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DEPARTMENT OF
POLICE

CITY OF SACRAMENTO
CALIFORNIA

HALL OF JUSTICE
813 SIXTH STREET
SACRAMENTO, CA
95814-2495

21 June 1989

916-449-5121

JOHN P. KEARNS
CHIEF OF POLICE

Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: SUPPORT FOR SB 734 (DAVIS) RE JUVENILE WARDS

SUMMARY

This is a request for City Council support of Senate Bill 734 (Davis) dealing with Juvenile Wards and placement of Community Care Facilities.

BACKGROUND

The State Department of Social Services licenses Community Care Facilities. If SB 734 is passed, the Department of Social Services will hold public hearings prior to the issuance or renewal of a license to operate a care facility which serves or will serve wards of the juvenile court. The department will have to notify the local land use planning agency and all property owners within 300 feet of the facility.

The bill will also prevent the department from granting a license to a care facility which serves or will serve wards of the juvenile court if the facility is within 1/2 mile of an existing Community Care facility which serves other wards of the juvenile court. With the approval of the local City or County Government, a permit could be issued under these conditions.

The bill would permit a City or County to review, no more than once every 7 years, such a care facility. Should local government determine that continued operation would present a danger to the health or safety of the community, the department would be prohibited from renewing the license.

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Under the bill the department would be required to establish criteria for the admission of a juvenile ward into a care facility. The department will also have to adopt regulations for supervising wards when they are temporarily away from the facility. The department will develop education and training requirements for license applicants and supervising personnel employed by the care facility.

FINANCIAL DATA

The cost to the City, if this bill is enacted, would be no more than we spend now.

POLICY CONSIDERATIONS

Enactment would cause no changes in current policies.

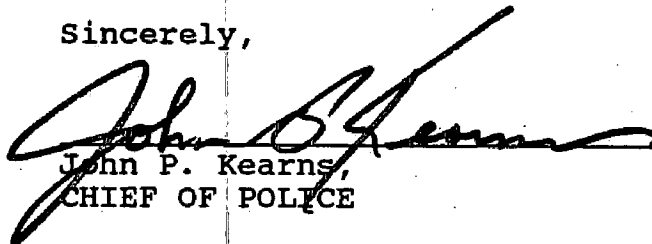
MBE/WBE

No input.

RECOMMENDATION

The enactment of this law will give local governments more input into the licensing of care homes for juvenile wards. It will aid in the placement of such homes and assist local government in orderly placements. I recommend that you lend your support to this legislation.

Sincerely,



John P. Kearns,
CHIEF OF POLICE

Contact person to
answer questions:

Lt. Gail C. Hamilton
Special Investigations Section
449-5618

JPK:al

REF: 6-59

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Introduced by Senator Davis

February 28, 1989

An act to add Sections ~~1527, 1528, 1567.5, 1567.5~~ and 1567.6 to the Health and Safety Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

SB 734, as amended, Davis. Mental health.

Under existing law, the State Department of Social Services licenses community care facilities.

This bill would require the State Department of Social Services to hold a public hearing prior to the issuance or renewal of a license to operate a community care facility under the California Community Care Facilities Act which serves or will serve ~~mentally disabled persons, or~~ wards of the juvenile court and to notify the local land use planning agency and all property owners within 300 feet of the facility.

The bill would require the department to not permit a community care facility which serves or will serve ~~mentally disabled persons, or~~ wards of the juvenile court to be placed within 1/2 mile of an existing community care facility which serves ~~mentally disabled persons or~~ wards of the juvenile court, ~~respectively~~ without the approval of the city or county.

The bill would permit a community care facility which serves ~~mentally disabled persons or~~ wards of the juvenile court to be reviewed no more than once every 7 years by a city or county, and upon a determination by the city council or county board of supervisors that the continued operation of the facility presents a danger to the health or safety of the community, the department would be prohibited from renewing the license for that community care facility.

The bill would require the department to establish criteria

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for the admission of ~~mentally disabled persons or wards of the juvenile court~~ to a community care facility.

The bill would require the department to adopt regulations to require supervision of community care facility patients who are ~~mentally disabled or wards of the juvenile court~~ when the patients are temporarily away from the facility, and to require education and training requirements for applicants for a license under these provisions and for all supervising personnel employed by a facility which serves ~~mentally disabled persons or wards of the juvenile court~~.

This bill would impose a state-mandated local program, as violations of the California Community Care Facilities Act are crimes.

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. Section 1527 is added to the Health and
2 Safety Code, to read:

3 1527. (a) The state department shall hold a public
4 hearing 60 days prior to the issuance or renewal of a
5 license to operate a community care facility which serves
6 or will serve mentally disabled persons. The state
7 department shall provide 30 days' written notice of the
8 hearing to the local land use planning agency and all
9 property owners within 300 feet of the facility, where the
10 facility is, or is to be, located.

11 (b) The state department shall not permit a
12 community care facility which serves or will serve
13 mentally disabled persons to be placed within one-half
14 mile of an existing community care facility which serves
15 mentally disabled persons without the approval of the
16 city or county.

17 (c) A community care facility which serves mentally
18 disabled persons may be reviewed no more than once
19 every seven years by a city or county. Upon a
20 determination by the city council or county board of
21 supervisors that the continued operation of the facility
22 presents a danger to the health or safety of the

1 community, the
2 department. The
3 license for any
4 determination in

5 SEC. 2. Section
6 Code, to read:
7 1528. (a) The
8 criteria for the at
9 a community care

10 (b) The state
11 require supervisi
12 who are menta
13 temporarily away

14 (c) The state
15 require educati
16 applicants for a
17 supervising pers
18 serves mentally c

19 SEC. 3.
20 SECTION 1.

21 and Safety Code,
22 1567.5. (a) Th
23 hearing 60 days
24 license to operate
25 or will serve wa
26 department shall
27 hearing to the le
28 property owners
29 facility is, or is to

30 (b) The state
31 community care f
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33 an existing commu
34 the juvenile cour
35 county.

36 (c) A commun
37 the juvenile court
38 every seven year
39 determination by
40 supervisors that t

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 scal committee: yes.

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1 community, the city or county shall notify the state
 2 department. The state department shall not renew the
 3 license for any community care facility for which this
 4 determination has been made.

5 **SEC. 2.** Section 1528 is added to the Health and Safety
 6 Code, to read:

7 **1528. (a)** The state department shall establish
 8 criteria for the admission of mentally disabled persons to
 9 a community care facility.

10 **(b)** The state department shall adopt regulations to
 11 require supervision of community care facility patients
 12 who are mentally disabled when the patients are
 13 temporarily away from the facility.

14 **(c)** The state department shall adopt regulations to
 15 require education and training requirements for
 16 applicants for a license under this chapter and for all
 17 supervising personnel employed by a facility which
 18 serves mentally disabled persons.

19 **SEC. 3.**

20 **SECTION 1.** Section 1567.5 is added to the Health
 21 and Safety Code, to read:

22 **1567.5. (a)** The state department shall hold a public
 23 hearing 60 days prior to the issuance or renewal of a
 24 license to operate a community care facility which serves
 25 or will serve wards of the juvenile court. The state
 26 department shall provide 30 days' written notice of the
 27 hearing to the local land use planning agency and all
 28 property owners within 300 feet of the facility, where the
 29 facility is, or is to be, located.

30 **(b)** The state department shall not permit a
 31 community care facility which serves or will serve wards
 32 of the juvenile court to be placed within one-half mile of
 33 an existing community care facility which serves wards of
 34 the juvenile court without the approval of the city or
 35 county.

36 **(c)** A community care facility which serves wards of
 37 the juvenile court may be reviewed no more than once
 38 every seven years by a city or county. Upon a
 39 determination by the city council or county board of
 40 supervisors that the continued operation of the facility

1 presents a danger to the health or safety of the
2 community, the city or county shall notify the state
3 department. The state department shall not renew the
4 license for any community care facility for which this
5 determination has been made.

6 **SEC. 4.**

7 **SEC. 2.** Section 1567.6 is added to the Health and
8 Safety Code, to read:

9 1567.6. (a) The state department shall establish
10 criteria for the admission of wards of the juvenile court
11 to a community care facility.

12 (b) The state department shall adopt regulations to
13 require supervision of community care facility patients
14 who are wards of the juvenile court when the patients are
15 temporarily away from the facility.

16 (c) The state department shall adopt regulations to
17 require education and training requirements for
18 applicants for a license under this chapter and for all
19 supervising personnel employed by a facility which
20 serves mentally disabled persons.

21 **SEC. 5.**

22 **SEC. 3.** No reimbursement is required by this act
23 pursuant to Section 6 of Article XIII B of the California
24 Constitution because the only costs which may be
25 incurred by a local agency or school district will be
26 incurred because this act creates a new crime or
27 infraction, changes the definition of a crime or infraction,
28 changes the penalty for a crime or infraction, or
29 eliminates a crime or infraction. Notwithstanding Section
30 17580 of the Government Code, unless otherwise
31 specified in this act, the provisions of this act shall become
32 operative on the same date that the act takes effect
33 pursuant to the California Constitution.

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