
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

AB 426 (Jackson) - Unlicensed residential foster care facilities: temporary placement management

Version: July 14, 2023

Urgency: Yes

Hearing Date: August 14, 2023

Policy Vote: HUMAN S. 4 - 1, JUD. 6 - 3

Mandate: No

Consultant: Agnes Lee

Bill Summary: AB 426, an urgency measure, would increase enforcement and penalties for unlicensed residential facilities for foster youth.

Fiscal Impact: The California Department of Social Services (CDSS) estimates ongoing General Fund costs, likely tens of millions, for state operations and local assistance.

Background: The CDSS is responsible for licensing several categories of children's residential community care facilities. Facility placements for foster youth may include, but are not limited to:

- **Community Treatment Facility:** These facilities provide 24-hour non-medical care and mental health treatment services to children in a secure environment, which are less restrictive than a hospital.
- **Short-Term Residential Therapeutic Program (STRTP):** This is a residential facility operated by a public agency or private organization that provides short-term, specialized, and intensive therapeutic and 24-hour care and supervision to children.
- **Temporary Shelter Care Facility:** These facilities are owned and operated by the county or on behalf of a county by a private, nonprofit agency that provides for 24-hour non-medical care for up to 10 calendar days, for children under 18 years of age who have been removed from their homes as a result of abuse or neglect. During the child's stay, the county is identifying and placing the child with a suitable family member or in an appropriate licensed or approved home or facility.

Under current law, a community care facility may not operate without a current valid license issued by CDSS. The CDSS may assess an immediate civil penalty of \$200 per day of the violation. Current law requires this civil penalty to be imposed if an unlicensed facility is operated and the operator refuses to seek licensure or the operator seeks licensure and the licensure application is denied and the operator continues to operate the unlicensed facility, unless other remedies available to CDSS, including criminal prosecution, are deemed more effective by the CDSS.

Proposed Law: Specific provisions of the bill would:

- Require the CDSS to provide an initial statement of allegations to a residential foster care facility if the department has reason to believe that the facility is not licensed

and is endangering the welfare of foster care children or youth in the facility, as specified.

- Require the CDSS, within 48 hours of providing the initial statement of allegations, to provide the facility with a formal statement of allegations, as specified.
- Require that the appointment of a temporary placement manager is effective 61 calendar days after the department issues the formal statement of causes and concerns, and continues until the temporary placement manager notifies the department, and the department verifies, that appropriate placements have been arranged for all foster children and youth in the facility.
- Authorize a residential foster care facility that receives a formal statement of allegations to contest the appointment of a temporary manager by seeking injunctive relief in the superior court sitting in the county in which the facility is located.
- Require CDSS, in addition to existing penalties related to unlicensed residential foster care facilities, to assess the following:
 - An immediate civil penalty of \$500 for each foster child or youth residing in the facility per day of the violation.
 - For failure to locate appropriate placements for all of the foster children and youth residing in the unlicensed facility within 60 days after receiving the formal statement of allegations, \$5,000 for each remaining foster child or youth residing in the unlicensed facility per day of the violation.
- Contain an urgency clause.

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