Resource Family Approval Written Directives

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Prepared by:

California Department of Social Services

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RESOURCE FAMILY APPROVAL WRITTEN DIRECTIVES

ARTICLE I. INTRODUCTION

SECTION 1-01: Purpose

(a) The Resource Family Approval Program was implemented to establish a unified, family-friendly, and child-centered resource family approval process to replace previous multiple processes for licensing foster family homes and approving relatives and nonrelative extended family members as foster care providers, and approving families for legal guardianship or adoption.

(b) A Resource Family is considered eligible to provide foster care for related and unrelated children in out-of-home placement, is considered approved for adoption or legal guardianship, and does not have to undergo any additional approval or licensure processes.

SECTION 1-02: Authority

(a) **Federal Authority.** Title IV-E, Section 471(a)(10) of the Social Security Act requires that the state of California establish a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for these institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights.

(b) **State Authority.** Welfare and Institutions Code section 16519.5 requires the California Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, to implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families. *(Added by Stats. 2007, c. 464 (A.B. 340), § 3. Amended by Stats. 2011, c. 32 (A.B. 106), § 69, eff. June 29, 2011; Stats. 2012, c. 35 (S.B. 1013), § 136, eff. June 27, 2012; Stats. 2013, c. 21, § 42, eff. June 27, 2013; Stats. 2014, c. 772 (S.B. 1460), § 21, eff. September 29, 2014; Stats. 2015, c. 773 (A.B. 403), § 111, eff. October 11, 2015; Stats. 2016, c. 612 (A.B. 1997), § 119 and 131, eff. September 25, 2016; Stats. 2017, c. 732 (A.B. 404), § 103 and 126, eff. October 12, 2017; Stats. 2018, c. 935 (S.B. 1083), § 7.5, eff. September 29, 2018; Stats. 2018, c. 910 (A.B. 1930), § 45 and 54 eff. September, 29, 2018.)*

SECTION 1-03: Interstate Compact on Placement of Children

(a) The Interstate Compact on Placement of Children (ICPC) is set forth in Family Code section 7900 et seq. and hereby adopted and entered into with all other jurisdictions joining therein. It further designates the California Department of Social Services as the "appropriate public authority" responsible for administration of ICPC.

(b) The ICPC is a contract among member states and U.S. territories authorizing them to work together to ensure that children who are placed across state lines for foster care or adoption receive adequate protection and support services. The ICPC establishes procedures for the placement of children and fixes the responsibility for agencies and individuals involved in placing children.

(c) Nothing herein shall supersede any timelines, requirements, or provisions set forth by Family Code section 7900 et seq, Manual of Policies and Procedures (MPP) section 31-510, or regulations adopted by the Association of Administrators of the Interstate on the Placement of Children (AAICPC).

SECTION 1-04: Tribally Approved and Tribally Specified Homes

(a) Tribally Approved Homes (TAHs) are homes that have gone through a tribal approval process as defined by the Tribe or Tribal Agency approving the home. TAHs are exempt from the Resource Family Approval process but must meet minimum federal standards for approval.

(b) Tribally Specified Homes are designated as a preferred placement option for an Indian child by the Indian child's Tribe. A Tribally Specified Home must be either tribally approved or approved pursuant to the Resource Family Approval standards.

SECTION 1-05: Historical Program Notes

(a) **Written Directives:** Pursuant to Welfare and Institutions Code section 16519.5(f)(1)(A), the Department has issued Written Directives to administer the Resource Family Approval Program operated by Counties.

(1) Version and Effective Date

- **Version 1: Effective November 1, 2013** (Revision Date: 11/22/2013)
  - Authorized and approved by Greg Rose, Deputy Director, for the Children and Family Services Division and Dave Dodds, Deputy Director, for the Community Care Licensing Division.

(2) Version 2 through 6 authorized and approved by Greg Rose, Deputy Director for the Children and Family Services Division, and Pam Dickfoss, Deputy Director for the Community Care Licensing Division.

- **Version 2: Effective October 15, 2015** (Revision Date: 09/01/2015)
- **Version 2.1: Effective June 18, 2016** (Revision Date: 05/18/2016)
- **Version 3: Effective September 30, 2016** (Revision Date: 08/30/2016)
- **Version 4: Effective February 6, 2017** (Revision Date: 01/06/2017)
- **Version 4.1: Effective June 09, 2017** (Revision Date: 05/09/2017)
- **Version 5: Effective February 6, 2018** (Revision Date: 02/06/2018)
- **Version 6: Effective April 11, 2019** (Revision Date: 04/10/2019)

ARTICLE 2: GENERAL PROVISIONS

SECTION 2-01: Written Directives

(a) The Written Directives:
  (1) Have the same force and effect as regulations.
  (2) Ensure Counties use the same standards for Resource Family Approval.

(b) A County may not implement policies or procedures that conflict with or attempt to supersede the Written Directives.

(c) The Department may amend the Written Directives to address policy, program, or other issues identified by a County or the Department.
  (1) An amendment to the Written Directives shall be effective on the date of publication of the change by the Department.

ARTICLE 3: DEFINITIONS AND FORMS

SECTION 3-01: Definitions

(a) The following definitions shall apply whenever the terms are used in the Written Directives:
  (1) "Accusation" means a written statement of charges filed by a County or the Department that specifies the applicable law or Written Directives that a Respondent is alleged to have violated that may constitute grounds for revocation, rescission, suspension, limitations, or conditions, as described in Government Code section 11503.
  (2) "Adoption Assistance Program" or "AAP" means a program of financial or medical assistance to facilitate the adoption of children who otherwise would remain in long-term foster care, as described in Welfare and Institutions Code section 16115 through 16125.

(3) "Adoptive parent" means a person who has obtained an order of adoption of a minor child or, in the case of an adult adoption, an adult.
(4) "Adult" means a person who is 18 or older.
(5) "Age or developmentally appropriate" means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group, as defined in Welfare and Institutions Code section 362.05(c)(2).
(6) "Allegation" means information which asserts or indicates that a Resource Family may not have met or may not be meeting the requirements of one or more of the Written Directives or any applicable laws.
(7) "Alternative caregiver" means a person who is at least 18 years of age and provides alternative care for a foster child in either his or her home or the home of the caregiver as defined in Welfare and Institutions Code section 16501.02(a)(2).
(8) "Applicant" means an individual or individuals who have submitted an application to a County for Resource Family Approval.
(9) "Application" means the form used to apply for Resource Family Approval.
(10) "Approved Relative Caregiver Funding Program" or "ARC Program" means a program, as defined in Welfare and Institutions Code section 11461.3, which provides the approved relative caregiver of a dependent child or nonminor dependent who is not eligible for AFDC-FC, a monthly payment equal to the Home-Based Foster Care (HBFC) Level of Care (LOC) basic rate at the child's assessed level of care.
(11) "Associated individual" means a person who is required to obtain or has obtained, a criminal record clearance or exemption pursuant to Welfare and Institutions Code section 16519.5 because they reside or are regularly present in the home of an applicant or Resource Family.
(12) "Authorized representative" means:
    (A) A person or entity authorized by law to act on behalf of a child or nonminor dependent. The person or entity may include, but not be limited to, a parent or attorney of a child or nonminor dependent, Court Appointed Special Advocate (CASA), legal guardian, conservator, or public placement agency.
    (B) For due process pursuant to Welfare and Institutions Code section 16519.6, an attorney or other person or entity authorized by a party to act on behalf of the party on appeal.
(13) "Birth parent" means a biological parent or, in the case of a person previously adopted, an adoptive parent.
(14) "Capacity" means the number of children and nonminor dependents for whom a Resource Family is approved to provide care and supervision.
(15) "Case management visit" means a visit between a RFA program staff member, Resource Family, or other individual residing in the home to provide support or consultation to the family or to discuss concerns, deficiencies, or other issues.
(16) "Certified respite care provider" means an individual who has been certified pursuant to Welfare and Institutions Code section 16501.01 to provide respite care services to

a child or nonminor dependent in the home of the Resource Family or the certified respite care provider.

(17) "Child" means a person who is under 18 placed with or who is being considered for placement with a Resource Family by a placement agency with or without a court order.

(18) "Child Abuse Central Index" or "CACI" means the statewide, multi-jurisdictional, centralized index of child abuse investigation reports maintained by the California Department of Justice. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental or emotional abuse or severe neglect. Each child protection agency (police, sheriff, county welfare, and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be inconclusive or unfounded.

(19) "Child with special health care needs" means the following, as defined in Welfare and Institutions Code section 17710(a):

(A) A child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who meets both of the following requirements:

(i) Has a condition that can rapidly deteriorate resulting in permanent injury or death or a medical condition that requires specialized in-home health care.

(ii) Has been adjudged a dependent of the court pursuant to Welfare and Institutions Code section 300, is in the custody of a county welfare department, or has a developmental disability and is receiving services and case management from a regional center.

(20) "Compelling reason" means a decision to place a child with an applicant prior to approval as a Resource Family based upon the best interest of the child, to include maintaining a child's family-like connections.

(21) "Complainant" means a person who makes an allegation or provides information to a County concerning a Resource Family, which is considered to be a complaint. If an administrative action is pending, "Complainant" may also mean a County or the Department as that term is typically used in an administrative action.

(22) "Complaint" means one or more allegations made concerning a Resource Family.

(23) "Comprehensive Assessment" means an evaluation of an applicant using the home environment and permanency assessments and any other factors set forth in the Written Directives for the purpose of determining the applicant's suitability as a Resource Family.

(24) "Conviction" means a plea or verdict of guilty or a conviction following a plea of nolo contendere, notwithstanding a subsequent order pursuant to Penal Code sections 1203.4 and 1203.4a permitting the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(25) "Corrective Action Plan" or "CAP" means a plan developed by a County which describes how a Resource Family is not conforming to the requirements of an applicable statute, regulation, or the Written Directives and the steps the Resource

Family and the County will take to ensure that the Resource Family corrects identified deficiencies within a specified time.

(26) "County" means a county child welfare agency or probation department that approves Resource Families.

(27) "Criminal Record Exemption" or "Exemption" means an exemption from the presumptive disqualification of a person with one or more criminal convictions to be approved as, reside in, or be regularly present in a Resource Family home.

(28) "Current foster family agency" means a licensed foster family agency by which a Resource Family is currently approved.

(29) Deficiency" means any failure to conform to any applicable statute, regulation, or Written Directive.

(30) "Department" means the California Department of Social Services.

(31) "Digital signature" means an electronic identifier created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, as defined in Government Code section 16.5(d).

(32) "Director" means the director of the California Department of Social Services or his or her designee.

(33) "Documented Alternative Plan" or "DAP" means a written plan approved by a County describing an applicant's or Resource Family's use of an acceptable alternative to a specific requirement.

(34) "Emergency placement" means a placement of a child or nonminor dependent with a relative or nonrelative extended family member prior to Resource Family Approval as defined in Welfare and Institutions Code section 309 and 361.45.

(35) "Excluded individual" means a person who is prohibited from residence, presence, or contact with children or nonminor dependents in the home of a Resource Family as a result of an order by the Department or an administrative action.

(36) "Family evaluation" means a component of the Permanency Assessment which includes interviews of an applicant or Resource Family, to evaluate their family system dynamics and strengths, and areas where more support or resources may be needed for more effective and quality parenting skills.

(37) "Family health care" means health care provided to a child or nonminor dependent by a Resource Family in accordance with the written instructions of the health professional for the child or nonminor dependent.

(38) "Foster care" means 24-hour out-of-home care provided to children or nonminor dependents whose families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting.

(39) "Gender expression" refers to the ways a person communicates their gender identity through clothing, haircut, behavior, and interaction with others.

(40) "Gender identity" means a person's internal identification or self-image as male, female, or other.

(41) "General neglect" means as defined in Penal Code section 11165.2(b).

(42) "Health care practitioner" means any of the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code and who provide specialized in-home health care prescribed by a physician for a child with special health care needs: Physician, Physician Assistant, Nurse Practitioner, Public

Health Nurse, Registered Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist, and Respiratory Therapist.

(43) "Health professional" means any of the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code: Physician, Physician Assistant, Nurse Practitioner, or Public Health Nurse.

(44) "Home Environment Assessment" means a component of the Resource Family Approval process which requires an applicant or Resource Family to meet standards that include, but are not limited to, a background check, health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home, and capacity determination.

(45) "ICPC" means the Interstate Compact on the Placement of Children.

(46) "Inactive status" means a period of time during which a Resource Family is not eligible to provide foster care for a child or nonminor dependent and is not subject to the requirements specified in Article 11, or Article 11.1 if applicable, or an update.

(47) "Inconclusive" means that an investigation concluded that an allegation in a complaint is not substantiated or unfounded.

(48) "Individual Exemption" means an exemption granted to a person who has requested an exemption on his/her own behalf, when a Resource Family or applicant elected not to pursue an exemption on behalf of the affected person and voluntarily terminated the person's residency and/or presence in the home.

(49) "Individualized health care plan" means a written plan developed by an individualized health care plan team and approved by the team physician, or other health care practitioner designated by the physician to serve on the team, for the provision of specialized in-home health care to a child with special health care needs as specified in Welfare and Institutions Code section 17731.

(50) "Individualized health care plan team" means those persons who develop an individualized health care plan for a child with special health care needs, including the primary care physician for a child or other health care practitioner chosen by the physician to serve on the team, the county social worker or regional center caseworker for the child, and any health care practitioner chosen to monitor the specialized in-home health care provided to a child pursuant to the individualized health care plan, as defined in Welfare and Institutions Code section 17710.

(51) "Infant" means a child under two years of age.

(52) "Kinship Guardianship Assistance Payments" or "Kin-GAP" means a program of financial assistance or medical assistance (Medi-Cal) to facilitate the achievement of permanency for foster children through legal guardianship by a relative caregiver as defined in Welfare and Institutions Code sections 11362 and 11391.

(53) "Legal Division" means the Legal Division of the California Department of Social Services.

(54) Mandated Reporter" means an individual, as specified in Penal Code section 11165.7, who is mandated by the state of California to report known or suspected child abuse or neglect to the county child welfare agency and/or local law enforcement agency.

(55) "Nonminor dependent (NMD)" means a foster child who is at least 18 years of age and not more than 21 years of age or a nonminor former dependent or ward, as defined in Welfare and Institutions Code section 11400.

(56) "Nonrelative extended family member" or "NREFM" means an adult who has an established familial relationship with a relative of a child or a familial or mentoring relationship with a child as defined in Welfare and Institutions Code section 362.7.

(57) "Notice of Defense" means a written statement signed by or on behalf of a Respondent in response to an Accusation or Statement of Issues that constitutes a request for hearing, as described in Government Code section 11506.

(58) "Occasional short-term babysitter" means a person who cares for a child in or out of a Resource Family's home on an occasional basis for no more than 24 hours at a time.

(59) "Permanency Assessment" means a component of the Resource Family Approval process, which requires an applicant or Resource Family to meet standards that include, but are not limited to, training, family evaluation, and any other activities that relate to a Resource Family's ability to achieve permanency with a child or nonminor dependent.

(60) "Placement agency" means a county probation department, county welfare department, county social service department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, conservator pursuant to Part 3 (commencing with Section 1800) of Division 4 of the Probate Code, conservator pursuant to Chapter 3 (commencing with section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, and regional center for persons with developmental disabilities, that is engaged in finding homes or other places for children and nonminor dependents for temporary or permanent care, as defined in Health and Safety Code section 1536.1(a).

(61) "Portability" means the process by which either:

(A) A Resource Family currently approved by a licensed foster family agency may transfer their approval to a County pursuant to Welfare and Institutions Code section 16519.58 and section 5.01-01.

(B) A Resource Family currently approved by a County may be approved by a subsequent licensed foster family agency pursuant to Health and Safety Code section 1517.5(b) and Articles 2.1 and 5.1 of the Foster Family Agency Interim Licensing Standards.

(C) A Resource Family currently approved by a licensed foster family agency may be approved by a subsequent licensed foster family agency pursuant to Health and Safety Code section 1517.5(a) and Articles 2.1 and 5.1 of the Foster Family Agency Interim Licensing Standards.

(62) "Position Statement" means a written statement by a party that includes a summary of the facts and issues in a case and the party's position that is filed prior to a hearing at the State Hearings Division, as described in Welfare and Institutions Code section 10952.5.

(63) "Precedential decision" means a decision adopted by the Department that contains a significant legal or policy determination of general application that is likely to recur

and that has been designated as a precedent decision in whole or in part, as described in Government Code section 11425.60.

(64) "Quality Parenting Initiative (QPI) Partnership Plan" means the document that describes the roles of a Resource Family and a County in mutually supporting a child or nonminor dependent in care and meets the case plan objectives.

(65) "Reasonable and prudent parent standard" means the careful and sensible parental decisions that maintain a child's health, safety, and best interests, while at the same time encouraging the emotional and developmental growth of the child, as defined in Welfare and Institutions Code section 362.05.

(66) "Relative" means an adult who is related to a child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution, as defined in Welfare and Institutions Code section 11400.

(67) "Rescind" means an administrative action by a County to revoke a criminal record exemption or approval of a Resource Family.

(68) "Reside" means physical presence in the home of a relative, nonrelative extended family member, applicant, or Resource Family for 30 days or longer or the point at which presence in the home is not for a temporary or transitory purpose, whichever occurs first.

(69) "Resource Family" means an individual or family that a County determines to have successfully met the application and assessment criteria necessary for providing care for a child or nonminor dependent who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department.

(70) "Resource Family Approval" or "approval" means that an applicant or Resource Family successfully meets the Home Environment Assessment and Permanency Assessment standards adopted pursuant to Welfare and Institutions Code section 16519.5.

(71) "Resource Family Approval Program" or "program" means the single process for approving families for foster care, legal guardianship, and adoption.

(72) "Resource Parent" means an individual who is approved as a Resource Family.

(73) "Respite care" means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month, as defined in Welfare and Institutions Code section 16501(b), in the home of a licensed foster family, certified family, approved relative or nonrelative extended family member, Resource Family, or a certified respite care provider.

(74) "Respondent" means an applicant, Resource Parent, or individual who has been served with a Notice of Action and is the subject of an administrative action. For matters that shall be heard by the State Hearing Division, a "Respondent" also means a "Claimant," as defined in CDSS Manual of Policy and Procedures section 22-001.

(75) "RFA program staff" means child welfare agency or probation department staff whose roles and responsibilities include performing components of the Resource Family Approval program as specified in the Written Directives.

(76) "Risk assessment" means the consideration of factors regarding an applicant that include, but are not limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence history.

(77) "Self-administer" means the act of a child or nonminor dependent giving himself or herself medication or injections.

(78) "Serious complaint" means a complaint containing an allegation which may involve any of the following:
- (A) Conduct by any person as described in Penal Code section 11165.5.
- (B) Death or serious bodily injury, or risk of death or serious bodily injury, to any person.
- (C) A violation of Section 11-08 or 11.1-06 or Welfare and Institutions Code section 16001.9.

(79) "Serious deficiency" means any failure to conform to Resource Family Approval requirements that presents an immediate or substantial threat to the physical health, mental health, or safety of any child or nonminor dependent in a home.

(80) "Serious incident" means an incident reported by a Resource Family which may involve any of the following:
- (A) Conduct by any person as described in Penal Code section 11165.5.
- (B) Death or serious bodily injury, or risk of death or serious bodily injury, to any person.
- (C) A violation of Section 11-08 or 11.1-06 or Welfare and Institutions Code section 16001.9.

(81) "Severe neglect" means as defined in Penal Code section 11165.2(a).

(82) "Sexual orientation" describes a person's emotional, romantic or sexual attraction to others that may be shaped at an early age.

(83) "Sibling" means two or more children related by blood, adoption, or affinity through a common legal or biological parent as defined in Welfare and Institutions Code sections 362.1 and 16002.

(84) "Sibling group" means two or more children who are related to each other as full, half, or step siblings as defined in Welfare and Institutions Code section 361.5.

(85) "Simplified exemption process" means a process by which an exemption may be granted on a County's own motion, as authorized in Health and Safety Code section 1522(g)(2)(D).

(86) "Smoking" means as defined in subdivision (c) of Section 22950.5 of the Business and Professions Code.

(87) "Specialized in-home health care" means those services identified by a child's primary physician as appropriately administered by a Specialized Resource Family.

(88) "Specialized Resource Family" means a Resource Family who has been trained by a health care practitioner to provide specialized in-home health care to children with special health care needs.

(89) "Specialized Resource Parent" means an individual who is approved as a Specialized Resource Family.

(90) "Statement of Issues" means a written statement filed by a County or Department regarding grounds for denial of a license, approval or privilege and specifying the statutes and rules with which a Respondent must show compliance, as described in Government Code section 11504.

(91) "Subsequent foster family agency" means a licensed foster family agency to which a Resource Family has submitted a portability application for Resource Family Approval pursuant to Health and Safety Code section 1517.5.
(92) "Substantiated" means that an investigation concluded that based on a preponderance of the evidence, meaning that it is more likely than not, an allegation in a complaint occurred.
(93) "Surrender" means a voluntary relinquishment of Resource Family Approval by a Resource Family or Resource Parent.
(94) "Tobacco product" means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.
(95) "Transgender" means a person whose gender identity does not correspond with their anatomical sex. A transgender girl or woman is a girl or woman whose birth sex was male but who understands herself to be female. A transgender boy or man is a boy or man whose birth sex was female but who understands himself to be male.
(96) "Tribally Approved Home (TAH)" means a home that has been licensed or approved by an Indian Tribe for foster care or adoptive placement of an Indian child using standards established by the Tribe pursuant to the Indian Child Welfare Act (25 U.S.C. 1915), is not required to be licensed by the Department or a County, and is equivalent to a Department or county licensed home. Background check requirements for foster or adoptive placement as required by Health and Safety Code sections 1522 and 1522.1 apply to a Tribally Approved Home.
(97) "Tribally Specified Home" means a designation by the Indian child's Tribe of its preferred placement option for the Indian child. Tribally Specified Homes are the second order of placement preference for an Indian Child pursuant to Welfare and Institutions Code section 361.31.
(98) "Unfounded" means that an investigation concluded that an allegation in the complaint is false, could not have happened, or is without any reasonable basis.
(99) "Withdrawal" means a voluntary decision by an applicant to stop the application and assessment process.
(100) "Written Report" means a summary, analysis, and determination of an applicant's suitability to foster, adopt, and provide legal guardianship of a child or nonminor dependent based on all the information gathered through the application and Comprehensive Assessment processes.
(101) "Written Directives" means the written processes, standards, and requirements issued by the Department to implement the Resource Family Approval Program.

SECTION 3-02: Forms

(a) A County shall use the following Resource Family Approval forms:
(1) RFA 01A: Resource Family Application
(2) RFA 01B: Resource Family Criminal Record Statement
(3) RFA 02: Resource Family Background Checklist and Out-of-State Child Abuse Registry Checklist
(4) LIC 198B: Out-Of-State Child Abuse/Neglect Report Request
(5) RFA 03: Resource Family Home Health and Safety Assessment Checklist
(6) RFA 07: Resource Family Health Questionnaire

(7) RFA 09: Notice of Action Regarding Resource Family Approval
(8) RFA 09B: Notice of Action to Individual Regarding Resource Family Approval Criminal Record Exemption Decision
(9) RFA 09E: Order to Individual of Exclusion from Resource Family Homes and Department Licensed Facilities
(10) RFA 09I: Order to Individual of Immediate Exclusion from Resource Family Homes and Department Licensed Facilities
(11) RFA 10: Resource Family Approval - Portability Application
(12) RFA 802: Complaint Intake Report
(13) RFA 809: Resource Family Visit Record
(14) RFA 809C: Resource Family Visit – Corrective Action Plan
(15) RFA 9099: Complaint Investigation Report
(16) RFA 9099C: Complaint Investigation Report – Continued

(b) A County may use the following Resource Family Approval forms or an equivalent form containing the same information:
(1) RFA 04: Resource Family Risk Assessment
(2) RFA 05: Resource Family Approval Written Report
(3) RFA 05A: Resource Family Approval Certificate
(4) RFA 06: Resource Family Approval Update Report
(5) RFA 811: Confidential Names
(6) RFA 812: Detail Supportive Information

(c) A County may use electronic document transmission and digital signatures when collecting forms and documents in which a signature is required for the purpose of Resource Family Approval.
(1) If a County intends to use digital signatures, the county shall ensure that the technological safeguards and requirements provided in Government Code section 16.5, and Civil Code section 1633.1 through 1633.17 are observed.
(2) All electronic forms or forms containing a digital signature shall be maintained in the applicant's or Resource Family's file.
(3) If an applicant or Resource Family requests not to use electronic document transmission, paper copies shall be made available.

ARTICLE 4: GENERAL REQUIREMENTS FOR COUNTIES

SECTION 4-01: Implementation Plan

(a) County shall maintain an implementation plan for operation of the Resource Family Approval Program.
(1) A County shall modify its implementation plan, if necessary, as determined by the Department during an annual review.

(b) An implementation plan shall include the following:
(1) Program statement and vision.

(2) Program goals, objectives, and intended outcomes.
(3) The County's organizational structure, including child welfare agency and probation department staff roles and responsibilities.
(4) Description of how the County will maintain separation between the operation of the RFA program and its placement, adoption, and social work responsibilities.
(5) Description of a plan for maintaining RFA program staff qualifications, skills, and program expertise.
(6) If applicable, identification of the role of any contracted licensed adoption agencies or foster family agencies that will be involved with the implementation or operation of the program, including a description of activities to be performed, as well as their staff qualifications, skills, and expertise.
(7) Description of the County plan for tribal outreach and participation.
(8) Resource Family Approval process, including plans for out-of-county approvals.
(9) Proposed Resource Family Approval assessment tools.
(10) Training plan for child welfare agency and probation department staff and Resource Families.
(11) Procedures for the monitoring of Resource Families.
(12) Procedures for due process regarding denied or rescinded approvals or other adverse actions, and whether the County intends to use the Legal Division for consultations and hearings.
(13) If applicable, a request to delegate specific program responsibilities to the Department.
(14) Any other information requested by the Department related to implementation.

(c) A County shall consult with its probation department prior to any modifications to its implementation plan.

(d) A County shall maintain a copy of its implementation plan and any amendments to the plan.

SECTION 4-02: RFA Program Requirements

(a) A County shall ensure that RFA program staff have the education and experience, and the core competencies necessary to competently participate in the assessment and evaluation of an applicant or Resource Family.
(1) A County shall require social work personnel to meet the minimum qualification requirements for social worker or probation officer positions according to the County's requirements.

(b) A County shall ensure RFA program staff are trained to perform assigned tasks.

(c) A County shall ensure RFA program staff participating in the assessment and evaluation of an applicant or Resource Family meet core competency requirements, including having necessary knowledge and skills.
(1) For purposes of this subsection, "knowledge" includes an understanding of the following:

(A) The child protective and probation systems.
(B) The Resource Family Approval assessment and approval process.
(C) The contents of the Written Directives.
(D) The personal rights of children in foster care and how to ensure those rights are afforded to children.
(E) Child and family confidentiality principles.
(F) Techniques for interviewing children, nonminor dependents, and adults.
(G) Developmental stages of childhood and effects of trauma on development, as well as the impact of poverty on the lives of families and children.
(H) The priorities of safety, permanency, and well-being for children in foster care.
(I) The impact of trauma, grief, and loss on a child involved in the child welfare system and its impact on placement and permanency goals.
(J) The impact of mental health and substance abuse on children and families.
(K) Permanency timelines and the role caregivers play in supporting timely permanency.
(L) That teaming or collaboration assists in developing solutions that are individualized to the family and their culture, community, and Tribes.
(M) The practice of cultural humility and how this approach improves family engagement, shows respect for families, and ensures assessments incorporate a family's unique culture.
(N) Ongoing training and services prepare caregivers to meet the needs of children and nonminor dependents and assists families with forming lifelong relationships.
(O) Resource Family Approval prepares families to better meet the needs of vulnerable children in the foster care system and assists with a seamless transition to permanency.
(P) The impact of personal biases when working with children and families.

(2) For purposes of this subsection, "skills" include the ability to do the following:
(A) Explain the Resource Family Approval requirements to applicants and Resource Families.
(B) Correctly apply the Written Directives and applicable laws.
(C) Conduct a Home Environment Assessment, family evaluation, and prepare a Written Report.
(D) Incorporate an assessment of an applicant's mental health and substance abuse into the risk assessment.
(E) Interview children, nonminor dependents, and adults using a variety of interviewing techniques.
(F) Conduct visits for assessment purposes in a way that engages Resource Families to build rapport and establish trust.
(G) Assess a variety of information including, but not limited to, historical, social, and economic factors pertaining to individuals.
(H) Summarize, evaluate, and make a final determination of an applicant in the Written Report.
(I) Investigate complaints, and prepare, conduct, and report findings of complaint investigations.

(J) Utilize teaming or collaborative strategies to engage Resource Families.
(K) Ability to assess and identify children who have been abused, neglected, or maltreated.
(L) Recognize how personal beliefs, values, norms, and world views can affect the dynamics of case planning and outcomes.
(M) Present self in a manner that is respectful, culturally humble, professional, and adapts well to meet both community and cultural needs of children and families.
(N) Collaborate with families to achieve mutual goals, build upon family strengths, and ensure quality comprehensive Written Reports are developed.

(d) A County shall provide RFA program staff with a copy of the Written Directives.

(e) A County shall designate a Resource Family Approval Program Project Manager to be responsible for the day-to-day administration of the Program and to serve as the point of contact to the Department.

(f) If a County assigns the components of the Comprehensive Assessment, as set forth in Section 6-01(a), to different RFA program staff, the County shall ensure a RFA program staff member or supervisor reviews all components of the Comprehensive Assessment prior to approving a Written Report.

(g) If a RFA program staff member discovers that he or she has a conflict of interest related to the performance of his or her duties, then the staff member shall immediately report the conflict to a supervisor, who may transfer responsibility for the duty to another staff member.

SECTION 4-03: County Reporting Requirements

(a) A County shall collect and submit the data elements and information as determined by the Department for the purpose of meeting the reporting requirements of Welfare and Institutions Code section 16519.5(f)(7). The Department shall give Counties no less than 30 calendar days notice of the date on which the information should be submitted to the Department.

(b) A County shall report to the Department on a monthly basis the number of applicants with a child or nonminor dependent placed in a home prior to Resource Family Approval, pursuant to Section 4-08 and 4-09, whose application process has exceeded 90 calendar days from the date of placement, and provide a summary of the reasons for the delay.

(c) On a quarterly basis, a County shall provide the Department with a log of applications that were denied and Resource Families that were approved, had approval rescinded, or surrendered approval.

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The reporting requirement specified in Section 4-03(b) complies with the Emergency Caregiver Funding provisions and the monthly reporting template will be provided to Counties by the Department. The reporting requirement specified in Section 4-03(c) is provided on a separate template sent to Counties by the Department. Effective July 1st, 2019 this report will be on the RFA 181 form.

(d) A County shall submit information and records to the Department regarding administrative actions initiated by the County, including the following:

(1) Upload a Notice of Action for the denial or rescission of Resource Family Approval or the denial or rescission of a criminal record exemption and enter required information in the Notice of Action (NOA) database maintained by the Department.

(2) For exclusion actions initiated prior to January 1, 2017, a Notice of Action for the exclusion of an individual from the home of a Resource Family and an exclusion order.

(3) Update the Notice of Action (NOA) database regarding whether an appeal was received and the subsequent disposition of the action.

(4) Legal pleadings, including an Accusation, Statement of Issues, or Position Statement.

(5) Final decisions or resolutions following an appeal, including a default decision and order; dismissal; stipulation, waiver and order; any agreement pursuant to a withdrawal; proposed decision; decision and order; order pursuant to a writ of mandamus; or any other final order.

(e) A County shall notify the Department of a serious complaint by sending an email to RFA@dss.ca.gov and to the county's assigned liaison by the close of the next business day following receipt of the serious complaint.

(1) The following information shall be included in the notification described in this subsection:

(A) Date, time, and location of the complaint.

(B) Resource Family identification number.

(C) Birthdates and genders of children and/or nonminor dependents placed with the Resource Family.

(D) Type of allegation involved in the complaint.

(E) Detailed information about the complaint.

(F) Other agencies notified, if any.

(2) Upon completion of a serious complaint investigation pursuant to Section 9-06A, a County shall submit the final disposition of the investigation to the Department by submitting form RFA 9099: Complaint Investigation Report and, if applicable, form RFA 9099C: Complaint Investigation Report – Continued.

(f) A County shall notify the Department of a serious incident by sending an email to RFA@dss.ca.gov and the county's assigned liaison by the close of the next business day following receipt of the incident report.

(1) The following information shall be included in the notification:
- (A) Date, time, and location of the incident.
- (B) Resource Family identification number.
- (C) Birthdates and genders of children and/or nonminor dependents who were involved in the incident.
- (D) Type of incident.
- (E) Detailed information about the incident.
- (F) Other agencies notified, if any.

(2) Upon completion of a serious incident investigation pursuant to Section 9-06B, a County shall notify the Department if the County developed a corrective action plan by submitting form RFA 809C: Resource Family Evaluation – Corrective Action Plan.

SECTION 4-04: Confidentiality

(a) A County shall comply with Welfare and Institutions Code section 10850, section 9201 of the Family Code, and all other applicable laws to ensure that all applications and records concerning individuals made or kept by any officer or agency in connection with the administration of the Resource Family Approval Program are kept confidential. A County shall maintain the confidentiality of all information and records in accordance with applicable laws and Written Directives.

(b) A County shall comply with its confidentiality policies, procedures, and guidelines. The location of the County's confidentiality policies, procedures, and guidelines shall be made known to all employees, agents, and independent contractors. A County shall require its employees, agents, and independent contractors to comply with the confidentiality policies, procedures, guidelines, and the provisions of this section.

(c) All documents identified in Section 10-05(b), and any other information the County deems necessary, shall be maintained in a confidential section of the Resource Family file.

(d) (1) Information in a Written Report:
- (A) Shall be released to the individual to whom the information pertains pursuant to Civil Code section 1798.24(a).
  - (i) Upon written request, the County shall provide the requestor copies of material he or she submitted to the County or documents he or she signed during the assessment process.
- (B) May be included in any social study prepared for the court to assist the juvenile court in determining whether placement with a relative is appropriate pursuant to Welfare and Institutions Code section 361.3.
  - (i) Information that is otherwise confidential and not specifically required by Welfare and Institutions Code section 361.3 shall not be included in the social study.
- (C) Shall be released as otherwise required by law.

(2) A Written Report may be shared with a placement agency for the purpose of determining whether to place a child or nonminor dependent with a Resource Family.

(3) A Written Report may be shared with the Department and the individuals and entities listed in Welfare and Institutions Code section 16519.555.

(e) A County, the Department, or a foster family agency may share confidential information and documents containing confidential information with another County, the Department or foster family agency for purposes of the Resource Family Approval Program or for authorized purposes related to the placement of children with Resource Families.

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This section allows counties to share the written report, which includes the county's evaluation of an individual's background check results. However, any criminal offender record information documents (CORI) received directly from the California Department of Justice, including subsequent arrest notifications, are confidential and access is strictly regulated by statute. For RFA approval purposes, counties are only authorized to share the DOJ CORI with the subject of the document pursuant to Penal Code section 11105(t) and 11105.2.

SECTION 4-05: Implementation of Resource Family Approval Program by a County

(a) Upon implementation of the Resource Family Approval Program in a County, the County may not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of adoptive families or guardians.

(b) A County shall operate the Resource Family Approval Program separately from its placement, adoption, and social work responsibilities below the second line supervisor level.

(1) If a County is unable to maintain separation between the program and its placement, adoption, or social work responsibilities, and it has less than three full-time equivalent RFA program staff, the County shall submit to the Department a written request for an exception to compliance with subsection (b). The written request for an exception must contain the following:

(A) An explanation as to how the County will maintain separation between the program and its placement and social work responsibilities.

(B) A statement that the County will ensure RFA program staff does not conduct a complaint investigation against a Resource Family if the RFA program staff participated in any assessment of the Resource Family or granted the approval of the Resource Family, unless adequate staff is unavailable.

(C) A statement that the County will ensure RFA program staff does not conduct a complaint investigation against a Resource Family if the RFA program staff has a direct relationship with or interest in the Resource Family or Complainant.

(2) The Department shall provide a County with a written response indicating approval or denial of the request.

(3) An exception granted by the Department shall remain in effect for three years from the date of the approval letter, at which time the approval will expire.
(A) If a County remains unable to comply with subsection (b) once an approval has expired, a new written request for an exception, as specified in paragraph (1), shall be submitted to the Department.

SECTION 4-06: Incoming ICPC Requests

(a) Upon receipt of a complete incoming ICPC request, a County shall complete a Comprehensive Assessment of an applicant for Resource Family Approval within 60 calendar days, except as provided in paragraph (1).
(1) Pre-approval training, as specified in Section 6-06, may be completed after the 60-day timeframe.
(2) A report shall be submitted to the sending agency within 60 calendar days pursuant to Family Code section 7901.1.
(A) The report shall address the extent to which placement in the home would meet the needs of the child.
(B) If the applicant has not completed pre-approval training, the report shall state the anticipated date of completion.
(3) A signed Interstate Compact Placement Request form (ICPC 100A) recommending that a placement of the child be made shall not be returned to the sending state until a County has completed the Comprehensive Assessment of the applicant pursuant to Section 6-01 and has approved the Resource Family as evidenced through the issuance of a Written Report as specified in Section 6-07.

SECTION 4-07: Out of County Resource Family Approval Assessments

(a) When a county placement agency places a child or nonminor dependent with a relative or nonrelative extended family member who resides in another county on an emergency basis, the County may choose any of the following options regarding the Resource Family Approval assessments:
(1) The County may assess the relative or nonrelative extended family member for Resource Family Approval.
(2) The County may request the County of residence to assess the relative or nonrelative extended family member for Resource Family Approval. The County of residence shall proceed with the Comprehensive Assessment in accordance with Article 6 and the protocols adopted by the County Welfare Director's Association or Chief Probation Officers of California.
(3) The County may join with the County of residence to establish an agreement that clearly outlines the assessment responsibilities for each County and which County will be responsible for the approval and monitoring of the Resource Family.

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For RFA program staff in the child welfare agency, the County Welfare Director's Association (CWDA) has established a Statewide Intercounty Protocol to provide consistency and agreement with how to assess families who live out of county. This protocol may be found on the CWDA website at http://www.cwda.org/childrens-services-0 and on the CDSS RFA website at http://www.cdss.ca.gov/inforesources/Resource-Family-Approval-Program.

(b) A County that approves a Resource Family, or a County that agrees to be responsible for the approval and monitoring of a Resource Family pursuant to paragraph (3) of subsection (a), shall comply with the requirements applicable to a County as specified in the Written Directives.

SECTION 4-08: Placement Prior to Approval – Emergency Placement

(a) A County welfare agency may place a child or nonminor dependent with a relative or NREFM on an emergency basis, pursuant to Welfare and Institutions Code section 309 or 361.45.

(b) Prior to the emergency placement of a child or nonminor dependent with a relative or NREFM, a County shall follow the process described in Welfare and Institutions Code section 361.4.

(c) Within 10 calendar days following the criminal records check conducted through the CLETS, or five business days after a child or nonminor dependent is placed with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or 361.45, whichever is sooner, a County shall:

(1) Ensure the relative or NREFM completes form RFA-01(A): Resource Family Application and RFA-01(B): Resource Family Criminal Records Statement.

(2) Initiate a Home Environment Assessment, including a background check, as specified in Sections 6-02 and 6-03A.

(A) A County shall document the date on which the health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home is conducted by using form RFA-03: Resource Family Home Health and Safety Assessment Checklist.

(3) Discuss funding available to a relative or NREFM prior to approval as a Resource Family.

(d) Unless subsection (e) applies, a County shall complete a Comprehensive Assessment of an applicant, as specified in Section 6-01, and prepare a Written Report, as specified in Section 6-07, within 90 calendar days of the date a child or nonminor dependent was placed with the relative or NREFM.

(1) If a County is unable to complete the Comprehensive Assessment within 90 days, the County shall document the reasons for the delay, if the delay was due to a good cause reason, and generate a timeframe for completion.

(A) A good cause reason for delay is created when the circumstances for the delay are outside the direct control of the county.

(e) Notwithstanding subsection (d), if a Resource Family's approval is to care for a specific child or nonminor dependent pursuant to Section 6-07(e), then a County shall initiate an approval update, as specified in Section 9-02(b)(4), within five business days of the emergency placement of another child or nonminor dependent pursuant to this section.

(f) A relative or NREFM is not eligible to receive an Aid to Families with Dependent Children-Foster Care payment on behalf of a child or nonminor dependent until the applicant receives Resource Family Approval and the child or nonminor dependent meets all other eligibility criteria.

(1) A relative or NREFM shall receive emergency caregiver funding effective the date of placement pursuant to Welfare and Institutions Code section 11461.36.

(g) The emergency placement of a child or nonminor dependent with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or 361.45 does not ensure approval as a Resource Family.

SECTION 4-09: Placement Prior to Approval – Compelling Reason

(a) A County may place a child or nonminor dependent with an applicant prior to Resource Family Approval based on a compelling reason, pursuant to Welfare and Institutions Code section 16519.5(e).

(1) A compelling reason may include, but is not limited to the following:

(A) The unique needs of a child or nonminor dependent.

(B) The best interest of a child or nonminor dependent to maintain his or her family or family-like connections with an applicant.

(b) Prior to placing a child or nonminor dependent with an applicant for a compelling reason, a County shall:

(1) Verify that a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home has been completed and documented on form RFA-03: Resource Family Home Health and Safety Assessment Checklist, and that a capacity determination has been completed, as specified in Section 6-02.

(2) Verify that a background check of the applicant and all adults residing or regularly present in the home has been completed as specified in Section 6-03A, and if necessary, any criminal record exemptions have been approved pursuant to Section 6-03B.

(c) Unless Subsection (d) applies, a County shall conduct a Permanency Assessment of an applicant, as specified in Section 6-04, and prepare a Written Report, as specified in Section 6-07, within 90 calendar days of the date a child or nonminor dependent was placed pursuant to Welfare and Institutions Code section 309 or 361.45 unless good cause exists.

(1) If good cause exists, a County shall document the reasons for the delay and generate a timeframe for completion.

(d) Notwithstanding subsection (c), if a Resource Family's approval is to care for a specific child or nonminor dependent pursuant to Section 6-07(e), then a County shall initiate an approval update, as specified in Section 9-02(b)(4) within five business days of the placement of another child or nonminor dependent pursuant to this section.

(e) An applicant is not eligible to receive an Aid to Families with Dependent Children-Foster Care payment on behalf of a child or nonminor dependent until the applicant receives Resource Family Approval and the child or nonminor dependent meets all other eligibility criteria.
(1) A relative or NREFM shall receive emergency caregiver funding effective the date of placement pursuant to Welfare and Institutions Code section 11461.36"

(f) The placement of a child or nonminor dependent with an applicant pursuant to Welfare and Institutions Code section 16519.5(e) does not ensure approval as a Resource Family.

ARTICLE 5: RESOURCE FAMILY APPLICATION PROCESS

SECTION 5-01: Nondiscrimination of Applicants

(a) Any adult shall be permitted to apply for Resource Family Approval regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, gender identity, gender expression, actual or perceived sexual orientation, medical condition, genetic information, citizenship, primary language, immigration status, or ancestry.

SECTION 5-02: Applicant Qualifications

(a) An applicant shall be at least 18 years of age.

(b) An applicant shall be in good physical and mental health.
(1) Verification of good physical health of each applicant shall include form RFA 07: Health Questionnaire, or a health screening by a health professional that was issued not more than one year prior to the date of application.
(2) Good mental health may include, but not be limited to, information that shows the applicant has not engaged in conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual.

SECTION 5-03A: Application Requirements-Applicant

(a) An applicant shall comply with the requirements specified in this section and the following requirements:
(1) Submit a completed application on form RFA 01A: Resource Family Application.

(2) Consent to release all requested evaluative reports and records, including physical and mental health reports and records.
   (A) Confidential information and documents containing confidential information may be shared by a County or the Department pursuant to Section 4-04 (e).
(3) Allow a home health and safety assessment pursuant to Section 6-02, to determine whether there are conditions in the home that affect the health, safety, and well-being of a child or nonminor dependent.
(4) Provide the names and contact information of two individuals who can attest to the applicant's character and ability to provide a safe environment for a child or nonminor dependent.
   (A) If an applicant is unable to provide two references, the applicant shall document the reasons.
(5) Consent for a County to conduct a background check pursuant to Section 6-03A, including submitting a completed form RFA 01B: Resource Family Criminal Record Statement, and if applicable, form LIC 198B: Out-of-State Child Abuse/Neglect Report Request or an equivalent form from a responding State if that State will not complete the LIC198B.
(6) Consent for a County to obtain a Department of Motor Vehicles report, on each applicant and all adults residing or regularly present in the home who may frequently transport children or nonminor dependents.
(7) Participate in a family evaluation, pursuant to Section 6-05, which includes a comprehensive inquiry into the applicant's personal history, family history, and family dynamics.
(8) Complete pre-approval training as specified in Section 6-06 and as required by a County.
(9) Submit the following supporting documentation:
   (A) Proof of identity for each applicant.
   (B) Form RFA 07: Health Questionnaire, or a health screening by a health professional that was issued not more than one year prior to the date of application, for each applicant.
      (i) As deemed appropriate and necessary by a County, an applicant may be required to complete a health screening by a health professional to verify the applicant is in good physical health.
   (C) If employed, verification of current employment.
   (D) Verification of the applicant's current income and disclosure of expenses.
   (E) Documents verifying that an applicant owns or rents the home in which the applicant resides or has written permission to reside at the residence by the owner of the home.
   (F) History of the applicant's prior or present status as an approved relative or nonrelative extended family member, a certified family home, or an employee, volunteer, or licensee of a community care facility.
(10) Complete any other activities, as determined by a County, related to an applicant's ability to achieve permanency with a child or nonminor dependent or to help determine the applicant's ability to be approved as a Resource Family.

(b) An applicant shall not make or disseminate any false or misleading statements in connection with an application. This includes, but is not limited to, information regarding an applicant, family members, and adults residing or regularly present in the home.

(c) If an applicant moves to a new home location, the applicant shall notify the RFA program staff 30 calendar days prior to moving or as soon as the information is available.

(d) An applicant or individual for which a criminal record clearance or exemption has been requested shall notify the RFA program staff in writing within five business days of any change in mailing address or telephone number.

(e) An applicant shall have the right to withdraw an application, prior to approval or denial, verbally or in writing.

(1) If an applicant withdraws and the county has already established subsequent arrest notification service for the applicant(s), and other adults who reside or are regularly present in the home, the county shall submit a No Longer Interested (NLI) notification form to the Department of Justice immediately for each individual, pursuant to Penal Code section 11105.2(d).

(2) A County shall maintain documentation of the withdrawal in the applicant's file that includes the following information:

(A) Date of withdrawal

(B) A copy of the No Longer Interested Notification form sent to the Department of Justice, terminating subsequent arrest notifications pursuant to Penal Code section 11105.2(d).

(3) An applicant who withdraws an application may submit a new application, or resubmit their previous application, within 12 months of the date of withdrawal.

(A) If an applicant resubmits their previous application, the County shall verify that the information remains current or has been updated, and require the applicant to sign the application again as confirmation.

(B) The date of the applicant's resubmission of the application begins the timeline for processing the application if the applicant received a placement prior to approval.

(C) A County may use information submitted by the applicant prior to withdrawal.

(D) As deemed necessary, the County may require an applicant to resubmit documents or complete application requirements that were submitted or completed prior to withdrawal.

(4) Paragraph (3) shall not apply if the County or Department, as applicable, have taken an administrative action related to the initial application.

(5) A County or the Department may institute or continue any administrative action against an applicant, notwithstanding a withdrawal pursuant to this paragraph, as authorized by subdivision (m) of section 16519.6 of the Welfare and Institutions Code.

SECTION 5-03B: Application Requirements - County

(a) A County shall accept an application for Resource Family approval, upon submission, from an individual who requested an application pursuant to Section 5-01.

(b) Prior to conducting any component of a Comprehensive Assessment pursuant to Section 6-01, a County shall require an applicant to complete, sign, and submit form RFA 01A: Resource Family Application.

(1) A County may allow an individual to begin pre-approval training, as specified in Section 6-06, prior to the submission of an application.

(c) If a child or nonminor dependent is placed in the home of a relative or NREFM prior to approval on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, a County shall, within 10 calendar days following the criminal records check conducted through the CLETS, or five business days after a child or nonminor dependent is placed with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or 361.45, whichever is sooner, require the relative or NREFM applicant to complete, sign, and submit form RFA 01A: Resource Family Application and form RFA 01B: Resource Family Criminal Record Statement.

(d) The review of an application shall be governed by the law and Written Directives in effect at the time of the decision to approve or deny an application or a criminal record exemption, or if a denial is appealed or an action for the record is filed, as specified in Section 12-01(d). Nothing in this subsection shall supersede any provision of federal or state law or any regulation adopted pursuant to federal or state law.

(e) A County shall require an applicant to provide the supporting documentation specified in Section 5-03A(a)(9) prior to approval as a Resource Family.

Handbook

A County may assist an applicant with obtaining the supporting documentation specified in Section 5-03A(a)(9).

(f) As deemed necessary by a County, the County may require an applicant to complete a health screening by a health professional to verify the applicant is in good physical health.

(g) A County may not charge an applicant an application processing fee.

(h) A County shall discuss and address questions regarding the following with an applicant:

(1) Benefits associated with foster care, Adoption Assistance Program (AAP), Kin-GAP, Approved Relative Caregiver (ARC) funding, emergency caregiver funding if the applicant received a placement prior to approval and any other assistance that may apply.

(2) Personal Rights of foster children as specified in Section 11-08 and, if applicable, Section 11.1-06, including how to access additional information and resources that address these personal rights.
(3) The applicant's right to a due process hearing.
(4) Access to health, mental health, and dental care through Medi-Cal, in home supportive services, and developmental or other services based on the needs of a child or nonminor dependent in the care of a Resource Family.
(5) The reasonable and prudent parent standard as specified in Section 11-12.
(6) If the applicant is married, in a domestic partnership, or resides with a significant other who is not applying for Resource Family Approval, the impact on the other individual's ability to file a petition for adoption.

(i) A County and applicant shall discuss and sign the Quality Parenting Initiative (QPI) Partnership Plan, if applicable.

(j) A County shall advise an applicant or Resource Family that if he or she moves to a new home location, the applicant or Resource Family is required to notify the RFA program staff 30 calendar days prior to moving or as soon as the information is available and that the applicant or Resource Family will be subject to an approval update as required by Section 9-02.

(k) (1) When an applicant fails to complete the application process specified in Section 5-03A, a County shall provide the applicant with written notice that includes the following:
(A) A description of all outstanding items necessary to complete the application process.
(B) A time period in which to complete the outstanding items.
(C) An advisement that pursuant to Welfare and Institutions Code section 16519.5(c)(7)(C), the County may cease review of the application if after 30 days the applicant does not make a good faith effort to complete the outstanding application items, or if applicable, that the County may deny the application.
(2) The county shall document proof of service of the written notice in the applicant's file.
(A) The County may document proof of service by certified mail by retaining a copy of the notice with the certified mail receipt service or as specified in Section 12-08(e).
(3) If after providing the written notice specified in subsection (k)(1) the applicant fails to make a good faith effort to complete the application process within 30 days of the date of the notice, the County may cease any further review of the application, or if applicable, deny the application pursuant to Section 10-01A.
(4) A County shall not cease processing an application pursuant to this Subsection if a child or nonminor dependent is placed with the applicant(s) on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, or for placement based on a compelling reason pursuant to Welfare and Institutions Code section 16519.5(e)(1).

(5) If a County ceases review of an application and has already established subsequent arrest notification service for the applicant(s), and any associated individual, the county shall submit a No Longer Interested (NLI) Notification form to the Department of Justice immediately, for each individual, pursuant to Penal Code section 11105.2(d).

(l) A County shall allow an applicant up to 12 months after ceasing review of an application to resume the Resource Family Approval process.

(1) The County may use the information submitted previously by the applicant but shall verify that the information remains current or has been updated, and require the applicant to sign the application again as confirmation.

(2) As deemed necessary by a County, the County may require an applicant to resubmit documents or complete application requirements that were submitted or completed prior to ceasing the review.

(3) If an applicant requests to resume the Resource Family Approval process after 12 months of ceasing a review of an application, the applicant must submit a new application.

(m) (1) A County shall cease any further review of an application as follows:

(A) An individual has had a previous application denial within the preceding year.

(B) An individual has had a previous rescission, revocation, exemption denial, or exemption rescission by the Department or County within the preceding two years.

(C) An individual was excluded from Resource Family homes or facilities licensed by the Department, unless the excluded individual has been reinstated pursuant to Government Code section 11522 and Welfare and Institutions Code section 16519.6(g).

(2) Notwithstanding paragraph (1), a County may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances or conditions which the applicant shows have either been corrected or are no longer in existence.

(3) The cessation of review shall not constitute a denial of the application for purposes of this section or any other law.

ARTICLE 5.1: RESOURCE FAMILY APPLICATION PROCESS - PORTABILITY

SECTION 5.1-01: Portability Requirements – FFA to County

(a) A Resource Family shall complete all the following:

(1) Complete and sign Section I of form RFA 10: Resource Family Approval - Portability Application and provide a copy of this completed form to the County.

(2) Authorize the County to request that clearances and exemptions issued to the Resource Family and all adults residing or regularly present in the home be

transferred from the Department to the County pursuant to Health and Safety Code section 1522(h)(3).

(3) Cooperate with the County during the approval update process specified in Section 9-04.

(b) County Requirements: Upon receipt of a Resource Family's completed form RFA 10: Resource Family Approval- Portability Application, the County shall complete all of the following:

(1) Complete Section II of form RFA 10: Resource Family Approval- Portability Application.

(2) Provide a copy of the completed RFA 10: Resource Family Approval – Portability Application to the current foster family agency. The provision of this form shall constitute the County's request for a copy of the Resource Family case record, including but not limited to the written report and any updates.

(3) If a child is currently placed in the home, notify the placement agency of the Resource Family's intent to transfer their Resource Family Approval to the County.

(4) Submit a request to the Department for criminal record clearances and exemptions issued to the Resource Family and all adults residing or regularly present in the home to be transferred from the Department to the County pursuant to Health and Safety Code section 1522(h)(3).

(5) Complete an approval update for the Resource Family in accordance with Section 9-04.

Handbook

The Resource Family Approval Background Assessment Guide is available as a resource for the procedures associated with transferring criminal record clearances, exemptions, and subsequent arrest notifications.

(c) If the County approves a Resource Family's portability application, the County shall complete the following:

(1) Submit a request to the California Department of Justice to transfer subsequent arrest notifications for the Resource Family and all adults residing or regularly present in the home to the County, as specified in Health and Safety Code section 1522(h)(4).

(2) Complete form RFA 05A: Resource Family Approval Certificate, or an equivalent certificate that complies with the requirements of Section 6-08.

(A) A copy of the RFA 05A: Resource Family Approval Certificate or an equivalent certificate shall be provided to the foster family agency.

(B) A copy of the RFA 05A: Resource Family Approval Certificate or an equivalent certificate shall be provided to the placement agency if a child is currently placed with the Resource Family.

(d) If the County denies a Resource Family's portability application, the County shall provide due process for denial of the application in accordance with Article 12.

(1) A County shall provide the foster family agency with a copy of the notice of denial after complying with due process procedures outlined in Article 12.

(e) (1) If a Resource Family fails to complete the portability application process, the County may cease review of the portability application in accordance with Section 5-03B(k).

(2) Prior to ceasing review of the portability application, the County shall provide the Resource Family with written notice that includes the following:

(A) A description of all outstanding items necessary to complete the portability application process.

(B) A time period in which to complete the outstanding items.

(C) A statement that pursuant to Welfare and Institutions Code section 16519.5(c)(7)(C), the County may cease review of the portability application if after 30 days the Resource Family does not make a good faith effort to complete the outstanding items.

(3) The County shall document proof of service of the written notice in the Resource Family's file.

(A) The county may document proof of service by certified mail by retaining a copy of the notice with the certified mail receipt or as specified in section 12-08(e).

(4) If after providing the written notice specified in subsection (e)(2), the Resource Family fails to make a good faith effort to cooperate within 30 days of the date of the notice, the County may cease any further review of the portability application.

(A) The County shall notify the foster family agency if the County ceased review of the portability application.

(5) To ensure rap back service is not prematurely terminated, the County shall not transfer rap back service pursuant to paragraph (1) of subsection (c), until the Resource Family's portability application has been approved.

(f) A Resource Family maintains its approval status with its current foster family agency unless any of the following occur:

(1) Approval is rescinded by the foster family agency or Department;

(2) The Resource Family chooses to surrender its approval;

(3) The approval is forfeited by operation of law; or

(4) The Resource Family is approved by a County in accordance with Section 5.1-01.

Handbook

The requirements for a foster family agency when a Resource Family is seeking approval from a County are specified in Section 88336 of the Foster Family Agency Interim Licensing Standards.

SECTION 5.1-02: Portability Requirements – County to FFA

(a) County Requirements: When a Resource Family that is currently approved by a County seeks approval by a subsequent foster family agency, the County shall complete all the following:

(1) Within 20 business days of the County's receipt of the form RFA 10: Resource Family Approval- Portability Application from the subsequent foster family agency:

(A) Complete and sign Section III of form RFA 10 – Resource Family Approval – Portability Application. Return the completed form to the subsequent foster family agency.

(B) Provide the subsequent foster family agency with a copy of the Resource Family's file, excluding any criminal offender record information documents received directly from the California Department of Justice.

(2) If there is a child currently placed in the home, notify the child's social worker of the Resource Family's intent to be approved by a subsequent foster family agency.

(3) Maintain all responsibilities of case management for the Resource Family until the subsequent foster family agency has issued the LIC 05A: Resource Family Approval Certificate or equivalent approval certificate.

(4) Send the No Longer Interested (NLI) form (BCIA 8302) for all adults residing or regularly present in the home to the Department of Justice after a County receives a copy of the LIC 05A: Resource Family Approval Certificate or equivalent from the subsequent foster family agency verifying the Resource Family's subsequent approval.

(5) Securely retain the Resource Family file as specified in Section 10-05 following the date of forfeiture of the approval.

(b) The RFA 05A: Resource Family Approval Certificate of a Resource Family approved by a County shall be forfeited by operation of law upon approval as a Resource Family by a subsequent foster family agency in accordance with Section 88336.1(a) of the Foster Family Agency Interim Licensing Standards.

Handbook

The requirements for a Resource Family and subsequent foster family agency are specified in Articles 2.1 and 5.1 of the Foster Family Agency Interim Licensing Standards.

(c) A Resource Family shall maintain its approval status with the County unless any of the following occur:

(1) Approval is rescinded by the County;

(2) The Resource Family chooses to surrender its approval;

(3) The approval is forfeited by operation of law; or

(4) The Resource Family is approved by a subsequent foster family agency in accordance with Section 5.1-01.

ARTICLE 6: RESOURCE FAMILY APPROVAL ASSESSMENT PROCESS

SECTION 6-01: Comprehensive Assessment

(a) A County shall conduct a Comprehensive Assessment of an applicant that includes the following:

(1) A Home Environment Assessment pursuant to Section 6-02.

(2) A Permanency Assessment pursuant to Section 6-04.

(b) A County may use tools, including questionnaires and forms, to complete a Comprehensive Assessment.

(c) As deemed appropriate and necessary by a County, the County may require an applicant to complete additional activities to help determine the applicant's ability to be approved as a Resource Family.

(d) Notwithstanding subsection (a), a County may discontinue any component of the Comprehensive Assessment of an applicant at any time it determines there is sufficient evidence to deny the application or upon the verbal or written withdrawal of an application by the applicant.

(e) When a child or nonminor dependent has been placed pursuant to Section 4-08 or 4-09, a County shall complete the Comprehensive Assessment of an applicant and prepare a Written Report, as specified in Section 6-07, within 90 calendar days of the date of the placement, unless good cause exists.
  (1) If good cause exists to exceed the 90 calendar day requirement specified in subsection (e), then a County shall document the reasons for the delay and generate a timeframe for completion.
  (2) The County shall submit to the Department on a monthly basis the number of applications with a placement prior to approval pending 90 days or more and the reason for the delay pursuant to Welfare and Institutions Code section 11461.36 and Section 4-03(b).

SECTION 6-02: Home Environment Assessment

(a) A County shall conduct a Home Environment Assessment that includes all of the following:
  (1) A background check pursuant to Section 6-03A.
  (2) A health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the applicant's home using form RFA-03: Resource Family Home Health and Safety Assessment Checklist, to determine compliance with Article 11 and, if applicable, Section 11.1-07.
    (A) The health and safety assessment of the home and grounds shall include the following:
      (i) The type of residence, such as a single-family home, apartment, or duplex.
      (ii) The number of bedrooms and bathrooms.
      (iii) Any other relevant information, such as the presence of weapons, animals, or a pool.

(b) If a child or nonminor dependent is placed in the home of a relative or NREFM prior to approval on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, a County shall, within 10 calendar days following the criminal records check conducted through the CLETS, or five business days after a child or nonminor dependent is placed with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or

361.45, whichever is sooner, initiate a Home Environment Assessment, including a background check, as specified in this section and Section 6-03A.

SECTION 6-03A: Background Check

(a) A County shall conduct a background check for an applicant and all adults residing or regularly present in the home of an applicant or Resource Family and not exempt pursuant to Subsection (g).

Handbook

The Resource Family Approval Background Assessment Guide (BAG) is available as a resource for the RFA background check procedures.

(b) A background check shall include all of the following:

(1) A review of an individual's state and federal criminal record information, pursuant to Welfare and Institutions Code section 16519.5(d), to determine whether a criminal record clearance or exemption may be granted.

(A) A County shall obtain from an applicant and all adults residing or regularly present in the home a completed form RFA-01B: Resource Family Criminal Record Statement.

(2) Consideration of all substantiated allegations of child abuse and severe neglect listed on the Child Abuse Central Index (CACI), pursuant to Health and Safety Code section 1522.1, to determine whether the individual poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual.

(A) Consideration of the allegations described in paragraph (2) shall include a review of the investigation report and file prepared by the child protective agency.

(B) A County may not deny an application or take any other administrative action based upon a CACI report unless the County obtains an investigation report, documentation, interviews, child welfare system records, or other evidence that supports the substantiated allegation of child abuse or severe neglect.

(C) If the applicant or any adult residing in the home has lived in another state within five years before the applicant has applied for Resource Family Approval, then an out-of-state child abuse and neglect registry check shall be conducted using form LIC 198B: Out-of-State Child Abuse/Neglect Report Request, or an equivalent form from a responding State if that State requires its own, state-specific form.

(3) A Megan's Law registered sex offender check.

(4) A Department of Motor Vehicles check on an applicant and any adults residing or regularly present in the home who may frequently transport a child or nonminor dependent.

(5) A check for prior licensing-related administrative actions contained in the Administrative Action Records System (AARS) database maintained by the Department.

(6) A check for prior licensing history and criminal record exemption denial or rescission actions contained in the Licensing Information System (LIS) maintained by the Department.

(7) A check for prior Resource Family-related administrative actions contained in the Administrative Action Records System (AARS) and Notice of Action (NOA) databases maintained by the Department.

(c) Prior to approval, a County may conduct a reference check pursuant to Welfare and Institutions Code section 16519.55(c).

(d) Prior to initial presence in a Resource Family's home, any individual described in subdivision (a) shall obtain one of the following:

(1) A criminal record clearance, or criminal record exemption pursuant to Section 6-03B.

(2) An approved transfer of a criminal record clearance pursuant to subdivision (i).

(3) An approved transfer of a criminal record exemption pursuant to Section 6-03B(q).

(A) Violation of this subdivision may result in a denial of the application, rescission of the Resource Family's approval or other administrative action.

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(e) If an individual's criminal record indicates an arrest for an offense specified in Health and Safety Code section 1522(e), a County shall not grant the individual a clearance or exemption until an investigation has been completed.

(1) If an individual's criminal record indicates an arrest for an offense not specified in Health and Safety Code section 1522(e), a County shall consider the information pursuant to Family Code section 8712 and may conduct an investigation as described in subparagraph (A) to ensure compliance with Resource Family Approval standards.

(2) An investigation of the facts regarding arrests, CACI entries, or convictions may lead to a denial of Resource Family Approval, an exclusion action, or both.

(3) If a County finds that an individual described in subdivision (a) has been convicted of a crime other than a minor traffic violation, the application shall be denied or approval shall be rescinded, as applicable, unless the County grants a criminal record exemption pursuant to Section 6-03B.

(4) If a County finds that an individual is awaiting trial, or has an active warrant for an arrest, then the County may cease processing the criminal record information and close the case provided that closure of the case does not pose an imminent risk to a child or nonminor dependent in placement. If the County chooses to close the case, the individual may resubmit fingerprints when criminal proceedings have concluded. For purposes of this subsection, cease processing and case closure shall not constitute a denial of a clearance or a criminal record exemption.

(5) A County shall verify that a subsequent arrest notification (rap back) service, as specified in Penal Code section 11105.2, is in place for each applicant and all adults residing or regularly present in the home of an applicant or Resource Family.

(6) Any action which a County is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order

pursuant to Penal Code sections 1203.4 and 1203.4a permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this section, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

(7) For purposes of this subsection, a “minor traffic violation” means a violation of the Vehicle Code which has been deemed an infraction or a violation of any other law which has been deemed an infraction.

(f) A County or the Department is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties as provided in Health and Safety Code section 1522(e) and Welfare and Institutions Code section16519.5(s).

(g) The following individuals are exempt from the background check requirements of this section:

(1) A medical professional, who holds a valid license or certification from the governing California medical care regulatory entity and who is not employed, retained, or contracted by the Resource Family, if all of the following apply:

(A) The criminal record of the individual has been cleared as a condition of licensure or certification by the individual's California medical care regulatory entity.

(B) The individual is providing time-limited specialized clinical care or services.

(C) The individual is providing care or services within the applicable scope of practice.

(D) The individual is not a licensed, certified, or approved caregiver or an employee of the Resource Family.

(2) A third-party repair person, or similar retained contractor, if all the following apply:

(A) The individual is hired for a defined, time-limited job.

(B) The individual is not left alone with a child or nonminor dependent.

(C) When a child or nonminor dependent is present in the room in which the repairperson or contractor is working, a Resource Parent who has a criminal record clearance or exemption is also present.

(3) Employees of a licensed home health agency and other members of licensed hospice interdisciplinary teams who have a contract for a child or nonminor dependent in the home, and are in the home at the request of the child’s or nonminor dependent’s authorized representative.

(A) The exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.

(4) Clergy and other spiritual caregivers who are performing services in common areas of the home, or who are advising a child or nonminor dependent at the request of, or with the permission of, the child or nonminor dependent or his or her authorized representative.

(A) This exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.

(5) Members of fraternal, service and similar organizations who conduct group activities for a child or nonminor dependent if all the following apply:
  (A) Members are not left alone with a child or nonminor dependent.
  (B) Members do not take a child or nonminor dependent from the home.
  (C) The same group does not conduct such activities more often than once a month.
(6) Adult friends and family of the Resource Family who come into the home to visit, for a length of time no longer than 30 calendar days provided they are not left alone with a child or nonminor dependent.
(7) Parents of friends of a child or nonminor dependent when a child or nonminor dependent is visiting the friend's home and the friend, Resource Family, or both are also present.
(8) Occasional short-term babysitters.
(9) Individuals who come into the home for the purpose of facilitating an extracurricular, enrichment, cultural, or social activity as described in Section 11-14, provided they are not left alone with a child or nonminor dependent.

(h) Nothing in this section shall prevent a County from requiring a background check for an individual specified in subsection (g), provided that the individual has contact that may pose a risk to the health and safety of a child or nonminor dependent placed with an applicant or Resource Family.

(i) (1) A County may accept the transfer of a criminal record clearance that has been issued by the same County, another County, or the Department for a Resource Family, an approved relative or nonrelative extended family member, or licensed foster family home. The request to transfer shall be in writing to the County evaluating the applicant or Resource Family and shall include a copy of a proof of identification accepted by the California Department of Justice for Live Scan purposes. The County shall verify whether the individual has a clearance that can be transferred.
(2) With respect to notifications issued by the California Department of Justice pursuant to Penal Code section 11105.2 concerning an individual whose criminal record clearance was originally processed by another County or the Department, the following shall apply:
  (A) The California Department of Justice shall process a request from the County to receive the notifications only if all of the following conditions are met:
    (i) The request shall be submitted to the California Department of Justice by the agency to be substituted to receive the notification.
    (ii) The request shall be for the same California Department of Justice applicant type as the type for which the original criminal record clearance was obtained.
    (iii) The request shall contain all prescribed data elements and format protocols pursuant to a written agreement between the California Department and the Department of Justice.

(j) A nonminor dependent shall not be subject to a background check for purposes of Resource Family Approval.

(k) (1) After a County and the Department have determined that an administrative action for the record will not be filed, pursuant to Section 12-04, a County shall request that the California Department of Justice terminate the subsequent arrest notification (rap back) service for an individual at the following times:
- (A) When an applicant withdraws his or her application prior to the approval or denial of the application.
- (B) When a County ceases processing an application pursuant to Section 5-03B.
- (C) When a Resource Family surrenders approval.
- (D) When an individual no longer resides or is regularly present in a Resource Family's home.

(2) A County shall request that the California Department of Justice terminate the subsequent arrest notification (rap back) service for an individual if the County denies an application, rescinds approval, or denies or rescinds a criminal record exemption, or the Department excludes an individual, and, pursuant to Section 12-04, it was determined that the time for appeal or late appeal for good cause has lapsed, or that there was an appeal of the denial, rescission, or exclusion, and there has been a final determination in the administrative action and the time for reconsideration or rehearing has lapsed.

SECTION 6-03B: Criminal Record Exemption

(a) (1) The county shall notify a Resource Family to act immediately to remove from the home or bar from entering the home any person described in Section 6-03A(a), while the county considers granting or denying an exemption, as follows:
- (A) Any person who has been convicted of or is awaiting trial for a sex offense against a minor.
- (B) Any person who has been convicted of a felony.
- (C) Any person who has been convicted of an offense specified in Sections 243.4, 273a, 273d, 273g, or 368 of the Penal Code or any other crime specified in Health and Safety Code Section 1522(c)(3).

(2) Upon notification, the Resource Family shall comply with the notice. If the individual who is the subject of the notice is the Resource Family, the Resource parent's spouse or a dependent adult, the county shall not order the Resource Family to remove the individual from the home but shall act to temporarily suspend the approval, if applicable, in accordance with Welfare and Institutions Code section 16519.5(g)(5)(iv), or take other appropriate action.

(b) A County may grant criminal record exemptions if the County has been granted permission by the Department pursuant to Welfare and Institutions Code section 361.4 prior to January 1, 2017.

(c) A County may not grant a criminal record exemption for an individual whose criminal record indicates a conviction for any offense specified in Health and Safety Code section 1522(g)(2)(A).

(1) A County shall, in writing, separately notify the individual and the applicant or Resource Family when the individual has been convicted of a crime for which an exemption may not be granted.

(A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption may not be granted, including the crime, date, and location of the conviction, and shall include a copy of criminal offender record information received from the California Department of Justice.

(B) For purposes of this subsection, "spousal abuse," as referenced in Health and Safety Code section 1522(g)(2)(A)(iii)(I), means the abuse of an individual to whom the perpetrator is legally married or registered as a domestic partner.

(2) If the individual is convicted of an offense for which the County is prohibited from granting a criminal record exemption, the Resource Family's approval shall not be forfeited pursuant to Welfare and Institutions Code section 16519.501(b) prior to the provision of due process as described in Article 12, including, but not limited to, written notification of a denied or rescinded criminal record exemption and an opportunity to appeal.

(d) A County shall grant an exemption using the simplified exemption process based solely on criminal record information collected pursuant to Section 6-03A, and without an exemption request as described in subsections (e) through (i), if the County determines that the individual has a criminal conviction and meets all the following criteria:

(1) The individual does not have a misdemeanor conviction within the last five years.

(2) The individual does not have a felony conviction within the last seven years.

(3) The individual has not been convicted of a crime described in Health and Safety Code section 1522(g)(2)(A) or (g)(2)(B).

(4) The individual's criminal history does not indicate a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent.

(e) At a County's discretion, an individual who is otherwise eligible for the simplified exemption process, pursuant to subsection (c), may be required to request an exemption as described in subsections (e) through (i), if the County determines such action is necessary to protect the health and safety of children and nonminor dependents.

(f) If any criminal record information collected pursuant to Section 6-03A indicates an individual has been convicted of a crime described at Health and Safety Code section 1522(g)(2)(B), a County shall, in writing, separately notify the individual and if applicable, separately notify the applicant or Resource Family of the following:

(1) The individual must be granted an exemption in order to reside or be regularly present in a Resource Family home.

(2) The authority and criteria for the granting of a criminal record exemption.

(A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption is needed, including the crime, date, and location of the conviction, and shall include a copy of the criminal offender record information received from the California Department of Justice.

(3) The individual, applicant or Resource Family acting on the individual's behalf, has the right to request a criminal record exemption and the right to appeal if the exemption is denied.

(4) The individual shall be excluded for a period of two years in accordance with subsection (q) if a criminal record exemption is denied.

(g) If an individual, or the applicant or Resource Family acting on the individual's behalf, chooses to request an exemption, then the person making the request shall submit the following documents to a County within forty-five (45) calendar days of the date on the exemption needed notice provided by the County:

(1) A letter indicating that an exemption is being requested, signed by the individual or by the applicant or Resource Family on behalf of the individual.

(2) A detailed description of the individual's role as it applies to the Resource Family or applicant.

(3) A signed copy of the form RFA-01B: Resource Family Criminal Record Statement.

(4) A signed statement describing any and all convictions within or outside the state, including approximate dates, what happened, and how and where it happened. The statement shall describe the actions the individual has taken since the conviction to demonstrate he or she has been rehabilitated and is presently of good character.

(A) The individual need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7, or any conviction related to human trafficking for which relief has been granted pursuant to Penal Code section 1203.49.

(5) Documentation relevant to the conviction(s), including, but not limited to, minute orders, court dockets, transcripts, or other court records, law enforcement records, county probation department letters or records, parole records, or California Department of Corrections and Rehabilitation records.

(A) If the law enforcement agency or court will not release a record to an individual, the individual shall notify the County, and the County shall request the record.

(B) If the County determines that it is too burdensome for the individual to obtain the record, the County shall request the record.

(6) Verification of trainings, classes, courses, treatment, or counseling, or other documentation relevant to rehabilitation.

(7) Three signed, original, and current character references, including the reference's contact telephone number and mailing address.

(A) An individual listed as a reference on form RFA 01A: Resource Family Application may be the same individual providing a character reference for a criminal record exemption request.

(B) If an individual submits fewer than three character references, a County may approve an exemption provided sufficient evidence of rehabilitation exists, as provided in Subdivision (i).

(h) A County may grant a criminal record exemption for a crime listed in Health and Safety Code section 1522(g)(2)(B) if all of the following occurs:
- (1) The individual requests an exemption or the applicant or Resource Family requests an exemption on the individual's behalf, pursuant to subsection (g).
- (2) The individual, applicant, or Resource Family presents substantial and convincing evidence satisfactory to the County that the individual has been rehabilitated and presently is of such good character as to justify the granting of an exemption.
- (3) The individual was not convicted of a crime listed in Health and Safety Code section 1522(g)(2)(A).

(i) The following factors may be considered to support a determination that an individual has been rehabilitated and is presently of good character:
- (1) The nature of the crime or conduct did not involve acts of violence or physical harm to another person.
- (2) A substantial period of time has elapsed since the crime was committed or since the conduct occurred.
- (3) The number of offenses does not indicate a longstanding pattern of criminal conduct.
- (4) The circumstances surrounding the commission of the crime or conduct indicate that repetition is not likely.
- (5) The individual has engaged in positive activities since the conviction or conduct that would indicate changed behavior, including, but not limited to, employment, education, or participation in counseling or treatment.
- (6) Granting by the Governor of a full and unconditional pardon.
- (7) Character references indicate present good character.
  - (A) A character reference that demonstrates a knowledge and understanding of the individual's criminal background and an awareness of the individual's changed behavior and rehabilitation shall be given more weight than those that do not demonstrate such knowledge, understanding, and awareness.
- (8) A certificate of rehabilitation from a superior court.
- (9) Evidence of honesty and truthfulness as revealed in the application documents, interviews, and conversations between the individual and the County or Department.

(j) The following factors may be considered to support a determination, but are not conclusive evidence, that an individual requiring a criminal record exemption has not been rehabilitated or is not presently of good character:
- (1) False or misleading statements on forms, letters, other documents, or in conversations between the individual or others and the County, in order to obtain or maintain approval or to obtain or maintain a criminal record exemption. This includes the individual's knowing failure to fully disclose his or her criminal history or child abuse or neglect history when required to do so in application documents or interviews.
- (2) The individual is currently on probation.

(3) The individual's statements or testimony denies or minimizes guilt or attempts to impeach a conviction.
(4) The individual has not sought counseling, treatment, or aftercare for an alcohol or substance abuse problem.
(5) The individual has not paid full restitution or interest to a victim or only paid it when faced with jail or another consequence.
(6) The individual's statements or testimony fails to accept full responsibility for criminal conduct that resulted in a conviction, or the individual fails to express remorse for the conduct that is the subject of an allegation at issue.
(7) The individual has a recent conviction within the last five years for fraud or theft from a government program within the Department's jurisdiction.

(k) A County may grant a criminal record exemption that places conditions on an individual's approval or presence in a Resource Family's home.

(l) A County may deny a criminal record exemption if any of the following occurs:
(1) The individual, or applicant or Resource Family acting on the individual's behalf, fails to provide the documents specified in subsection (g) within 45 calendar days of the date on the exemption needed notice provided by the County.
(2) The individual, or applicant or Resource Family acting on the individual's behalf, fails to cooperate in the exemption process.
(3) The County determines the individual is not of good character or has not been rehabilitated.

(m) A County may rescind an individual's criminal record exemption if any of the following occurs:
(1) The exemption was granted in error.
(2) The exemption does not comply with current exemption laws or regulations.
(3) The conviction for which an exemption was granted subsequently becomes non-exemptible by law.
(4) Evidence obtained after the exemption was granted shows that the individual engaged in conduct that is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, any of the following:
(A) Violation of any applicable law or regulation.
(B) Any conduct by the individual indicating the individual may pose a risk to the health and safety of any child or nonminor dependent who is or may be placed with a Resource Family.
(C) Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the County, even if it occurred before the exemption was granted.
(D) The individual is convicted of a subsequent crime.

(n) If a County denies a criminal record exemption or rescinds an exemption, the County shall provide the individual with a notice of the denial or rescission that conforms to the requirements of Section 12-05 and includes the following:

(1) The authority to deny a criminal record exemption or to rescind an exemption.
(2) The specific criminal conviction for which the exemption was denied.
(A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption was denied, including the crime, date, and location of the conviction.
(3) The individual's right to appeal the County's decision pursuant to Article 12.

(o) If an individual, applicant, or Resource Family appeals a County's decision to deny a criminal record exemption or to rescind an exemption, the County shall provide due process as specified in Welfare and Institutions Code section 16519.5 et seq. and Article 12.

(p) A County shall take the following actions if a criminal record exemption is denied or rescinded:
(1) For an applicant, denial of the application.
(2) For a Resource Family, rescission of Resource Family Approval.
(3) For an adult who resides or is regularly present in the home, if the individual will continue to reside or be regularly present in the home, then denial of the application or rescission of the approval.
(4) If applicable, conduct a visit to the home as set forth in Section 12-07(e) to verify that an adult who had a criminal record exemption denied or rescinded is no longer residing or present in the home.

(q) (1) If an exemption has been denied or an exemption is rescinded, the individual shall be excluded for a period of two years unless the individual has been convicted of a crime for which no exemption may be granted pursuant to subsection (b).
(A) The Department shall have authority to not impose the exclusion in accordance with Welfare and Institutions Code section 16519.6(g)(5) and Health and Safety Code section 1558.1(e).
(B) Exclusion or removal of an individual pursuant to this paragraph shall not be considered an order of exclusion for purposes of Health and Safety Code section 1558, Section 16519.6 of the Welfare and Institutions Code, or any other applicable law.
(2) If an exemption has been denied or an exemption has been rescinded based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life.

(r) A County shall maintain written documentation containing the reasons for granting, denying, or rescinding a criminal record exemption.

(s) (1) A County may accept the transfer of a criminal record exemption that has been issued by the same County, another County, or the Department for a resource family, an approved relative or nonrelative extended family member or licensed foster family home. The request to transfer shall be in writing to the County evaluating the applicant or Resource Family and shall include a copy of a proof of identification accepted by the California Department of Justice for Live Scan

purposes. The County shall verify whether the individual has an exemption that can be transferred, and subsequent to an approved transfer, continue to enforce and incorporate, as part of an approved exemption notification, any condition(s) placed on the individual pursuant to the previously granted exemption.

(2) With respect to notifications issued by the California Department of Justice pursuant to Penal Code section 11105.2 concerning an individual whose criminal record exemption was originally processed by another County, or the Department, the following shall apply:

(A) The California Department of Justice shall process a request from the County to receive the notifications only if all the following conditions are met:

(i) The request shall be submitted to the California Department of Justice by the agency to be substituted to receive the notification.

(ii) The request shall be for the same California Department of Justice applicant type as the type for which the original exemption was obtained.

(iii) The request shall contain all prescribed data elements and format protocols pursuant to a written agreement between the Department and the California Department of Justice.

SECTION 6-04: Permanency Assessment

(a) A County shall conduct a Permanency Assessment that includes all of the following:

(1) Verification that each applicant completed pre-approval training as specified in Section 6-06.

(2) A family evaluation of each applicant as specified in Section 6-05.

(3) Verification of the completion of any other activities related to an applicant's ability to achieve permanency with a child or nonminor dependent.

SECTION 6-05: Family Evaluation

(a) A County shall conduct interviews as follows:

(1) A minimum of two face-to-face interviews with an applicant.

(A) If there is more than one applicant, then one individual interview of each applicant and one joint interview of all applicants shall occur.

(B) If an applicant refuses to participate in an interview, a County shall deny the application.

(C) One of the required interviews shall occur at the applicant's residence and shall include observation of the family environment, and if applicable, any parent-child interaction.

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Flexibility with the applicant's schedule should be considered when scheduling the interviews. Interviews may occur prior to or after a child and family team meeting, monthly caseworker visit, during the home health and safety assessment, or other convenient times or locations for the family.

(2) (A) A minimum of one separate face-to-face interview of all other adults, children, nonminor dependents, and adoptive, biological, and guardianship children, residing in the home of an applicant to ascertain:
(i) Parenting skills of the applicant.
(ii) Strengths and weaknesses of the applicant.
(B) Interviews with other adults residing in the home shall include a discussion of the individual's background check results.
(C) If the RFA program staff is unable to meet with the other adults face to face, then the interview may be conducted via web-based audio-video communications.
(D) If an adult residing in the home is unable to participate in an interview due to a compelling circumstance, a County shall determine if the interview is necessary to assess the applicant's ability to be approved as a Resource Family.
(3) Additional interviews of an applicant or other individuals, as deemed necessary by the County.

(b) At a minimum, the following information shall be gathered during the family evaluation of an applicant:
(1) Motivation to become a Resource Family, including the relationship to a specific child or nonminor dependent considered for placement with the applicant.
(2) Childhood upbringing and experiences.
(3) Adult experiences and personal characteristics.
(4) A risk assessment, which shall include:
(A) Past and current alcohol and other substance use and abuse history.
(B) Physical, emotional, and sexual abuse, neglect, and family domestic violence history.
(C) Past and current physical and mental health.
(5) Current relationships.
(A) Co-parenting roles.
(B) If the applicant's spouse, domestic partner or significant other did not apply for Resource Family Approval, then the reasons for the individual application shall be discussed.
(6) Parenting experiences, practices, and discipline methods.
(A) Discussion of how the applicant will promote a normal, healthy, balanced, and supported childhood experience and treat a child or nonminor dependent as part of the family, to the extent possible.
(B) Ability to parent a child from different backgrounds or experiences, including race, ethnicity, sexual orientation, gender identity, or a child who is gender non-conforming.
(7) Discussion of the background check results.
(8) Discussion of any services needed by the applicant to meet their Resource Family responsibilities.
(9) Employment.
(10) Financial situation.

(A) Ability to ensure the stability and financial security of the family.
(B) Understanding of legal and financial responsibilities when caring for a child or nonminor dependent.

(11) Knowledge or ability to demonstrate an understanding of the following:
(A) The safety, permanence, protection and well-being needs of children and nonminor dependents who have been victims of child abuse and neglect.
(B) The needs and development of children and nonminor dependents.
(C) Effective parenting skills or knowledge about parenting.
(D) A Resource Family's role and capacity to work cooperatively with the county, birth parents, extended family, and other service providers in implementing the child's case plan.
(E) The rights of children and nonminor dependents in care and a Resource Family's responsibility to safeguard those rights.

(12) An ability and willingness to do the following:
(A) Meet the needs of children and nonminor dependents.
(B) Make use of support resources offered by a County or by a support structure in place, or both.
(C) Prepare a child for adulthood or prepare a nonminor dependent for the transition to independent living.
(D) Participate in the Quality Parenting Initiative Partnership Plan, if applicable.
(E) Honor the natural connections of a child or nonminor dependent.
(F) Support permanency plans for a child or nonminor dependent, including reunification, and help prepare a child or nonminor dependent for permanence or provide permanency.

(c) When evaluating information that shows an applicant has a history of conduct that may pose a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual, a County shall consider the factors specified in Section 6-03B (i) and (j), if applicable, and any other relevant information.

(d) A County may review information contained in the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) databases regarding an applicant to develop topics to discuss with an applicant during a family evaluation.

SECTION 6-06: Pre-Approval Training

(a) A County shall ensure that each applicant completes a minimum of 12 hours of pre-approval training prior to Resource Family Approval.
(1) An individual may begin pre-approval training no more than 60 days prior to submitting an application.
(A) An application must be submitted prior to the completion of pre-approval training.

(b) Pre-approval training shall address the following topics:

(1) A Resource Family orientation, which includes the requirements set forth in Articles 6, 11, and 11.1.
(2) An overview of the child protective and probation systems.
(3) The effects of trauma, including grief and loss, child abuse and neglect, and domestic violence on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.
(4) Positive discipline and the importance of self-esteem.
(5) Common health issues of children and nonminor dependents in foster care.
(6) Accessing services and supports available to foster children to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.
(7) Personal rights of children and nonminor dependents in foster care including the Resource Family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
(8) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.
(9) Basic instruction on existing laws and procedures regarding the safety of foster youth at school; and ensuring a harassment and violence free school environment pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.
(10) Permanence, well-being, and education needs of children, including the importance of the Resource Family's role in education, educational protections specific to foster youth under state and federal law, and the rights and obligations of Resource Families to access and maintain educational and health information, including the requirements of Education Code sections 49069.3, 49076, and 56055 and Welfare and Institutions Code section 16010.
(11) Child and adolescent development, including sexual orientation, gender identity, and expression.
(12) The role of a Resource Family, including working cooperatively with the child welfare agency or probation department, a child's family, and other service providers and agencies to develop and implement the child's or nonminor dependent's case plan.
(13) The role of a Resource Family on the child and family team as defined in Welfare and Institutions Code section 16501(a)(4).
(14) Knowledge and skills relating to the reasonable and prudent parent standard, as specified in Health and Safety Code section 1522.44.
(15) An overview of the specialized training described in Welfare and Institutions Code section 16519.5(h).
(16) Options for permanency.
(17) Birth parent relationships and safety issues regarding contact.

(18) The rights of children and nonminor dependents to sexual and reproductive health care and information and to confidentiality of sensitive health information.

(19) The duties and responsibilities of the Resource Family in ensuring children and nonminor dependents can obtain sexual and reproductive health services and information.

(20) Guidance about how to engage and talk with children and nonminor dependents about healthy sexual development and reproductive and sexual health in a manner that is medically accurate, age or developmentally appropriate, trauma-informed, and strengths-based.

(21) Information about current contraception methods and how to select and provide appropriate referral resources and materials for information and service delivery.

(22) The role of a Resource Family as a mandated reporter, including training on child abuse and neglect identification, and abuse and neglect reporting, as defined in Penal Code section 11166.

(A) As part of the training described in paragraph (22), a County shall provide a copy of Penal code sections 11165.7, 11166, and 11167.

(B) Once training has been completed, an applicant shall submit a signed statement on a form provided by the County, verifying that the applicant has knowledge of child abuse and neglect reporting responsibilities pursuant to provisions of Penal Code section 11166, and confidentiality rights under subdivision (d) of section 11167, and agrees to comply with those provisions.

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California mandated reporter information and resources, including a free on-line training, can be found at www.mandatedreporterca.com.

(c) A County may require an applicant to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent.

(d) A County shall provide an applicant with pre-approval training or shall require that an applicant complete pre-approval training provided by qualified sources that may include colleges, hospitals, foster parent associations, adult schools, certified foster parent instructors, and online sources.

(1) When a County does not provide the pre-approval training, the County shall provide an applicant with information as to where the training is available.

(2) Upon request of an applicant, a County shall make efforts to assist the applicant with accessing training.

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A County may assist an applicant with completing training requirements, such as offering one-on-one training in the home (as determined necessary by the RFA worker) or providing child care or transportation stipends.

(e) Nothing in this section shall preclude a County from requiring an applicant to complete pre-approval training hours in excess of the requirements in this section or as required by state law for any specialized training.

(f) Upon the applicant's completion of pre-approval training, as well as any required additional training, a County shall provide documentation of the completed training to the applicant(s).
- (1) A certificate or other form of documentation of completed training shall include the following:
  - (A) The name or topic of the training.
  - (B) The name of the individual(s) who completed the training.
  - (C) The date training was completed.
  - (D) The number of training hours completed.

SECTION 6-07: Written Report

(a) A County shall complete form RFA-05: Resource Family Approval Written Report or an equivalent report of the Comprehensive Assessment of an applicant.

(b) A Written Report shall include, but not be limited to, the following:
- (1) Identifying information of an applicant, any adopted, biological, or guardianship children residing in the home, and any adults residing or regularly present in the home.
- (2) A description of the physical features of the home, as specified in Section 6-02(a)(2)(A).
  - (A) Any identified concerns regarding an animal that may adversely impact the health and safety of a child or nonminor dependent shall be evaluated and resolved with the applicant prior to approval.
- (3) An evaluation and determination of whether an applicant's home is safe and in compliance with the requirements specified in Section 6-02, Article 11, and if applicable, Section 11.1-07, including any Documented Alternative Plans pursuant to Section 10-03.
- (4) An evaluation of the results of a background check of an applicant and all adults residing or regularly present in the home, including any criminal record exemptions granted, as specified in Sections 6-03A and 6-03B.
- (5) A summary of all interviews of applicant(s), children, nonminor dependents, adoptive, biological, guardianship children, adults residing in the home, and other individuals.

(A) If an adult residing in the home is unable to participate in an interview due to a compelling circumstance, document the reasons and the County's determination regarding whether the interview is necessary to assess the applicant's ability to be approved as a Resource Family.

(6) An evaluation of the information obtained during a family evaluation of an applicant, including a risk assessment, as specified in Section 6-05.

(A) If an applicant applied as an individual but is currently married, in a domestic partnership, or residing with a significant other in the home, then the evaluation shall include the impact, if any, this has on the applicant's ability to be approved as a Resource Family.

(7) Verification that an applicant completed pre-approval training as specified in Section 6-06.

(A) The Written Report shall state the number of training hours completed, any specialized training received, and an evaluation of any feedback provided by a trainer.

(8) A statement verifying whether an applicant has provided the supporting documentation specified in Section 5-03A(a)(9).

(9) A determination of an applicant's commitment and capability to meet the needs of a child or nonminor dependent including, but not be limited to, the following:

(A) Strengths and weaknesses of the applicant.

(B) Whether the applicant would only prefer to adopt, become a legal guardian, or provide foster care.

(C) Understanding of the needs, safety, permanence, and well-being of children or nonminor dependents, including those who have been victims of abuse or neglect.

(D) Ability and willingness to participate in the Quality Parenting Initiative Partnership Plan, if applicable.

(10) If the county has determined the applicant may be approved only for a specific child or nonminor dependent; an evaluation of the reasons as specified in subsection (e).

(A) The name of the specified child or nonminor dependent shall be listed on form RFA-01A: Resource Family Application.

(11) A capacity determination, as specified in Section 10-04, and the reasons supporting the determination.

(12) A summary of an applicant's understanding of the legal and financial responsibilities for providing care to a child or nonminor dependent.

(13) A statement that an applicant has been provided with the information specified in Section 5-03B(h).

(14) Any concerns regarding the applicant.

(A) Describe any historical or current events contributing to the concern and frequency and duration of the concern.

(B) Attempts by the County or applicant(s) to resolve or mitigate the concern.

(C) The County's determination of whether the concern has been resolved and the impact the concern has on the applicant's ability to meet the qualifications of a Resource Family.

(15) A statement that the applicant has signed the Quality Parenting Initiative (QPI) Partnership Plan, if applicable, as specified in Section 5-03B(i).

(16) The characteristics of a child or nonminor dependent an applicant may best serve.
(17) Any resources, services, or training that would assist an applicant in meeting the needs of a child or nonminor dependent.
(18) A statement that the application is approved or denied and the reasons for the determination.

(c) A County may evaluate character references provided by an applicant, pursuant to Section 5-03A(a)(4)(A), in the Written Report.

(d) A County may approve an application that places conditions on the approval, provided each applicant meets all of the standards for approval. Any conditions shall be specified in writing on the Resource Family Approval certificate pursuant to Section 6-08(a)(2)(F).

(e) A County may approve an applicant to care for a specific child or nonminor dependent in circumstances when consideration of the familial or tribal relationship is of such sufficient significance that it outweighs any concerns about the applicant identified through the family evaluation required by Section 6-05.
(1) The applicant shall meet all Resource Family Approval standards described in the Written Directives.
(2) The identified concerns or issues about the applicant shall not be of such significance that it may impact the health, safety, or well-being of the specified child or nonminor dependent.
(3) Approval for a specific child or nonminor dependent does not guarantee initial or continued placement of the specified child or nonminor dependent with a Resource Family.
(4) Prior to approving an applicant for a specific child or nonminor dependent, a County shall advise the applicant that the Resource Family may not accept the placement of any other child or nonminor dependent unless one of the following occurs:
(A) An approval update is completed pursuant to Section 9-03.
(B) A child or nonminor dependent is placed with a Resource Family on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45.
(i) A County shall initiate an approval update pursuant to Section 9-03 within five business days of an emergency placement.

(f) If a County has discontinued the Comprehensive Assessment of an applicant pursuant to Section 6-01(d), then the County is not required to complete any section of the Written Report that was not completed prior to the determination of denial.

(g) A County shall obtain an applicant's signature acknowledging receipt of the Written Report.
(1) If an applicant is unwilling to sign the Written Report, RFA program staff may document the refusal in the signature space.

(h) A County shall distribute a copy of a Written Report as follows:
(1) To an applicant or Resource Family.
(2) To the County's case file.

SECTION 6-08: Resource Family Approval Certificate

(a) If a County approves an application, as documented in the Written Report, or updates an approval pursuant to Section 9-02 through 9-04 or changes the capacity pursuant to Section 10-04, then a County shall complete form RFA-05A: Resource Family Approval Certificate or an equivalent certificate.

(1) The certificate of approval for a Resource Family home remains in effect and does not expire regardless of when the update to the approval is completed.

(2) The certificate shall contain the following:

(A) The name of the County.

(B) The full name(s) of the Resource Family and address of the home.

(C) The date of approval.

(D) The date and type of most recent update.

(E) The capacity for which the Resource Family is approved.

(F) If applicable, that the approval is for a specific child or nonminor dependent pursuant to Section 6-07(e).

(G) If applicable, that there are conditions placed on the approval pursuant to Section 6-07(d).

(3) The certificate may not contain the name of a child or nonminor dependent when the approval is for a specific child or nonminor dependent pursuant to Section 6-07 (e).

(4) A copy of the completed Resource Family Approval Certificate shall be kept in the Resource Family file and in the Resource Family home.

ARTICLE 7: RESERVED

ARTICLE 8: RESOURCE FAMILY ANNUAL AND OTHER TRAINING

SECTION 8-01: Annual and Other Training

(a) A County shall ensure that each Resource Parent submits copies of the certificates verifying completion of cardiopulmonary resuscitation (CPR) and first aid training no later than 90 days following Resource Family approval as specified in Section 11-19(a).

(1) A County shall verify that each Resource Parent maintains current certificates of cardiopulmonary resuscitation (CPR) and first aid training.

(b) A County shall ensure that each Resource Parent completes a minimum of eight hours of annual training, due every 12 months on the approval anniversary date. If there is a child or nonminor dependent placed in the home, a portion of the annual training shall support the case plans, goals, and needs of the child. Annual training shall be provided by qualified sources that may include those listed in Section 6-06(d), and which shall include the following:

(1) One or more of the courses specified in Welfare and Institutions Code section 16519.5(g)(13).

(2) Knowledge and skills related to the application of the reasonable and prudent parent standard for the participation of a child in age or developmentally appropriate activities, as set forth in Health and Safety Code section 1522.44.

(c) Annual training may include, but not be limited to, the following topics:
(1) Trauma informed care and attachment.
(2) Core Practice Model.
(3) Crisis intervention.
(4) Behavior management.
(5) Supporting children and nonminor dependents in school.
(6) Effects of drug and alcohol abuse on children and nonminor dependents.
(7) Effects of domestic violence on children and nonminor dependents.
(8) Assisting with self-administration of psychotropic medications.
(9) Emancipation and independent living.

(d) In addition to the training specified in subsection (b), a County may require a Resource Parent to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent in care.
(1) Specialized training may include, but is not limited to, the following:
(A) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.
(B) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.
(C) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.
(D) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.
(E) Understanding how to use best practices for providing care and supervision to nonminor dependents.
(F) Understanding how to use best practices for providing care and supervision to children with special health care needs.
(G) Understanding the different permanency options and the services and benefits associated with the options.

(e) Nothing in this section shall preclude a County from requiring Resource Family to complete training hours in excess of the requirements in this section or as required by state law for specialized training.

ARTICLE 9: MONITORING RESOURCE FAMILIES

SECTION 9-01: Monitoring Resource Families

(a) A County shall monitor Resource Families through the following:
- (1) Visiting the homes of Resource Families periodically and as necessary to ensure Resource Families conform to applicable laws, the Written Directives, and any exclusion orders, and to verify that only individuals with a criminal record clearance or exemption reside or are regularly present in the home.
- (2) Conducting approval updates as required by Sections 9-02 through 9-04.
- (3) Investigating complaints regarding Resource Families and serious incidents reported by Resource Families as required by Sections 9-06A and 9-06B.
- (4) Developing corrective action plans and requiring Resource Families to comply with corrective action plans to correct identified deficiencies as required by Section 9-07.
- (5) Investigating possible address matches of registered sex offenders as required by Section 9-08.
- (6) Collaborating with the Department regarding RFA exclusion investigations and administrative actions, and for Resource Families who are certified or registered by the Department or associated to a licensed facility, investigations of complaints and serious incidents and administrative actions concerning the Resource Family.

(b) RFA program staff shall document each visit to the home of a Resource Family on form RFA 809: Resource Family Visit Record. A copy of the form shall be provided to the Resource Family upon completion.

(c) A County shall ensure that a RFA program staff who identifies a condition that may adversely impact the health and safety of a child or nonminor dependent, takes appropriate actions and reports his or her observations to the social worker or probation officer for the child or nonminor dependent.

(d) The review of a Resource Family's compliance with the requirements to maintain approval shall be governed by the law and Written Directives in effect at the time of the condition, deficiency, incident, or allegation at issue. Nothing in this subsection shall supersede any provision of federal or state law or any regulations adopted pursuant to federal or state law.

SECTION 9-02: Update of Resource Family Approval

(a) At least once every 12 months a County shall update the approval of a Resource Family, no sooner than 60 calendar days prior to the 12-month anniversary date and shall be completed no later than 30 calendar days after the 12-month anniversary date. The 12-month anniversary date shall be either of the following:
- (1) An update has not occurred within 12 months from the approval date.
- (2) If an update has occurred; 12 months from the date the update was completed.

(b) A County shall complete an update for a Resource Family, as specified in Subsection (d), when any of the following occur:

(1) A significant change has occurred in the Resource Family's circumstances, as determined by a County.

(A) An update due to a significant change shall begin within 30 calendar days of a County's knowledge of the change.

(2) Relocation to a new home.

(A) A County shall begin an update to the Resource Family's approval within within 30 calendar days of being notified that the Resource Family has moved.

(3) A Resource Family who is approved for a specific child or nonminor dependent requests to care for an additional children or nonminor dependents.

(4) A Resource Family who is approved for a specific child or nonminor dependent accepts a placement on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, or for a compelling reason pursuant to Welfare and Institutions Code section 16519.5(e).

(A) A County shall begin an update specified in paragraph (4) within five business days.

(5) A Resource Family request to end inactive status pursuant to Section 10-02(c).

(c) A County shall complete an update for a Resource Family, as specified in Section 9-03, in order to add or remove a Resource Parent.

(d) During an update of a Resource Family's approval, a County shall:

(1) Ask the Resource Family to verify that all personal information in the Written Report, and any updates to the Written Report are current and, if applicable, update.

(2) Conduct a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home using form RFA 03: Resource Family Home Health and Safety Assessment Checklist to ensure compliance with Section 6-02(a)(2).

(3) Confirm that a subsequent arrest notification (rap back) service is in place for all adults residing or regularly present in the home.

(A) If there are new adults residing or regularly present in the home, complete a background check, as specified in Section 06-03A, shall be completed for each new adult.

(4) Address any significant changes to the family evaluation, which may include, but not be limited to the following:

(A) A change in the number of people residing in the home, including the following:

(i) Any additional individuals residing or regularly present in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person in the home.

(ii) Any adult who plans to reside or be regularly present in the home or move out of the home.

(B) A change in marital or domestic partnership status or a change in a relationship with a significant other.

(C) A change in the physical or mental health of a Resource Parent, a child or nonminor dependent, or any other residents in the home.
(D) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
(E) A change in employment or financial situation.
(F) A change in any information evaluated in the risk assessment as specified in Section 6-05(b)(4).

(5) Interview all individuals residing in the home.
(A) If an individual is unavailable or refuses to be interviewed, document the reasons, and determine if the interview is necessary to assess the Resource Family's continued ability to be approved as a Resource Family.

(6) Review the Resource Family's current capacity and if necessary, revise the capacity in accordance with Section 10-04.

(7) Review current DAP(s) and evaluate the need for continued approval.

(8) Review the Resource Family's current annual and other training to identity any training that is overdue.
(A) If training is overdue, a County may develop a corrective action plan.
(i) An update may not be finalized until the Resource Family completes the annual and other required training.

(9) Assess whether a Resource Family shall complete additional activities to maintain their approval.

(10) For a move to a new home location, a County shall ensure a Resource Family submits documents verifying that the Resource Family owns or rents the home in which the Resource Family resides, or written permission to reside at the residence by the owner of the home.

(e) A County shall document any deficiencies identified and develop a corrective action plan with the Resource Family as specified in Section 9-07.
(1) If the identified deficiencies are unable to be corrected, a County may choose to rescind the Resource Family's approval.
(2) In accordance with Section 10-01A(e), a County shall attempt to resolve areas of concern, if possible, prior to rescinding an approval, or take other action as appropriate.

(f) A County shall complete form RFA 06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the completed form to the Resource Family and obtain a signature from the Resource Family acknowledging receipt of the completed form.

(g) A County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.
(1) A new anniversary date to complete the next update within 12 months shall begin on the date the update is completed,

(h) For purposes of this section, a Resource Family maintains their approval unless approval is rescinded by a County or the Resource Family chooses to surrender the approval.

(i) When a Resource Family fails to cooperate in an update process, specified in Subsection (a), a County shall provide the Resource Family with written notice that includes the following:
- (1) A description of all outstanding items necessary to complete the update.
- (2) A time period the Resource Family has to complete the outstanding items.
- (3) That pursuant to Welfare and Institutions Code section 16519.501(e), the approval shall be forfeited by operation of law if the Resource Family fails to cooperate with the annual update within 30 days of the date of the written notice from the Resource Family.
- (4) The County shall document proof of service of the written notice in the Resource Family file.

SECTION 9-03: Approval Update Due to Addition or Removal of a Resource Parent

(a) An individual who resides in the home of a Resource Family may submit an application in order to be added to the approval certificate as a Resource Parent. The application and assessment process shall include the following:
- (1) The individual shall:
  - (A) Comply with the applicant qualifications specified in Section 5-02.
  - (B) Comply with the application requirements specified in paragraphs (1), (2), (4), (5), (6), (7) and (9) of Section 5-03A(a).
  - (C) Except for Section 5-03A(a)(9)(F), provide the supporting documentation specified in Section 5-03A(a)(9).
- (2) The County shall complete an update to the Resource Family's approval to include the items specified in Section 9-02(d).
- (3) If any deficiencies are identified, a County shall document the deficiencies and develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.
- (4) A County shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the form to the Resource Family upon completion.
- (5) If the County approves the application, then the County shall complete form RFA-05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.
  - (A) An update pursuant to this Section does not change a Resource Family's date of approval.

(b) If a County denies the application described in subsection (a), then due process shall be provided to the applicant in accordance with Article 12.

(c) If one or more parents of a Resource Family request to be removed from an approval and be approved separately, the following shall apply:
- (1) The request shall be submitted in writing to the County.
- (2) The County shall complete an approval update for each Resource Parent to include the items specified in Section 9-02(d) and collect documents specified in Section 5-03A(a)(9)(f).

(3) If any deficiencies are identified, a County shall document the deficiencies and develop a corrective action plan for the Resource Parent to correct the identified deficiencies or take other actions as necessary.
  (A) If the Resource Parent operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, a County shall notify the Department.
(4) The County shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form for each Resource Parent, and shall provide a copy of the form to the corresponding Resource Parent upon completion.
(5) The County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08 for each Resource Parent.

(d) If a Resource Parent no longer wishes to be approved, the Resource Parent may surrender his or her approval.
(1) The surrender shall be submitted verbally or in writing to the County.
  (A) The County shall document the surrender of approval by a Resource Parent in the Resource Family's file.
  (B) If the surrender was submitted verbally, the County shall provide a written confirmation to the Resource Family.
(2) The County shall complete an approval update for the remaining Resource Parent to include the items specified in Section 9-02(d).
(3) If any deficiencies are identified, a County shall document the deficiencies and develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.
  (A) If the Resource Family operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, a County shall notify the Department.
(4) The County shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the form to the Resource Family upon completion.
(5) The County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.
  (A) An update pursuant to this Section does not change a Resource Family's date of approval.

(e) A Resource Family maintains their approval status unless approval is rescinded by a County or the Resource Family chooses to surrender the approval.

SECTION 9-04 Approval Update Due to Portability

(a) Upon receipt of a completed form RFA 10: Resource Family Approval- Portability Application from a Resource Family, the County shall complete an approval update pursuant to this Section.
(b) During the approval update, the County shall:

(1) Evaluate all information provided by the current foster family agency, including the information provided on Section III of form RFA 10: Resource Family Approval-Portability Application and all records in the Resource Family's file.

(2) Ask the Resource Family to verify that all personal information contained in the Written Report and any updates to the Written Report is current.

(3) Conduct a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home using form RFA 03: Resource Family Home Health and Safety Assessment Checklist to ensure compliance with Article 11, and if applicable, Article 11.1-07.

(4) Verify with the current foster family agency that a subsequent arrest notification (rap back) service is in place for all adults residing or regularly present in the home.

(A) If a new adult plans to reside or be regularly present in the home, the County shall complete a background check for any such adult.

(5) Address any significant changes to the family evaluation, which may include but not be limited to, the following:

(A) A change in the number of people residing in the home, including the following:

(i) Any additional individuals in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person.

(ii) Any adult who plans to reside or be regularly present in the home or move out of the home.

(B) A change in marital or domestic partnership status or a change in a relationship with a significant other.

(C) A change in the physical or mental health of the Resource Parent, a child or nonminor dependent, or any other residents in the home.

(D) A move to a new home location.

(E) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.

(F) A change in employment or financial situation.

(G) A change in any information evaluated in the risk assessment as specified in Section 6-05 (b)(4).

(6) Interview all individuals residing in the home.

(A) If an individual is unavailable or refuses to be interviewed, document the reasons and determine if the interview is necessary to approve the Resource Family's portability application.

(7) Review the Resource Family's current capacity and increase or decrease the capacity if necessary in accordance with Section 10-04.

(8) Review the Resource Family's annual training to identify any training that is overdue.

(A) If training is overdue, the approval update may not be finalized until the Resource Family completes annual and other required training as specified in Section 08-01.

(9) Review all current approved DAP(s) and evaluate the continued need for approval of the DAP(s).

(10) Determine whether a Resource Family shall complete additional activities necessary to evaluate the Resource Family's portability application.

(11) Determine whether the portability application is approved or denied and the reasons for the determination.

(c) If any concerns are identified during the approval update, the County shall make a good faith effort to resolve its concerns prior to approving or denying the portability application.
(1) The County may approve a portability application that places conditions on the approval, provided the Resource Family meets all of the standards for approval. Any conditions shall be specified in writing on the Resource Family Approval certificate pursuant to Section 6-08(a)(1)(F).
(2) If the County determines that it cannot resolve its concerns, the County may deny the portability application.
(3) The County shall comply with the cross-reporting requirements of Section 9-06C if the identified concerns constitute a risk or threat to health or safety of a child or nonminor dependent.

(d) If there were conditions placed on a criminal record exemption or a Resource Family's approval prior to transfer of the approval, the conditions shall be transferred if:
(1) The condition was imposed by the Department's Caregiver Background Check Bureau
(2) The condition was imposed as a result of an administrative action
(3) The condition was imposed due to a concern for the health, safety or welfare of a child or nonminor dependent and the concern has not been fully addressed

(e) The County shall complete form RFA 06: Resource Family Approval Update Report, or an equivalent form.

(f) The County shall distribute a copy of the approval update as follows:
(1) To the Resource Family.
(2) To the Resource Family file maintained by the County.
(3) If a County denies the portability application, to the current foster family agency.
(4) To the current placement agency if there is a child placed with the Resource Family.

(g) A Resource Family maintains its approval status with its current foster family agency unless any of the following occur:
(1) Approval is rescinded by the current foster family agency or Department;
(2) The Resource Family chooses to surrender its approval;
(3) The approval is forfeited by operation of law; or
(4) The Resource Family is approved by a County in accordance with Section 5.1-01.

SECTION 9-05: Reserved

SECTION 9-06: Reserved

SECTION 9-06A: Complaints and Investigations

(a) A County shall review any information presented by any person concerning a Resource Family to determine whether or not the Resource Family may not have met or may not be

meeting the requirements of one or more of the Written Directives or any applicable law, regardless of whether or not the information is presented in the form of an allegation.

(b) Upon receipt of a complaint concerning a Resource Family, a RFA program staff member shall conduct a preliminary review of the complaint as follows:
- (1) Review all information maintained on file concerning the Resource Family.
- (2) Interview any complainant.

(c) A County shall notify the Department of a serious complaint by the close of the next business day following receipt of the complaint as specified in Section 4-03(e).

(d)
- (1) A County shall investigate a complaint allegation unless, after a preliminary review as specified in subsection (b), the County determines the allegation could not have occurred or is part of a pattern and practice of harassment.
- (2) A decision not to investigate an allegation shall be approved by a supervisor.
- (3) A County shall document in the Resource Family's file all information received and reviewed pursuant to subsections (a) and (b), regardless of whether or not it is determined to be an allegation.

(e) Prior to conducting an investigation of a complaint or incident, if the Resource Family operates a licensed family day care home, or it is known that the Resource Family is registered on the TrustLine or Home Care Aide registries, or associated to a facility licensed by the Department, a County shall notify the Department and collaborate with the Department on the investigation.

(f)
- (1) A County shall conduct an unannounced visit to a Resource Family's home within ten calendar days of receipt of a complaint to be investigated, unless the tenth day after the receipt of the complaint is not a business day, in which case the County shall conduct the visit on the following business day.
- (2) A visit to a Resource Family's home may be delayed under the following circumstances:
  - (A) Law enforcement requests that the visit be delayed as it would adversely affect a law enforcement investigation.
  - (B) The visit would endanger the health and safety of a child or nonminor dependent placed with the Resource Family.
  - (C) The visit would increase the possibility of evidence being compromised.
- (3) Notwithstanding paragraph (1), if a County has, on two separate occasions at different hours of the day, unsuccessfully conducted an unannounced visit to a Resource Family's home, and it appears that further attempts to make an unannounced visit will not be successful, then the County may schedule the visit with the Resource Family under the following circumstances:
  - (A) Doing so would not have a significant adverse effect upon the investigation or jeopardize the health and safety of any child or nonminor dependent placed with the Resource Family.
  - (B) The County has documented each attempt to make an unannounced visit to the home.

(C) A supervisor approves the scheduling of the visit.

(4) Prior to visiting the home, the County may not disclose to the Resource Family that a complaint has been received concerning the Resource Family.

(5) When visiting a Resource Family's home, a County shall ensure that the Resource Family is aware of the complaint investigation process, their rights and responsibilities during the investigation process, including the right to dispute the investigation result.

(g) When investigating a complaint, a County shall take reasonable steps to ascertain the validity of the complaint. These steps may include, but are not limited to, the following:

(1) Assessing the health and safety of the home and grounds, outdoor activity space, and storage areas.

(2) Conducting interviews of a child or nonminor dependent, or any person who may have knowledge of the circumstances described in the complaint.

(3) Obtaining and/or reviewing any relevant records.

(4) Observing any child or nonminor dependent placed with the Resource Family in the home.

(5) Coordinating a medical examination of a child or nonminor dependent with the social worker or probation officer of the child or nonminor dependent.

(A) A nonminor dependent may not be examined by a medical professional without the nonminor dependent's consent.

(6) Making additional unannounced visits to the home as needed.

(7) Documenting all interviews and steps taken during the investigation.

(h) When investigating a complaint, a County shall review any adverse action taken by the Department against a license, certificate, employment, approval, or registration of a Resource Family or an associated individual, to determine if the Resource Family did not conform to the Written Directives or any applicable law.

(1) All allegations identified in an adverse action taken by the Department shall be documented as a complaint and investigated.

(2) A County may rely on an investigation conducted by the Department in lieu of investigating the allegations specified in the adverse action, when appropriate.

(i) Before interviewing a minor who is not a foster child, a County shall make a reasonable effort to obtain the permission of the minor's parent, guardian, or authorized representative, unless doing so would adversely affect the investigation.

(1) If the County interviews a minor who is not a foster child without first obtaining the permission of the minor's parent, guardian, or authorized representative, the County shall document the circumstances which necessitated that action.

(2) The County shall document all actions taken during the course of an investigation, including, but not limited to, all information obtained pursuant to subsection (f).

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A County has authority to interview a foster child without the permission of the Resource Family, but should follow the child interview protocols for their county. Before interviewing a child or nonminor dependent, a County may consider developing a plan regarding how, when, and where the child or nonminor dependent will be interviewed. Such a plan should be designed to help support the child or nonminor dependent in providing necessary and complete information.

(j) During the course of a complaint investigation, if a County discovers or receives information indicating that a Resource Family may not be conforming to applicable laws or the Written Directives, which are unrelated to the complaint under investigation, the County shall review the information as specified in Section 9-06A(b) and take appropriate action in response.

(k) Upon completion of a complaint investigation, a County shall:
- (1) Complete form RFA 9099: Complaint Investigation Report, containing a finding for each allegation as either substantiated, inconclusive, or unfounded.
  - (A) A supervisor shall review and approve the written complaint investigation report prior to notifying the Resource Family or complainant.
- (2) Give a copy of the form RFA 9099: Complaint Investigation Report to the Resource Family.
- (3) Notify the complainant, if known, of the findings of the complaint investigation.
- (4) Develop a corrective action plan to address a deficiency by completing form RFA 9099C: Complaint Investigation Report - Continued, for the Resource Family to correct any identified deficiencies.
  - (A) If a County determines that it is not possible to correct an identified deficiency, then the County shall document the deficiency and may proceed with the necessary administrative action pursuant to Article 12.
- (5) Notify the Department of the final disposition of the complaint investigation and whether a corrective action plan was developed as specified in Section 4-03(e)(2).
- (6) Document in the Resource Family file all information received and investigated during the complaint investigation.

(l) A County shall maintain a complaint log, which shall be available for review by the Department, and which shall contain the following information for each complaint:
- (1) The Resource Family involved.
- (2) The complaint allegation(s).
- (3) Date the complaint was received.
- (4) Name of the RFA program staff member assigned to the investigation.
- (5) Whether the RFA program staff member assigned to the investigation approved the Resource Family.
- (6) Date the ten-day visit to the Resource Family's home is due.

(7) If the ten-day visit to the Resource Family's home was scheduled, the date and time of each attempted unannounced visit, and the supervisor's approval to schedule the visit.
(8) Date the ten-day visit was made.
(9) Findings for each complaint allegation.
(10) If the complaint cannot be resolved within 60 calendar days after the ten-day visit, a notation that further investigation is required.

(m) An unfounded complaint allegation and any information related to it shall be confidential and not released to the public.

(n) A County shall consider the identity of every complainant as confidential and may not disclose to a Resource Family or make public the identity of any complainant, unless explicitly authorized to do so by the complainant, or as required by law.

(o) County RFA program staff conducting a complaint investigation concerning a Resource Family may not be any of the following:
(1) The social worker or probation officer of any child or nonminor dependent placed with the Resource Family.
(2) A person who has any direct relationship with, or interest in, the Resource Family or any complainant, or who has any conflict of interest with any aspect of the investigation.
(3) A RFA program staff member who approved the Resource Family, unless no other qualified staff member is available.
(A) If a staff member who approved the Resource Family conducts the complaint investigation, the County shall document the circumstances that constitute the necessity and ensure that all documentation and evidence gathered during the investigation and the investigation report are reviewed by a supervisor prior to the form RFA 9099: Complaint Investigation Report being delivered to the Resource Family.

(p) If, during the course of an investigation, a RFA program staff member conducting a complaint investigation discovers that he or she has a conflict of interest, then the staff member shall immediately report the conflict to a supervisor, who may transfer responsibility for the investigation to another staff member.

SECTION 9-06B: Incident Reports and Investigations

(a) (1) A County shall investigate all serious incidents reported by a Resource Family and all incidents indicating that a Resource Family may not have met or may not be meeting applicable laws or the Written Directives.
(2) A County may investigate any incident reported by a Resource Family that does not meet the requirements of paragraph (1).

(b) After a preliminary review of an incident report received from a Resource Family, a County shall notify a Resource Family if additional information is needed.

(c) A County shall notify the Department of a serious incident by the close of the next business day following receipt of the incident report as specified in Section 4-03(f).

(d) When investigating an incident, a County shall take reasonable steps to ascertain whether the incident was the result of a Resource Family not meeting applicable laws or the Written Directives. These steps may include, but are not limited to the following:
- (1) If the Resource Family operates a licensed family day care home, or it is known that the Resource Family is registered on the TrustLine or Home Care Aide registries, or associated to a facility licensed by the Department, the County shall notify the Department and collaborate with the Department on the investigation.
- (2) Assessing the health and safety of the home and grounds, outdoor activity space, and storage areas.
- (3) Conducting interviews of a child, nonminor dependent, or any person who may have knowledge of the incident.
- (4) Obtaining and/or reviewing any relevant records.
- (5) Observing any child or nonminor dependent placed with the Resource Family in the home.
- (6) Coordinating a medical examination of a child or nonminor dependent with the social worker or probation officer for the child or nonminor dependent.
  - (A) A nonminor dependent may not be examined by a medical professional without the nonminor dependent's consent.
- (7) Making additional visits to the home as needed.
- (8) Documenting all interviews and steps taken during the investigation.

(e) During the course of an incident investigation, if a County discovers or receives information indicating that a Resource Family may not be meeting applicable laws or the Written Directives, which are unrelated to an incident under investigation, the County shall review the information as specified in Section 9-06A(a).

(f) Upon completion of an incident investigation, a County shall:
- (1) Complete a form RFA 809: Resource Family Visit Record.
  - (A) A supervisor shall review and approve the form RFA 809 prior to notifying the Resource Family.
- (2) Develop a corrective action plan by completing form RFA 809C: Resource Family Visit – Corrective Action Plan for the Resource Family to correct any identified deficiencies.
  - (A) If a County determines that it is not possible to correct an identified deficiency, then the County shall document the deficiency and may proceed with the necessary administrative action procedures pursuant to Article 12.
- (3) Give a copy of the form RFA 809 and 809C to the Resource Family.
- (4) Notify the Department whether a corrective action plan was developed as specified in Section 4-03(f)(2).
- (5) Document in the Resource Family's file all information received and investigated during the incident investigation.

SECTION 9-06C: Cross-Reporting Investigation Results

(a) If, after an investigation of a complaint or incident, a County determines that a Resource Family has not met or is not meeting applicable laws or the Written Directives, the County shall immediately notify the following of its findings:
- (1) The placement agency responsible for placing a child or nonminor dependent with the Resource Family.
- (2) The Community Care Licensing Division of the Department, if the Resource Family is licensed as a family day care home.
- (3) The Community Care Licensing Division of the Department if it is known that the Resource Family is registered on the TrustLine or Home Care Aid registries or associated to a facility licensed by the Department.
- (4) The Department as provided in Section 12-07(a)(2), if a County will be recommending an exclusion action.

SECTION 9-07: Corrective Action Plan

(a) Notwithstanding Section 9-06A(k)(4), if a County determines that a Resource Family is not conforming to an applicable statute, regulation, or the Written Directives, and that the identified deficiency may be corrected, then the County shall issue a written corrective action plan using form RFA 809C: Resource Family Visit Corrective Action Plan.
- (1) If the Resource Family operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, a County shall notify the Department.

(b) A Resource Family or person designated by the Resource Family shall meet with a County to discuss any deficiency.
- (1) The County shall request and consider the Resource Family's feedback to develop a plan to correct each deficiency.

(c) A written corrective action plan shall include the following information:
- (1) The statute, regulation, or Written Directive that applies.
- (2) A description of the nature of the deficiency that states the manner in which the Resource Family failed to conform to a specified statute, regulation, or Written Directive.
- (3) A plan to correct each deficiency.
- (4) A date by which each deficiency shall be corrected.
  - (A) In determining the date for correcting a deficiency, a County shall consider the following factors:
    - (i) The potential hazard presented by the deficiency.
    - (ii) The number of children and nonminor dependents affected.
    - (iii) The availability of equipment necessary to correct the deficiency.
    - (iv) The estimated time necessary for the delivery and installation of necessary equipment.

(B) The date for correcting a deficiency shall not be more than 30 calendar days following service of a corrective action plan, unless a County determines that the deficiency cannot be completely corrected in 30 calendar days.

(i) If the date for correcting a deficiency is more than 30 calendar days following service of a corrective action plan, the corrective action plan shall specify which actions must be taken within 30 calendar days.

(ii) A County may require correction of a deficiency within 24 hours or less if there is an immediate threat to the health or safety of children or nonminor dependents.

(5) The address and telephone number of the County responsible for reviewing corrective action plans for the area in which the home is located and the name and telephone number of the County first level manager.

(6) A date for a follow-up visit to determine compliance with the corrective action plan.

(d) A County shall provide a corrective action plan to a Resource Family as follows:

(1) The corrective action plan shall be given to the Resource Family upon completion of the visit.

(2) If the Resource Family is not at home, the corrective action plan shall be given to the person designated by the Resource Family upon completion of the visit and mailed to the Resource Family.

(3) If the Resource Family or the person designated by the Resource Family refuses to accept or acknowledge receipt of the corrective action plan, the County shall mail the corrective action plan to the Resource Family.

(e) If a Resource Family disagrees with a corrective action plan, the Resource Family has the right to request a review.

(1) A Resource Family shall submit a written request for a review of the corrective action plan to the County first level manager listed on the corrective action plan within ten calendar days from the date the Resource Family received the corrective action plan.

(2) If the County first level manager determines that a corrective action plan was not issued in accordance with applicable statutes, regulations, or Written Directives, or that other circumstances existed, the first level manager may amend or dismiss the corrective action plan.

(3) The County first level manager may extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for an extension.

(f) If a County determines that it is not possible for a Resource Family to correct an identified deficiency, then the County shall document the deficiency and may proceed with the necessary administrative action procedures pursuant to Article 12.

SECTION 9-08: Registered Sex Offender Address Investigations

(a) A County shall investigate and report back to the Department possible address matches of registered sex offenders within 45 days using the information provided.

(1) Notwithstanding subsection (a), if a Resource Family is on inactive status pursuant to Section 10-02, a County shall investigate possible address matches of registered

sex offenders in the home during the update conducted in accordance with Section 9-02.

(2) Counties are responsible for completing registered sex offender address investigations regardless if they have entered into a contract with the Department to conduct complaint investigations on a County's behalf.

(b) A County shall take the following actions when investigating a possible registered sex offender address match for a Resource Family's home:

(1) A designation of "At Capacity" shall be applied and a Special Project Code "S-RSO RPRT RCVD-UNDER REVIEW" shall be entered in the Child Welfare Services/Case Management System (CWS/CMS) database pending completion of the investigation.

(2) Determine if the registered sex offender resides or is regularly present in the home.

(A) If the registered sex offender resides or is regularly present in the home and a child or nonminor dependent is placed in the home, the County shall treat this situation as a report to the Emergency Response hotline and immediately create a "General Neglect" referral for the child using the name of the Substitute Care Provider as the alleged perpetrator. The designated response time shall be listed as "immediate."

(B) A County may not permit a registered sex offender to reside or be regularly present in a Resource Family's home without a criminal record clearance or exemption if a child or nonminor dependent is placed with the Resource Family.

(C) A County shall immediately notify the social worker or probation officer for the child or nonminor dependent of the investigation.

(D) The County shall conduct a background check of the individual pursuant to Section 6-03A.

(c) If the County denies the registered sex offender's criminal record clearance or exemption request, and the registered sex offender will continue to reside or be regularly present in the home, the County shall rescind the approval of the Resource Family in accordance with Section 10-01A(b) and Article 12.

(1) If a child was placed with the family, the RFA program staff shall inform the child's social worker the results of the investigation including the determination to rescind the approval of the Resource Family.

(d) Upon completion of the investigation, the County may remove the "At Capacity" designation in the Child Welfare Services/Case Management System (CWS/CMS) database when all individuals residing or regularly present in the home are cleared and the home is appropriate for placement.

(1) The County shall enter a Special Project Code to appropriately describe the results of the investigation.

(e) The County shall submit the results of the investigation within 45 calendar days on an encrypted electronic spreadsheet to CDSSRSOResponse@dss.ca.gov.

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Special Project Codes are described in ACL 13-64.

SECTION 9-09: Oversight of the Resource Family Approval Program

(a) The Department shall provide ongoing oversight of a County's Resource Family Approval Program.

(b) The Department shall provide a County with periodic training, as appropriate, to ensure proper administration by the County.

(c) The Department may, without prior notice, inspect, review, and monitor implementation of the program in a County, including all activities, procedures, records, and forms related to the program.

(d) The Department shall review a random sample of Resource Families in a County for compliance with applicable laws and the Written Directives, which may include home visits.
- (1) The Department's review shall include, but not be limited to, the following Resource Family information:
  - (A) Application.
  - (B) Background checks, including any criminal record exemptions.
  - (C) Approval updates.
  - (D) Reports of serious complaints and serious incidents involving Resource Families.
  - (E) Administrative actions.
  - (F) County reviews of decisions related to capacity determinations and Resource Family corrective action plans and documented alternative plans.

(e) The Department's review shall occur on an annual basis or more often if the Department becomes aware that a County is experiencing a disproportionate number of complaints against individual Resource Families.

(f) The Department may conduct an independent investigation of serious complaints or serious incidents and change the findings depending on the results of the Department investigation.

(g) The Department shall investigate unresolved complaints against a County.

(h) The Department shall require a County to comply with a corrective action plan if it is not operating the program in accordance with applicable laws and the Written Directives.
- (1) A County shall comply with a corrective action plan to correct program deficiencies within the time approved by the Department.

(i) The Department shall assess County performance in related areas of the California Child and Family Services Review System and remedy identified problems.

(j) A County shall interact with the Department as necessary to implement the program, including the following:
- (1) Providing the Department with timely, and when requested, immediate access to any written information, files, and data pertaining to the program as determined by the Department.
- (2) Responding in a timely manner, or immediately as requested by the Department, to requests, inquiries, and meetings.
- (3) Notifying the Department in writing when a County is not complying or believes that a County is unable to comply with applicable laws or the Written Directives, and describe the circumstances resulting in the non-compliance.

ARTICLE 10: ADMINISTRATIVE

SECTION 10-01A: Denying or Rescinding Resource Family Approvals, Exclusions, and Surrenders

(a) A Resource Family maintains their approval status unless approval is rescinded by a County, the Resource Family chooses to surrender the approval, or the approval is forfeited pursuant to Section 10-01B.

(b) A County may deny an application for approval, or may rescind the approval of a Resource Family, and the Department may exclude an individual from presence in any Resource Family home, for any of the following reasons:
- (1) Violation of Welfare and Institutions section 16519.5, the Written Directives, or any applicable law.
- (2) Aiding, abetting, or permitting the violation of any applicable law or the Written Directives.
- (3) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, another individual, or the people of the State of California.
- (4) The conviction of an applicant, Resource Parent, or associated individual, at any time before or during his or her approval, of a crime as defined in Health and Safety Code section 1522.
- (5) Engaging in acts of financial malfeasance, including but not limited to, improper use or embezzlement of the money or property of a child or nonminor dependent or fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.
- (6) Failure to meet application requirements.
- (7) Failure to meet Resource Family qualifications.
- (8) Inability to provide adequate references.
- (9) Failure or refusal to participate in interviews as specified in Section 6-05 (a).
- (10) Failure to complete pre-approval or annual training, cardio-pulmonary resuscitation (CPR) and first aid training, specialized training, or other training required by the County.

(11) Failure to receive a criminal record clearance or exemption.
(12) Failure to meet the Home Environment Assessment standards.
(13) Family evaluation results or other information indicates an inability to act as a reasonable and prudent parent or to provide or failure to ensure the care and supervision of a child or nonminor dependent.
(14) Failure to cooperate or comply as specified in Section 11-17.
(15) False or misleading statements made to a County to obtain or maintain Resource Family Approval.
(16) Conduct that would indicate the individual is not of reputable or responsible character.

(c) (1) If a County denies an application, rescinds the approval of a Resource Family, or denies or rescinds a criminal record exemption, the County shall provide the applicable individual with due process as specified in Welfare and Institutions Code section 16519.5 et seq. and Article 12.
(2) If the Department excludes an individual from any Resource Family home, the Department shall provide the individual with due process as specified in Welfare and Institutions Code section 16519.5 et seq. and Article 12.

(d) A County shall not deny an application based on any of the following:
(1) An applicant's reliance on the funding described in Welfare and Institutions Code section 16519.5(l) to meet additional household expenses incurred due to the placement of a child or nonminor dependent.
(2) An applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative.
(3) An applicant's age, sex, race, religion, color, political affiliation, national origin, disability, marital status, gender identity, gender expression, actual or perceived sexual orientation, medical condition, genetic information, citizenship, primary language, immigration status, or ancestry.
(4) For purposes of this paragraph, "substantiated," "inconclusive," and "unfounded" are defined in as outlined in Penal Code section 11165.12.
(A) A substantiated, inconclusive, or unfounded allegation of general neglect, or an inconclusive or unfounded allegation of child abuse or severe neglect, contained in the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) databases.
(B) Nothing in this paragraph shall prohibit a County from reevaluating or reinvestigating an allegation of child abuse or neglect.
(C) Nothing in this paragraph shall prohibit a County from denying an application for approval based on an allegation contained in CWS/CMS or CWS-CARES when a County:
(i) Obtains independent evidence substantiating the child abuse or neglect allegation contained in CWS/CMS or CWS-CARES; or
(ii) Verifies that the individual who is the subject of the allegation contained in CWS/CMS or CWS-CARES was provided due process

and that the substantiated allegation is based upon a decision and order as a result of a hearing pursuant to Manual of Policies and Procedures sections 31-020, 31-021 or Welfare and Institutions Code section 300 et seq.

(D) If a County determines an allegation of general neglect is substantiated, the County shall provide the individual with an opportunity to dispute the substantiated allegation, pursuant to Manual of Policies and Procedures section 31- 020.

(i) If the individual does not dispute the substantiated allegation, the County may deny the application.

(ii) If the individual disputes the substantiated allegation, and the substantiated disposition is upheld, the County may deny the application.

(e) A County shall attempt to resolve areas of concern, if possible, prior to denying an application, rescinding approval, or denying or rescinding a criminal record exemption.

(1) Part of the duties to resolve areas of concern include identifying if additional supports or services are needed to support the applicant or Resource Family in meeting the requirements of approval.

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When concerns have been raised and a child or nonminor dependent is placed with an applicant or a Resource Family, the County should notify the child's or nonminor dependent's social worker or probation officer so that a Child and Family Team meeting can be convened.

(f) If a Resource Family no longer wishes to be approved, the Resource Family shall have the right to surrender their approval.

(1) A surrender of approval may be verbal or in writing.

(2) Documentation of a surrender of approval by a Resource Family shall be maintained in the Resource Family file.

SECTION 10-01B: Forfeiture of Resource Family Approval

(a) A Resource Family approval shall be forfeited by operation of law when any of the following occurs:

(1) A Resource Family surrenders their approval to the County.

(2) A Resource Family is convicted of an offense for which a County is prohibited from granting a criminal record exemption pursuant to Health and Safety Code section 1522(g)(2), provided the county has complied with the due process requirements of Section 6-03B(c)(2).

(3) The sole Resource Parent dies.

(4) A Resource Family abandons the approved home. The Resource Family abandons the home when:

(A) The Resource Family informs RFA program staff that the Resource Family no longer accepts responsibility for the home.

(B) A County is unable to determine the Resource Family's whereabouts after the County has attempted to contact the Resource Family in all of the following ways:

(i) Visited the home and requested information of the Resource Family's whereabouts from an adult at the home, if an adult can be contacted.

(ii) Made at least one phone call per day to the Resource Family's last telephone number of record for three consecutive business days, and the Resource Family failed to respond.

(iii) Sent a certified letter to the Resource Family's last mailing address of record requesting that the Resource Family contact the County and has received an undeliverable or unclaimed response notice.

(5) A Resource Family fails to cooperate with an update within 30 calendar days of the date of written notice, as specified in Section 9-02.

(6) A Resource Family is approved by another foster family agency or a County as specified in Health and Safety Code section 1506.6(c).

SECTION 10-02: Inactive Status

(a) A County shall place a Resource Family on inactive status upon written or verbal notification by the Resource Family that includes the following information:

(1) The date inactive status will begin.

(2) The reason(s) for the request to be placed on inactive status, which may include, but is not limited to:

(A) Birth of a child.

(B) Adoption of a child.

(C) Medical condition or surgery.

(D) Job loss.

(E) Relocation.

(F) Death of a family member.

(3) An anticipated date inactive status will end.

(b) A County may not place a Resource Family on inactive status if a child or nonminor dependent is placed in the home.

(c) A County shall advise a Resource Family that to end inactive status, the Resource Family is required to provide 30 calendar days written notice and that the Resource Family shall be subject to an approval update pursuant to Section 9-02.

(1) Within 30 calendar days of the written notice provided by a Resource Family, a County shall update the Resource Family's approval pursuant to Section 9-02, unless good cause exists.

(A) If good cause exists, a County shall document the reasons for the delay beyond the 30 calendar days and generate a timeframe for completion of the update.

(2) A Resource Family may provide care to a child or nonminor dependent when an update is completed as specified in paragraph (1).

(3) A completed approval update will begin a new annual period.

(d) If a child or nonminor dependent is placed with a relative or NREFM on an emergency basis per Welfare and Institutions Code section 309 or 361.45, or for a compelling reason per Welfare and Institutions Code section 16519.5(e), and the Resource Family is on inactive status, a County shall initiate a home health and safety assessment pursuant to Section 6-02 within 5 calendar days of the placement and complete an approval update pursuant to Section 9-02 within 30 calendar days of the placement, unless good cause exists.

(1) If good cause exists, a County shall document the reasons for the delay beyond the 30 calendar days and generate a timeframe for completion of the update.

(e) A period of inactive status may not exceed two years.

(f) If there are conditions placed on a Resource Family's approval, the conditions shall be suspended during a period of inactive status.

SECTION 10-03: Documented Alternative Plan

(a) A County may approve a Documented Alternative Plan (DAP) for any non-safety home environment standard set forth in Section 11-01(b)(2), Section 11-01(c)(1), and (c)(2).

(1) A DAP issued regarding Section 11-01(b)(2) may be approved only for an adult residing in the home.

(2) A DAP issued regarding Section 11-01(c)(1) may be approved for a specific child or nonminor dependent in care.

(3) A DAP issued regarding Section 11-01(c)(2) may be approved for a specific child to share a bedroom with a Resource Parent or an adult in the home due to special circumstances of the child which may include but not be limited to medical conditions or disabilities requiring close supervision.

(b) A County shall ensure that a DAP meets the following requirements:

(1) Provides an alternative plan that meets the same standards in terms of safety, sanitation, and personal rights of each child and nonminor dependent in the home.

(2) Is not detrimental to the health and safety of any child or nonminor dependent in the home.

(3) Is in the best interests of children and nonminor dependents in the home.

(4) Is discussed and agreed upon between an applicant or a Resource Family and RFA program staff in a written document signed by both.

(A) The written document shall include supporting documentation for the request.

(5) Is submitted by the RFA program staff for approval by the County.

(A) Approval or denial of the requested DAP shall be determined within 14 calendar days following submission of the request.
(B) Approval or denial of a requested DAP in an emergency or compelling reason placement shall be determined within seven calendar days following submission of the request.

(c) A County shall provide a copy of a written approval or denial of a requested DAP to an applicant or Resource Family.

(d) A County shall retain the written approval or denial of a DAP in the Resource Family file for an applicant or Resource Family.

SECTION 10-04: Capacity Determination

(a) A County shall ensure that the capacity be no more than the total number of children and nonminor dependents that an applicant or Resource Family can properly care for as determined by the County.
(1) The capacity may not exceed six, including adopted, biological, and guardianship children and children of a minor or nonminor dependent parent residing in the home.
(2) A County may approve a capacity greater than six for any of the following reasons:
(A) To allow sibling groups to remain together
(B) To allow a minor or nonminor dependent parent to remain with their child
(C) To allow a child or nonminor dependent who has an established relationship with a Resource Family to remain with that Resource Family
(3) The County may approve a capacity greater than six, pursuant to paragraph (2) if all of the following conditions are met:
(A) The Resource Family is not a Specialized Resource Family or an Intensive Services Foster Care Resource Family as defined in Welfare and Institutions Code section 18360.
(B) The home is sufficient in size to accommodate the needs of all children and nonminor dependents in the home.

(b) When determining the capacity of an applicant or Resource Family, a County shall consider the following factors:
(1) An applicant's or Resource Family's ability to comply with applicable laws and the Written Directives.
(2) The number of children or nonminor dependents, in addition to any adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home, for whom the applicant or Resource Family is capable of providing care and supervision and that the home can accommodate.
(3) Any other household members who live in the home and his or her individual needs.
(4) Circumstances in the family environment that may affect the ability of an applicant or Resource Family to provide care and supervision to a child or nonminor dependent.
(5) Physical features of a home, including all of the following:
(A) The number of bedrooms and bathrooms.

(B) The sleeping arrangements of family members and other individuals residing in the home.
(C) Number of children or nonminor dependents who may share a bedroom as specified in Section 11-01(c).

(c) A County may increase or decrease the capacity of a Resource Family when there is a change in any of the factors specified in subsection (b).
(1) If a County increases or decreases the capacity of a Resource Family, then the County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.

(d) If a County approves a capacity that is less than that requested by an applicant or Resource Family, the County shall provide written notification to the applicant or Resource Family that includes the following:
(1) Specifies the reasons for the limitation.
(2) Lists the name and telephone number of the County first level manager.
(3) Notifies the applicant or Resource Family of his or her right to request a review of the decision.

(e) If an applicant or Resource Family disagrees with a County's capacity determination, the applicant or Resource Family shall submit a written request for a review of the decision to the County first level manager listed on the written notification provided by the County within ten calendar days from the date the applicant or Resource Family received the notification.
(1) If the County first level manager determines that a capacity determination was not issued in accordance with applicable statutes, regulations, or Written Directives, or that other circumstances existed, the first level manager may amend the capacity determination.

SECTION 10-05: Resource Family File

(a) A County shall securely maintain a central Resource Family file for each applicant and Resource Family. Records shall be securely maintained for at least five years following the date of an application withdrawal or denial, rescission of approval, criminal record exemption denial or rescission, exclusion, or forfeiture or surrender of approval except as follows:
(1) If an appeal, notice of defense or action for the record is filed, the time period to maintain the file shall begin on the date that a final decision and order is issued.
(2) If a county chooses to purge or destroy hard copy records after the file retention period in this section, an electronic version shall first be stored of records necessary to support an administrative action.
(3) Records necessary to support an administrative action that contain an original certification, including but not limited to court or law enforcement agency records, shall not be purged or destroyed.

(b) The following records shall be stored in a confidential section of a Resource Family file:

(1) RFA 01A: Resource Family Application.
(2) RFA 01B: Resource Family Criminal Record Statement.
(3) RFA 02: Resource Family Background Checklist and Out-Of-State Child Abuse Registry Checklist.
(4) LIC 198B: Out-Of-State Child Abuse/Neglect Report Request.
(5) RFA 04: Resource Family Risk Assessment or equivalent form.
(6) RFA 05: Resource Family Approval Written Report or equivalent form.
(7) RFA 06: Resource Family Approval Update Report or equivalent form.
(8) RFA 07: Resource Family Health Questionnaire.
(9) RFA 09: Notice of Action Regarding Resource Family Approval.
(10) RFA 09B: Notice of Action Regarding RFA Criminal Background Exemption Decision.
(11) RFA 09E: Order to Individual of Exclusion from Resource Family Homes and Department Licensed Facilities.
(12) RFA 09I: Order to Individual of Immediate Exclusion from Resource Family Homes and Department Licensed Facilities.
(13) RFA 10: Resource Family Approval – Portability Application
(14) RFA 802: Complaint Intake Report.
(15) RFA 9099: (if unfounded): Complaint Investigation Report.
(16) Records related to a background check as specified in Sections 6-03A and 6-03B.
(17) Supporting documentation as specified in Section 5-03A(a)(8).
(18) All documentation or notes related to a family evaluation, including supporting documentation used in the evaluation.
(19) Verification of completion of additional activities required by Section 6-04(a)(3).
(20) Correspondence between an applicant or Resource Family and a County.

ARTICLE 11: REQUIREMENTS FOR RESOURCE FAMILIES

SECTION 11-01: Home and Grounds

(a) The home and grounds of a Resource Family shall meet the requirements specified in this section and the following requirements:
(1) The home shall be clean, safe, sanitary, and in good repair.
(2) Except for a home with a sprinkler system, a home shall have an approved, commercially manufactured, and functioning carbon monoxide detector and smoke alarm or smoke detector installed in the hallway of each sleeping area in the home. A detector and alarm shall be audible in each bedroom.
(A) A carbon monoxide detector shall meet the standards set forth in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12 of the Health and Safety Code.
(B) A smoke alarm or smoke detector shall meet the standards set forth in Section 13113.7 of the Health and Safety Code.
(3) All outdoor and indoor passageways, stairways, inclines, ramps, and open porches in and on the grounds of the home shall be free of obstruction.
(4) At least one toilet, sink, and tub or shower shall be maintained in a safe, clean, and operating condition.

(A) Faucets to be used by a child or nonminor dependent for personal care and grooming shall deliver water that is safe and sanitary and hot water at a safe temperature.

(B) If age or developmentally appropriate, individual privacy shall be provided to a child or nonminor dependent in all toilet, bath, and shower areas.

(5) Fireplaces, freestanding stoves, and space heaters shall be maintained and used in a manner that ensures safe operation.

(6) A safe and comfortable temperature shall be maintained in the home.

(7) There shall be lighting as necessary in all rooms and other areas of the home and grounds to ensure comfort and safety.

(8) All water used in the home shall be safe and sanitary.

(b) A bedroom for a child or nonminor dependent shall meet the following requirements:

(1) Each bedroom used by a child or nonminor dependent shall have at least one operable window or door that ensures a safe, direct, emergency exit to the outside.

(A) A window with security bars shall have a safety release device that meets all state and local requirements.

(B) If the home of a Resource Family is in a high-rise building, the Resource Family is subject to the rules and regulations set forth by the State Fire Marshal.

(2) A room that is commonly used for other purposes may not be used as a bedroom. Such rooms shall include, but not be limited to, halls, stairways, public passageways, unfinished attics or basements, garages, storage areas, sheds, or similar detached buildings.

(A) A room commonly used for other purposes that is converted to a bedroom may be used as a bedroom for a child or nonminor dependent if it does not pose a violation of personal rights or a hazard to health and safety. If a County suspects that there is a hazard to health and safety, a Resource Family may be required to have the converted bedroom inspected by a local building inspector.

(3) A child or nonminor dependent shall be provided with an individual bed, which is equipped with a clean and comfortable mattress, and clean linens, blankets, and pillows, as needed, all in good repair.

(A) Linens shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.

(4) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.

(5) The following shall apply to a bunk bed for a child:

(A) Bunk beds shall have railings on both sides of the upper tier to prevent falling.

(B) A child under six years of age or who is unable to climb into or out of the upper tier unassisted may not be permitted to use the upper tier.

(C) Bunk beds of more than two tiers may not be used.

(6) Each infant, or child requiring a crib, shall be provided with an individual, safe, and sturdy bassinet or crib as appropriate to the age and size of the infant or child. The following shall apply to cribs:

(A) Tiered or stacked cribs, or cribs with drop sides, may not be used.
(B) Crib slats may not pose the danger of an infant or child being trapped.
(C) A crib mattress shall be clean, comfortable, and fit properly in the crib.
(D) Linens shall include a fitted sheet that fits tightly on a crib mattress and overlaps the underside of the mattress so it cannot be dislodged.
(E) Linens shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
(F) A bassinet or crib shall be free from all loose articles and objects.
(G) Objects may not hang above or be attached to any side of a bassinet or crib.
(H) An infant or child who can climb out of a crib shall be provided with an age-appropriate bed.

(7) Each bedroom shall have portable or permanent storage space to accommodate a child's or nonminor dependent's clothing and personal belongings.

(c) A bedroom sharing arrangement involving a child or nonminor dependent shall meet the following requirements:

(1) No more than four children or nonminor dependents, or one child and one nonminor dependent, may share a bedroom.
(A) A child or nonminor dependent may share a bedroom with an adopted, biological, or guardianship child of a Resource Family provided that the total number of individuals in the bedroom does not exceed four.

(2) A child or nonminor dependent may not share a bedroom with a Resource Parent except as specified in Section 10-03(a)(3).

(3) Children of different genders may share a bedroom under any of the following circumstances:
(A) Each child is under eight years of age.
(B) The children are siblings.
(C) A minor parent may share a bedroom with his or her child.
(D) A Resource Family may permit a child to share a bedroom consistent with the child's gender identity regardless of the gender or sex listed on his or her court or child welfare documents.

(4) A child and nonminor dependent may share a bedroom under any of the following circumstances:
(A) The child and nonminor dependent are siblings.
(B) The child and nonminor dependent have been sharing a bedroom prior to the nonminor dependent turning 18.
(C) A nonminor dependent parent may share a bedroom with his or her child.
(D) The child is 16 years of age or older.
(E) A Resource Family may permit a child and nonminor dependent to share a bedroom consistent with the child's or nonminor dependent's gender identity regardless of the gender or sex listed on his or her court or child welfare documents.

(5) For purposes of this paragraph, a "child" shall include an adopted, biological, or guardianship child of a Resource Family. A Resource Family shall consider the

following factors to determine whether a bedroom sharing arrangement ensures compatibility with a child or nonminor dependent:

(A) The age of the children and/or nonminor dependent, including the degree of age difference between them.

(B) The sleeping patterns of the children and/or nonminor dependents and if they may be disruptive to one another.

(C) The developmental levels and needs of the children and/or nonminor dependents.

(D) The privacy needs of the children and/or nonminor dependents and the plans to meet those needs.

(E) The history of the children and/or nonminor dependents, including previous sleeping arrangements and any information that may contraindicate sharing a room, if known.

(F) Any history or suspicion of sexual abuse or sexual exploitation.

(G) The supervision plan within the home.

(H) The needs of a minor or nonminor dependent parent and his or her child.

(6) When permitting any bedroom sharing arrangement involving a child or nonminor dependent, a Resource Family shall:

(A) Consult with the child or nonminor dependent about sharing a bedroom if it is age or developmentally appropriate.

(B) Consult with the child or nonminor dependent, in an age or developmentally appropriate manner, regarding the child's or nonminor dependent's sexual orientation and gender identity and what information the child or nonminor dependent wishes to disclose and to whom.

(i) The Resource Family shall not disclose information about the child's or nonminor dependent's sexual orientation and/or gender identity against the child's or nonminor dependent's wishes, unless compelled to do so by law or court order.

(C) Discuss the factors considered in making the determination, as specified in paragraph (5), with the child's or nonminor dependent's social worker or probation officer, including the following elements:

(i) The bedroom sharing arrangement ensures the health and safety of each child and/or nonminor dependent.

(ii) The children and/or nonminor dependents are compatible, including the adopted, biological, and guardianship children of the Resource Family who will be sharing the room.

(d) Notwithstanding paragraph (2) of subsection (c), no more than two infants may share a bedroom with a Resource Family.

(e) A County may approve a documented alternative plan (DAP), pursuant to Section 10-03, that authorizes alternative ways a Resource Family may comply with subsection (b)(2), (c)(1), and (c)(2).

(f) A Resource Family who intends to accept a child or nonminor dependent with a developmental, mental, or physical disability shall make necessary modifications to the home and grounds to provide protection and assistance and to maximize the potential of a child or nonminor dependent for self-sufficiency.

(g) A Resource Family may not smoke or permit any person to smoke inside the home, and when a child or nonminor dependent is present on the outdoor grounds of the home.

(h) A Resource Family shall maintain first aid supplies appropriate to the needs of a child or nonminor dependent.
  (1) A Resource Family shall ensure that a nonminor dependent has access to first aid supplies.

SECTION 11-02: Outdoor Activity Space

(a) If a Resource Family provides a yard or outdoor activity space, the Resource Family shall comply with the following requirements:
  (1) A yard or outdoor activity space shall be free from hazards that may endanger the health and safety of a child or a nonminor dependent.

(b) A Resource Family shall ensure that swimming pools, fixed-in-place wading pools, hot tubs, spas, or similar bodies of water are inaccessible if he or she accepts placement of any of the following individuals:
  (1) A child under ten years of age.
  (2) A child who is developmentally, mentally, or physically disabled.
  (3) A nonminor dependent who is developmentally, mentally, or physically disabled.
  (4) A minor or nonminor dependent parent's child who is under ten years of age or developmentally, mentally, or physically disabled.

(c) A Resource Family shall apply the reasonable and prudent parent standard, as set forth in Section 11-12, when deciding whether a child should have access to fish ponds, fountains, creeks, and similar bodies of water.

(d) A Resource Family shall ensure the inaccessibility of swimming pools, fixed in-place wading pools, hot tubs, spas, or similar bodies of water by using at least one of the safety features described in paragraphs (1) or (2).
  (1) The pool shall be isolated from access to the home by an enclosure, as defined in Health and Safety Code section 115921, and as specified in Health and Safety Code section 115923 and does not obscure the pool from view.
    (A) If removable mesh pool fencing is used as the enclosure as provided in Health and Safety Code section 115922(a)(2), an applicant or a Resource Family shall ensure that it is installed and maintained according to the manufacturer's specifications.
  (2) The pool shall be equipped with an approved safety pool cover.

(A) A pool safety cover that meets the American Society for Testing and Materials specifications (F 1346-91) is considered an approved safety pool cover.
(B) Pool covers shall be supported by flotation devices.

(3) If a County determines that it is not structurally possible for a Resource Family to comply with paragraphs (1) or (2), the home shall be equipped with exit alarms on doors and windows that provide direct access to the pool. The alarms shall meet the following requirements:
(A) Produces an audible warning when the door or window is opened.
(B) Sounds continuously for a minimum of 30 seconds within seven seconds after the door is opened.
(C) Meets the requirements of UL 2017 General- Purpose Signaling Devices and Systems, Section 77.
(D) Have a minimum sound pressure rating of 85 dBA at 10 feet and the sound of the alarm should be distinctive from other household sounds, such as smoke alarms, telephones, and door bells.
(E) Automatically resets under all conditions.
(F) Equipped with manual means, such as touchpads or switches, to temporarily deactivate the alarm for a single opening of the door from either direction. Such deactivation shall last for no more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches above the threshold of the door.

(4) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible, and if the pool is less than 60 inches in height, by the use of an enclosure. Any enclosure, whether or not it includes the above-ground pool structure itself, shall meet the requirements of subsection (d)(1).

(5) All pools that cannot be emptied after each use shall have an operative pump and filtering system.

(7) All pools shall be kept clean and maintained to ensure they are free from objects that may pose a risk to the safety of a child.

(e) A Resource Family shall ensure that an adult who is able to swim provides continual supervision when a child or individual specified in subsection (b) is using a pool or other body of water required to be made inaccessible, as specified in subsection (d).

SECTION 11-03: Storage Area Requirements

(a) Except as specified in subsections (d) and (e), a Resource Family shall store medicines, disinfectants, and cleaning solutions where they are inaccessible to a child or nonminor dependent.

(b) A Resource Family shall store poisons and other dangerous items in a locked storage area.

(c) Except as specified in paragraph (1), a Resource Family shall store firearms and other dangerous weapons in a locked container, as defined in Penal Code section 16850, which may include, but not be limited to, a lock box or gun safe.

(1) In lieu of locked storage of firearms, a Resource Family may use locking devices, as defined in Penal Code section 16860, which may include but not be limited to, trigger locks, cable locks, or other firearm safety devices, as defined in Penal Code section 16540.
(2) Ammunition shall be stored in a locked container separate from firearms.

(d) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining if it is age or developmentally appropriate for a child to have access to and use the following items:
(1) Household kitchen knives and appliances for use in meal preparation.
(2) Medications necessary for self-administration by the child.
(3) Disinfectants and cleaning solutions for use in performing household chores.

(e) A Resource Family shall permit a nonminor dependent to have access to the following items:
(1) Household kitchen knives and appliances for use in meal preparation.
(2) Medications necessary for self-administration by the nonminor dependent.
(3) Disinfectants and cleaning solutions for use in performing household chores.

(f) In allowing a child or a nonminor dependent to access and use the items specified in subsection (d) or (e), a Resource Family shall ensure that the safety of a child, a nonminor dependent, and others in the home is maintained.

(g) A Resource Family shall store and dispose of waste in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

SECTION 11-04: Reserved

SECTION 11-05: Emergency Procedures

(a) A Resource Family shall provide two telephone numbers and, if available, two email addresses as 24-hour contact information to the County, including contact information for alternative caregivers and place emergency telephone numbers in a prominent location in the home.

(b) A Resource Family shall ensure that an occasional short-term babysitter and an alternative caregiver knows where the emergency contact information is located.

(c) At the time of placement of a child or nonminor dependent with a Resource Family, and every six months after placement, the Resource Family shall discuss and practice emergency procedures for the home with the child or nonminor dependent as age or developmentally appropriate.

(d) A Resource Family shall review the emergency procedures with an occasional short-term babysitter or an alternative caregiver.

(e) A Resource Family shall maintain a hard copy emergency binder in the home. If desired, other methods for keeping information may be used in addition to the hard copy binder, such as information electronically stored in a portable device that can be transported in an emergency. The binder shall contain the following:
- (1) Child's or nonminor dependent's information including, the child's or nonminor dependent's name, date of birth, and any medical conditions.
- (2) Contact information for the child's or nonminor dependent's authorized representative and placement agency, as applicable.
- (3) 24-hour contact information for the county child welfare agency or probation department.

SECTION 11-06: Reporting Requirements

(a) A Resource Family shall make a report to a RFA program staff and the placement agency for a child or a nonminor dependent when any of the following events occur:
- (1) Death, serious bodily injury, or risk of death or serious bodily injury, to a child, nonminor dependent, or other individual residing in the home.
- (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6, or any suspected physical, sexual, or emotional abuse of a child or a nonminor dependent.
- (3) Any injury to or illness of a child or a nonminor dependent that requires emergency medical or mental health treatment or hospitalization.
- (4) Any incident that involves a child or a nonminor dependent and threatens the physical or emotional health or safety of the child, nonminor dependent, or any individual in the home.
- (5) Any unusual absence of a child or, for a nonminor dependent, any prolonged absence that is unplanned or failure of the nonminor dependent to return to the home that lasts more than 72 hours.
  - (A) Report temporary absences if a personal history or the case plan indicate that a child or nonminor dependent may be in jeopardy when absent beyond the approved time.
- (6) Removal of a child or a nonminor dependent from the home under emergency circumstances, which may include:
  - (A) Removal by a law enforcement officer when a child or nonminor dependent is arrested.
  - (B) Removal for emergency medical or mental health care.
- (7) Relocation by the authorized representative for a child or nonminor dependent.
- (8) Communicable disease outbreak as reported to a Resource Family by a health professional or by the local health authority.
- (9) Poisonings, which shall also be reported immediately to the local fire authority.
  - (A) If a Resource Family is located in an area that does not have organized fire services, the Resource Family shall make a report to the State Fire Marshal within 24 hours after the poisoning occurs.
- (10) Fires or explosions that occur in or on the premises of the home.
- (11) If a Resource Family becomes licensed to operate a family day care home, as defined in Health and Safety Code section 1596.78.

(12) All changes in the composition of a Resource family household, including, but not limited to, the following:
  (A) Any additional individuals residing or regularly present in the Resource Family's home, including when a Resource Family becomes a legal guardian or conservator for any child or other person.
  (B) Any adult moving in or out of the home.
  (C) Except for a nonminor dependent, anyone who resides or is regularly present in the home who reaches his or her 18th birthday.
(13) A change in marital status.
(14) A significant change in the physical or mental health of a child, nonminor dependent or any other residents in the home, including the Resource Family.

(b) A Resource Family shall make the report specified in subsection (a) to a RFA program staff by telephone, e-mail, or fax within 24 hours or by the next business day following the event and to the placement agency for a child or nonminor dependent by the next business day following the event.
  (1) The report specified in subsection (a) shall include the following information, if available:
    (A) The name, age, sex, and date of admission of the child or nonminor dependent.
    (B) Date and nature of the incident.
    (C) Whether a Suspected Child Abuse Report was required and filed.
    (D) Attending physician's name, findings, and treatment, if any.
    (E) Current status of the incident.
  (2) If the report specified in subsection (a) was made by telephone or did not include all of the information specified in paragraph (1) of subsection (b), then a Resource Family shall submit a written report containing the information to a County and the placement agency for a child or nonminor dependent within seven calendar days following the event.

(c) A Resource Family shall notify a RFA program staff and the placement agency for a child or nonminor dependent of any changes to the Resource Family's mailing address. The notification shall occur by telephone, e-mail, or fax within ten business days following the change.

(d) A Resource Family shall notify a RFA program staff and the placement agency for a child or a nonminor dependent by telephone, e-mail, or fax within 30 calendar days prior to moving home locations or as soon as the information is available.

SECTION 11-07: Records Requirements

(a) A Resource Family shall maintain separate, complete, and current records in the home for a child. A child's file shall include the following:
  (1) The name of the child, birth date, and date of placement with the Resource Family.

(2) A summary of the child's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
(3) The Resource Family shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, the child's immunization records and any official grade or progress reports.
(4) Written authorization for the Resource Family to obtain medical and dental care in an emergency if authorization by the placement agency cannot be obtained.
(5) The case plan for the child.
(6) An itemized inventory list of the child's cash resources, personal property, and valuables.
(7) A copy of the personal rights accorded to a child.
(8) Written instructions by the physician of a child regarding the provision of family health care as described in Sections 11-15 and 11-16.
(9) Documentation of the date, time, and dose of any prescription medications and injections given to a child and the results of any glucose testing or monitoring for a child as described in Sections 11-15 and 11-16.
(10) Documentation of a child's or nonminor dependent's refusal to take any psychotropic medication.

(b) A Resource Family shall maintain separate, complete, and current records in the home for a nonminor dependent. A nonminor dependent's file shall include the following:
(1) The name of the nonminor dependent, birth date, and date of placement with the Resource Family.
(2) A summary of the nonminor dependent's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
(3) The pre-placement appraisal as described in Section 11-18.
(4) The transitional independent living plan.
(5) If the cash resources, personal property, and valuables of the nonminor dependent are entrusted to the Resource Family, then an itemized inventory list of these items.
(6) A copy of the personal rights accorded to a nonminor dependent.
(7) Written instructions by the physician of a nonminor dependent regarding the provision of family health care as described in Sections 11-15 and 11-16.
(8) Documentation of the date, time, and dose of any prescription medications and injections given to a nonminor dependent and the results of any glucose testing or monitoring for a child or nonminor dependent as described in Sections 11-15 and 11-16.
(9) Documentation of a child's or nonminor dependent's refusal to take any psychotropic medication.

(c) A nonminor dependent shall have access to his or her records in a manner that ensures the confidentiality of other records maintained in the home.

(d) A Resource Family is not responsible for obtaining and maintaining the nonminor dependent's health and educational information but may assist the nonminor dependent

with any recordkeeping that the nonminor dependent requests of the Resource Family. This health and education information may include, but not be limited to, the following:

(1) School records.
(2) Immunization records.
(3) Medical records.

(e) Upon the request of a nonminor dependent, a Resource Family shall assist the nonminor dependent in obtaining and keeping his or her own records. These records may include, but not be limited to, the following:

(1) A certified birth certificate.
(2) A Social Security card.
(3) A California or other state identification card or driver's license.
(4) A proof of citizenship or residency status; or for an alien, evidence of an approved petition for special immigrant juvenile status pursuant to Title 8, C.F.R. Section 204.11.
(5) Death certificates of parents, if applicable.
(6) A proof of county dependency status for education aid applications.
(7) Written information concerning the nonminor dependent's dependency or delinquency case including: information about the nonminor dependent's family history; the nonminor dependent's placement history; the names, telephone numbers, and addresses of siblings and other relatives; and the procedures for inspecting the documents described under Welfare and Institutions Code section 827.

(f) All records for a child, as specified in subsection (a), or for a nonminor dependent, as specified in subsection (b), shall be available to a County or the Department to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:

(1) A County or the Department representative may not remove any current emergency or health-related records for a child or nonminor dependent unless the same information is otherwise readily available in another document or format.
(2) Prior to removing any records, a County or the Department representative shall prepare a list of the records to be removed, sign, and date the list upon removal of the records and leave a copy of the list with the Resource Family.
(3) A County or the Department representative shall return the records to the home undamaged and in good order within three business days following the date the records were removed.

(g) If a child or nonminor dependent is removed or discharged from a home, a Resource Family shall distribute the child's or nonminor dependent's records as follows:

(1) The child's or nonminor dependent's placement agency shall receive originals and any copies of all records.
(2) The child's or nonminor dependent's authorized representative, if applicable, shall receive copies of all records.
(3) The nonminor dependent shall receive copies of all records.

(h) A Resource Family shall maintain all information and records regarding a child or nonminor dependent in a confidential manner and not disclose any confidential information except as otherwise authorized by law.

(i) A Resource Family shall maintain copies of current certificates verifying completion of cardio-pulmonary resuscitation (CPR) and first aid training.

SECTION 11-08: Personal Rights

(a) A Resource Family shall ensure that each child and nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9.

(b) In addition to subsection (a), a Resource Family shall ensure that each child is accorded the following personal rights:
- (1) To be informed of and exercise their personal rights without harassment or punishment.
- (2) To be free from corporal or unusual punishment; infliction of pain; humiliation; intimidation; ridicule; coercion; threat; physical, sexual, emotional, mental, or other abuse; or other actions of a punitive nature including interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, medication, or aids to physical functioning.
- (3) To make and receive confidential telephone calls and send and receive unopened mail and electronic communication, unless prohibited by court order.
  - (A) Unless prohibited by court order or the placement agency for the child, a child may acquire, possess, and use his or her own cellular telephone.
    - (i) Reasonable restrictions on the use of a cellular telephone may be imposed by a Resource Family.
- (4) To have access to letter writing material.
- (5) To be accorded dignity in his or her personal relationships with other persons in the home.
- (6) To be free from unreasonable searches of person.
- (7) Not to be restrained or placed in any restraining device.
- (8) To obtain, possess and use contraception including, but not limited to, birth control medication, emergency contraception, long-acting reversible contraceptives, condoms, and barrier methods.
- (9) To be free to accept or decline a Resource Family's request to babysit the Resource Family's children, including adopted, biological, foster, and guardianship children.
- (10) To be provided with and allowed to acquire, possess, and use adequate personal items, which includes his or her own:
  - (A) Clothes, provided the clothes are age-appropriate, do not violate school standards when worn during school activities, and are in accordance with the gender identity of the child.
  - (B) Toiletries and personal hygiene products appropriate for the child's or nonminor dependents' skin and hair, including razors used for shaving, as age or developmentally appropriate, and as appropriate to the child's or nonminor dependent's cultural, religious, ethnic or racial background.

(C) Belongings, including items that were a gift to the child.

(11) Provided the rights of others are not infringed upon, to have visitors that include:

(A) Relatives, unless prohibited by court order.

(B) The authorized representative for the child.

(C) Other visitors, unless prohibited by court order or by the authorized representative for the child.

(12) To be informed, and to have his or her authorized representative informed, by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the County, and about the confidentiality of complaints.

(13) To be accorded the independence appropriate to the age, maturity, and capability of the child consistent with the child's case plan or the Transitional Independent Living Plan (TILP), if applicable.

(14) To have private or personal information, including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, sexual orientation, gender identity, and information relating to the biological family of the child, maintained in confidence.

(A) A Resource Family shall disclose information about the child to a County, the Juvenile Court, and the child's biological family, social worker, placement worker, probation officer, Tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.

(B) As needed to ensure appropriate care, supervision, or education of the child, a Resource Family shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school officials, and other persons, unless the disclosure is prohibited by court order.

(15) To receive medical, dental, vision, and mental health services.

(A) Medical services may include, but are not limited to, services related to the prevention or treatment of pregnancy, sexual assault, or rape; and at 12 years of age or older, the prevention, diagnosis, or treatment of sexually-transmitted diseases.

(i) A child may consent personally to the services described in subsection (A), without the knowledge or consent of a parent, guardian, social worker, probation officer, judge, or authorized representative.

(ii) A child may obtain these services confidentially, unless prohibited by law.

(c) In addition to subsection (a), a Resource Family shall ensure that each nonminor dependent is accorded the following personal rights:

(1) The rights specified in paragraphs (1) through (9) of subsection (b).

(2) To be provided with and allowed to acquire, possess, maintain, and use adequate personal items which include the nonminor dependent's own:

(A) Clothes.

(B) Toiletries and personal hygiene products as specified in subsection (b)(10)(B).

(C) Belongings, including gifts to the nonminor dependent, furniture, equipment, and supplies, for his or her personal living space in accordance with his or her interests, needs, and tastes.

(3) To have adequate privacy for visitors that include:
  (A) Relatives, unless prohibited by court order.
  (B) The placement agency.
  (C) Other visitors, unless prohibited by court order.
(4) To be informed by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the County, and about the confidentiality of complaints.
(5) To have the independence appropriate to the status of a legal adult, consistent with the case plan or the TILP for the nonminor dependent.
(6) To have private or personal information, including any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, and information relating to the biological family of the nonminor dependent, maintained in confidence.
  (A) There shall be no release of confidential information without the prior written consent of a nonminor dependent, and this information shall only be released to the extent permitted by law.
    (i) A Resource Family shall, with the consent of a nonminor dependent, only disclose relevant and necessary information about the nonminor dependent.
    (ii) A Resource Family shall disclose information about a nonminor dependent to a County, the Juvenile Court, and the nonminor dependent's biological family, nonminor dependent's social worker, placement worker, probation officer, Tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
    (iii) As needed to ensure appropriate care, supervision, or education of a nonminor dependent, a Resource Family shall disclose information to school officials and other persons, unless disclosure is prohibited by court order.
(7) To access information regarding available educational, training, and employment options of the nonminor dependent's choosing.
(8) To select, obtain, prepare, and store food of the nonminor dependent's choosing.
(9) To select, obtain, or decline medical, dental, vision, and mental health care and related services at the nonminor dependent's discretion.
(10) To leave or depart the home at any time at the nonminor dependent's discretion.
(11) To acquire, possess, maintain, and use a personal vehicle for transportation.
(12) To acquire, possess, and use a personal cellular telephone.

(d) In ensuring the rights of a child or a nonminor dependent, a Resource Family is not required to take any action that would impair the health and safety of a child, nonminor dependent, or others in the home consistent with Welfare and Institutions Code section 16001.9(b).
  (1) A Resource Family is not prohibited from taking the following actions for the protection of a child, nonminor dependent, or others in the home:
    (A) Establishing house rules, that may include rules regarding visitation that shall apply to all visitors; curfew; dating; completing homework; laundry and

cleaning bedrooms and other areas; and use of entertainment equipment and cellular telephones.

(B) Locking exterior doors and windows as long as a child or nonminor dependent can enter or exit the home.

(e) At the following times, a Resource Family shall ensure a child or nonminor dependent is verbally notified in an age or developmentally appropriate manner, of his or her rights as specified in this section and in Welfare and Institutions Code section 16001.9, and provided with a written copy of these rights and information regarding agencies a child or nonminor dependent may contact concerning violation of these rights:

(1) Upon placement in the home.

(2) Upon the request of a child or a nonminor dependent.

(3) Each time a new right has been added to Welfare and Institutions Code section 16001.9 or this section.

SECTION 11-09: Telephones

(a) A Resource Family shall have cellular telephone, Internet telephone, or landline telephone service in the home at all times.

(b) Telephone service shall be accessible to a child or nonminor dependent in the home at all times.

(c) A Resource Family is not required to purchase a cellular telephone for a child or nonminor dependent or pay for a child's or nonminor dependent's personal cellular telephone service fees.

SECTION 11-10: Transportation

(a) A Resource Family shall ensure that a child or a nonminor dependent is provided with transportation for the following situations:

(1) Health-related services.

(2) School.

(3) Extracurricular, enrichment, cultural and social activities, provided the transportation to these activities is reasonable.

(b) When determining if the transportation to an activity for a child or nonminor dependent is reasonable, a Resource Family may consider the location, frequency, cost for transportation, and time necessary to provide transportation.

(c) A Resource Family may not allow a child or nonminor dependent to be transported by an individual the Resource Family knows or reasonably should know does not have a valid driver's license.

(d) A Resource Family shall ensure that all individuals who transport a child or nonminor dependent use motor vehicles that are in safe operating condition.

(e) (1) A Resource Family shall ensure that a child is properly restrained in an appropriate child passenger restraint system based on the child's age, weight, and size while being transported in a motor vehicle in accordance with applicable laws.

(2) A Resource Family shall ensure that a nonminor dependent is properly restrained by a safety belt while being transported in a motor vehicle in accordance with applicable laws.

(f) A Resource Family shall not smoke, or permit any individual to smoke in a motor vehicle that is regularly used for providing transportation to a child or nonminor dependent. This prohibition applies when the motor vehicle is moving or at rest.

(g) Transportation shall be provided in accordance with any other arrangements specified in the case plan or transitional independent living plan for a child or nonminor dependent included in the written placement agreement between a Resource Family and the placement agency.

(h) A Resource Family shall ensure that a nonminor dependent is provided with transportation under the following additional conditions:

(1) Except for the transportation described in subsection (a), transportation shall be provided by arrangement between a Resource Family and the nonminor dependent.

(2) Notwithstanding subsection (c) or (d), a nonminor dependent shall be permitted to arrange for his or her own transportation.

(3) A nonminor dependent may, but is not be required to, provide transportation to others.

SECTION 11-11: Food and Nutrition

(a) A Resource Family shall provide or ensure the provision of nutritious meals, snacks, and beverages that can reasonably meet the child or nonminor dependent's special dietary needs or practices, as documented in the case plan for a child or a nonminor dependent, or as reported by the child or nonminor dependent, or the child's or nonminor dependent's family.

(1) The quantity and quality of food available to household members shall be equally available to a child or nonminor dependent.

(b) A Resource Family shall invite a child or nonminor dependent to participate in all household meals.

(c) A Resource Family shall ensure that a child, or nonminor dependent is provided with the following:

(1) Age-appropriate food, snacks, and beverages.

(2) At least three meals per day.

(d) A Resource Family shall ensure that an infant, who is unable to hold a bottle, is held during bottle-feeding. A bottle given to an infant able to hold his or her own bottle shall be unbreakable. A bottle may not be propped up for an infant.

(e) A Resource Family may encourage a child, as age or developmentally appropriate, to learn meal preparation, but may not require a child to prepare meals.

(f) A Resource Family shall ensure that a nonminor dependent is provided with access to food, snacks, and beverages under the following additional conditions:
- (1) As agreed upon with a Resource Family, a nonminor dependent shall be permitted to plan meals, grocery shop, and store and prepare food.
- (2) A nonminor dependent shall have access to all meal preparation areas, appliances, and utensils for meal preparation.
- (3) A nonminor dependent may prepare meals.
- (4) A Resource Family may not require a nonminor dependent to prepare meals.

SECTION 11-12: Reasonable and Prudent Parent Standard

(a) A Resource Family shall be responsible for applying the reasonable and prudent parent standard, as defined in Section 3-01, and as specified in this section, in providing care and supervision to a child.
- (1) Except for circumstances that involve a child, or the determination and selection of an occasional short-term babysitter as specified in Section 11-13, the reasonable and prudent parent standard does not apply to a nonminor dependent.
- (2) Applying the reasonable and prudent parent standard may not result in denying the rights of a child as specified in Welfare and Institutions Code section 16001.9, Section 11-08, or, if applicable, Section 11.1-06, or contradict court orders or the case plan for the child.

(b) In applying the reasonable and prudent parent standard, a Resource Family shall consider the following:
- (1) The age, maturity, and developmental level of a child.
- (2) The nature and inherent risks of harm of the activity.
- (3) The best interests of a child based on information known by the Resource Family.
- (4) The behavioral history of a child and the child's ability to safely participate in the activity.
- (5) The importance of encouraging a child's emotional and developmental growth.
  - (A) Emotional and developmental growth may include, but not be limited to, the following:
    - (i) The child's level of understanding about healthy relationships.
    - (ii) The child's level of understanding about sexuality and body development.
    - (iii) Feelings about spirituality.
    - (iv) Other stages of maturity experienced during adolescence.

(6) The importance of providing a child with a sense of normalcy in the most family-like living experience possible.

(c) A Resource Family shall consider information provided or known about a child when determining the best interests of a child. This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, sexual orientation, gender identity, developmental level of, and court orders for the child.

(1) A Resource Family may contact the child's social worker, physician, counselor, or educator to obtain the information described in subsection (c).

SECTION 11-13: Responsibility for Providing Care and Supervision

(a) A Resource Family shall provide care and supervision that meets the needs of a child or nonminor dependent and ensures health, safety and well-being.

(1) If a Resource Family provides care for a minor or nonminor dependent parent and his or her child, the Resource Family shall work with the minor or nonminor dependent parent and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as described in Welfare and Institutions Code sections 11465(d)(3) and 16501.25(b).

(b) A Resource Family shall provide care and supervision in accordance with the case plan of a child or nonminor dependent, the placement agreement, and transitional independent living plan, if applicable.

(c) A Resource Family may arrange for other care and supervision of a child that includes the following:

(1) An occasional short-term babysitter.

(A) If a Resource Family anticipates being absent from the home for less than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an occasional short-term babysitter to provide care and supervision to a child in the Resource Family's or short-term babysitter's home.

(i) If an occasional short-term babysitter will provide care and supervision in his or her home, a Resource Family shall use the reasonable and prudent parent standard to determine that the occasional short-term babysitter's home is safe and appropriate for the child and the child's personal rights will be respected.

(B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining and selecting an appropriate babysitter for occasional short-term use, including determining whether it is appropriate for a child or nonminor dependent to act as an occasional short-term babysitter.

(i) A child or nonminor dependent may not be required to babysit.

(C) An occasional short-term babysitter may be under 18 years of age, but shall have the maturity, experience, and ability necessary to provide adequate care and supervision to a child.

(D) When a child is in the care of an occasional short-term babysitter, a Resource Family shall ensure that the babysitter knows how to contact the Resource Family in case of an emergency.

(2) An alternative caregiver.

(A) If a Resource Family anticipates being absent from the home for longer than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an alternative caregiver to provide care and supervision to a child unless prohibited by the child's social worker or probation officer or court order.

(B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining and selecting an appropriate alternative caregiver.

(C) An alternative caregiver shall meet the following requirements:

(i) Be 18 or older.

(ii) Have the willingness and ability to and shall comply with applicable laws and Article 11.

(iii) Have the willingness and ability to provide care and supervision to a child, taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications, abilities and limitations, developmental level of, and court orders for a child.

(D) The care and supervision during a Resource Family's absence shall occur in the Resource Family's home or an alternative caregiver's home.

(i) If an alternative caregiver will provide care and supervision in his or her home, a Resource Family shall use the reasonable and prudent parent standard to determine that the alternative caregiver's home is safe and appropriate for the child and the child's personal rights will be respected.

(E) Prior to a Resource Family's absence from the home, the Resource Family shall provide verbal or written notification to the social worker or probation officer for a child as follows:

(i) The dates the Resource Family plans to be absent from the home.

(ii) The name, telephone number, and address, if applicable, of the alternative caregiver.

(iii) An emergency telephone number where the Resource Family can be contacted during his or her absence.

(F) A Resource Family shall obtain prior approval from the social worker or probation officer for a child for any absence that exceeds 72 hours.

(G) Before entrusting a child to an alternative caregiver, a Resource Family shall provide the alternative caregiver with the following:

(i) Information about the emotional, behavioral, medical, or physical conditions of a child, if any.

(ii) Any medication for which an alternative caregiver must assist a child with self-administration or as permitted by Health and Safety Code section 1507.25(b)(1), consistent with instructions from the child's physician.

(iii) The name and telephone number of the social worker or probation officer for a child and the Resource Family's 24-hour emergency contact information.

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Effective January 1, 2019, a criminal record clearance or exemption is no longer a requirement to be an alternative caregiver. However, if an alternative caregiver is an adult who is residing or regularly present in the home of a Resource Family, then the alternative caregiver would be required to complete a background check pursuant to Section 88331.3.

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(3) Respite care.

(A) A Resource Family may use respite care approved by a county child welfare agency or probation department.

(B) A respite caregiver shall be an approved relative or NREFM, a licensed foster family home, a certified family home, Resource Family, or certified respite care provider.

(C) Respite care shall not be provided for the purpose of routine, ongoing child care.

(d) Leaving a Child Alone.

(1) If a Resource Family anticipates being absent from the home on an occasional basis, the Resource Family may leave a child over age 10 in the home without adult supervision, but may not leave a child unsupervised overnight.

(2) A Resource Family shall apply the reasonable and prudent parent standard as specified in Section 11-12, to determine the appropriateness of leaving a child over age 10 in the home without adult supervision.

(3) Before leaving a child alone, a Resource Family shall ensure that the child knows the following:

(A) Where emergency numbers are posted.

(B) Emergency procedures.

(C) Where and how to contact the Resource Family.

(e) Licensed and license-exempt child care.

(1) A Resource Family may arrange for a child to be cared for by a licensed child day care facility, as defined in Health and Safety Code section 1596.750, or a licensed family day care home, as defined in Health and Safety Code section 1596.78.

(2) A Resource Family may arrange for a child to be cared for by any of the following programs exempt from licensure pursuant to Health and Safety Code section 1596.792:

(A) Any cooperative arrangement between parents for the care of their children when no payment is involved as described in Health and Safety Code section 1596.792(e).

(B) Any arrangement for the receiving and care of children by a relative as described in Health and Safety Code section 1596.792(f) if contact with that relative is approved by the child's social worker or probation officer.

(C) A public recreation program as described in Health and Safety Code section 1596.792(g).
(D) Extended day care programs operated by public or private schools as described in Health and Safety Code section 1596.792(h).
(E) Any child day care program that offers temporary child care services to parents as described in Health and Safety Code section 1596.792(k).
(F) Any program that provides activities for children of an instructional nature in a classroom-like setting as described in Health and Safety Code section 1596.792(l).

(f) A Resource Family shall permit a child to participate in extracurricular, enrichment, cultural, and social activities as specified in Section 11-14.
(1) A Resource Family shall permit a child to participate in a manner that affirms his or her gender identity expression.

(g) A Resource Family who chooses to leave a child in a parked vehicle shall do the following:
(1) Comply with the requirements of Vehicle Code section 15620.
(2) Apply the reasonable and prudent parent standard, as specified in Section 11-12, to determine whether it is appropriate to leave a child in a parked vehicle.

(h) A Resource Family is responsible for ensuring care and supervision of the children of a minor parent placed in the home.
(1) A Resource Family shall provide direct care and supervision of the children of a minor parent during the hours that the minor parent is unavailable or unable to provide care and supervision.

(i) Unless restricted by a child's case plan or court order, a Resource Family shall permit and facilitate connections between a child and his or her relatives and nonrelative extended family members and other caring and committed adults.
(1) In permitting and facilitating the connections described in subsection (i), a Resource Family is not required to take any action that would impair the health and safety of a child.

(j) A Resource Family shall provide care and supervision to a nonminor dependent as follows:
(1) A Resource Family shall provide care and supervision in accordance with a nonminor dependent's case plan and transitional independent living plan.
(2) A Resource Family shall assist a nonminor dependent with developing the skills necessary for self-sufficiency, including the following:
(A) Financial literacy.
(B) Nutrition and healthy food choices, grocery shopping, and meal preparation.
(C) Identifying a suitable home and home maintenance.
(D) Child care.
(E) Automotive maintenance.
(F) Educational and career development.
(G) Obtaining medical, dental, vision, and mental health care.
(H) Access to community resources.

(I) Developing and reaching goals.
(J) Self-care, including laundry.
(K) Drug and alcohol abuse awareness and prevention.
(L) Safe sex and reproductive health information.

(3) A Resource Family may arrange for other care and supervision of a nonminor dependent as follows:

(A) If a Resource Family anticipates being absent from the home, the Resource Family is permitted to leave a nonminor dependent in the home alone and may leave a nonminor dependent in the home overnight without adult supervision.

(i) In making a decision to leave a nonminor dependent home alone, a Resource Family shall maintain the health and safety of the nonminor dependent.

(ii) A Resource Family shall consider the maturity, experience, and ability of a nonminor dependent when leaving the nonminor dependent in the home alone.

(iii) Before leaving a nonminor dependent in the home alone, a Resource Family shall ensure that the nonminor dependent knows the following:

a. The location of emergency telephone numbers.
b. Emergency procedures.
c. Where and how to contact the Resource Family.

(B) A Resource Family may leave a nonminor dependent in the home alone for more than 72 hours if the following occur:

(i) The Resource Family shall provide verbal or written notification to the placement agency for the nonminor dependent that includes the following:

a. The dates the Resource Family plans to be absent from the home.
b. An emergency telephone number where the Resource Family can be reached in their absence.
c. A Resource Family is responsible for ensuring that a nonminor dependent parent provides care and supervision for the nonminor dependent's children.

(ii) A Resource Family shall obtain prior approval from the placement agency for the nonminor dependent before leaving the nonminor dependent alone in the home for more than 72 hours.

(C) A Resource Family shall provide direct care and supervision of the children of a nonminor dependent parent during the hours that the nonminor dependent parent is unavailable or unable to provide care and supervision.

(k) Unless restricted by a case plan, transitional independent living plan, or court order, a Resource Family shall encourage a nonminor dependent to seek, select, and maintain permanent connections with his or her relatives and nonrelative extended family members and other caring and committed adults.

(1) In encouraging the nonminor dependent's connections described in subsection (k), a Resource Family is not required to take any action that would impair the health and safety of a nonminor dependent.

SECTION 11-14: Extracurricular, Enrichment, Cultural and Social Activities

(a) A Resource Family shall permit and promote a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities, as specified in Welfare and Institutions Code sections 362.05 and 727.
(1) A Resource Family shall permit a child to participate in a manner that affirms his or her gender identity expression.

(b) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining whether to permit a child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

(c) A child or nonminor dependent shall be entitled to participate in extracurricular, enrichment, cultural, and social activities, that may include, but not be limited to, the following:
(1) Sports
(2) School or after-school activities, including band, dances, and field trips.
(3) Leisure time, including bike riding, socializing with friends, shopping, and movies.
(4) Community events, including concerts, dances, plays, and celebrations of special events.
(5) Dating.
(6) Overnight activities lasting one or more nights including sleepovers with friends.
(7) Babysitting.
(8) Having visitors in the home.
(9) Use of computer equipment or similar electronic devices, if available.
(10) Use of a cellular telephone, if available.

(d) For a child age 16 or older or a nonminor dependent, a Resource Family shall provide access to information regarding available vocational and postsecondary educational options. The information may include, but not be limited to, the following:
(1) Admission criteria for universities, community colleges, trade or vocational schools.
(2) Informational brochures and Internet research on postsecondary or vocational schools or programs, independent living skills programs, employment-related programs, and other local resources to assist youth.
(3) Campus tours.
(4) Community or school-sponsored events promoting postsecondary or vocational schools or programs, internships, volunteerism, or employment.
(5) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to a current or former foster child and contact information for the Student Aid Commission.
(6) Career options, requirements, and salary information for trade, vocational, or professional careers.

SECTION 11-15: Health Related Services

(a) Family health care shall be provided by a Resource Family to a child, and as requested by a nonminor dependent, in accordance with the written instructions from the health professional for the child or nonminor dependent.
   (1) The Resource Family shall ask the health professional to provide adequate and practical written instructions.

(c) When a child or nonminor dependent has a health condition that requires medication, including injections, a Resource Family shall comply with the following:
   (1) Assist a child with self-administration of the medication as directed on the label or in writing by the physician of the child.
      (A) If the physician of a child gives permission, as specified in Section 11-16(f), then the child may self-administer medications, including injections.
   (2) Assist a nonminor dependent with self-administration of the medication, if requested by the nonminor dependent, as directed on the label or in writing by the physician of the nonminor dependent.
   (3) Ensure that instructions are followed as outlined by the appropriate health professional.
   (4) Store medication in the original container with the original, unaltered label.
   (5) Document the date, time, and dose of any prescription medication given to a child or nonminor dependent.
   (6) If a child or nonminor dependent cannot determine his or her own need for medication, a Resource Family shall determine the need of the child or nonminor dependent in accordance with written medical instructions.

(d) For children 12 years of age or older, a Resource Family shall allow access and assist a child or nonminor dependent in accessing age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections (STIs).
   (1) A Resource Family shall direct a child or nonminor dependent to reliable sources of information
   (2) A Resource Family shall not require a child or nonminor dependent to practice abstinence.

(e) A Resource Family shall maintain documentation of all prescription medications given to a child or nonminor dependent in the file for a child or nonminor dependent as specified in Section 11-07.

SECTION 11-16: Emergency Medical Assistance, Injections, and Self-Administration of Medications

(a) A Resource Family or designated substitute caregiver may provide emergency medical assistance to a child or nonminor dependent and give injections to a child or nonminor dependent for severe diabetic hypoglycemia and anaphylactic shock.

(b) A Resource Family or designated substitute caregiver may give prescribed injections, including insulin, to a child or nonminor dependent as prescribed by the physician of the child or nonminor dependent.

(c) Prior to administering any medical assistance or injections authorized by this section, a Resource Family and any designated substitute caregiver shall obtain training from a health professional practicing within his or her scope of practice.

(d) A Resource Family shall ensure that the date, time, and dose of all injections given to a child or nonminor dependent, including injections self-administered by a child, are documented by the person giving the injection or assisting with the self-administration of the injection.

(e) A Resource Family shall ensure the date, time, and results of glucose testing and monitoring for a child or nonminor dependent are documented by the person assisting with the testing.

(f) Unless prohibited by court order, a child may self-administer medication or injections if the physician of a child gives permission. A Resource Family shall ensure that a child knows how to do all of the following:
(1) Self-administer their medication and injections.
(2) Document when they self-administer their medication and injections.
(3) Properly store the medication so that it is not accessible to other children or nonminor dependents.

(g) Psychotropic medication shall only be used in accordance with the written directions of the physician prescribing the medication and in accordance with authorization requirements specified in Sections 369.5(a)(1) and 739.5(a)(1) of the Welfare and Institutions Code and Section 88270(a)(4).
(1) Psychotropic medications may be administered without court authorization in an emergency, Emergency procedures are specified in CA Rules of Court, rule 5.640.

(h) A Resource Family shall maintain documentation of all injections given pursuant to subsection (d) and the results of all glucose testing and monitoring pursuant to subsection (e) in the file for a child or nonminor dependent as specified in Section 11-07.

SECTION 11-17: Cooperation and Compliance

(a) A Resource Family may not make or disseminate any false or misleading statements in regards to Resource Family Approval or operation of the home. This includes, but is not limited to, information regarding a Resource Family, family members, adults residing or regularly present in the home, persons who currently provide or may provide care or supervision to a child or nonminor dependent, or any of the services provided to a child or nonminor dependent.

(b) A Resource Family shall comply and maintain compliance with all applicable laws and the Written Directives.

(c) A Resource Family shall cooperate with a County, and any service providers in completing the requirements, qualifications, or training specified in the Written Directives or as directed by the County.

SECTION 11-18: Nonminor Dependent Pre-Placement Appraisal

(a) Prior to the placement of a nonminor dependent with a Resource Family, the Resource Family shall, jointly with the placement agency, prepare a pre-placement appraisal for the nonminor dependent.

(b) A pre-placement appraisal shall include the following information:
   (1) Confirmation that the nonminor dependent does not pose a threat to children or nonminor dependents in the home.
   (2) The ability of the Resource Family to meet the needs of the nonminor dependent.

(c) A Resource Family shall maintain a copy of the pre-placement appraisal in the records for the nonminor dependent, as specified in Section 11-7.

SECTION 11-19: Annual and Other Training

(a) Each Resource Parent shall submit copies of certificates verifying completion of cardiopulmonary resuscitation (CPR) and first aid training to a County no later than 90 days following Resource Family Approval.
   (1) Prior to expiration of the certificates described in subsection (a), a Resource Parent shall obtain training in cardiopulmonary resuscitation (CPR) and first aid and submit copies of the certificates verifying completion of the training to a County.
   (2) Cardiopulmonary resuscitation (CPR) and first aid training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority (EMSA), or a course offered by an accredited college or university.

(b) Each Resource Parent shall complete a minimum of eight hours of annual training pursuant to Section 8-01.

(c) Each Resource Parent shall complete relevant specialized training to meet the needs of a particular child or nonminor dependent in care, and any additional training deemed necessary by a County.

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Hands-on or online training for cardiopulmonary resuscitation (CPR) and first aid is permissible. However, it is recommended that any online training that has a skills competency component, e.g.

First Aid and CPR, include a hands-on practice component. The hands-on practice component would increase the confidence level of the participant and consequently augment a Resource Parent's ability to perform their job duties. The hands-on practice component should be provided and overseen by an on-site instructor and is age-appropriate.

ARTICLE 11.1: REQUIREMENTS FOR SPECIALIZED RESOURCE FAMILIES

SECTION 11.1-01: Limitations on Capacity for Specialized Resource Families

(a) The capacity of a Specialized Resource Family may not exceed six children as specified in Section 10-04(a)(1).

(b) A Specialized Resource Family may not care for more than two children or nonminor dependents with or without special health care needs except as provided in subsection (c).

(c) A Specialized Resource Family may accept a third child or nonminor dependent with or without special health care needs provided that the capacity is not exceeded and all of the following conditions are met:

(1) The placement agency determines the following:

(A) The county or regional center service area in which the Specialized Resource Family's home is located has no other specialized foster care home as defined in Welfare and Institutions Code section 17710, foster family home, resource family, small family home, or certified family home available to care for the child or nonminor dependent.

(B) The Specialized Resource Family can meet the psychological and social needs of the child or nonminor dependent.

(2) The individualized health care plan team for each child with special health care needs placed with the Specialized Resource Family has considered the number of adoptive, biological, foster, and guardianship children in the home and determines that placement of a third child or nonminor dependent will not jeopardize their health and safety.

SECTION 11.1-02 Prohibition of Licensure for Specialized Resource Families

(a) A Specialized Resource Family may not be licensed to operate a family childcare home or residential facility for the same premises as the home of the Specialized Resource Family.

(1) A Resource Family who plans to care for a child with special health care needs and holds any license specified in subsection (a) shall surrender the license prior to becoming a specialized Resource Family and accepting a child with special health care needs.

SECTION 11.1-03 Continuing Requirements for Specialized Resource Families

(a) Except as otherwise specified, a Specialized Resource Family shall comply with the provisions of this article and Article 11.
  (1) A Specialized Resource Family shall ensure that any person who provides specialized in-home health care to a child with special health care needs complies with the applicable provisions of this article and Article 11.

(b) Before accepting a child with special health care needs or when a child's needs change, a Specialized Resource Family, and any person who provides care to the child, shall complete training provided by a health care practitioner as required by the child's individualized health care plan and as specified in Welfare and Institutions Code section 17731(c)(3) and (c)(5), except as follows:
  (1) The Specialized Resource Family is a health care practitioner, and
  (2) The individualized health care plan team determines that completion of specialized in-home health care training is unnecessary based on the medical qualifications and expertise of the Specialized Resource Family.

(c) Within 30 calendar days of accepting a child with special health care needs, a Specialized Resource Family shall obtain a written medical assessment of the child.
  (1) A medical assessment shall meet the following requirements:
    (A) A medical assessment may not be more than one year old.
    (B) A medical assessment of a child with special health care needs shall include the results of an examination for communicable tuberculosis (TB) and other contagious or infectious diseases.

SECTION 11.1-04: Additional Records Requirements for Specialized Resource Families

(a) A Specialized Resource Family shall maintain documentation verifying completion of the training or exemption from the training, as specified in Section 11.1-03 (b) for each Specialized Resource Parent and any person who provides care to a child with special health care needs.
  (1) Exemption documentation shall include the following:
    (A) A copy of a valid license or certificate indicating that the Specialized Resource Family is a health care practitioner.
    (B) A written statement that the individualized health care plan team for a child" with special health care needs has determined that specialized in-home health care training is unnecessary.

(b) If a Specialized Resource Family needs additional help to care for a child with special health care needs, the Resource Family shall obtain the following information from all persons who will provide care to the child and maintain the information in the Resource Family's records:
  (1) Full name.
  (2) Copy of the Driver's License of any person who will transport the child.
  (3) Date the person started providing additional help in the home.

(4) Home address and telephone number.
(5) Past related experience and where this experience was obtained.
(6) Duties.
(7) Date the person last worked, if no longer working in the home.

(c) A Specialized Resource Family shall maintain records of health screenings and tests for tuberculosis for any person who provides care to a child with special health care needs.

(d) A Specialized Resource Family shall maintain a copy of the individualized health care plan, and any updates to the plan, for a child with special health care needs.

(e) A Specialized Resource Family shall maintain all records in the home and shall make them available to a County to inspect, audit, and copy upon demand during normal business hours. A County may remove records from the home if necessary for copying. Removal of records by a County shall be subject to the following requirements:
(1) The County shall not remove any current emergency or health-related information for a Specialized Resource Family or a child with special health care needs unless the information is readily available in another document or format.
(2) Prior to removing any records from a home, the County shall prepare a list of the records to be removed, sign, and date the list upon removal of the records, and leave a copy of the list with the Specialized Resource Family.
(3) The County shall return the children's records to the Specialized Resource Family undamaged and in good order within three business days following the date the records were removed.

(f) A Specialized Resource Family shall retain all records that pertain to persons who provide additional help for at least three years after they helped in the home.

SECTION 11.1-05 Individualized Health Care Plan

(a) A Specialized Resource Family shall not accept a child with special health care needs unless the Resource Family has obtained an individualized health care plan for the child.

(b) An individualized health care plan shall include the following information:
(1) The name, address, and telephone number of the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
(2) The appropriate number of hours of on-site and off-site supervision and monitoring that needs to be provided by the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
(3) Documentation by the individualized health care plan team for a child with special health care needs that identifies the specialized in-home health care to be administered by a health care practitioner or responsible adult trained by a health care practitioner.
(4) Arrangements for in-home health support services if required.
(5) Specific responsibilities of a Specialized Resource Family for providing specialized in-home health care, including any required training or additional training.

(6) Identification of any available and funded medical services that are to be provided to a child with special health care needs in the home of a Specialized Resource Family which may include, but is not limited to, assistance from health care practitioners.

(7) Identification of any psychological, emotional, behavioral, or medical problems that are identified in the Case Plan of the child with special health care needs or the medical assessment specified in Section 11.1-03(c).

(c) The individualized health care plan for a child with special health care needs may be combined with the case plan of the child or the individual program plan from the regional center for a child provided that all of the information required by each plan is included.

SECTION 11.1-06 Personal Rights for Children with Special Health Care Needs

(a) A Specialized Resource Family shall afford a child with special health care needs all of the personal rights specified in Section 11-08 and the following additional personal rights:

(1) A child with special health care needs has the right to be free of the administration of medication or chemical substances except as specifically provided in the individualized health care plan for a child.

(2) A child with special health care needs has the right to be free from any restraining or postural support device except as required to treat the specific medical symptoms of a child and addressed or outlined in the individualized health care plan for the child.

(A) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the individualized health care plan for a child. The individualized health care plan for a child shall include all of the following:

(i) The specific medical symptom(s) that require use of the restraining device.

(ii) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices.

(iii) A written order by the physician of a child. The order must specify the duration and circumstances under which the restraining device is to be used.

(B) Postural supports may be used if prescribed in the individualized health care plan for a child with special health care needs. The method of application shall be specified in the individualized health care plan and approved in writing by the physician for the child.

SECTION 11.1-07 Additional Home and Grounds Requirements for Specialized Resource Families

(a) Areas in the home of a Specialized Resource Family that include, but are not limited to, bedrooms, bathrooms, toilets, dining areas, passageways, and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment that the child needs.

(1) A bedroom that is occupied by a child with special health care needs shall be large enough to permit the following:
  (A) Storage of the child's personal items.
  (B) Storage of any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
  (C) Unobstructed bedside access for the provision of specialized in-home health care.

(b) (1) Section 11-01(c)(1) shall not apply to Specialized Resource Families.
(2) A bedroom occupied by a child with special health care needs may not be shared with another child or nonminor dependent who resides in the home of a Specialized Resource Family if the child's need for medical services or medical condition would be incompatible with another child's or nonminor dependent's use and enjoyment of the bedroom.

(c) When required by the individualized health care plan for a child with special health care needs, a Specialized Resource Family or other adult caring for the child shall sleep in a bedroom adjacent or in close proximity to the child's room or use a monitoring device to alert the Resource Family.

ARTICLE 12: DUE PROCESS

SECTION 12-01: Applicability and Jurisdiction

(a) Except as otherwise provided in this article, all citations are to California law.

(b) The Department is the agency of the State of California responsible for the administration of the Resource Family Approval Program.

(c) A Resource Parent, applicant, or individual who has received notice of a denial or rescission of approval, notice of a criminal record exemption denial or rescission, or notice of an exclusion, is accorded the right to a state hearing and other due process rights as set forth in this article and in Welfare and Institutions Code section 16519.5 et seq.

(d) Due process conducted pursuant to this article shall be governed by the procedures in this article that are in effect at the time of service of the notice of action, exclusion order, Accusation, or Statement of Issues. Administrative review procedures conducted pursuant to this section shall be governed by the procedures in this article that are in effect at the time of the administrative review.
(1) The review of an application shall be as specified in Section 5-03B(d). For an appeal, notice of defense or action for the record related to an application denial or criminal record exemption denial or criminal record exemption rescission, the review shall be governed by the law and Written Directives in effect at the time of a final decision and order.

(2) The review of a Resource Family's compliance with the requirements to maintain approval shall be as specified in Section 9-01(e).
(3) Nothing in this subsection shall supersede any provision of federal or state law or any regulation adopted pursuant to federal or state law.

(e) The Written Directives shall be known and may be cited as the California Department of Social Services Resource Family Approval Written Directives (Cal. Dept. of Social Services, RFA Writ. Dir.).

(f) References to the Administrative Procedures Act in this Article shall mean the act governing administrative review procedures for government agencies commencing with Section 11370 of the Government Code.

SECTION 12-02: Legal Consultation and Representation

(a) A County may enter into an agreement with the Department for the Legal Division to provide legal consultation and legal representation related to Resource Family Approval. The Legal Division may represent a County on matters heard by the State Hearings Division or the Office of Administrative Hearings.

SECTION 12-03: Resolution Prior to Notice of Action

(a) A County shall address any concerns with an applicant or a Resource Family prior to or in lieu of issuing a Notice of Action in order to assist an applicant or Resource Family in obtaining or maintaining approval. A County may require a Resource Parent, applicant, or associated individual to participate in any of the following:
(1) Conformance conferences or meetings.
(2) Correction of any condition in the home that may adversely impact the health and safety, protection, or well-being of a child or nonminor dependent.
(3) Submission of any required documentation.
(4) The completion of classes, trainings, or counseling.
(5) Any other action deemed necessary by the County.

(b) An attempt to resolve a concern prior to the issuance of a Notice of Action shall not preclude a County or the Department from subsequently issuing a Notice of Action.

SECTION 12-04: Legal Consultation Requirement

(a) A County shall consult with the Legal Division, or a County attorney if the Legal Division is not representing the County, as follows:
(1) Prior to the service of a Notice of Action for the denial of an application, rescission of approval, or denial or rescission of a criminal record exemption.
(2) When seeking a temporary suspension order. In addition to the required legal consultation, a County shall obtain County Counsel approval prior to serving a temporary suspension order.

(b) A County shall consult with the Legal Division, as follows:
(1) When the county is recommending an exclusion action.
(2) When an individual against whom the County is seeking administrative action holds a Department license, certificate, or registration, is certified or approved by a licensed Foster Family Agency, or is associated to a licensed facility.

(c) Prior to seeking a legal consultation, a County shall review the Licensing Information System (LIS) database history for any individual that is the subject of a County's proposed administrative action. If it is determined that the individual holds a Department license, certificate, or registration, is certified or approved by a licensed foster family agency, or is employed or present in a licensed facility, the County shall notify the Community Care Licensing Division of the Department so that a Department representative may attend the consult and evaluate whether a licensing action is necessary.

SECTION 12-05: Notices of Action and Exclusion Orders; Actions for the Record

(a) (1) If a County is taking an action for denial of an application or rescission of Resource Family Approval, or denial or rescission of a criminal record exemption, a Notice of Action shall be served on the applicant, Resource Parent, or individual who is the subject of the action.
(2) If the Department is taking an exclusion action against an individual, an order of exclusion shall be served on the individual.

(b) A Notice of Action or exclusion order shall contain all of the following:
(1) A written notice informing the individual of the action the County or Department intends to take.
(2) The reasons for the action.
(3) Any applicable statutory or regulatory authority.
(4) Notice of the right to submit a written appeal to contest the action, timelines to submit an appeal, and the address to which the appeal must be submitted.
(5) The date on a Notice of Action or exclusion order shall be the same as the date of service.

(c) If the Department seeks to exclude an individual from a Resource Family home, and the County is also taking an action identified in subsection (a)(1), an exclusion order shall be served with the Notice of Action. Nothing in this article shall be construed to prohibit the Department from issuing an exclusion order at an earlier or a later date if unable to issue the exclusion order at the time of service of a related Notice of Action.

(d) (1) A County shall serve a Notice of Action for the record, and if applicable, the Department shall serve an exclusion order for the record if a Resource Family chooses to surrender approval prior to the service of a Notice of Action, or when failure to proceed with an administrative action poses a risk to a child or nonminor dependent or is likely to result in a loss of evidence.

(2) A County may serve a Notice of Action for the record, and if applicable, the Department shall serve an exclusion order for the record when an applicant chooses to withdraw an application or there is a forfeiture of approval by operation of law, and failure to proceed with an administrative action poses a risk to a child or nonminor dependent or is likely to result in a loss of evidence.

(3) A Notice of Action or exclusion order for the record shall include a confirmation of the surrender of approval, withdrawal of the application, or forfeiture by operation of law.

(e) Notwithstanding CDSS Manual of Policies and Procedures section 22-049.5, for matters identified in subsection (a) that are pending before the State Hearings Division, a County may file an amended or supplemental Notice of Action and the Department may file an amended exclusion order prior to submission of the matter for decision. All parties shall be notified thereof.

(1) Any new action identified in subsection (a) or amended grounds for action included in an amended or supplemental Notice of Action or exclusion order shall be consolidated with the pending denial, rescission, or exclusion matter, and no additional appeal shall be required. Any new action or grounds for action shall be deemed controverted, and any objections may be made orally and shall be noted in the record.

(2) A Respondent shall be given a reasonable opportunity to prepare a defense to any new charges or actions included in the amended or supplemental Notice of Action or exclusion order. If a Respondent states that he or she is not adequately prepared to address an issue raised in an amended or supplemental Notice of Action or exclusion order, and the Administrative Law Judge determines that the Respondent was not provided with timely notice, the Respondent shall be entitled to a postponement. An Administrative Law Judge may hold the record open or set additional days of hearing upon request of a party in order to provide additional time for a party to respond as a result of the filing of an amended or supplemental Notice of Action or exclusion order.

(f) The effective date of an action or exclusion order shall be:

(1) The effective date of a final decision or order following an appeal, notice of defense or action for the record.

(2) The date specified in the notice of action or exclusion order, if no appeal, notice of defense or action for the record was filed.

(g) A County or the Department, as applicable, shall document a Notice of Action or exclusion order in the Notice of Action (NOA) database maintained by the Department.

SECTION 12-06A: Appeal to a Notice of Action or Exclusion Order

(a) If a Respondent chooses to appeal a Notice of Action for denial of an application, or denial of a criminal record exemption, he or she shall submit a written appeal to the County address listed in the Notice of Action within 90 calendar days from the date the notice was served on the Respondent. If a Respondent chooses to appeal a Notice of Action for rescission of Resource Family Approval or rescission of a criminal record exemption, he or

she shall submit a written appeal to the County address listed in the Notice of Action within 25 calendar days from the date the notice was served on the Respondent. If the notice was served on the Respondent by mail, the time to respond shall be extended five days.

(b) If a Respondent chooses to appeal an order of exclusion, he or she shall submit a written appeal to the Department at the address listed in the exclusion order within 25 calendar days from the date the notice was served on the Respondent. If the order was served on the Respondent by mail, the time to respond shall be extended five days.

(c) For matters where different appeal timelines apply due to multiple action or program types, the following shall apply:

(1) For matters to be heard at the State Hearings Division, a County or the Department, as applicable, may accept an appeal on one action as a hearing request on all of the actions against the same Respondent(s), notwithstanding section 22-004 of the CDSS Manual of Policies and Procedures.

(2) For matters to be heard at the Office of Administrative Hearings, a County or the Department, as applicable, may accept an appeal on one action as an appeal on all of the actions against the same Respondent(s).

(A) Nothing in this Article shall be construed to limit the authority of a County or the Department to file an action for the record and resolve the matter with a final decision and order in accordance with Welfare and Institutions Code section 16519.6 and the Administrative Procedures Act, notwithstanding the receipt of an appeal.

(d) To be effective, the appeal shall be in writing as required by Welfare and Institutions Code section 16519.6(d) and shall be delivered or postmarked on or before the due date specified in subsections (a) and (b).

(e) A Respondent may submit an appeal using an appeal form provided with the Notice of Action or exclusion order may prepare his or her own written appeal.

(f) A County and the Department shall notify each other in writing if either receives an appeal to a Notice of Action or exclusion order that is related to another action that was filed at or near the same time as the action by the County or Department.

SECTION 12-06B: Jurisdictional Review; Late Appeals

(a) For any matter where jurisdiction to proceed under Welfare and Institutions Code section 16519.6 is disputed or unclear, the presiding administrative law judge of the State Hearings Division may review the request for hearing and may request supplemental information from the parties to determine whether to set a hearing on the issue of jurisdiction. No jurisdictional review shall be required if all parties agree there is jurisdiction to proceed. A party may request that a hearing on the issue of jurisdiction be bifurcated from a hearing on the merits, or the presiding administrative law judge on his or her own motion may set a bifurcated jurisdictional hearing. The following shall apply to a jurisdictional proceeding conducted pursuant to this section:

(1) A jurisdictional hearing may be held in person, by electronic means, or if all parties agree, by the submission of written argument.
(2) If a bifurcated jurisdictional hearing is held, the parties need not submit evidence on the substantive issues and the administrative law judge shall take evidence on the jurisdictional issue only.
(3) The determination shall be in writing and served on each party and their attorney of record.
(4) The determination shall not be made without affording the parties the opportunity to present either oral or written argument.

(b) If a Respondent has filed an appeal no more than 30 calendar days after the due date for the appeal, then a County or the Department, as applicable, shall immediately refer the late appeal to the State Hearings Division for a jurisdictional review as described in subsection (c), except that no referral for a jurisdictional review shall be required if the County or Department, as applicable, agrees that the appeal meets the timeliness and good cause requirements for a late appeal and chooses to proceed in accordance with Section 12-09.

(c) If the County or Department, as applicable, has referred the late appeal for a jurisdictional review, the State Hearings Division shall make a jurisdictional determination solely on whether the late appeal meets the timeliness and good cause requirements of Welfare and Institutions Code section 16519.6(e). Respondent shall have the burden of proving that good cause exists.

(d) If the State Hearings Division determines that a late appeal meets the requirements of Welfare and Institutions Code section 16519.6(e), then the appeal shall be remanded to the County or Department, as applicable, to proceed in accordance with Section 12-09. The County or Department shall comply with any statutory, regulatory, or Written Directives timelines and shall use the date that the written determination was issued and served on all parties as the date of appeal.

SECTION 12-07: Exclusion Actions

(a) The Department may exclude an individual from residing or being present in any Resource Family home or from having contact with a child or nonminor dependent when the individual has violated, aided, or permitted the violation by any other person of, any provision of Welfare and Institutions Code section 16519.5 et seq., the Written Directives, or any applicable law. The Department may issue an immediate exclusion order when a County recommends it and the Department determines it is necessary to protect a child or nonminor dependent from physical or mental abuse, abandonment, or any other substantial threat to health or safety, consistent with the established standard. Prior to the service of a County's Notice of Action and at or prior to the date of the legal consultation specified in Section 12-04, the following shall occur:
(1) If a County receives a complaint, incident report or other information indicating that an applicant, Resource Family, or individual who resides or is regularly present in the Resource Family home has engaged in conduct that may warrant an exclusion action, a County shall notify the Department as provided in Section 4-03.

(2) A County shall notify the Department when the County recommends the exclusion of an individual. The recommendation shall be provided in writing to the Department prior to the service of a County's Notice of Action and at or prior to the date of the legal consultation specified in Section 12-04.

(3) A County and the Department shall share information and evidence related to the exclusion of an individual and shall coordinate on the service of a Notice of Action and order of exclusion.

(4) Unless it is not feasible, a County and the Department shall consolidate the County's and Department's administrative actions in accordance with the established standard.

(b) An order of immediate exclusion shall remain in effect until a hearing is completed and the Director or his or her designee has made a final determination on the merits in accordance with Health and Safety Code section 1558, Government Code section 11517, and Welfare and Institutions Code sections 10959 and 16519.6.

(c) If an exclusion order is served, the Department shall notify the County and the applicant or Resource Family of the exclusion decision in writing at the time of service of the exclusion order on an individual. If the individual who is the subject of the exclusion order is the applicant or Resource Family, a notice separate from the exclusion order is not required.

(d) If an individual is no longer residing or regularly present in a Resource Family's home and an exclusion order appears to be unnecessary, or an exclusion order was served but not appealed, or was appealed but later withdrawn by the excluded individual, then the County and Department shall consult with the Legal Division to determine whether the filing of an Accusation (exclusion action) for the record is necessary.

(e) A County shall conduct an unannounced visit to a Resource Family's home within 30 calendar days after an order of immediate exclusion is served to verify that the excluded individual is no longer present in the home.

(1) Any method of verification that does not include an unannounced visit shall be approved by a County supervisor.

(2) The County shall maintain documentation of the verification in the Resource Family's file.

(f) If an individual has had an application for approval denied, the individual shall be excluded for a period of one year. If an individual has had a Resource Family approval rescinded, the individual shall be excluded for a period of two years.

(1) The Department shall have authority to not impose the exclusion in accordance with Welfare and Institutions Code section 16519.6(g)(5) and Health and Safety Code section 1558.1(e).

(2) If a matter involves both a denial and rescission, the longer term of exclusion shall apply.

(3) The period of exclusion shall run from the effective date of the denial or rescission as specified in Section 12-05(f).

(4) Exclusion or removal of an individual pursuant to this paragraph shall not be considered an order of exclusion for purposes of Health and Section Code section 1558, Section 16519.6 of the Welfare and Institutions Code, or any other applicable law.

SECTION 12-08: Service of Process

(a) A County or the Department, as applicable, shall serve a Notice of Action by personal service or first class mail in accordance with the established standard. The County shall keep a record of service of the Notice of Action.

(b) An exclusion order shall be served by personal service or registered mail as provided in Welfare and Institutions Code section 16519.6(g) and in accordance with the established standard. A copy of the order shall be served on the Resource Family by personal service or registered mail.

(c) Except as provided in subsections (a) and (b), all other writings related to a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6 shall be served by first class mail, unless otherwise specified in another applicable law.

(d) Service by mail of a Notice of Action, exclusion order, or other writing on a Respondent in a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6 is effective if served to the last mailing address on file with a County or the Department, as applicable. If the last day for the performance of any action falls on a holiday, then such period shall be extended to the next day, which is not a holiday.

(e) Proof of service shall be by declaration under penalty of perjury under the laws of the State of California and shall state the title of the document served or filed, the name and address of the person making the service, the date and method of delivery, and that the person is over 18 years of age and not a party to the matter. If service is made by personal service, then the proof of service shall also name the person to whom the papers were handed.

SECTION 12-09: Procedures After Receipt of Appeal

(a) (1) Upon receipt of an appeal, a County or the Department, as applicable, shall date-stamp the appeal and appeal envelope, if applicable, and document the appeal status in the Notice of Action (NOA) database maintained by the Department with the date the appeal is received.

(2) An appeal shall be processed as required in this section, even if a County or the Department has reason to believe that an informal resolution is expected in the matter.

(b) For matters to be heard by the Office of Administrative Hearings, a County and the Department shall process the appeal as follows:

(1) A County shall serve an acknowledgement of appeal upon an individual who is the subject of a Notice of Action. The Department shall serve an acknowledgement of

appeal upon an individual who is the subject of an exclusion action or is the subject of an exclusion action and Notice of Action that were served simultaneously.

(2) A County shall forward the appeal and originals of all relevant documents to the Department's county liaison, if the Legal Division is representing the County.

(c) For matters to be heard by the State Hearings Division, a County and the Department shall process the appeal as follows:

(1) A County shall forward the appeal and case file documents to the Legal Division if the Legal Division is representing the County. The Department shall forward the appeal and case file documents related to an exclusion action to the Legal Division.

(2) After the documentation has been forwarded to the Legal Division as provided in paragraph (1), a County or the Department, as applicable, shall forward the appeal to the State Hearings Division no later than ten business days following the receipt of the appeal.

(3) The State Hearings Division shall serve an acknowledgement of appeal by first class mail upon the individual who is the subject of a Notice of Action.

(d) An acknowledgement of appeal shall contain the following:

(1) Confirmation that a Respondent's appeal has been received by a County or the Department, as applicable, including the date of receipt.

(2) Notice to a Respondent of the duty to notify the County or Department, as applicable, in writing of any change in the Respondent's mailing address until the administrative action process has been completed or terminated.

(e) A County or the Department, as applicable, shall maintain copies of an appeal and all relevant documents forwarded as specified in this section.

SECTION 12-10: Hearing Forum Rules

(a) An administrative law judge at the State Hearings Division shall hear administrative actions based upon the following:

(1) A denial or rescission of a criminal record exemption or failure to comply with background check requirements.

(2) Criminal conduct or conduct that poses a risk or threat to the health, safety, protection, or well-being of a child or nonminor dependent or other individual, except for conduct that involves abuse or severe neglect of a child or other minor or nonminor dependent or abuse or neglect of a dependent adult.

(3) A failure to meet or comply with home environment related standards.

(4) A failure to act as a reasonable and prudent parent or a failure to provide adequate care and supervision as specified in Sections 11-12 and 11-13, where the matter does not involve abuse or severe neglect of a child or other minor or nonminor dependent.

(5) A failure to meet Resource Family qualifications other than the requirement for good mental health, or a failure to meet Permanency Assessment criteria as determined in a family evaluation specified in Sections 6-04 and 6-05 other than criteria related to mental health.

(6) A failure to comply with reporting requirements.
(7) A failure to maintain or provide records for a child or nonminor dependent.
(8) A failure to meet applicant requirements or failure to complete required training.
(9) A failure to cooperate or comply as specified in Section 11-17 or upon false or misleading statements provided to a County or the Department.

(b) An administrative law judge at the Office of Administrative Hearings shall hear administrative actions based upon the following:
(1) Dual or multiple-program matters when the applicant, Resource Parent, or individual has applied for or holds a license, administrator certificate, or registration issued by the Department, a Resource Family approval or certificate of approval issued by a foster family agency, or is employed by or regularly present in a facility licensed by the Department.
(2) When a temporary suspension order was issued as a result of an immediate and substantial risk to the health and safety of a child or nonminor dependent.
(3) Conduct that poses a risk or threat to the health, safety, protection or well-being of a child or nonminor dependent or other individual, including abuse or severe neglect of a child or other minor or a nonminor dependent, or abuse or neglect of a dependent adult.
(4) A violation of the personal rights of a child or nonminor dependent, or a failure to ensure a child or nonminor dependent is accorded personal rights.
(5) A failure to act as a reasonable and prudent parent or failure to provide care and supervision as specified in Sections 11-12 and 11-13 and the matter involves abuse or severe neglect of a child or other minor or nonminor dependent, or abuse or neglect of a dependent adult.
(6) An exclusion action.
(7) A failure to meet the Resource Family qualification of good mental health as specified in Section 5-02 or as determined in a Written Report as specified in Section 6-07.
(8) Financial malfeasance involving a child or nonminor dependent or dependent adult, including but not limited to, fraudulent appropriation for personal gain of money or property or willful or negligent failure to provide services.
(9) A pattern of serious deficiencies or a failure to comply with more than one requirement across several different areas.
(10) Any administrative action that does not meet the criteria specified in subsection (a) or subsections (b)(1) through (b)(9).

(c) Except for exclusion actions, hearing forum determination shall be made at the sole discretion of a County in consultation with the Legal Division, or a County attorney if the Legal Division is not representing the County. For exclusion actions, hearing forum determination shall be made at the sole discretion of the Department in consultation with the Legal Division.

(d) Hearing forum determination shall not be subject to rehearing or review in an administrative hearing. If a matter is set in the incorrect forum, a presiding administrative law judge of the State Hearings Division or Office of Administrative Hearings, on its own motion or at the

request of a County or the Department, if applicable, may issue an order to remand the matter to the County or Department, as applicable, to proceed with the administrative action in the correct forum.

SECTION 12-11A: Disclosure of Documents and Issuance of Subpoenas

(a) A party shall make available to the other party or parties for examination all relevant documents in the party's possession in accordance with the established standard. Prior to disclosure, documents that are subject to confidentiality or privilege laws shall be redacted or withheld, as required by law.

(1) Notwithstanding CDSS Manual of Policies and Procedures sections 22-045 and 22-051 for matters set before the State Hearings Division, the notice of hearing shall include to Respondent of the right to review during regular working hours all documents in the County's case record and if the matter includes an exclusion, the Department's case record, that are relevant to the Notice of Action or exclusion order. Upon the request of a Respondent, a County or the Department, as applicable, shall provide to a Respondent redacted copies of all relevant documents that are not required to be withheld, which may be provided by mail or secure electronic format, and shall be provided free of charge.

(2) For matters set before the Office of Administrative Hearings, the provisions governing discovery in the Administrative Procedures Act shall apply.

(b) If a party has requested but not been provided an opportunity to examine relevant documents in the other party's possession in advance of a State Hearings Division hearing, the party may be entitled to a postponement in accordance with Section 12-18. If a party has requested but not been provided copies of relevant and discoverable documents in the other party's possession in advance of a hearing at the Office of Administrative Hearings, the party may be entitled to a continuance in accordance with Section 12-18.

(c) Prior to the commencement of a hearing, and after the commencement of a hearing if necessary, a subpoena requiring the presence of a witness or a subpoena duces tecum for the production by a witness of books, papers, correspondence, memoranda or other records, may be issued in accordance with applicable law, the Administrative Procedures Act, and CDSS Manual of Policies and Procedures section 22-051, as applicable.

(1) Notwithstanding CDSS Manual of Policies and Procedures section 22-051, a subpoena or subpoena duces tecum may be issued by an attorney of record for a party.

SECTION 12-11B: Filing the Administrative Hearing Documents

(a) For matters to be heard at the State Hearings Division, a County shall prepare and file a position statement with the State Hearings Division and serve it on a Respondent no later than two business days prior to a hearing in accordance with Welfare and Institutions Code sections 10952.5 and 16519.6. A Respondent may file a Position Statement, but is not required to do so unless so ordered by an administrative law judge.

(b) A Position Statement shall include the following:
(1) A summary of the facts and issues in the case and the justification for the County's or Department's action.
(2) Citations to the applicable statutory, regulatory, or Written Directives authority for each applicable basis for action.
(3) A list of witnesses and documentary evidence which the County intends to use during the hearing to support the County's position, with copies of the documents attached.

(c) For matters to be heard at the Office of Administrative Hearings, a County or the Department, as applicable, shall prepare and file an Accusation or Statement of Issues and serve it in accordance with the Administrative Procedures Act.

(d) A County and the Department may file consolidated pleadings or file a motion to consolidate multiple actions if a matter involves both a County and Department action.

SECTION 12-12: Law Governing Hearing Procedures

(a) For State Hearings Division matters, hearings and all related procedures are governed by Welfare and Institutions Code sections 10950 et seq. and 16519.6 et seq., the CDSS Manual of Policies and Procedures section 22-000 et seq., All County Letters applicable to Resource Family hearings, and this article. The provisions of Welfare and Institutions Code section 16519.5 et seq. prevail over a conflicting or inconsistent provision in Welfare and Institutions Code section 10950 et seq. This article governs the hearing process and the rights and responsibilities of parties. The CDSS Manual of Policies and Procedures section 22-000 et seq. govern procedures, rights, and responsibilities that are not addressed in the Written Directives.

(b) For Office of Administrative Hearings matters, hearings and all related procedures are governed by Welfare and Institutions Code section 16519.6 et seq., All County Letters applicable to Resource Family hearings, the Written Directives, the Administrative Procedures Act (Gov. Code, section 11370 et seq.), and Title 1, California Code of Regulations, section 1000 et seq.

SECTION 12-13: Setting the Hearing and Prehearing Conference

(a) For matters to be set before the State Hearings Division, the State Hearings Division shall set prehearing conference and hearing dates upon receipt of an appeal. The State Hearings Division shall serve all parties with a notice of hearing.

(b) For matters to be set before the Office of Administrative Hearings, if a Respondent submits a Notice of Defense, a County or the County's legal representative shall request a hearing date from the Office of Administrative Hearings in accordance with Title 1, California Code of Regulations, section 1018. The County shall serve a Respondent with a notice of hearing.

(c) A party may request that a prehearing conference, settlement conference, or hearing be conducted by electronic means in accordance with the established standard.

(d) The hearing location may be set within the County that issued the Notice of Action or where a Respondent or witnesses reside, or for matters set before the Office of Administrative Hearings, at the location set forth in the Administrative Procedures Act.

(e) Related County or Department actions that were filed or received separately but that involve the same parties and issues shall be consolidated unless it is not feasible to ensure consistent outcomes and the efficiency of process.

SECTION 12-14: Reserved

SECTION 12-15: Reserved

SECTION 12-16: Conduct of Hearing; Confidentiality and Procedures

(a) All proceedings conducted in accordance with Welfare and Institutions Code section 16519.6 shall be conducted in a manner that protects the confidential information and identity of a child, nonminor dependent, applicant, or Resource Family as required by Health and Safety Code section 1536, Family Code section 9201, Penal Code section 11167.5, and Welfare and Institutions Code sections 827, 10850 and 16519.55.

(b) An administrative law judge, in his or her discretion, with due consideration for the effect on witnesses, the hearing process, and existing law and protective orders, may:
- (1) Issue an order to remove an individual from the hearing.
- (2) Issue a protective order.
- (3) Order the record to be sealed.
- (4) Close the hearing to the public.
- (5) Upon an offer of proof of privilege or confidentiality, review information *in camera* prior to ruling on whether all or part of the information is privileged or confidential and subject to exclusion or redaction. The opposing party shall be given an opportunity to agree or disagree as to the need for an *in camera* hearing. If held, the *in camera* hearing must be recorded on a separate record from the prehearing conference or hearing.
- (6) Take other action to promote due process or the orderly conduct of the proceeding.

SECTION 12-17: Rulings on Evidence

(a) Rulings on the admissibility of evidence made during an administrative hearing shall be made on the record and, when appropriate, shall be included in a decision or proposed decision.

SECTION 12-18: Good Cause Requirement for Continuance or Postponement

(a) A hearing shall be held within the timelines set forth in Welfare and Institutions Code section 16519.6, unless a continuance or postponement of the hearing is granted for good cause. When the matter has been set for hearing, only an administrative law judge may grant a continuance of the hearing. The administrative law judge may grant a continuance or postponement of the hearing only upon a finding of good cause shown by the existence of one or more of the following:

(1) The death or incapacitating illness of a party, a representative or attorney of a party, a witness to an essential fact, or of the parent, child, or member of the household of such person, when it is not feasible to substitute another representative, attorney, or witness because of the proximity of the hearing date.

(2) Lack of proper notice of hearing.

(3) A material change in the status of the case where a change in the parties, Position Statement, or pleadings requires postponement, or an executed settlement or stipulated findings of fact obviate the need for hearing. A partial amendment of the pleadings or Position Statement shall not be good cause for a continuance to the extent that the portion of the pleadings or Position Statement that have not been amended is ready to be heard.

(4) The substitution of the representative or attorney of a party upon a showing that the substitution is required and that a late substitution was not caused by the neglect of the party.

(5) The unavailability of a party, representative or attorney of a party, or witness to an essential fact due to a conflicting and required court appearance when the appearance cannot be postponed.

(6) The unavailability of a party, representative or attorney of a party, or material witness due to an unavoidable emergency.

(7) Failure by a party to comply with a timely submission of a Position Statement or discovery request if the continuance request is made by the other party.

(8) A request by a Respondent when it is argued that the Respondent did not receive an adequate and/or language-compliant notice, and the administrative law judge determines that the required notice was not received.

(b) Nothing in this section shall be construed to limit the authority of an administrative law judge at the State Hearings Division to postpone the hearing in accordance with CDSS Manual of Policies and Procedures sections 22-053.13 through 22-053.21. Any postponement granted pursuant to this section shall be deemed a postponement for good cause for aid pending purposes.

SECTION 12-19: Applicability of Precedential Decisions

(a) An administrative law judge shall apply the principles of the Department's precedential decision(s), if the facts or issues are similar to those before the administrative law judge in a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6.

(b) In accordance with Government Code section 11425.60, the Department's designation of a precedential decision is not subject to judicial review.

SECTION 12-20: Burden of Proof and Inferences at Hearing

(a) In all proceedings conducted in accordance with Welfare and Institutions Code section 16519.6, the burden of proof on a County or the Department, as applicable, shall be by a preponderance of the evidence.

(b) Where criminal misconduct is proven, whether or not it resulted in a conviction, negative character inferences shall be presumed in accordance with the established standard.

SECTION 12-21: Decision

(a) A decision or proposed decision shall be in writing and shall include a statement of the factual and legal basis for the decision and any other basis as required in any applicable law. A decision or proposed decision shall include, but not be limited to, the following:
- (1) A concise and explicit statement of the underlying facts of record that support the decision.
- (2) Any determinations on the weight of evidence or determinations of credibility that affect the findings and conclusions.
- (3) Any determinations on the admissibility of evidence that affect the findings and conclusions.
- (4) If the factual basis for the decision includes a determination based substantially on the credibility of a witness, the statement shall identify any specific evidence of the observed demeanor, manner, or attitude of the witness or content of the witness testimony that supports the determination.

(b) A decision or proposed decision may place conditions on an approval, criminal record exemption, or presence in a Resource Family's home in order to ensure the health and safety of children or nonminor dependents in care, so long as the applicant, Resource Family, or individual meets the requirements and standards for approval, a criminal record exemption, or presence in a Resource Family's home.

(c) If a County discontinued the Comprehensive Assessment of an applicant pursuant to Section 6-01(d), an administrative law judge shall not order the approval to be granted but may remand the relevant part of the action to the County to complete the Comprehensive Assessment.

(d) A proposed decision by an administrative law judge at the State Hearings Division shall be delivered to the Department for a final decision by the Director as provided in Welfare and Institutions Code section 10959, and the provisions of that section and CDSS Manual of Policies and Procedures section 22-061 et seq. shall govern procedures related to decisions.

(e) A proposed decision by an administrative law judge at the Office of Administrative Hearings shall be delivered to the Department for a final decision by the Director as provided in Government Code section 11517, and the provisions of that section shall govern procedures related to decisions.

SECTION 12-22: Reinstatement or Reduction in Penalty

(a) An individual who has been excluded for life from residing or being present in any Resource Family home or from having contact with a child or nonminor dependent in the home may petition for reinstatement to the Department after one year has elapsed from the date of the notification of the exclusion order pursuant to Government Code section 11522 and Health and Safety Code section 1558. The burden of proof on the individual filing a petition shall be substantial evidence.

(1) For purposes of this subsection, "substantial evidence " means that it is substantially more likely than not that a fact is true. Substantial evidence is a medium level of burden of proof which is a more rigorous standard to meet than the preponderance of the evidence standard, but a less rigorous standard to meet than the beyond a reasonable doubt standard.

(b) If an individual filing a petition seeks reinstatement in order to apply for Resource Family Approval, the Department may seek information and a recommendation from a County. The County and Department shall share evidence and information related to the petition or application.

ARTICLE 13: ADOPTION REQUIREMENTS FOR RESOURCE FAMILIES

Section 13-01 Adoption Approval Requirements

(a) Following the approval of a Resource Family, when adoption is the identified case plan for a child or NMD currently placed in the home, the family shall be referred to an adoption program for the completion of the remaining adoption procedures and services.

(1) A prospective adoptive Resource Family shall maintain their approval status during the adoption process, including adoptive placement and through adoption finalization.

(2) A Resource Family maintains their approval status, after adoption finalization, unless approval is rescinded by a County or the Resource Family chooses to surrender their approval.

(b) A Written Report for a Resource Family that meets the requirements of Section 6-07(b), and any updates to the Written Report, shall be considered sufficient for meeting the requirements of a written assessment of an adoptive applicant pursuant to Title 22, California Code of Regulations, Division 2, Subdivision 4, Chapter 3, Subchapter 5, Article 11, section 35180.

(1) If documentation for an adoption is in the Resource Family file, it may be shared with an adoption social worker for the purposes of finalizing an adoption.

(c) If not previously collected and verified during the Resource Family Approval process, the following documentation is required to be collected by the adoption program worker prior to adoption finalization:

(1) Verification of all marriages and divorces through obtaining copies of marriage certificates and divorce decrees pursuant to Title 22, California Code of Regulations, Division 2, Subdivision 4, Chapter 3, Subchapter 5, Article 11, section 35181(b)(6)(A)(1).

(2) The names of two individuals to be contacted by the agency for the purpose of obtaining references.

(3) A TB test of the prospective Resource Family, and all other adults residing in the home pursuant to Family Code section 8732.

(d) A Written Report for a Resource Family that meets the requirements of Section 6-07(b), and any updates to the Written Report, may not be used as a substitute for the assessment of an applicant proceeding with any adoption other than an agency adoption as defined in Family Code section 8506.

(e) An adoption social worker shall complete all other adoption related requirements per Title 22, California Code of Regulations, Divisions 2, Adoption Regulations.

(1) The adoption social worker must meet the minimum qualifications as set forth in Title 22, California Code of Regulations, Division 6, Chapter 9, Article 2, section 89155.

Handbook

All County Letter 18-142 provides clarification on the Resource Family Written Report and overview of the adoption process for existing foster caregivers and Resource Families.