


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: March 7, 2016

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and Neighborhoods Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No.: 15-0002-S43
Assignment No.: 15-05-0365

SUBJECT: Resolution (O'Farrell – Bonin, et al.) to SUPPORT SB 524 (Lara)

CLA RECOMMENDATION: Receive and file Resolution (O'Farrell – Bonin, et al.) relative to SB 524 (Lara), inasmuch as this bill failed to pass legislative deadlines.

SUMMARY

The Resolution (O'Farrell – Bonin, et al.), introduced on April 22, 2015, states that the California Community Facilities Care Act requires the licensing and regulation of community care and residential facilities. The Resolution indicates there are several private facilities which are often owned and operated by nonprofit organizations that specialize in youth with behavioral issues. According to the Resolution, former students have experienced trauma and abuse at some of these facilities, including illegal programs designed to “cure” gay children.

SB 524 (Lara) would define the portion of the act that states “private alternative treatment and education facility for youth” as any residential facility or program operated by a private entity with a focus on serving children with emotional, behavioral, or mental health issues or disorders. The Resolution states that there are dozens of private treatment facilities in the City, many of which provide life-saving services for troubled youth. The Resolution advises that SB 524 will reduce abuse by penalizing facilities that do not adhere to State law.

The Resolution requests that the City support SB 524.

BACKGROUND

Private “therapeutic boarding schools,” wilderness programs, residential treatment centers, or reform schools are residential facilities serving children and adolescents who experience emotional, mental, social, physical, or academic issues. These facilities may be licensed as a residential group home or a residential community treatment facility. The California Department of Social Services regulates and licenses such facilities pursuant to the Community Care Facilities Act (Act). Violations of the Act are punishable as a misdemeanor.

Lawsuits and criminal charges were filed in some states in response to incidents of youth experiencing abuse, neglect, and/or death in these facilities. In 2002, the Salt Lake Tribune reported that a 14 year-old boy died in a wilderness program in Utah after hiking several miles in hot weather. On March 27, 2015, the Los Angeles Times reported that some children in California reported being subjected to therapies which seek to change their sexual orientation, a practice which was prohibited in 2012 through the enactment of SB 1172 (Lieu).

SB 524 (Lara), introduced on February 2, 2015, would establish a new licensure category for the regulation of private residential care facilities which include wilderness experiences, boot camps, therapeutic boarding schools, and behavior modification programs. According to the bill's author, the lack of oversight of private residential institutions has left youth vulnerable to various forms of abuse, including corporal punishment, solitary confinement, and gender and sexual orientation discrimination. The author notes that such institutions are often not licensed to treat substance abuse or mental health issues. The Senate Rules Committee states that some unlicensed facilities rely on exemptions or technicalities in existing law relative to school dormitories and boot camps in order to avoid additional State regulation.

The Los Angeles LGBT Center, American Civil Liberties Union of California, Equality California, and others support SB 524. There is currently no registered opposition to the bill.

Other State Legislation

In 2012, SB 1089 (Liu) was introduced which defined "private nontraditional alternative treatment facility for youth" as any residential or nonresidential facility or program operated by an organization that provides aggressive non-traditional punitive, retaliatory, aversive, or military style behavioral treatment or intervention services for youth, and prohibits their existence in the State without accreditation by specific entities. SB 1089 was approved by the Senate but did not pass the Assembly.

Federal Legislation

On November 16, 2015, H.R. 3060 (Schiff), also known as the Stop Child Abuse in Residential Programs Act of 2015, was introduced. The bill would implement a review process for overseeing, investigating, and evaluating reports of child abuse and neglect in residential programs. The bill is currently pending in the Subcommittee on Early Childhood, Elementary, and Secondary Education. Similar bills were introduced in the House of Representatives in 2008, 2009, 2011, 2013, and 2014.

Conclusion

Although SB 524 is consistent with City policies and programs which ensure the safety of City residents, on September 5, 2015 this bill was placed into the inactive file and will not advance further in the legislative process. It is recommended that the Resolution be received and filed.

DEPARTMENT NOTIFIED

Police Department

BILL STATUS

2015

Feb. 26	Introduced. To Committee on Rules for assignment.
Mar. 12	Referred to Committee on Human Services
May 4	From committee: Do pass as amended and re-refer to Committee on Appropriations (Ayes 4, Noes 0).
May 5	Read second time and amended. Re-referred to Committee on Appropriations
May 18	Placed in suspense file.
May 28	From committee: Do pass. (Ayes 5, Noes 0).
June 1	Read third time. Passed. (Ayes 35, Noes 1) Ordered to the Assembly.
June 2	In Assembly. Read first time. Held at Desk.
June 18	Referred to Committee on Human Services.

July 8 From committee with author's amendments. Read second time and amended. Re-referred to Committee on Human Services


July 15 From committee: Do pass and re-refer to Committee on Appropriations. (Ayes 7, Noes 0.)

Aug. 17 From committee with author's amendments. Read second time and amended. Re-referred to Committee on Appropriations.

Aug. 19 Placed in suspense file.

Aug. 28 From committee: Do pass. (Ayes 16, Noes 0.)

Sept. 2 Ordered to inactive file on request of Assembly Member Holden.


Brian Randol
Analyst

Attachments: 1. Resolution
2. Text of SB 524 (Lara)

SMT:ME:PS:BMR

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the California Community Facilities Care Act is existing law that requires licensing and regulation of community care and residential facilities by the State Department of Social Services, and a violation of any provision under the act is punishable as a misdemeanor; and

WHEREAS, there are several private facilities which are often owned and operated by nonprofit organizations that advertise services for youth with behavioral issues to families who may feel as though they have no other options that are currently not regulated by the California Community Facilities Care Act;

WHEREAS, former students have exposed the trauma and abuse they have experienced at some of these facilities including illegal programs, designed to "fix" gay children from gay to straight, which were outlawed in 2012;

WHEREAS, SB 524 (Lara) would define the portion of the act that states "private alternative treatment and education facility for youth" as any residential facility or program operated by a private entity with a focus on serving children with emotional, behavioral, or mental health issues or disorders, and will include: (1) wilderness or outdoor experience, expedition, or intervention; (2) a boot camp experience designed to simulate basic military training or correctional regimes; (3) a therapeutic boarding school; or (4) a behavior modification program; and

WHEREAS, SB 524's clarifying definition will require all facilities focused on alternative treatments and education for youth to be State licensed and regulated thereby assisting to diminish any abusive treatments and punishing those facilities that do not adhere to the law; and

WHEREAS, there are dozens of private treatment facilities in the City of Los Angeles, many of which provide life-saving services for troubled youth, and SB 524 would provide further support to Los Angeles families to ensure that their children are receiving lawful care; and

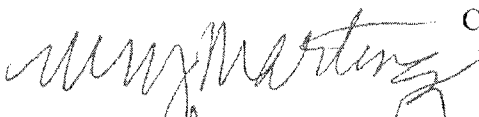



WHEREAS, the Los Angeles LGBT Center has launched a national campaign to protect all youth from institutional abuse by mobilizing communities, raising awareness and changing state and federal laws.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles, hereby includes in its 2015-2016 State Legislative Program to SUPPORT SB 524 (Lara) which would define "private alternative treatment and education facility for youth" to ensure that these programs are licensed by the State Department of Social Services so that violations of State provisions in the California Community Facilities Care Act can be made punishable as a misdemeanor.

PRESENTED BY:


MITCH O'FARRELL
Councilmember, 13th District

SECONDED BY:

APR 23 2015

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 8, 2015

AMENDED IN SENATE MAY 5, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 524

Introduced by Senator Lara
(Coauthors: Senators Liu and McGuire)
(Coauthors: Assembly Members Lopez and Low)

February 26, 2015

An act to amend Sections 1502 and 1505 of, and to add Section 1502.2 to, the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Lara. Private or public residential care facilities for youth.

Existing law, the California Community Care Facilities Act (the act), provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services. Under existing law, the act does not apply to certain facilities, including, among others, any school dormitory or similar facility determined by the department. Existing law makes a violation of any of these provisions punishable as a misdemeanor.

This bill would define "private or public residential care facility for youth," for purposes of the act, and would make those facilities subject to regulation under the act. The bill would require the department to license and inspect these facilities as community care facilities. The bill would prohibit the department from licensing a private or public residential care facility for youth unless all therapeutic components of

the programs provided at the facility are licensed by the appropriate agency or department.

The bill would require these facilities to submit to the department a training plan for facility staff to be approved by the department prior to the facility implementing the training plan. The bill would specify the minimum number of hours of staff training, specify required training content, and require the department to adopt related regulations. The bill would make a staff member of a private or public residential care facility for youth a mandated child abuse reporter.

By making private residential care facilities for youth subject to the criminal penalties under the act, this bill would create new crimes, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) For decades, hundreds of nontraditional treatment programs
- 4 that are intended to be less restrictive treatment options for children
- 5 with significant behavioral issues have been established nationwide,
- 6 with thousands of allegations of abuse, including death.
- 7 (b) There are currently facilities operating within California that
- 8 are not licensed by the State Department of Social Services.
- 9 (c) These facilities are often owned and operated by nonprofit
- 10 organizations described in Section 501(c)(3) of the Internal
- 11 Revenue Code.
- 12 (d) These facilities advertise services for youth with behavioral
- 13 issues to families who may feel they have no other options.
- 14 (e) Former students have formed national and local organizations
- 15 to expose the trauma and abuse they experienced at these facilities.
- 16 (f) Students at these facilities are previous victims of trauma,
- 17 have experienced parental rejection based on actual or perceived

1 sexual orientation or gender identity, and have mental health and
2 substance use issues.

3 (g) It is the role of the Legislature to ensure proper licensing
4 and regulation of residential facilities for the protection and care
5 of all citizens.

6 (h) It is the intent of the Legislature that the state license private
7 or public residential care for youth as a community care facility
8 to ensure the safety of children residing in those facilities.

9 SEC. 2. Section 1502 of the Health and Safety Code is amended
10 to read:

11 1502. As used in this chapter:

12 (a) “Community care facility” means any facility, place, or
13 building that is maintained and operated to provide nonmedical
14 residential care, day treatment, adult day care, or foster family
15 agency services for children, adults, or children and adults,
16 including, but not limited to, the physically handicapped, mentally
17 impaired, incompetent persons, and abused or neglected children,
18 and includes the following:

19 (1) “Residential facility” means any family home, group care
20 facility, or similar facility determined by the director, for 24-hour
21 nonmedical care of persons in need of personal services,
22 supervision, or assistance essential for sustaining the activities of
23 daily living or for the protection of the individual.

24 (2) “Adult day program” means any community-based facility
25 or program that provides care to persons 18 years of age or older
26 in need of personal services, supervision, or assistance essential
27 for sustaining the activities of daily living or for the protection of
28 these individuals on less than a 24-hour basis.

29 (3) “Therapeutic day services facility” means any facility that
30 provides nonmedical care, counseling, educational or vocational
31 support, or social rehabilitation services on less than a 24-hour
32 basis to persons under 18 years of age who would otherwise be
33 placed in foster care or who are returning to families from foster
34 care. Program standards for these facilities shall be developed by
35 the department, pursuant to Section 1530, in consultation with
36 therapeutic day services and foster care providers.

37 (4) “Foster family agency” means any organization engaged in
38 the recruiting, certifying, and training of, and providing
39 professional support to, foster parents, or in finding homes or other
40 places for placement of children for temporary or permanent care

1 who require that level of care as an alternative to a group home.
2 Private foster family agencies shall be organized and operated on
3 a nonprofit basis.

4 (5) “Foster family home” means any residential facility
5 providing 24-hour care for six or fewer foster children that is
6 owned, leased, or rented and is the residence of the foster parent
7 or parents, including their family, in whose care the foster children
8 have been placed. The placement may be by a public or private
9 child placement agency or by a court order, or by voluntary
10 placement by a parent, parents, or guardian. It also means a foster
11 family home described in Section 1505.2.

12 (6) “Small family home” means any residential facility, in the
13 licensee’s family residence, that provides 24-hour care for six or
14 fewer foster children who have mental disorders or developmental
15 or physical disabilities and who require special care and supervision
16 as a result of their disabilities. A small family home may accept
17 children with special health care needs, pursuant to subdivision
18 (a) of Section 17710 of the Welfare and Institutions Code. In
19 addition to placing children with special health care needs, the
20 department may approve placement of children without special
21 health care needs, up to the licensed capacity.

22 (7) “Social rehabilitation facility” means any residential facility
23 that provides social rehabilitation services for no longer than 18
24 months in a group setting to adults recovering from mental illness
25 who temporarily need assistance, guidance, or counseling. Program
26 components shall be subject to program standards pursuant to
27 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
28 2 of Division 5 of the Welfare and Institutions Code.

29 (8) “Community treatment facility” means any residential
30 facility that provides mental health treatment services to children
31 in a group setting and that has the capacity to provide secure
32 containment. Program components shall be subject to program
33 standards developed and enforced by the State Department of
34 Health Care Services pursuant to Section 4094 of the Welfare and
35 Institutions Code.

36 Nothing in this section shall be construed to prohibit or
37 discourage placement of persons who have mental or physical
38 disabilities into any category of community care facility that meets
39 the needs of the individual placed, if the placement is consistent
40 with the licensing regulations of the department.

1 (9) “Full-service adoption agency” means any licensed entity
2 engaged in the business of providing adoption services, that does
3 all of the following:

4 (A) Assumes care, custody, and control of a child through
5 relinquishment of the child to the agency or involuntary termination
6 of parental rights to the child.

7 (B) Assesses the birth parents, prospective adoptive parents, or
8 child.

9 (C) Places children for adoption.

10 (D) Supervises adoptive placements.

11 Private full-service adoption agencies shall be organized and
12 operated on a nonprofit basis. As a condition of licensure to provide
13 intercountry adoption services, a full-service adoption agency shall
14 be accredited and in good standing according to Part 96 of Title
15 22 of the Code of Federal Regulations, or supervised by an
16 accredited primary provider, or acting as an exempted provider,
17 in compliance with Subpart F (commencing with Section 96.29)
18 of Part 96 of Title 22 of the Code of Federal Regulations.

19 (10) “Noncustodial adoption agency” means any licensed entity
20 engaged in the business of providing adoption services, that does
21 all of the following:

22 (A) Assesses the prospective adoptive parents.

23 (B) Cooperatively matches children freed for adoption, who are
24 under the care, custody, and control of a licensed adoption agency,
25 for adoption, with assessed and approved adoptive applicants.

26 (C) Cooperatively supervises adoptive placements with a
27 full-service adoptive agency, but does not disrupt a placement or
28 remove a child from a placement.

29 Private noncustodial adoption agencies shall be organized and
30 operated on a nonprofit basis. As a condition of licensure to provide
31 intercountry adoption services, a noncustodial adoption agency
32 shall be accredited and in good standing according to Part 96 of
33 Title 22 of the Code of Federal Regulations, or supervised by an
34 accredited primary provider, or acting as an exempted provider,
35 in compliance with Subpart F (commencing with Section 96.29)
36 of Part 96 of Title 22 of the Code of Federal Regulations.

37 (11) “Transitional shelter care facility” means any group care
38 facility that provides for 24-hour nonmedical care of persons in
39 need of personal services, supervision, or assistance essential for
40 sustaining the activities of daily living or for the protection of the

1 individual. Program components shall be subject to program
2 standards developed by the State Department of Social Services
3 pursuant to Section 1502.3.

4 (12) “Transitional housing placement provider” means an
5 organization licensed by the department pursuant to Section
6 1559.110 and Section 16522.1 of the Welfare and Institutions Code
7 to provide transitional housing to foster children at least 16 years
8 of age and not more than 18 years of age, and nonminor
9 dependents, as defined in subdivision (v) of Section 11400 of the
10 Welfare and Institutions Code, to promote their transition to
11 adulthood. A transitional housing placement provider shall be
12 privately operated and organized on a nonprofit basis.

13 (13) “Group home” means a residential facility that provides
14 24-hour care and supervision to children, delivered at least in part
15 by staff employed by the licensee in a structured environment. The
16 care and supervision provided by a group home shall be
17 nonmedical, except as otherwise permitted by law.

18 (14) “Runaway and homeless youth shelter” means a group
19 home licensed by the department to operate a program pursuant
20 to Section 1502.35 to provide voluntary, short-term, shelter and
21 personal services to runaway youth or homeless youth, as defined
22 in paragraph (2) of subdivision (a) of Section 1502.35.

23 (15) “Enhanced behavioral supports home” means a facility
24 certified by the State Department of Developmental Services
25 pursuant to Article 3.6 (commencing with Section 4684.80) of
26 Chapter 6 of Division 4.5 of the Welfare and Institutions Code,
27 and licensed by the State Department of Social Services as an adult
28 residential facility or a group home that provides 24-hour
29 nonmedical care to individuals with developmental disabilities
30 who require enhanced behavioral supports, staffing, and
31 supervision in a homelike setting. An enhanced behavioral supports
32 home shall have a maximum capacity of four consumers, shall
33 conform to Section 441.530(a)(1) of Title 42 of the Code of Federal
34 Regulations, and shall be eligible for federal Medicaid home- and
35 community-based services funding.

36 (16) “Community crisis home” means a facility certified by the
37 State Department of Developmental Services pursuant to Article
38 8 (commencing with Section 4698) of Chapter 6 of Division 4.5
39 of the Welfare and Institutions Code, and licensed by the State
40 Department of Social Services pursuant to Article 9.7 (commencing

1 with Section 1567.80), as an adult residential facility, providing
2 24-hour nonmedical care to individuals with developmental
3 disabilities receiving regional center service, in need of crisis
4 intervention services, and who would otherwise be at risk of
5 admission to the acute crisis center at Fairview Developmental
6 Center, Sonoma Developmental Center, an acute general hospital,
7 acute psychiatric hospital, an institution for mental disease, as
8 described in Part 5 (commencing with Section 5900) of Division
9 5 of the Welfare and Institutions Code, or an out-of-state
10 placement. A community crisis home shall have a maximum
11 capacity of eight consumers, as defined in subdivision (a) of
12 Section 1567.80, shall conform to Section 441.530(a)(1) of Title
13 42 of the Code of Federal Regulations, and shall be eligible for
14 federal Medicaid home- and community-based services funding.

15 (17) "Crisis nursery" means a facility licensed by the department
16 to operate a program pursuant to Section 1516 to provide short-term
17 care and supervision for children under six years of age who are
18 voluntarily placed for temporary care by a parent or legal guardian
19 due to a family crisis or stressful situation.

20 (18) "Private or public residential care facility for youth" means
21 a facility or program licensed by the department to operate pursuant
22 to Section 1502.2 to provide nonmedical care, counseling, or
23 educational or vocational support to persons under 18 years of age
24 with social, emotional, behavioral, or mental health issues or
25 disorders.

26 (b) "Department" or "state department" means the State
27 Department of Social Services.

28 (c) "Director" means the Director of Social Services.

29 SEC. 3. Section 1502.2 is added to the Health and Safety Code,
30 to read:

31 1502.2. (a) The department shall license a private or public
32 residential care facility for youth as a community care facility
33 pursuant to this chapter. A private or public residential care facility
34 for youth may provide any of the following:

35 (1) A program with wilderness or outdoor experience,
36 expedition, or intervention.

37 (2) A boot camp experience or other experience designed to
38 simulate characteristics of basic military training or correctional
39 regimes.

40 (3) A therapeutic boarding school.

- 1 (4) A behavior modification program.
- 2 (b) The department shall not license a private or public
3 residential care facility for youth unless all therapeutic components
4 of the programs provided at the facility are licensed by the
5 appropriate agency or department.
- 6 (c) (1) A staff member of a private or public residential care
7 facility for youth who supervises residents shall receive appropriate
8 training consisting of 10 hours within the first four weeks of
9 employment and 8 hours annually thereafter. This training shall
10 be administered while the staff is working at the facility, or in a
11 classroom setting, or a combination of those settings.
- 12 (2) A staff member of a private or public residential care facility
13 for youth is a mandated child abuse reporter, as described in
14 subdivision (a) of Section 11165.7 of the Penal Code.
- 15 (3) A private or public residential care facility for youth shall
16 submit its training plan to the department and shall implement the
17 training plan only after the department has approved the plan. The
18 training plan shall include, but not be limited to, all of the following
19 subject areas:
- 20 (A) Residents' rights as described in subdivision (d).
21 (B) Psychosocial needs of youth.
22 (C) Appropriate response to emergencies.
23 (D) Physical needs for youth residents.
24 (E) Cultural competency and sensitivity in issues relating to the
25 underserved, lesbian, gay, bisexual, and transgender communities.
26 (F) Laws and regulations pertaining to community care facilities
27 and programs of private or public residential care facilities for
28 youth.
29 (G) The department shall adopt regulations that establish
30 additional subject matter required to be included in this training.
- 31 (d) A resident of a private or public residential care facility for
32 youth has all of the following rights, a list of which shall be
33 publically posted and accessible to residents:
- 34 (1) To be accorded dignity in his or her personal relationships
35 with staff, residents, and other persons.
36 (2) To be granted a reasonable level of personal privacy in
37 accommodations, medical care, personal care and assistance, visits,
38 written and electronic communications, and telephone
39 conversations.

- 1 (3) To confidential care of his or her records and personal
2 information, and to approve release of those records prior to their
3 release, except as otherwise authorized or required by law.
- 4 (4) To care, supervision, and services that meet his or her
5 individual needs and are delivered by staff that are sufficient in
6 numbers, qualifications, and competency to meet his or her needs
7 and ensure his or her safety.
- 8 (5) To be served food of the quality and in the quantity necessary
9 to meet his or her nutritional needs.
- 10 (6) (A) To present grievances and recommend changes in
11 policies, procedures, and services to the facility's staff,
12 management, and governing authority, and any other person
13 without restraint, coercion, discrimination, reprisal, or other
14 retaliatory actions.
- 15 (B) To have the licensee take prompt actions to respond to those
16 grievances.
- 17 (7) To have frequent contact with parents or guardians, including
18 scheduled and unscheduled telephone conversations, unrestricted
19 written correspondence, and electronic communications.
- 20 (8) To be fully informed, as evidenced by the resident's written
21 acknowledgment, prior to, or at the time of, admission to the
22 facility, of all the rules governing the resident's conduct and
23 responsibilities.
- 24 (9) To receive in the admission agreement, information that
25 details the planned treatments and care for the resident.
- 26 (10) For custodial parents or guardians to remove the resident
27 from the facility.
- 28 (11) To consent to have a relative or other person of the
29 resident's choosing visit or telephone during reasonable hours,
30 privately and without prior notice.
- 31 (12) To be free of corporal punishment, deprivation of basic
32 necessities, including education, as a punishment, deterrent, or
33 incentive, and physical restraints of any kind.
- 34 (13) To receive supportive mental and emotional health-related
35 services from trained staff who are licensed or are overseen by
36 licensed mental health professionals.
- 37 (14) To be free from abusive, humiliating, degrading, or
38 traumatizing actions.
- 39 (e) (1) A private or public residential care facility for youth
40 shall not accept for placement, or provide care or supervision to,

1 a child assessed as seriously emotionally disturbed, unless the State
2 Department of Health Care Services has certified the facility as a
3 program that meets the standards to provide mental health treatment
4 services for a seriously emotionally disturbed child set forth in
5 Section 4096.5 of the Welfare and Institutions Code.

6 (2) “Seriously emotionally disturbed” has the meaning defined
7 in paragraph (2) of subdivision (a) of Section 5600.3 of the Welfare
8 and Institutions Code.

9 (f) Unless a private or public residential care facility for youth
10 has been licensed as an alcoholism or drug abuse recovery or
11 treatment facility pursuant to Section 11834.01, the facility shall
12 not advertise or promote services designed to promote the treatment
13 of, or maintain recovery from, alcohol or drug use, which services
14 include one or more of the following types of treatment:

15 (1) Detoxification.

16 (2) Group sessions.

17 (3) Individual sessions.

18 (4) Educational sessions.

19 (5) Alcoholism or drug abuse recovery or treatment planning.

20 (g) A private or public residential care facility for youth shall
21 not provide secure containment or use restraints of any kind unless
22 the program components are subject to program standards
23 developed and enforced by the State Department of Health Care
24 Services pursuant to Section 4094 of the Welfare and Institutions
25 Code.

26 (h) A private or public residential care facility for youth is not
27 an eligible placement option pursuant to Section 319, 361.2, 450,
28 or 727 of the Welfare and Institutions Code.

29 (i) A private or public residential care facility for youth is not
30 eligible for a rate pursuant to Section 11462 of the Welfare and
31 Institutions Code.

32 (j) A private or public residential care facility for youth shall
33 not accept for residential placement a child younger than 12 years
34 of age.

35 (k) A licensee of a private or public residential care facility for
36 youth that advertises or promotes special care, programming, or
37 environments for persons with a mental health, emotional, or social
38 challenge, shall provide each prospective resident and his or her
39 parent or guardian an accurate narrative description of these

1 programs and services. The facility shall provide the description
2 in writing prior to admitting the prospective resident.

3 SEC. 4. Section 1505 of the Health and Safety Code is amended
4 to read:

5 1505. This chapter does not apply to any of the following:

6 (a) Any health facility, as defined by Section 1250.

7 (b) Any clinic, as defined by Section 1202.

8 (c) Any juvenile placement facility approved by the Department
9 of Corrections and Rehabilitation, Division of Juvenile Justice, or
10 any juvenile hall operated by a county.

11 (d) Any place in which a juvenile is judicially placed pursuant
12 to subdivision (a) of Section 727 of the Welfare and Institutions
13 Code.

14 (e) Any child day care facility, as defined in Section 1596.750.

15 (f) Any facility conducted by and for the adherents of any
16 well-recognized church or religious denomination for the purpose
17 of providing facilities for the care or treatment of the sick who
18 depend solely upon prayer or spiritual means for healing in the
19 practice of the religion of the church or ~~denomination.~~
20 *denomination, except a private or public residential care facility*
21 *for youth as defined in subdivision (a) of Section 1502.*

22 (g) Any school dormitory or similar facility determined by the
23 department, except a private or public residential care facility for
24 youth as defined in *subdivision (a) of Section 1502.2 1502.*

25 (h) Any house, institution, hotel, homeless shelter, or other
26 similar place that supplies board and room only, or room only, or
27 board only, provided that no resident thereof requires any element
28 of care as determined by the director.

29 (i) Recovery houses or other similar facilities providing group
30 living arrangements for adults recovering from alcoholism or drug
31 addiction where the facility provides no care or supervision.

32 (j) Any alcoholism or drug abuse recovery or treatment facility
33 serving adults as defined by Section 11834.11.

34 (k) Any arrangement for the receiving and care of persons by
35 a relative or any arrangement for the receiving and care of persons
36 from only one family by a close friend of the parent, guardian, or
37 conservator, if the arrangement is not for financial profit and occurs
38 only occasionally and irregularly, as defined by regulations of the
39 department. For purposes of this chapter, arrangements for the

1 receiving and care of persons by a relative shall include relatives
2 of the child for the purpose of keeping sibling groups together.

3 (l) (1) Any home of a relative caregiver of children who are
4 placed by a juvenile court, supervised by the county welfare or
5 probation department, and the placement of whom is approved
6 according to subdivision (d) of Section 309 of the Welfare and
7 Institutions Code.

8 (2) Any home of a nonrelative extended family member, as
9 described in Section 362.7 of the Welfare and Institutions Code,
10 providing care to children who are placed by a juvenile court,
11 supervised by the county welfare or probation department, and the
12 placement of whom is approved according to subdivision (d) of
13 Section 309 of the Welfare and Institutions Code.

14 (3) On and after January 1, 2012, any supervised independent
15 living placement for nonminor dependents, as defined in
16 subdivision (w) of Section 11400 of the Welfare and Institutions
17 Code, who are placed by the juvenile court, supervised by the
18 county welfare department, probation department, Indian tribe,
19 consortium of tribes, or tribal organization that entered into an
20 agreement pursuant to Section 10553.1 of the Welfare and
21 Institutions Code, and whose placement is approved pursuant to
22 subdivision (k) of Section 11400 of the Welfare and Institutions
23 Code.

24 (4) A Transitional Housing Program-Plus, as defined in
25 subdivision (s) of Section 11400 of the Welfare and Institutions
26 Code, that serves only eligible former foster youth over 18 years
27 of age who have exited from the foster care system on or after their
28 18th birthday, and that has obtained certification from the
29 applicable county in accordance with subdivision (c) of Section
30 16522 of the Welfare and Institutions Code.

31 (m) Any supported living arrangement for individuals with
32 developmental disabilities, as defined in Section 4689 of the
33 Welfare and Institutions Code.

34 (n) (1) Any family home agency, family home, or family
35 teaching home as defined in Section 4689.1 of the Welfare and
36 Institutions Code, that is vendored by the State Department of
37 Developmental Services and that does any of the following:

38 (A) As a family home approved by a family home agency,
39 provides 24-hour care for one or two adults with developmental
40 disabilities in the residence of the family home provider or

1 providers and the family home provider or providers' family, and
2 the provider is not licensed by the State Department of Social
3 Services or the State Department of Public Health or certified by
4 a licensee of the State Department of Social Services or the State
5 Department of Public Health.

6 (B) As a family teaching home approved by a family home
7 agency, provides 24-hour care for a maximum of three adults with
8 developmental disabilities in independent residences, whether
9 contiguous or attached, and the provider is not licensed by the
10 State Department of Social Services or the State Department of
11 Public Health or certified by a licensee of the State Department of
12 Social Services or the State Department of Public Health.

13 (C) As a family home agency, engages in recruiting, approving,
14 and providing support to family homes.

15 (2) No part of this subdivision shall be construed as establishing
16 by implication either a family home agency or family home
17 licensing category.

18 (o) Any facility in which only Indian children who are eligible
19 under the federal Indian Child Welfare Act (Chapter 21
20 (commencing with Section 1901) of Title 25 of the United States
21 Code) are placed and that is one of the following:

22 (1) An extended family member of the Indian child, as defined
23 in Section 1903 of Title 25 of the United States Code.

24 (2) A foster home that is licensed, approved, or specified by the
25 Indian child's tribe pursuant to Section 1915 of Title 25 of the
26 United States Code.

27 (p) (1) (A) Any housing occupied by elderly or disabled
28 persons, or both, that is initially approved and operated under a
29 regulatory agreement pursuant to Section 202 of Public Law 86-372
30 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625
31 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to
32 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that
33 receives mortgage assistance pursuant to Section 221d (3) of Public
34 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are
35 made available to residents at their option, as long as the project
36 owner or operator does not contract for or provide the supportive
37 services.

38 (B) Any housing that qualifies for a low-income housing credit
39 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)
40 or that is subject to the requirements for rental dwellings for

1 low-income families pursuant to Section 8 of Public Law 93-383
2 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled
3 persons, or both, where supportive services are made available to
4 residents at their option, as long as the project owner or operator
5 does not contract for or provide the supportive services.

6 (2) The project owner or operator to which paragraph (1) applies
7 may coordinate, or help residents gain access to, the supportive
8 services, either directly, or through a service coordinator.

9 (q) A resource family, as defined in Section 16519.5 of the
10 Welfare and Institutions Code.

11 (r) Any similar facility determined by the director.

12 SEC. 5. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.