B) Providing a resource family parent, applicant, or individual who is the subject of a criminal record exemption denial or rescission with due process pursuant to Section 16519.6.

(C) Notifying the department of any decisions denying an application for resource family approval, rescinding the approval of a resource family, or denying or rescinding a criminal record exemption and, if applicable, notifying the department of the results of an administrative action.

(6) (A) Updating resource family approval biennially and as necessary to address any changes that have occurred in the resource family's circumstances, including, but not limited to, moving to a new home location or commencing operation of a family daycare home, as defined in Section 1596.78 of the Health and Safety Code.

(B) A county shall conduct an announced inspection of a resource family home during the biennial update, and as necessary to address any changes specified in subparagraph (A), in order to ensure that the resource family is conforming to all applicable laws and the written directives or regulations adopted pursuant to this section.

(7) Monitoring resource families through all of the following:

(A) Ensuring that social workers who identify a condition in the home that may not meet the approval standards set forth in subdivision (d) while in the course of a routine visit to children placed with a resource family take appropriate action as needed.

(B) Requiring resource families to meet the approval standards set forth in this section and to comply with the written directives or regulations adopted pursuant to this section, other applicable laws, and corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed, as specified in the plan, the county may rescind the resource family approval.

(C) Requiring resource families to report any incidents consistent with the reporting requirements pursuant to the written directives or regulations adopted pursuant to this section.

(D) Inspecting resource family homes as often as necessary to ensure the quality of care provided.

(8) (A) Investigating all complaints against a resource family and taking action as necessary, including, but not limited to, investigating any incidents reported about a resource family indicating that the approval standard is not being maintained and inspecting the resource family home. ~~This provision includes investigating incidents reported about a resource family not meeting the specific needs of LGBTQ+ and gender-expansive youth.~~

(B) The child's social worker shall not conduct the investigation into the complaint received concerning a family providing services pursuant to the standards required by subdivision (d). To the extent that adequate resources are available, complaints shall be investigated by a worker who did not conduct the home environment assessment or family evaluation or prepare the written report determining approval of the resource family.

(C) Upon conclusion of the complaint investigation, the final disposition shall be reviewed and approved by a supervising staff member.

(D) The department shall be notified of any serious incidents or serious complaints or any incident that falls within the definition of Section 11165.5 of the Penal Code. If those incidents or complaints result in an investigation, the department shall also be notified as to the status and disposition of that investigation.

(9) Performing corrective action as required by the department.

(10) Assessing county performance in related areas of the California Child and Family Services Review System, and remedying problems identified.

(11) Submitting information and data that the department determines is necessary to study, monitor, and prepare the update specified in paragraph (7) of subdivision (f).

(12) Ensuring resource family applicants and resource families have the necessary knowledge, skills, and abilities to support children **of all races, ethnic group identifications, ancestries, national origins, colors, religions, sexes, sexual orientations, gender identities, mental or physical disabilities, or HIV statuses** in foster care, ~~including LGBTQ+ and gender-expansive youth~~, by completing caregiver training. The training should include a curriculum that supports the role of a resource family in parenting vulnerable children and should be ongoing in order to provide resource families with information on trauma-informed practices and requirements and other topics within the foster care system.

(13) Ensuring that a resource family applicant completes a minimum of 12 hours of preapproval caregiver training. The training shall include, but not be limited to, all of the following courses:

- (A) An overview of the child protective and probation systems.
- (B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.
- (C) Positive discipline and the importance of self-esteem.
- (D) Health issues in foster care.
- (E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.
- (F) The rights of a child in foster care and the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.
- (H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school.
- (I) Permanence, well-being, and education needs of children.
- (J) Child and adolescent development, including sexual orientation, gender identity, and expression.
- (K) The role of resource families, including working cooperatively with the child welfare or probation agency, the child's family, and other service providers implementing the case plan.
- (L) The role of a resource family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.
- (M) A resource family's responsibility to act as a reasonable and prudent parent, as described in subdivision (c) of Section 1522.44 of the Health and Safety Code, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

(N) An overview of the specialized training identified in subdivision (h).

(O) The information described in subdivision (i) of Section 16521.5. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5.

(P) Information on providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking. For purposes of this subparagraph, "information" may include, but not be limited to, informational pamphlets addressing the identification of victims of commercial sexual exploitation and child labor trafficking and the provision of existing resources, including crisis hotline numbers, survivor and caregiver supports, and contact information for law enforcement entities.

(14) Ensuring resource families complete a minimum of eight hours of caregiver training annually, a portion of which shall be from subparagraph (M) of paragraph (13) and from one or more of the other topics listed in paragraph (13).

(15) (A) (i) Ensuring that resource families complete cardiopulmonary resuscitation (CPR) training and first aid training, or demonstrate equivalent certification, no later than 90 days following resource family approval.

(ii) A resource family parent who has a certificate of completion for Basic Life Support (BLS) for health care professionals, or Pediatric Advanced Life Support (PALS), or a higher standard of training that certifies CPR, and for whom the certification is currently active, is exempt from completing the resource family approval CPR training requirement as described in clause (i), upon demonstrating proof of certification of completion and until the date the certification expires.

(iii) A resource family parent who has active and unrestricted licensure as a health care professional, issued by the Department of Consumer Affairs or the Emergency Medical Services Authority, is exempt from completing the resource family approval first aid training requirement as described in clause (i), upon demonstrating proof of active and unrestricted licensure and until the date the licensure expires.

(B) (i) Ensuring that resource families, prior to expiration of the CPR and first aid certificates, obtain training to remain certified in CPR and first aid, or demonstrate equivalent certification, and submit copies of the certificates verifying completion of the training.

(ii) Clause (i) does not apply to first aid training for a resource family parent who is exempt from the first aid training requirement pursuant to clause (iii) of subparagraph (A).

(16) (A) Ensuring that resource families that care for children who are 10 years of age or older attend, within 12 months of approval as a resource family, a training on understanding how to use best practices for providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking. This training shall be survivor informed, culturally relevant and appropriate, and address issues relating to stigma. The training required by this subparagraph shall address all of the following topics:

- (i) Recognizing indicators of commercial sexual exploitation and child labor trafficking.
- (ii) Harm reduction.
- (iii) Trauma-informed care.
- (iv) Available county and state resources.
- (v) Perspectives of individuals or families who have experiences with commercial sexual exploitation and child labor trafficking.
- (vi) The ~~disproportionate number~~ experiences of LGBTQ+ and gender-expansive youth who are exploited or trafficked ~~experience exploitation~~.

(B) The information provided in subparagraph (P) of paragraph (13) shall also be provided during the training described in this paragraph.

(C) After completing the training required by subparagraph (A), a resource family shall not be required to attend training relating to children who have been commercially sexually exploited or who have been victims of child labor trafficking, except as required pursuant to subdivision (h).

(D) This section does not prevent an entity from providing the training specified in this paragraph in person, virtually, by recorded means, or by any other available means.

(h) In addition to any training required by this section, a county may require a resource family or applicant to receive relevant specialized training for the purpose of preparing the resource family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

- (1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children and children who have been victims of child labor trafficking.

(2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.

(3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.

(4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(5) Understanding how to use best practices for providing care and supervision to nonminor dependents.

(6) Understanding how to use best practices for providing care and supervision to children with special health care needs.

(7) Understanding the different permanency options and the services and benefits associated with the options.

(i) This section does not preclude a county from requiring training in excess of the requirements in this section.

(j) (1) Resource families who move home locations shall retain their resource family status pending the outcome of the update conducted pursuant to paragraph (6) of subdivision (g).

(2) (A) If a resource family moves from one county to another county, the department, or the county to which a resource family has moved, shall submit a written request to the Department of Justice to transfer the individual's subsequent arrest notification, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(3) Subject to the requirements in paragraph (1), the resource family shall continue to be approved for guardianship and adoption. This subdivision shall not limit a county, foster family agency, or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or family evaluation.

(k) Implementation of the program shall be contingent upon the continued availability of federal Social Security Act Title IV-E (42 U.S.C. Sec. 670) funds for costs associated with placement of children with resource families assessed and approved pursuant to the program.

(l) A child placed with a resource family is eligible for the resource family basic rate, pursuant to Sections 11460, 11461, 11461.3, and 11463, at the child's assessed level of care.

(m) Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.

(n) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child Abuse Central Index searches, processing, or responses, as specified in this section.

(o) Except as provided, resource families shall be exempt from both of the following:

(1) Licensure requirements established pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code) and all regulations promulgated to implement the act.

(2) Relative and nonrelative extended family member approval requirements as those approval requirements existed prior to January 1, 2017.

(p) (1) Early implementation counties shall be authorized to continue through December 31, 2016. The program shall be implemented by each county on or before January 1, 2017.

(2) (A) (i) On and after January 1, 2017, a county to which the department has delegated its licensing authority pursuant to Section 1511 of the Health and Safety Code shall approve resource families in lieu of licensing foster family homes.

(ii) Notwithstanding clause (i), the existing licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in subparagraph (C), until the license is revoked or forfeited by operation of law pursuant to Section 1517.1 of the Health and Safety Code.

(B) (i) On and after January 1, 2017, a county shall approve resource families in lieu of approving relative and nonrelative extended family members.

(ii) Notwithstanding clause (i), the existing approval and oversight processes shall continue to be administered for relatives and nonrelative extended family members approved prior to January 1, 2017, or as specified in subparagraph (C), until the approval is revoked or forfeited by operation of law pursuant to this section.

(C) Notwithstanding subparagraph (D), a county shall approve or deny all applications for foster family home licenses and requests for relative or nonrelative extended family member approvals received on or before December 31, 2016, in accordance with Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or provisions providing for the approval of relatives or nonrelative extended family members, as applicable.

(D) On and after January 1, 2017, a county shall not accept applications for foster family home licenses or requests to approve relatives or nonrelative extended family members.

(3) No later than July 1, 2019, each county shall provide the following information to all licensed foster family homes and approved relatives and nonrelative extended family members licensed or approved by the county:

(A) A detailed description of the resource family approval program.

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2020.

(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law, as specified in paragraph (8).

(4) The following applies to all licensed foster family homes and approved relative and nonrelative extended family members:

(A) A licensed foster family home or an approved relative or nonrelative extended family member with an approved adoptive home study completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A licensed foster family home or an approved relative or nonrelative extended family member who had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(C) A licensed foster family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(5) A county may provide supportive services to all licensed foster family homes, relatives, and nonrelative extended family members with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(6) (A) In order to approve a licensed foster family home or approved relative or nonrelative extended family member as a resource family pursuant to paragraph (4), a county shall submit a written request to the Department of Justice to transfer any subsequent arrest and Child Abuse Central Index notifications, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(7) An individual who is a member of a resource family approved pursuant to subparagraph (B) or (C) of paragraph (4) shall be fingerprinted pursuant to Section 8712 of the Family Code upon filing an application for adoption.

(8) All foster family licenses and approvals of relatives and nonrelative extended family members shall be forfeited by operation of law on December 31, 2020, except as provided in this paragraph or Section 1524 of the Health and Safety Code:

(A) All licensed foster family homes that did not have a child in placement or did not provide county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the license by operation of law on January 1, 2018.

(B) For foster family home licensees and approved relatives or nonrelative extended family members who have a pending resource family application on December 31, 2020, the foster family home license or relative and nonrelative extended family member approval shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A foster family home license shall be forfeited by operation of law, pursuant to Section 1517.1 of the Health and Safety Code, upon approval as a resource family.

(D) Approval as a relative or nonrelative extended family member shall be forfeited by operation of law upon approval as a resource family.

(q) On and after January 1, 2017, all licensed foster family agencies shall approve resource families in lieu of certifying foster homes, as set forth in Section 1517 of the Health and Safety Code.

(r) The department may establish participation conditions, and select and authorize foster family agencies that voluntarily submit implementation plans and revised plans of operation in accordance with requirements established by the department, to approve resource families in lieu of certifying foster homes.

(1) Notwithstanding any other law, a participating foster family agency shall require resource families to meet and maintain the resource family approval standards and requirements set forth in this chapter and in the written directives adopted consistent with the chapter prior to approval and in order to maintain approval.

(2) A participating foster family agency shall implement the resource family approval program pursuant to Section 1517 of the Health and Safety Code.

(3) This section does not limit the authority of the department to inspect, evaluate, or investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to Article 5 (commencing with Section 1550) of Chapter 3 of Division 2 of the Health and Safety Code, or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(4) The department may adjust the foster family agency AFDC-FC rate pursuant to Section 11463 for implementation of this subdivision.

(5) This subdivision is inoperative on January 1, 2017.

(s) The department or a county is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties, as provided in this section or subdivision (e) of Section 1522 of the Health and Safety Code.

(t) A resource family approved pursuant to this section shall forfeit its approval concurrent with resource family approval by a foster family agency.

SEC. 3. Section 16519.61 of the Welfare and Institutions Code is amended to read:

16519.61. A county or the department may deny a resource family application or rescind the approval of a resource family, and the department may exclude an individual from any resource family home, for any of the following reasons:

(a) Violation of Section 16519.5, the written directives or regulations adopted pursuant to Section 16519.5, or any applicable law.

(b) Aiding, abetting, or permitting the violation of Section 16519.5, the written directives or regulations adopted pursuant to Section 16519.5, or any applicable law.

(c) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, ~~including LGBTQ+ and gender-expansive youth~~, another individual, or the people of the State of California.

(d) The conviction of the resource family applicant, parent, or associated individual at any time before or during their approval of a crime described in Section 1522 of the Health and Safety Code.

(e) Engaging in acts of financial malfeasance, including, but not limited to, improper use or embezzlement of the money or property of a child, fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.

(f) Any other reason specified in the written directives or regulations adopted pursuant to Section 16519.5.

SEC. 4. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.