

Cited Codes, Regulations and/or Statutes

Health and Safety Code Section 1559.110

DIVISION 2. LICENSING PROVISIONS [1200 - 1797.8]

CHAPTER 3. California Community Care Facilities Act [1500 - 1567.94]

ARTICLE 5.7. Transitional Housing Placement Program [1559.110- 1559.110.]

1559.110. (a) (1) The State Department of Social Services shall license transitional housing placement providers pursuant to this chapter.

(2) A transitional housing placement provider may operate either of the following programs, as described in Section 16522.1 of the Welfare and Institutions Code:

(A) A Transitional Housing Placement program for participants who are minor foster children.

(B) A Transitional Housing Placement program for participants who are nonminor dependents.

(3) Prior to licensure, a transitional housing placement provider shall obtain program certification from the applicable county, in accordance with Section 16522.1 of the Welfare and Institutions Code. For purposes of this paragraph, “applicable county” means the county where the administrative office or subadministrative office of a transitional housing placement provider is located, or a primary placing county.

(b) Transitional housing placement providers shall provide supervised transitional housing services to foster children who are at least 16 years of age.

(c) Transitional housing placement providers shall certify that housing units are adequate, safe, and sanitary.

(d) Transitional housing units shall include any of the following:

(1) A host family certified by a transitional housing placement provider with whom a participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by the host family.

(2) A staffed site in which a participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by a transitional housing placement provider either with an adult employee of the provider who provides supervision or in a building in which one or more adult employees of the provider reside and provide supervision.

(3) A remote site in which a participant lives independently in an apartment, single-family dwelling, or condominium owned, rented, or leased by a transitional housing placement provider under the supervision of the provider if the department provides approval. The remote site shall only be available to nonminor dependents.

(e) (1) A transitional housing placement provider may cosign a lease with a nonminor dependent as specified by the department.

(2) A participant shall not be permitted to solely sign a rental or lease agreement.

(f) A transitional housing placement provider's plan of operation shall include a program statement. The program statement shall contain a description of the core services and supports, as set forth in paragraph (5) of subdivision (b) of Section 11463 of the Welfare and Institutions Code, and as prescribed by the department, to be offered to participants, as appropriate or as necessary.

(g) (1) The department shall adopt regulations to govern transitional housing placement providers licensed pursuant to this section.

(2) The regulations shall be age appropriate and recognize that nonminor dependents who are about to exit from the foster care system should be subject to fewer restrictions than those who are foster children. At a minimum, the regulations shall provide for all of the following:

(A) Require programs that serve both minor foster children and nonminor dependents to have separate rules and program design, as appropriate, for these two groups of youth.

(B) Allow nonminor dependents to have the greatest amount of freedom possible in order to prepare them for their transition to adulthood, in accordance with paragraph (1) of subdivision (b) of Section 1502.7.

(C) Maintain a program staffing ratio for minor foster children of case manager to participant not to exceed 1 to 12, inclusive.

(D) Maintain a program staffing ratio for nonminor dependents of case manager to participant not to exceed a shared average caseload of 1 to 12, inclusive, with a designated lead case manager assigned to each youth.

(E) Allow a nonminor dependent participant to share a bedroom in a transitional housing unit with any of the following persons:

(i) Another participant as approved by the provider.

(ii) A participant in Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, as approved by the provider.

(iii) A nonparticipant roommate as approved by the provider on a case-by-case basis, as specified by the department.

(iv) The participant's children.

(v) Any other person as specified by the department.

(F) Allow a minor participant to share a bedroom in a transitional housing unit with any of the following persons:

(i) Another participant as approved by the provider.

(ii) A participant in Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, as approved by the provider.

(iii) The participant's children.

(iv) A nonparticipant roommate as approved by the provider on a case-by-case basis, as specified by the department.

(v) Any other person as specified by the department.

(G) Any adult who is not a participant, including participants in Transitional Housing Program-Plus, as defined in subdivision (s) of Section 11400 of the Welfare and Institutions Code, and who resides with a participant shall obtain a criminal record clearance or exemption in accordance with Section 1522.

(h) (1) A program manager for a Transitional Housing Placement program for nonminor dependents shall have a master's degree or higher from an accredited or state-approved graduate school, or equivalent education and experience, as determined by the department.

(2) Persons who possess a master's degree or higher from an accredited or state-approved graduate school in any of the following areas, or equivalent education and experience, as determined by the department, shall be considered to be qualified to perform program manager activities in a Transitional Housing Placement program for nonminor dependents:

(A) Marriage, family, and child counseling.

(B) Child psychology.

(C) Child development.

(D) Counseling psychology.

(E) Social psychology.

(F) Clinical psychology.

(G) Educational psychology.

(H) Education, with emphasis on counseling.

(I) Social work or social welfare.

(J) An area that includes the counseling or psychotherapy content required for licensure as a Licensed Professional Clinical Counselor, as specified in Sections 4999.32 and 4999.33 of the Business and Professions Code.

(K) A subject area that is functionally equivalent to those listed in subparagraphs (A) to (J), inclusive, as set forth by the department.

(i) (1) (A) In addition to the degree specifications in subdivision (h), a program manager for a Transitional Housing Placement program for nonminor dependents shall have a minimum of two years' experience in a public or private child welfare social services setting or specific experience working with transition age youth who are 16 to 24 years of age, inclusive.

(B) Documentation of the completed education and experience requirements shall be maintained in the personnel file.

(C) A transitional housing placement provider may request an exception, as specified in subdivision (j), for a person who does not meet the requirements specified in this subdivision or subdivision (h).

(D) Persons who were hired as program managers prior to January 1, 2018, shall not be required to meet the requirements of this subdivision in order to remain employed as program managers.

(j) (1) A transitional housing placement provider shall apply to the department, using the process established by the department, to request an exception to the requirements of subdivision (h) or (i) based on completion of equivalent education and experience.

(2) The department may grant exceptions to the requirements described in subdivisions (h) and (i) if the person to whom the exception would apply has a baccalaureate degree from an accredited or state-approved college or university.

(3) The department shall approve or deny exceptions to the requirements described in subdivisions (h) and (i) within 30 days of receiving the exception request from the provider.

(k) (1) A case manager for a Transitional Housing Placement program for nonminor dependents shall meet either of the following requirements:

(A) A minimum of a baccalaureate degree in any of the areas specified in paragraph (2) of subdivision (h).

(B) A minimum of a baccalaureate degree in an area not specified in paragraph (2) of subdivision (h) and a minimum of two years' experience in a public or private child welfare social services setting, or specific experience working with transition age youth who are 16 to 24 years of age, inclusive.

(2) Documentation of the completed education and experience requirements shall be maintained in the personnel file.

(3) Persons who were hired as case managers prior to January 1, 2018, shall not be required to meet the requirements of this subdivision in order to remain employed as a case manager.

(4) A transitional housing placement provider shall apply to the department, using the process established by the department, to request an exception to the requirements of subparagraph (A) or (B) of paragraph (1) based on completion of equivalent education and experience shall apply to the department using the process established by the department.

(Amended by Stats. 2017, Ch. 731, Sec. 4. (SB 612) Effective January 1, 2018.)

Welfare and Institutions Code Section 11403

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.81]

PART 3. AID AND MEDICAL ASSISTANCE [11000 - 15771]

CHAPTER 2. California Work Opportunity and Responsibility to Kids Act
[11200 - 11526.5]

ARTICLE 5. Aid to Families With Dependent Children—Foster Care [11400 - 11410]

11403. (a) It is the intent of the Legislature to exercise the option afforded states under Section 475(8) (42 U.S.C. Sec. 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the federal Social Security Act, as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), to receive federal financial participation for nonminor dependents of the juvenile court who satisfy the conditions of subdivision (b), consistent with their transitional independent living case plan. Nonminor dependents are eligible to receive support until they reach 21 years of age, consistent with their transitional independent living case plan and as described in Section 10103.5. It is the intent of the Legislature, both at the time of initial determination of the nonminor dependent's eligibility and throughout the time the nonminor dependent is eligible for aid pursuant to this section, that the social worker or probation officer or Indian tribal placing entity and the nonminor dependent shall work together to ensure the nonminor dependent's ongoing eligibility. All case planning shall be a collaborative effort between the nonminor dependent and the social worker, probation officer, or Indian tribe, with the nonminor dependent assuming increasing levels of responsibility and independence.

(b) A nonminor dependent receiving aid pursuant to this chapter, who satisfies the age criteria set forth in subdivision (a), shall meet the legal authority for placement and care by being under a foster care placement order by the juvenile court, or the voluntary reentry agreement as set forth in subdivision (z) of Section 11400, and is otherwise eligible for AFDC-FC payments pursuant to Section 11401. A nonminor who satisfies the age criteria set forth in subdivision (a), and who is otherwise eligible, shall continue to receive CalWORKs payments pursuant to Section 11253, Approved Relative Caregiver Funding Program benefits pursuant to Section 11461.3, or, as a nonminor former dependent or ward, aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) or adoption assistance payments, as specified in Chapter 2.1 (commencing with Section 16115) of Part 4. A nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 and who satisfies the criteria set forth in subdivision (a) is eligible to continue to receive aid as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision applies when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution that provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.

(4) The nonminor is employed for at least 80 hours per month.

(5) The nonminor is incapable of doing any of the activities described in paragraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this section does not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments.

(c) The county child welfare or probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to Section 10553.1, shall work together with a nonminor dependent who is in foster care on the nonminor dependent's 18th birthday and thereafter or a nonminor former dependent receiving aid pursuant to Section 11405, to satisfy one or more of the conditions described in paragraphs (1) to (5), inclusive, of subdivision (b) and shall certify the nonminor's applicable condition or conditions in the nonminor's six-month transitional independent living case plan update, and provide the certification to the eligibility worker and to the court at each six-month case plan review hearing for the nonminor dependent. Relative guardians who receive Kin-GAP payments and adoptive parents who receive adoption assistance payments shall be responsible for reporting to the county welfare agency that the nonminor does not satisfy at least one of the conditions described in subdivision (b). The social worker, probation officer, or tribal entity shall verify and obtain assurances that the nonminor dependent continues to satisfy at least one of the conditions in paragraphs (1) to (5), inclusive, of subdivision (b) at each six-month transitional independent living case plan update. The six-month case plan update shall certify the nonminor's eligibility pursuant to subdivision (b) for the next six-month period. During the six-month certification period, the payee and nonminor shall report any change in placement or other relevant changes in circumstances that may affect payment. The nonminor dependent, or nonminor former dependent receiving aid pursuant to subdivision (e) of Section 11405, shall be informed of all due process requirements, in accordance with state and federal law, prior to an involuntary termination of aid, and shall simultaneously be provided with a written explanation of how to exercise their due process rights and obtain referrals to legal assistance. Any notices of action regarding eligibility shall be sent to the nonminor dependent or former dependent, their counsel, as applicable, and the placing worker, in addition to any other payee. Payments of aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385), adoption assistance payments as specified in Chapter 2.1 (commencing with Section 16115) of Part 4, or aid pursuant to subdivision (e) of Section 11405 that are made on behalf of a nonminor former dependent shall terminate subject to the terms of the agreements. Subject to federal approval of amendments to the state plan, aid payments may be suspended and resumed based on changes of circumstances that affect eligibility. Nonminor former dependents, as identified in paragraph (2) of subdivision (aa) of Section 11400, are not eligible for reentry under subdivision (e) of Section 388 as nonminor dependents under the jurisdiction of the juvenile court, but may be eligible for reentry pursuant to Section 388.1 if (1) the nonminor former dependent was receiving or, but for the receipt of Supplemental Security Income benefits or other aid from the federal Social Security Administration, would have received aid under either Kin-GAP pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) or AFDC-FC pursuant to subdivision (e) of Section 11405, or the nonminor was

receiving adoption assistance payments, as specified in Chapter 2.1 (commencing with Section 16115) of Part 4, and (2) the nonminor's former guardian or adoptive parent dies, or no longer provides ongoing support to, and no longer receives benefits on behalf of, the nonminor after the nonminor turns 18 years of age, but before the nonminor turns 21 years of age. Nonminor former dependents requesting the resumption of AFDC-FC payments pursuant to subdivision (e) of Section 11405 shall complete the applicable portions of the voluntary reentry agreement, as described in subdivision (z) of Section 11400.

(d) A nonminor dependent may receive all of the payment directly provided that the nonminor is living independently in a supervised placement, as described in subdivision (w) of Section 11400, and that both the youth and the agency responsible for the foster care placement have signed a mutual agreement, as defined in subdivision (u) of Section 11400, if the youth is capable of making an informed agreement, that documents the continued need for supervised out-of-home placement, and the nonminor's and social worker's or probation officer's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional independent living case plan.

(e) Eligibility for aid under this section shall not terminate until the nonminor dependent attains the age criteria, as set forth in subdivision (a), but aid may be suspended when the nonminor dependent no longer resides in an eligible facility, as described in Section 11402, or is otherwise not eligible for AFDC-FC benefits under Section 11401, or terminated at the request of the nonminor, or after a court terminates dependency jurisdiction pursuant to Section 391, delinquency jurisdiction pursuant to Section 607.2, or transition jurisdiction pursuant to Section 452. AFDC-FC benefits to nonminor dependents may be resumed at the request of the nonminor by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, before or after the filing of a petition filed pursuant to subdivision (e) of Section 388 after a court terminates dependency or transitional jurisdiction pursuant to Section 391 or delinquency jurisdiction pursuant to Section 607.2. The county welfare or probation department or Indian tribal entity that has entered into an agreement pursuant to Section 10553.1 shall complete the voluntary reentry agreement with the nonminor who agrees to satisfy the criteria of the agreement, as described in subdivision (z) of Section 11400. The county welfare department or tribal entity shall establish a new child-only Title IV-E eligibility determination based on the nonminor's completion of the voluntary reentry agreement pursuant to Section 11401. The beginning date of aid for either federal or state AFDC-FC for a reentering nonminor who is placed in foster care is the date the voluntary reentry agreement is signed or the nonminor is placed, whichever is later. The county welfare department, county probation department, or tribal entity shall provide a nonminor dependent who wishes to continue receiving aid with the assistance necessary to meet and maintain eligibility.

(f) (1) The county having jurisdiction of the nonminor dependent shall remain the county of payment under this section regardless of the youth's physical residence. Nonminor former dependents receiving aid pursuant to subdivision (e) of Section 11405 shall be paid by their county of residence. Counties may develop courtesy supervision agreements to provide case management and independent living services by the county of residence pursuant to the nonminor dependent's transitional independent living case plan. Placements made out of state are subject to the applicable

requirements of the Interstate Compact on Placement of Children, pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) The county welfare department, county probation department, or tribal entity shall notify all foster youth who attain 16 years of age and are under the jurisdiction of that county or tribe, including those receiving Kin-GAP, and AAP, of the existence of the aid prescribed by this section.

(3) The department shall seek any waiver to amend its Title IV-E State Plan with the Secretary of the United States Department of Health and Human Services necessary to implement this section.

(g) (1) Subject to paragraph (3), a county shall pay the nonfederal share of the cost of extending aid pursuant to this section to eligible nonminor dependents who have reached 18 years of age and who are under the jurisdiction of the county, including AFDC-FC payments pursuant to Section 11401, aid pursuant to Kin-GAP under Article 4.7 (commencing with Section 11385), adoption assistance payments as specified in Chapter 2.1 (commencing with Section 16115) of Part 4, and aid pursuant to Section 11405 for nonminor dependents who are residing in the county as provided in paragraph (1) of subdivision (f). A county shall contribute to the CalWORKs payments pursuant to Section 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing with Section 11360) at the statutory sharing ratios in effect on January 1, 2012.

(2) Subject to paragraph (3), a county shall pay the nonfederal share of the cost of providing permanent placement services pursuant to subdivision (c) of Section 16508 and administering the Aid to Families with Dependent Children Foster Care program pursuant to Section 15204.9. For purposes of budgeting, the department shall use a standard for the permanent placement services that is equal to the midpoint between the budgeting standards for family maintenance services and family reunification services.

(3) (A) (i) Notwithstanding any other law, a county's required total contribution pursuant to paragraphs (1) and (2), excluding costs incurred pursuant to Section 10103.5, shall not exceed the amount of savings in Kin-GAP assistance grant expenditures realized by the county from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385), and the amount of funding specifically included in the Protective Services Subaccount within the Support Services Account within the Local Revenue Fund 2011, plus any associated growth funding from the Support Services Growth Subaccount within the Sales and Use Tax Growth Account to pay the costs of extending aid pursuant to this section.

(ii) A county, at its own discretion, may expend additional funds beyond the amounts identified in clause (i). These additional amounts shall not be included in any cost and savings calculations or comparisons performed pursuant to this section.

(B) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code. In addition, the following are available to the counties for the purpose of funding costs pursuant to this section:

(i) The savings in Kin-GAP assistance grant expenditures realized from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385).

(ii) The savings realized from the change in federal funding for adoption assistance resulting from the enactment of Public Law 110-351 and consistent with subdivision (d) of Section 16118.

(4) (A) The limit on the county's total contribution pursuant to paragraph (3) shall be assessed by the State Department of Social Services, in conjunction with the California State Association of Counties, in 2015–16, to determine if it shall be removed. The assessment of the need for the limit shall be based on a determination on a statewide basis of whether the actual county costs of providing extended care pursuant to this section, excluding costs incurred pursuant to Section 10103.5, are fully funded by the amount of savings in Kin-GAP assistance grant expenditures realized by the counties from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385) and the amount of funding specifically included in the Protective Services Subaccount within the Support Services Account within the Local Revenue Fund 2011 plus any associated growth funding from the Support Services Growth Subaccount within the Sales and Use Tax Growth Account to pay the costs of extending aid pursuant to this section.

(B) If the assessment pursuant to subparagraph (A) shows that the statewide total costs of extending aid pursuant to this section, excluding costs incurred pursuant to Section 10103.5, are fully funded by the amount of savings in Kin-GAP assistance grant expenditures realized by the counties from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385) and the amount of funding specifically included in the Protective Services Subaccount within the Support Services Account within the Local Revenue Fund 2011 plus any associated growth funding from the Support Services Growth Subaccount within the Sales and Use Tax Growth Account to pay the costs of extending aid pursuant to this section, the Department of Finance shall certify that fact, in writing, and shall post the certification on its internet website, at which time subparagraph (A) of paragraph (3) shall no longer be implemented.

(h) It is the intent of the Legislature that a county currently participating in the Child Welfare Demonstration Capped Allocation Project not be adversely impacted by the department's exercise of its option to extend foster care benefits pursuant to Section 673(a)(4) and Section 675(8) of Title 42 of the United States Code in the federal Social Security Act, as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351). Therefore, the department shall negotiate with the United States Department of Health and Human Services on behalf of those counties that are currently participating in the demonstration project to ensure that those counties receive reimbursement for these new programs outside of the provisions of those counties' waiver under Subtitle IV-E (commencing with Section 470) of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.).

(i) The department, on or before July 1, 2013, shall develop regulations to implement this section in consultation with concerned stakeholders, including, but not limited to, representatives of the Legislature, the County Welfare Directors Association of California, the Chief Probation Officers of California, the Judicial Council, representatives of Indian tribes, the California Youth Connection, former foster youth, child advocacy organizations, labor organizations, juvenile justice advocacy organizations, foster caregiver organizations, and researchers. In the development of these regulations, the department shall consider its Manual of Policy and Procedures, Division

30, Chapter 30-912, 913, 916, and 917, as guidelines for developing regulations that are appropriate for young adults who can exercise incremental responsibility concurrently with their growth and development. The department, in its consultation with stakeholders, shall take into consideration the impact to the Automated Child Welfare Services Case Management Services (CWS-CMS) and required modifications needed to accommodate eligibility determination under this section, benefit issuance, case management across counties, and recognition of the legal status of nonminor dependents as adults, as well as changes to data tracking and reporting requirements as required by the Child Welfare System Improvement and Accountability Act as specified in Section 10601.2, and federal outcome measures as required by the federal John H. Chafee Foster Care Independence Program (42 U.S.C. Sec. 677(f)). In addition, the department, in its consultation with stakeholders, shall define the supervised independent living setting, which shall include, but not be limited to, apartment living, room and board arrangements, college or university dormitories, and shared roommate settings, and define how those settings meet health and safety standards suitable for nonminors. The department, in its consultation with stakeholders, shall define the six-month certification of the conditions of eligibility pursuant to subdivision (b) to be consistent with the flexibility provided by federal policy guidance, to ensure that there are ample supports for a nonminor to achieve the goals of the nonminor's transition independent living case plan. The department, in its consultation with stakeholders, shall ensure that notices of action and other forms created to inform the nonminor of due process rights and how to access them shall be developed, using language consistent with the special needs of the nonminor dependent population.

(j) Notwithstanding 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 shall prepare for implementation of the applicable provisions of this section by publishing, after consultation with the stakeholders listed in subdivision (i), all-county letters or similar instructions from the director by October 1, 2011, to be effective January 1, 2012. Emergency regulations to implement the applicable provisions of this act may be adopted by the director in accordance with the Administrative Procedure Act. The initial adoption of the emergency regulations and one readoption of the emergency regulations are deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. Initial emergency regulations and the first readoption of those emergency regulations are exempt from review by the Office of Administrative Law. The emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 180 days.

(Amended by Stats. 2019, Ch. 497, Sec. 309. (AB 991) Effective January 1, 2020.)

Welfare and Institutions Code Section 16522.1

DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.81]

PART 4. SERVICES FOR THE CARE OF CHILDREN [16000 - 16545]

CHAPTER 5. State Child Welfare Services [16500 - 16523.59]

ARTICLE 4. Transitional Housing Placement Program [16522 - 16522.6]

16522.1. (a) In order to be licensed as a transitional housing placement provider pursuant to Section 1559.110 of the Health and Safety Code and be eligible for payment of AFDC-FC benefits pursuant to Sections 11403.2 and 11403.3, an applicant shall obtain certification from the applicable county specifying whether the facility will serve foster youth at least 16 years of age and not more than 18 years of age, nonminor dependents, as defined in subdivision (v) of Section 11400, or both, as follows:

(1) A program serving foster children at least 16 years of age and not more than 18 years of age shall obtain a certification entitled “Transitional Housing Placement program for minor foster children.”

(2) A program serving nonminor dependents at least 18 years of age and not more than 21 years of age shall obtain a certification entitled a “Transitional Housing Placement program for nonminor dependents.”

(b) The certification for the Transitional Housing Placement program for minor foster children shall confirm that the program provides for all of the following:

(1) Admission criteria for participants in the program, including, but not limited to, consideration of the participant’s age, previous placement history, delinquency history, history of drug or alcohol abuse, current strengths, level of education, mental health history, medical history, prospects for successful participation in the program, and work experience. Youth who are wards of the court described in Section 602 and youth receiving psychotropic medications shall be eligible for consideration to participate in the program, and shall not be automatically excluded due to these factors.

(2) The department shall review the admission criteria to ensure that the criteria are sufficient to protect participants and that they do not discriminate on the basis of any characteristic listed or defined in Section 11135 of the Government Code.

(3) Strict employment criteria that include a consideration of the employee’s age, drug or alcohol history, and experience in working with persons in this age group.

(4) A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed in long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.

(5) A detailed plan for monitoring the placement of persons under the licensee’s care.

(6) A contract between the participant and the licensee that specifically sets out the requirements for each party, and in which the licensee and the participant agree to the requirements of this article.

(7) An allowance to be provided to each participant in the program. In the case of a participant living independently, this allowance shall be sufficient for the participant to purchase food and other necessities.

- (8) A system for payment for utilities, telephone, and rent.
- (9) Policies regarding all of the following:
 - (A) Education requirements.
 - (B) Work expectations.
 - (C) Savings requirements.
 - (D) Personal safety.
 - (E) Visitors, including, but not limited to, visitation by the placement auditor pursuant to paragraph (5).
 - (F) Emergencies.
 - (G) Medical problems.
 - (H) Disciplinary measures.
 - (I) Childcare.
 - (J) Pregnancy.
 - (K) Curfew.
 - (L) Housing unit cleanliness.
 - (M) Use of utilities and telephone.
 - (N) Budgeting.
 - (O) Care of furnishings.
 - (P) Decorating of housing units.
 - (Q) Cars.
 - (R) Lending or borrowing money.
 - (S) Unauthorized purchases.
 - (T) Dating.
 - (U) Grounds for termination that may include, but shall not be limited to, illegal activities or harboring runaways.
 - (V) The approval of any nonparticipant roommates.
- (10) Housing unit furnishings, and a policy on disposition of the furnishings when the participant completes the program.
- (11) Evaluation of the participant's progress in the program and reporting to the independent living program and to the department regarding that progress.

(12) A linkage to the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801 et seq.) program administered in the local area to provide employment training to eligible participants.

(13) Effective January 1, 2013, a program staffing ratio of case manager to participant not to exceed 1 to 12.

(c) The certification for the Transitional Housing Placement program for nonminor dependents shall confirm that the program provides for all of the following:

(1) That the program is needed by the county.

(2) That the transitional housing placement provider is capable of effectively and efficiently operating the program.

(3) That the transitional housing placement provider is willing and able to accept the AFDC-FC-eligible nonminor dependents for placement by the placing agency who need the level of care and services that will be provided by the program.

(4) That the plan of operation is suitable to meet the needs of the identified population.

(5) Maintain a program staffing ratio for nonminor dependents of case manager to participant not to exceed a shared average caseload of 1 to 12, inclusive, with a designated lead case manager assigned to each youth.

(6) That the provider has established a process, which includes the county if the county chooses to participate, to evaluate whether a participant may be placed with a nonparticipant.

(d) (1) A county may continue to approve payment to a transitional housing placement provider for a period of up to 14 days in a calendar month in which the nonminor dependent is absent from the placement if the nonminor dependent provides notice to the transitional housing placement provider that they intend to return to that placement within 14 days or the transitional housing placement provider has reason to believe the nonminor dependent will be returning within 14 days.

(2) If the county continues to pay the board and care costs for up to 14 days during the nonminor dependent's absence, the transitional housing placement provider shall not provide a removal notice or fill a nonminor dependent's place in the program.

(3) The State Department of Social Services shall issue guidance encouraging counties to continue to approve payment during temporary absences from the program as a best practice, consistent with federal law, to prevent nonminor dependent housing instability.

(e) For purposes of this section, "applicable county" means the county where the administrative office or subadministrative office of a transitional housing placement provider is located or a primary placing county.

(Amended by Stats. 2020, Ch.141, Sec. 5. (AB 1979) Effective January 1, 2021.)