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AB-213 Public social services. (2021-2022)

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AMENDED IN SENATE APRIL 08, 2021

AMENDED IN ASSEMBLY FEBRUARY 18, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 213

Introduced by Committee on Budget (Assembly Members Ting (Chair), Arambula, Bennett, Bloom, Carrillo, Chiu, Cooper, Frazier, Friedman, Cristina Garcia, Jones-Sawyer, Lee, McCarty, Medina, Mullin, Nazarian, O'Donnell, Ramos, Reyes, Luz Rivas, Blanca Rubio, Stone, and Wood)

January 08, 2021

An act ~~relating to the Budget Act of 2021.~~ to amend Sections 8151, 8152, 10004, 10850, and 11461.36 of, and to add Section 12201.7 to, the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

AB 213, as amended, Committee on Budget. ~~Budget Act of 2021.~~ Public social services.

(1) Existing law establishes the State Supplementary Program for the Aged, Blind, and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients to supplement Supplemental Security Income (SSI) payments made available pursuant to the federal Social Security Act.

Existing law also establishes the Golden State Grant Program, which requires the department to make a one-time grant payment of \$600 to qualified grant recipients, including recipients of benefits under the SSI/SSP program. Existing law authorizes the department to determine the form and manner of these payments.

This bill would instead require the one-time grant payments made under the Golden State Grant Program to individuals who are eligible for the payment because they are recipients of SSI/SSP benefits to be paid as a one-time increase of \$600 to the individual's SSP benefits. The bill would expressly exempt this increase from the provisions requiring the department to contract with the United States Secretary of Health and Human Services to make payments to SSP recipients.

(2) Existing law authorizes eligibility interviews for the Cash Assistance Program for Aged, Blind and Disabled Legal Immigrants program to be conducted electronically, and all application and redetermination forms to be

submitted by telephone, email, or facsimile through December 31, 2020.

This bill would continue that authorization through the end of the state of emergency declared on March 4, 2020, due to the COVID-19 pandemic.

(3) Existing law prohibits a person from publishing or disclosing, or permitting the publication or disclosure of, a list of persons receiving public social services and limits the use of the lists to purposes directly connected with the administration of public social services.

This bill would authorize the use of a list of persons receiving public social services to notify a public social services recipient of their potential eligibility for other benefits and services not administered by the department.

(4) Existing law provides for the temporary or emergency placement of dependent children of the juvenile court and nonminor dependents with relative caregivers or nonrelative extended family members under specified circumstances. Existing law requires counties to provide a specified payment to an emergency caregiver if, among other things, the emergency caregiver has completed an application for resource family approval and an application for the Emergency Assistance Program. Existing law, for emergency or compelling reason placements in the 2020–21 fiscal year, makes the federal and state share of payments available beyond 120 days of payments and up to 365 days of payments if specified conditions are met.

This bill would suspend the 365-day payment limitation through June 30, 2021, subject to guidance from the department.

(5) This bill would appropriate \$1,234,000 from the General Fund to the State Department of Social Services to implement provisions relating to foster care placements during the COVID-19 emergency and would authorize up to \$29,000 of those funds to be used for administrative support to counties for the processing of those payments.

(6) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes, relating to the Budget Act of 2021.~~

Vote: majority Appropriation: ~~no~~yes Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 8151 of the Welfare and Institutions Code is amended to read:*

8151. (a) The State Department of Social Services shall make a one-time grant payment in the amount of six hundred dollars (\$600) to each grant recipient, as defined in subdivision (b) as of the eligibility date. The grant payments may be made in the form and manner determined by the department, including establishing the eligibility date and contracting with one or more entities.

(b) For the purposes of this section, "grant recipient" means one of the following:

(1) An assistance unit as defined in Section 11450.16 under the California Work Opportunity and Responsibility to Kids Act (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9).

(2) Subject to subdivision (e), a recipient of benefits provided under the Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants (Chapter 10.3 (commencing with Section 18937) of Part 6 of Division 9).

(3) Subject to subdivision (e), a recipient of benefits under the Supplemental Security Income/State ~~Supplemental~~ *Supplementary* Program (SSI/SSP) (Chapter 3 (commencing with Section 12000) of Part 3 of Division 9). *A payment issued pursuant to this paragraph shall be issued as a one-time increase, in the amount of six hundred dollars (\$600), to a payment received under the State Supplementary Program for the Aged, Blind, and Disabled (SSP), as described in Section 12201.7.*

(c) Notwithstanding any other law, the receipt of a payment under this section shall be treated in the same manner as the federal earned Income Tax Credit for the purpose of determining eligibility to receive benefits under Division 9 (commencing with Section 10000) of the Welfare and Institutions Code or amounts of those benefits.

(d) Notwithstanding any other law, the receipt of a payment authorized pursuant to this section shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of that individual, or any other individual, for benefits or assistance, or the amount or extent of benefits or assistance, under any state or local program not covered in subdivision (c). With respect to a state or local program, this subdivision shall only be implemented to the extent that it does not conflict with federal law relating to that program, and that any required federal approval or waiver is first obtained for that program.

(e) Pursuant to Section 18941, a recipient eligible to receive a grant payment under paragraph (2) or paragraph (3) of subdivision (b) shall not receive the grant payment unless the department is able to issue grant payments under both paragraphs (2) and (3).

(f) Notwithstanding any other law, for purposes of Section 10850, the activities in furtherance of this section are directly connected with the administration of public social services. Information may be disclosed as necessary to effectuate the purposes of this section. Information disclosed pursuant to this section shall be limited to that information necessary to implement this section.

(g) (1) Contracts or grants awarded pursuant to this section shall be exempt from the personal services contracting requirements of Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code.

(2) Contracts or grants awarded pursuant to this section shall be exempt from the Public Contract Code and the State Contracting Manual and shall not be subject to the approval of the State Department of General Services.

(h) 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 State Department of Social Services may implement, interpret, or make specific this section by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations.

SEC. 2. Section 8152 of the Welfare and Institutions Code is amended to read:

8152. (a) (1) A Golden State Stimulus payment made by the Controller pursuant to Section ~~8150~~ and **8150**, a Golden State Grant payment made by the State Department of Social Services or contracted entities pursuant to Section ~~8151~~ **8151**, and a payment made pursuant to Section **12201.7** shall be automatically exempt from a garnishment order.

(2) This subdivision does not apply to a garnishment order in connection with an action for, or a judgment awarding, child support, spousal support, family support, or a criminal restitution payable to victims.

(b) Notwithstanding any other law, a financial institution receiving directly from the state the payments described in subdivision (a) shall exempt those payments from any garnishment order if the payment is marked by the state as a "Golden State Stimulus payment" or "Golden State Grant payment" or includes some other industry-standard unique identifier that is reasonably sufficient to allow the financial institution to identify the funds as a Golden State Stimulus payment or Golden State Grant payment.

(c) (1) In exempting a Golden State Stimulus payment or Golden State Grant payment from a garnishment order, a financial institution shall identify an exempt deposit using a lookback period during an account review.

(2) The financial institution shall perform a one-time account review consistent with the requirements described in subsection (a) of Section 212.5 of Title 31 of the Code of Federal Regulations.

(d) A financial institution that attempts in good faith to comply with this section shall not be subject to liability or regulatory action under a federal or state law, regulation, court or other order, or regulatory interpretation for actions concerning applicable payments.

(e) As used in this section:

(1) "Account review" means the process of examining deposits in an account to determine if a benefit agency has deposited a benefit payment into the account during the lookback period.

(2) "Garnishment order" means a writ, order, notice, summons, judgment, levy, or similar written instruction issued by a court, a state or state agency, or a municipality or municipal corporation, including an order to freeze the assets in an account, to effect a garnishment against a debtor.

(3) "Lookback period" means the two-month period that begins on the date preceding the date of account review and ends on the corresponding date of the month two months earlier or on the last date of the month two months earlier if the corresponding date does not exist.

SEC. 3. Section 10004 of the Welfare and Institutions Code is amended to read:

10004. (a) For all In-Home Supportive Services recipients who were due for a reassessment pursuant to Section 12301.1 between the issuance of Executive Order No. N-29-20 and June 30, 2020, and for whom one was not completed due to the waiver authority set forth in Executive Order No. N-29-20, counties shall have until December 31, 2020, to complete the required reassessments.

(b) Reassessments for In-Home Supportive Services recipients required pursuant to Section 12301.1 on or before December 31, 2020, may be conducted remotely using telehealth, including by video conference or telephone, subject to continuing federal approval.

(c) (1) For applicants and recipients of the Cash Assistance Program for Aged, Blind and Disabled Legal Immigrants (Chapter 10.3 (commencing with Section 18937) of Part 6), all eligibility interviews may be conducted electronically, including by telephone or videoconference, and all application and redetermination forms may be submitted by telephone, email, or facsimile, through ~~December 31, 2020;~~ *the end of the state of emergency declared on March 4, 2020, due to the COVID-19 pandemic.*

(2) ~~Any~~ *An* applicant or recipient applying for the Cash Assistance Program for Aged, Blind and Disabled Legal Immigrants (Chapter 10.3 (commencing with Section 18937) of Part 6) through ~~December 31, 2020;~~ *the end of the state of emergency declared on March 4, 2020, due to the COVID-19 pandemic,* satisfies the eligibility verification requirement specified in subdivision (a) of Section 18939, that the applicant or recipient is ineligible for Supplemental Security Income/State Supplemental Program (SSI/SSP) solely due to their immigration status, by providing a verbal attestation that they have applied for SSI/SSP and their application is pending a final determination by the Social Security Administration, or that they have received a final determination and denial by the Social Security Administration.

(d) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 10850 of the Welfare and Institutions Code is amended to read:

10850. (a) Except as otherwise provided in this section, all applications and records concerning any individual made or kept by ~~any~~ *a* public officer or agency in connection with the administration of any provision of this code relating to any form of public social services for which grants-in-aid are received by this state from the United States government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of that program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of that program. The disclosure of ~~any~~ information that ~~identifies~~ *identifies*, by name or ~~address~~ *any address*, ~~an~~ applicant ~~for~~ *for*, or recipient ~~of~~ *of*, these grants-in-aid to any committee or legislative body is prohibited, except as provided in subdivision (b).

(b) Except as otherwise provided in this section, ~~no~~ *a* person shall *not* publish or disclose or permit or cause to be published or disclosed ~~any~~ *a* list of persons receiving public social services. Any county welfare department in this state may release lists of applicants for, or recipients of, public social services, to any other county welfare department or the State Department of Social Services, and these lists or any other records shall be released when requested by any county welfare department or the State Department of Social Services. These lists or other records shall only be used for purposes directly connected with the administration of public social ~~services:~~ *services or to notify a public social service recipient of their potential eligibility for other benefits and services not administered by the State Department of Social Services, including, but not limited to, education and access to critical public health services and poverty-alleviating benefits, as determined by the State Department of Social Services.* Except for those purposes, ~~no~~ *a* person shall *not* publish, disclose, or use or permit or cause to be published, disclosed, or used any confidential information pertaining to an applicant or recipient.

(c) Any county welfare department and the State Department of Social Services shall provide any governmental entity that is authorized by law to conduct an audit or similar activity in connection with the administration of public social services, including any committee or legislative body so authorized, with access to any public social service applications and records described in subdivision (a) to the extent of the authorization. Those committees, legislative bodies, and other entities may only request or use these records for the purpose of investigating the administration of public social services, and shall not disclose the identity of any applicant or

recipient except in the case of a criminal or civil proceeding conducted in connection with the administration of public social services.

(d) This section ~~shall~~ **does** not prohibit the furnishing of this information to other public agencies to the extent required for verifying eligibility or for other purposes directly connected with the administration of public social services, or to county superintendents of schools or superintendents of school districts only as necessary for the administration of federally assisted programs providing assistance in cash or in-kind or services directly to individuals on the basis of need. Any person knowingly and intentionally violating this subdivision is guilty of a misdemeanor.

(e) In the context of a petition for the appointment of a conservator for a person who is ~~receiving~~ **receiving**, or has ~~received~~ **received**, aid from a public agency, as indicated above, or in the context of a criminal prosecution for a violation of Section 368 of the Penal Code both of the following shall apply:

(1) An adult protective services employee or ombudsman may answer truthfully at any proceeding related to the petition or prosecution, when asked if ~~he or she~~ **the employee or ombudsman** is aware of information that ~~he or she believes~~ **they believe** is related to the legal mental capacity of that aid recipient or the need for a conservatorship for that aid recipient. If the adult protective services employee or ombudsman states that ~~he or she is~~ **they are** aware of such information, the court may order the adult protective services employee or ombudsman to testify about ~~his or her~~ **personal** observations and to disclose all relevant agency records.

(2) The court may order the adult protective services employee or ombudsman to testify about ~~his or her~~ **personal** observations and to disclose any relevant agency records if the court has other independent reason to believe that the adult protective services employee or ombudsman has information that would facilitate the resolution of the matter.

(f) The State Department of Social Services may make rules and regulations governing the custody, use, and preservation of all records, papers, files, and communications pertaining to the administration of the laws relating to public social services under ~~their~~ **its** jurisdiction. The rules and regulations shall be binding on all departments, ~~officials~~ **officials**, and employees of the state, or of any political subdivision of the ~~state~~ **state**, and may provide for giving information ~~to~~ **to**, or exchanging information ~~with~~ **with**, agencies, public or political subdivisions of the state, and may provide for giving information ~~to~~ **to**, or exchanging information ~~with~~ **with**, agencies, public or private, that are engaged in planning, providing, or securing social services ~~for~~ **for**, or on behalf ~~of~~ **of**, recipients or applicants; and for making case records available for research purposes, provided that making these case records available will not result in the disclosure of the identity of applicants ~~for~~ **for**, or recipients ~~of~~ **of**, public social services and will not disclose any personal information in a manner that would link the information disclosed to the individual to whom it pertains, unless the department has complied with subdivision (t) of Section 1798.24 of the Civil Code.

(g) ~~Any~~ **A** person, including every public officer and employee, who knowingly secures or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied ~~for~~ **for**, or who have been ~~granted~~ **granted**, any form of public social services for which state or federal funds are made available to the counties is guilty of a misdemeanor.

(h) This section ~~shall not be construed to~~ **does not** prohibit an employee of a county welfare department from disclosing confidential information concerning a public social services applicant or recipient to a state or local law enforcement agency investigating or gathering information regarding a criminal act committed in a welfare department office, a criminal act against ~~any~~ **a** county or state welfare worker, or ~~any~~ **a** criminal act witnessed by ~~any~~ **a** county or state welfare worker while involved in the administration of public social services at any location. Further, this section ~~shall not be construed to~~ **does not** prohibit an employee of a county welfare department from disclosing confidential information concerning a public social services applicant or recipient to a state or local law enforcement agency investigating or gathering information regarding a criminal act intentionally committed by the applicant or recipient against ~~any~~ **an** off-duty county or state welfare worker in retaliation for an act performed in the course of the welfare worker's duty when the person committing the offense ~~knows~~ **knows**, or reasonably should ~~know~~ **know**, that the victim is a state or county welfare worker. These criminal acts shall include only those that are in violation of state or local law. Disclosure of confidential information pursuant to this subdivision shall be limited to the applicant's or recipient's name, physical description, and address.

(i) The provisions of this section shall be operative only to the extent permitted by federal law and shall not apply to, but exclude, Chapter 7 (commencing with Section 14000) and Chapter 8 (commencing with Section

14200) of this division, and for which a grant-in-aid is received by this state from the United States government pursuant to Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.).

(j) (1) Public social services, as defined in Section 10051, includes publicly funded health care services administered or supervised by the department or the State Department of Health Care Services, except that, as used in this section, it does not include the Medi-Cal program. This subdivision does not affect or alter the exclusions contained in subdivision (i) or the confidentiality provisions contained in Section 14100.2.

(2) This subdivision clarifies existing law.

SEC. 5. Section 11461.36 of the Welfare and Institutions Code is amended to read:

11461.36. (a) It is the intent of the Legislature to provide support to emergency caregivers, as defined in subdivision (c), who care for children and nonminor dependents before approval of an application under the Resource Family Approval Program.

(b) For placements made on and after July 1, 2018, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure, pursuant to Section 11463, to an emergency caregiver on behalf of a child or nonminor dependent placed in the home of the caregiver pursuant to subdivision (d) of Section 309 or Section 361.45, or based on a compelling reason pursuant to subdivision (e) of Section 16519.5, subject to the availability of state and federal funds pursuant to subdivision (e), if all of the following criteria are met:

(1) The child or nonminor dependent is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the emergency caregiver.

(2) The child or nonminor dependent resides in California.

(3) The emergency caregiver has signed and submitted to the county an application for resource family approval.

(4) An application for the Emergency Assistance Program has been completed.

(c) For purposes of this section, an "emergency caregiver" means an individual who has a pending resource family application filed with an appropriate agency on or after July 1, 2018, and who meets one of the following requirements:

(1) The individual has been assessed pursuant to Section 361.4.

(2) The individual has successfully completed the home environment assessment portion of the resource family approval pursuant to paragraph (2) of subdivision (d) of Section 16519.5.

(d) The beginning date of aid for payments made pursuant to subdivision (b) shall be the date of placement.

(e) Funding for payments made pursuant to subdivision (b) shall be as follows:

(1) For emergency or compelling reason placements made during the 2018–19 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), beyond 180 days, or, if the conditions of subparagraph (E) are met, beyond 365 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 180 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 90 days and the reason for the delays.

(2) For emergency or compelling reason placements made during the 2019–20 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, or the chief probation officer, or their designee, as applicable, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reason for the delays.

(3) For emergency or compelling reason placements made during the 2020–21 fiscal year:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 120 days, whichever occurs first.

(E) The federal and state share of payment made pursuant to this paragraph shall be available beyond 120 days of payments, and up to 365 days of payments, if all of the following conditions are met:

(i) On a monthly basis, the county has documented good cause for delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designees, or the chief probation officer, or their designee, as applicable, has been notified of the delay in

approving the resource family application and that notification is documented in the resource family approval file.

(iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 120 days and the reasons for the delays.

(F) The 365-day payment limitation pursuant to subparagraph (E) and accompanying rules and regulations is suspended through June 30, 2021, subject to guidance from the State Department of Social Services.

(4) For emergency or compelling reason placements made during the 2021–22 fiscal year, and each fiscal year thereafter:

(A) Payments shall be made to an emergency caregiver through the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant.

(B) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), if the child or nonminor dependent is determined to be ineligible for the Emergency Assistance Program included in the state's Temporary Assistance for Needy Families block grant, 70 percent of the cost of the emergency payments made to the emergency caregiver shall be funded by the department and 30 percent shall be funded by the county.

(D) Notwithstanding subparagraphs (A), (B), and (C), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), or beyond 90 days, whichever occurs first.

(E) The department shall consider extending the payments required pursuant to subdivision (b) beyond the 90-day limit identified in subparagraph (D) if it makes a determination that the resource family approval process cannot be completed within 90 days due to circumstances outside of a county's control.

(f) (1) An emergency caregiver eligible for payments pursuant to subdivision (b) of Section 11461.35, as that section read on June 30, 2018, shall continue to be eligible for those payments on and after July 1, 2018, until the emergency caregiver's resource family application is approved or denied.

(2) Funding for a payment described in paragraph (1) shall be as follows:

(A) If the emergency caregiver was eligible to receive payments funded through the Approved Relative Caregiver Funding Program, payments shall be made through that program until the application for resource family approval is approved or denied.

(B) If the emergency caregiver was eligible to receive payments funded through the Emergency Assistance Program, payments shall be made through that program, subject to the following conditions:

(i) Up to 180 total days or, if the conditions of subparagraph (D) are met, up to 365 total days of payments shall be made to the emergency caregiver through the Emergency Assistance Program. For the purpose of this subdivision, "total days of payments" includes all payments made to the emergency caregiver through the Emergency Assistance Program pursuant to this section and Section 11461.35, as that section read on June 30, 2018.

(ii) The county shall be solely responsible for the nonfederal share of cost.

(C) Notwithstanding subparagraphs (A) and (B), payments required to be provided pursuant to subdivision (b) shall not be eligible for the federal or state share of cost upon approval or denial of the resource family application, consistent with subdivision (g), beyond 180 days, or, if the conditions of subparagraph (D) are met, beyond 365 days, whichever occurs first.

(D) The federal and state share of payment made pursuant to this subdivision shall be available beyond 180 total days of payments, and up to 365 total days of payments, when the following conditions are met:

(i) On a monthly basis, the county has documented good cause for the delay in approving the resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(ii) On a monthly basis, the deputy director or director of the county child welfare department, or their designee, has been notified of the delay in approving the resource family application and that notification is documented in the resource family approval file.

- (iii) On a monthly basis, the county provides to the department a list of the resource family applications that have been pending for more than 90 days, the number of cases that have received more than 90 total days of payments pursuant to this section and Section 11461.35, and the reason for the delays in approval or denial of the resource family applications.
- (g) (1) If the application for resource family approval is approved, the funding source for the placement shall be changed to AFDC-FC or the Approved Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility requirements.
- (2) If the application for resource family approval is denied, eligibility for funding pursuant to this section shall be terminated.
- (h) A county shall not be liable for any federal disallowance or penalty imposed on the state as a result of a county's action in reliance on the state's instruction related to implementation of this section.
- (i) (1) For the 2018–19 and 2019–20 fiscal years, the department shall determine, on a county-by-county basis, whether the timeframe for the resource family approval process resulted in net assistance costs or net assistance savings for assistance payments, pursuant to this section.
- (2) For the 2018–19 and 2019–20 fiscal years, the department shall also consider, on a county-by-county basis, the impact to the receipt of federal Title IV-E funding that may result from implementation of this section.
- (3) The department shall work with the California State Association of Counties to jointly determine the timeframe for subsequent reviews of county costs and savings beyond the 2019–20 fiscal year.
- (j) (1) The department shall monitor the implementation of this section, including, but not limited to, tracking the usage and duration of Emergency Assistance Program payments made pursuant to this section and evaluating the duration of time a child or nonminor dependent is in a home pending resource family approval. The department may conduct county reviews or case reviews, or both, to monitor the implementation of this section and to ensure successful implementation of the county plan, submitted pursuant to subparagraph (B) of paragraph (2) of subdivision (e) of Section 11461.35, to eliminate any resource family approval backlog by September 1, 2018.
- (2) The department may request information or data necessary to oversee the implementation of this section until data collection is available through automation. Pending the completion of automation, information or data collected manually shall be determined in consultation with the County Welfare Directors Association of California.
- (k) An appropriation shall not be made pursuant to Section 15200 for purposes of implementing this section.
- (l) (1) On and after July 1, 2019, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure, pursuant to Section 11463, on behalf of an Indian child, as defined in subdivision (a) of Section 224.1, placed in the home of the caregiver who is pending approval as a tribally approved home, as defined in subdivision (r) of Section 224.1, if all of the following criteria are met:
- (A) The placement is made pursuant to subdivision (d) of Section 309 or Section 361.45.
- (B) The caregiver has been assessed pursuant to Section 361.4.
- (C) The child is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the caregiver.
- (D) The child resides in California.
- (E) The tribe or tribal agency has initiated the process for the home to become tribally approved.
- (F) An application for the Emergency Assistance Program has been completed by the placing agency.
- (2) The beginning date of aid for payments made pursuant to this subdivision shall be the date of placement.
- (3) The funding source for the placement shall be changed to AFDC-FC or the Approved Relative Caregiver Funding Program, as appropriate and consistent with existing eligibility requirements, when the caregiver is approved as a tribally approved home. If the approval is denied, payments made pursuant to this subdivision shall cease.

(4) Subdivision (e) and subdivisions (h) to (k), inclusive, shall apply to payments made pursuant to this subdivision.

(m) 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 and administer this section through an all-county letter or similar instructions, which shall include instructions regarding the eligibility standards for emergency assistance until regulations are adopted.

SEC. 6. *Section 12201.7 is added to the Welfare and Institutions Code, to read:*

12201.7. *(a) The department shall issue a one-time increase in the amount of six hundred dollars (\$600) to a payment received under this chapter as of the eligibility date to be determined by the department.*

(b) The one-time increase to a payment made pursuant to this section shall be exempt from the administration provisions pursuant to Article 3 (commencing with Section 12100) and shall be administered in the form and manner determined by the department.

(c) 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, interpret, or make specific this section by means of all-county letters or similar written instructions, which shall be exempt from submission to or review by the Office of Administrative Law. These all-county letters or similar instructions shall have the same force and effect as regulations.

SEC. 7. *(a) (1) The sum of one million two hundred thirty-four thousand dollars (\$1,234,000) is hereby appropriated from the General Fund to the State Department of Social Services to implement the provisions of this act relating to support for foster care placements during the COVID-19 emergency.*

(2) Of the one million two hundred thirty-four thousand dollars (\$1,234,000), up to twenty-nine thousand dollars (\$29,000) shall be available for administrative support to counties for the processing of payments pursuant to paragraph (1) of this section. Funds shall be available for liquidation until June 30, 2021.

(b) These funds shall be available for encumbrance or expenditure until June 30, 2021, and available for liquidation until June 30, 2023.

SEC. 8. *This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.*

~~SECTION 1. It is the intent of the Legislature to enact statutory changes, relating to the Budget Act of 2021.~~