STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 4-99)

For use by Secretary of State only

ENDORSED FILED IN THE OFFICE OF

2007 JAN 17 PM 2:01

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z- 05-0621-07	06-1208-02 SR	

For use by Office of Administrative Law (OAL) only

2006 DEC 8 PM 2:24

OFFICE OF ADMINISTRATIVE LAW

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY: California Department of Social Services

AGENCY FILE NUMBER *(If any)*: ORD #1104-06

A. PUBLICATION OF NOTICE *(Complete for publication in Notice Register)*

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER *(Optional)*
☐ Notice re Proposed Regulatory Action ☐ Other		( )	( )

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn	05-#26-Z	7-1-2005

B. SUBMISSION OF REGULATIONS *(Complete when submitting regulations)*

1a. SUBJECT OF REGULATION(S): Foster Youth Personal Rights

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S): 06-0630-03S

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) *(Including title 26, if toxics-related)*

SECTION(S) AFFECTED *(List all section number(s) individually)*

ADOPT: Section 86072.1

AMEND: Sections 83064, 83072, 84072, 84079, 84172, 84272, 86072, 89372, and 89379

TITLE(S): T22 & MPP

REPEAL:

3. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☑ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code, §§ 11349.3, 11349.4)
☐ Emergency (Gov. Code, § 11346.1(b))
☐ Emergency Readopt (Gov. Code, § 11346.1(h))
☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.2 - 11346.9 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☐ Other (specify)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE *(Cal. Code Regs. title 1, §§ 44 and 45)*

May 26 through June 12, 2006 and November 7 through 22, 2006

5. EFFECTIVE DATE OF REGULATORY CHANGES *(Gov. Code, §§ 11343.4, 11346.1(d))*

☑ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☐ Effective other *(Specify)*

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) (SAM §6660)
☐ Fair Political Practices Commission
☐ State Fire Marshal

☒ Other (Specify) Compliance with Health and Safety Code Section 1530.5

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER *(Optional)*	E-MAIL ADDRESS *(Optional)*
Alison Garcia, Manager	(916) 657-2586	(916) 654-3286	Alison.Garcia@dss.ca.gov

8.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE: Cliff Allenby

DATE: 12-6-06

TYPED NAME AND TITLE OF SIGNATORY: Cliff Allenby, Interim Director

Small Family Home Regulation
Amend Section 83064 to read:
Post Hearing: Amend Section 83064(e)(1) to read:
Post 15-day Renotice: Amend Section 83064(e) to read:

83064 LICENSEE DUTIES AND RESPONSIBILITIES 83064

(a) In addition to Section 80064 the following shall apply. (Continued)

(e) For children 16 years of age or older, the licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 83072(c)(29).

(1) The information may include, but is not limited to:

(A) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.

(B) Informational brochures on postsecondary or vocational schools/programs.

(C) Campus tours.

(D) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.

(E) School-sponsored events promoting postsecondary or vocational schools/programs.

(F) 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 current or former foster youth and contact information for the Student Aid Commission.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9 Welfare and Institutions Code.

Amend Section 83072 to read:
Post Hearing: Amend Section 83072(c) to read:
Post 15-day Renotice: Amend Section 83072(c)(20) and (22) to read:

83072 PERSONAL RIGHTS (Continued) 83072

(c) At admission, each child, and his/her authorized representative, shall be personally advised of and given a copy of the child's rights as specified below: (Continued)

(9) To live in a safe, healthy, and comfortable home where he or she is treated with respect, in accordance with Section 83072(c)(11). (Continued)

(11) 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.

(1~~1~~2) To receive adequate and healthy food, and adequate clothing.

(A) Clothing and personal items provided shall be in accordance with Section 83072(c)(11).

~~(12)~~ (13) (Continued)

~~(13)~~ (14) (Continued)

~~(14)~~ (15) (Continued)

~~(15)~~ (16) (Continued)

~~(16)~~ (17) (Continued)

~~(17)~~ (18) (Continued)

~~(18)~~ (19) (Continued)

~~(19)~~ (20) To attend school and participate in extracurricular, cultural, and personal enrichment activities consistent with the child's age and developmental level, in accordance with Section 83072(c)(11).

~~(20)~~ (21) (Continued)

~~(21)~~ (22) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends, in accordance with Section 83072 (c)(11).

~~(22)~~ (23) (Continued)

~~(23)~~ (24) (Continued)

~~(24)~~ (25) (Continued)

~~(25)~~ (26) (Continued)

~~(26)~~ (27) (Continued)

~~(27)~~ (28) (Continued)

(29) At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

(d) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; ~~and~~ Section 16001.9, Welfare and Institutions Code.

Group Home Regulations
Amend Section 84072 to read:
Post Hearing: Amend Section 84072(c) to read:
Post 15-day Renotice: Amend Section 84072(c)(25) and (27) to read:

84072 PERSONAL RIGHTS (Continued) 84072

(c) At admission, each child, and his/her authorized representative, shall be personally advised of and given a copy of the child's rights as specified below: (Continued)

(14) To live in a safe, healthy and comfortable home where he or she is treated with respect, in accordance Section with 84072(c)(16). (Continued)

(16) 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.

(1~~6~~7) To receive adequate and healthy food, adequate clothing, and an allowance.

(A) Clothing and personal items provided shall be in accordance with Section 84072(c)(16).

~~(17)~~ (18) (Continued)

~~(18)~~ (19) (Continued)

~~(19)~~ (20) (Continued)

~~(20)~~ (21) (Continued)

~~(21)~~ (22) (Continued)

~~(22)~~ (23) (Continued)

~~(23)~~ (24) (Continued)

~~(24)~~ (25) To attend school and participate in extracurricular, cultural, and personal enrichment activities consistent with the child's age and developmental level, in accordance with Section 84072 (c)(16).

~~(25)~~ (26) (Continued)

~~(26)~~ (27) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends, in accordance with Section 84072(c)(16).

~~(27)~~ (28) (Continued)

~~(28)~~ (29) (Continued)

~~(29)~~ (30) (Continued)

~~(30)~~ (31) (Continued)

~~(31)~~ (32) (Continued)

~~(32)~~ (33) (Continued)

(34) At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

(d) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; ~~and~~ Section 16001.9, Welfare and Institutions Code.

Post 15-day Renotice: Amend Section 84079 to read:

84079 PLANNED ACTIVITIES (Continued) 84079

(e) For children 16 years of age or older, the licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 84072(c)(34). The information may include, but is not limited to:

(1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.

(2) Informational brochures on postsecondary or vocational schools/programs.

(3) Campus tours.

(4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.

(5) School-sponsored events promoting postsecondary or vocational schools/programs.

(6) 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 current or former foster youth and contact information for the Student Aid Commission.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9 Welfare and Institutions Code.

Community Treatment Facility Regulations
Amend Section 84172 to read:
Post 15-day Renotice: Correct Handbook Section 84172(b)(5) to read:

84172 PERSONAL RIGHTS (Continued) 84172

(b) The licensee shall ensure that every child admitted to a community treatment facility is informed and afforded the personal rights as specified in Sections 5325, 5325.1, 5325.2, 5326, and 16001.9 of the Welfare and Institutions Code; Section 1530.91 of the Health and Safety Code; Sections 862 through 865 and 867 of the California Code of Regulations, Title 9, Chapter 4; and Section 1934, 1935, 1936, and 1937 of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(1) (Continued)

(5) Welfare and Institutions Code Section 16001.9 states:

(a) It is policy of the state that all children in foster care shall have the following rights: (Continued)

(19) To be involved in the development of his or her own case plan and plan for permanent placement.

(~~19~~20) (Continued)

(2~~0~~1) (Continued)

(2~~1~~2) (Continued)

(23) 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.

(24) At 16 years of age or older, to have access to existing information regarding educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education.

(b) (Continued)

HANDBOOK ENDS HERE

(c) (Continued)

Authority Cited: Sections 1530 and 1530.9, Health and Safety Code.

Reference: Sections 1501, 1530.91 and 1531, Health and Safety Code; ~~and~~ Sections 4096(g), 4094.6, 5275, and 16001.9, Welfare and Institutions Code.

Post 15-day Renotice: Amend Section 84272(a) to read:

84272 PERSONAL RIGHTS 84272

(a) Sections 84072(~~d~~c)(5), (2~~5~~6), (2~~7~~8), and (~~29~~30) do not apply to children under six years of age.

(b) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1530.8, and 1531, Health and Safety Code; ~~and~~ Section 11467.1, Welfare and Institutions Code.

Transitional Housing Placement Program Regulations
Amend Section 86072 to read:
Post Hearing: Amend Section 86072(d)(3) to read:
Post 15-day Renotice: Amend Sections 86072(d)(8), (19) and (22) to read:

86072 PERSONAL RIGHTS 86072

(a) THPP licensees are not subject to the provisions of Section 80072. Instead, THPP licensees are subject to the following and the following shall apply: (Continued)

(d) Each participant shall have personal rights, which include but are not limited to the following: (Continued)

(3) To be treated with respect and to be free from physical, sexual, emotional or other abuse in accordance with Section 86072(d)(5). (Continued)

(5) 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.

~~(5)~~ (6) (Continued)

~~(6)~~ (7) (Continued)

~~(7)~~ (8) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends, in accordance with Section 86072(d)(5).

~~(8)~~ (9) (Continued)

~~(9)~~ (10) (Continued)

~~(10)~~ (11) (Continued)

~~(11)~~ (12) (Continued)

~~(12)~~ (13) (Continued)

~~(13)~~ (14) (Continued)

~~(14)~~ (15) (Continued)

~~(15)~~ (16) (Continued)

~~(16)~~ (17) (Continued)

~~(17)~~ (18) (Continued)

~~(18)~~ (19) To possess and use his/her own personal possessions, including toilet articles.

(A) Clothing and personal items provided shall be in accordance with Section 86072(d)(5).

~~(19)~~ (20) (Continued)

~~(20)~~ (21) (Continued)

(22) To have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

~~(21)~~ (23) (Continued)

Authority Cited: Sections 1530 and 1559.110, Health and Safety Code; Section 16522, Welfare and Institutions Code.

Reference: Sections 1501 and 1531, Health and Safety Code; Sections 16001.9, 16500, and 16522.1, Welfare and Institutions Code.

Post 15-day Renotice: Adopt Section 86072.1 to read:

86072.1 EDUCATIONAL OPTIONS 86072.1

(a) The licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 86072(d)(22). The information may include, but is not limited to, any of the following:

(1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools;

(2) Informational brochures on postsecondary or vocational schools/programs;

(3) Campus tours;

(4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth;

(5) School sponsored events promoting postsecondary or vocational schools/programs; and

(6) 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 current or former foster youth and contact information for the Student Aid Commission.

Authority Cited: Sections 1530 and 1559.110, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

Foster Family Home Regulations
Amend Section 89372 to read:
Post Hearing: Amend Section 89372(c)(6) to read:
Post 15-day Renotice: Amend Section 89372(c)(6), (10) and (18) to read:

89372 PERSONAL RIGHTS (Continued) 89372

(c) Each child shall have personal rights which include but are not limited to the following: (Continued)

(3) To have fair and equal access to all available services, placement, care, treatment, and benefits, and ~~T~~to be treated with respect and to be free from discrimination, intimidation or harassment based on sex, actual or perceived race, color, religion, ancestry, national origin, mental or physical disability, medical condition, ethnic group identification, gender identity, HIV status, or sexual orientation or perception of having one or more of these characteristics. (Continued)

(6) To be provided adequate clothing and personal items, in accordance with Section 89372(c)(3). (Continued)

(10) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors and friends, in accordance with Section 89372(c)(3). (Continued)

(18) To be accorded the independence appropriate to the child's age, maturity, and capability consistent with the child's Needs and Services Plan or Transitional Independent Living Plan (TILP) if applicable. (Continued)

(E) To attend school and participate in extracurricular, cultural, and personal enrichment activities consistent with his/her age and developmental level, in accordance with Section 89372 (c)(3). (Continued)

(25) At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

Authority Cited: Section 1530, 1530.5, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; ~~and~~ Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1520, 1530.9, and 1531, ~~and 1559.110,~~ Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 51 (Unruh Civil Rights Act), Civil Code; ~~and~~ Section 12921 (California Fair Employment and Housing Act), Government Code.

Amend Section 89379 to read:
Post Hearing: Amend Section 89379(c)(1) to read:
Post 15-day Renotice: Amend Section 89379(c) et seq. to read:

89379 ACTIVITIES (Continued) 89379

(c) For children 16 years of age or older, the caregiver shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 89372(c)(25). The information may include, but is not limited to, any of the following:

(1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.

(2) Informational brochures on postsecondary or vocational schools/programs.

(3) Campus tours.

(4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.

(5) School sponsored events promoting postsecondary or vocational schools/programs.

(6) 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 current or former foster youth and contact information for the Student Aid Commission.

Authority Cited: Section 1530~~,~~ and 1530.5~~, and 1531~~, Health and Safety Code; ~~and~~ Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1530.6, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.