

Manual of Policies and Procedures
COMMUNITY CARE LICENSING DIVISION

**FOSTER FAMILY
AGENCIES**

**Title 22
Division 6
Chapter 8.8**



**STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES**

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FOSTER FAMILY AGENCIES

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FOSTER FAMILY AGENCIES

This Users' Manual is issued as an operational tool.

This Manual contains:

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other State Departments affecting DSS programs
- c) Statutes from appropriate Codes which govern DSS programs
- d) Court decisions; and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and the phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent community care licensing manual letters will now be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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CHAPTER 8.8 FOSTER FAMILY AGENCIES**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****88000 GENERAL****88000**

- (a) Foster family agencies as defined in Section 88001(f)(1) shall be governed by the provisions in this chapter. In addition, such foster family agencies, except where specified otherwise in this chapter, shall be governed by Chapter 1, General Licensing Requirements.
- (b) Where the term, "facility," is used in Chapter 1, General Licensing Requirements, it includes all components of a foster family agency program including its administrative function, the operation of certified family homes and the subsequent placement of children.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1502, 1506 and 1530, Health and Safety Code.

88001 DEFINITIONS**88001**

In addition to Section 80001, the following shall apply:

- (a)
 - (1) "Administrative Office" means the central administrative headquarters of the foster family agency and specified on the license(s) as such.
 - (2) "Administrator" means the person designated by the Board of Directors to be responsible for the operation of the foster family agency.
- (b) (Reserved)
- (c)
 - (1) "Caseload" means the total number of children assigned to a foster family agency employee.
 - (2) "Certificate of Approval" means the document issued by a licensed foster family agency which authorizes a home to operate as a certified family home to be used exclusively by that foster family agency.
 - (3) "Certified Family Home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.
 - (4) "Certified Parent" means the adult(s) residing in the home certified by the foster family agency to provide care and supervision to children placed exclusively by that foster family agency.

88001 DEFINITIONS (Continued)

88001

- (5) "Child" means a person who is under 18 placed with a foster family agency by a regional center, a parent or guardian, or a public child placement agency with or without a court order for subsequent placement with a caregiver in a certified family home. "Child" also means a person who is:
- (A) 18 or 19, meets the requirements of Welfare and Institutions Code section 11403, and continues to be provided with care and supervision by the caregiver in the home, or
 - (B) 18-22 as specified in the definition for "child with special health care needs" under subsection (c)(6) and continues to be provided with care and supervision by the caregiver in the home.

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Welfare and Institutions Code section 11403 provides:

"...(b)...Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this paragraph shall not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments."

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88001 DEFINITIONS (Continued)**88001**

- (6) "Child with Special Health Care Needs" means a person who is 22 years of age or younger, who meets the requirements of Welfare and Institutions Code section 17710, subsection (a) and all of the following conditions:
- (A) Has a medical condition that requires specialized in-home health care and
 - (B) Is one of the following:
 - 1. A child who has been adjudged a dependent of the court under Welfare and Institutions Code section 300.
 - 2. A child who has not been adjudged a dependent of the court under Welfare and Institutions Code section 300, but who is in the custody of the county welfare department.
 - 3. A child with a developmental disability who is receiving services and case management from a regional center.

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Welfare and Institutions Code section 17710, subsection (a) provides:

"Child with special health care needs" means a child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care, and who either has been adjudged a dependent of the court pursuant to Section 300, has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center."

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- (7) "Client" means each individual child placed with the foster family agency.
- (8) "Complaint" means any notice of an alleged violation of any regulation or statute of this state, including but not limited to, Title 22 regulations and Penal Code violations.

88001 DEFINITIONS (Continued)**88001**

- (d) (Reserved)
- (e) (Reserved)
- (f) (1) "Family Health Care" means health care which does not require the skills of qualified technical or professional personnel and is provided to a child by the foster parent in accordance with Section 83075(e). When these requirements are met, the family health care that may be provided includes, but is not limited to the following:
 - (A) Routine administration of medications such as the administration of suppositories, ointments, lotions, pills, enemas or medications given by liquid medication dispenser, puffer, dropper or nebulizer.
 - (B) Changing ostomy or indwelling urinary catheter bags.
 - (C) Urine and blood glucose testing using a monitoring kit approved for home use.
 - (D) Heart and apnea monitoring when it is simply the case of providing stimulation to the infant/child when the cardiac or respiratory rate falls below a specified rate and not a matter of interpreting a monitor pattern with the intervention based on that interpretation.
 - (E) Assistance with procedures self-administered by older children free of severe mental or physical disabilities such as insulin injection and oxygen administration.

88001 DEFINITIONS (Continued)**88001**

- (2) "Foster Family Agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, certified parent(s), or in finding homes for placement of children for temporary or permanent care who require that level of care as an alternative to a group home. Private foster family agencies shall be organized and operated on a nonprofit basis.
- (3) "Foster Family Home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian.
- (4) "Full-Time" means employment of a total of 40 hours for one week or a total of 173 hours for one month.
- (g) (1) "Geographic Area" means the area served by the foster family agency administrative office and suboffice(s), if any.
- (h) (1) "Health Care Professional" means a physician or an individual who is licensed or certified under Division 2 of the Business and Professions Code to perform the necessary client care procedures prescribed by a physician. Such health care professionals include the following: Registered Nurse, Public Health Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist and Respiratory Therapist.
- (i) (1) "Individualized Health Care Plan" means the written plan developed by an individualized health care plan team and approved by the team physician, or other health care professional designated by the physician to serve on the team, for the provision of specialized in-home health care.
- (2) "Individualized Health Care Plan Team" means those individuals who develop an individualized health care plan for a child with special health care needs. This team must include the child's primary care physician or other health care professional designated by the physician, any involved medical team, the county social worker or regional center caseworker, and the registered nurse employed by or under contract with the foster family agency to supervise and monitor the specialized in-home health care provided to the child as stated in the child's individualized health care plan. The individualized health care plan team may include, but shall not be limited to, a public health nurse, representatives from the California Children's Services Program or the Child Health and Disability Prevention Program, regional centers, the county mental health department and where reunification is the goal, the parent or parents, if available. In addition, the individualized health care plan team may include the prospective specialized certified parent(s) who shall not participate in any team determination required by Sections 83010.1(a)(1)(C), 83065.1(a)(1)(B) and 88030.1(c)(1)(B).

88001 DEFINITIONS (Continued)

88001

- | (j) (Reserved)
- | (k) (Reserved)
- | (l) (Reserved)
- | (m) (1) "Medical Conditions Requiring Specialized In-Home Health Care" means, provided that care may be safely and adequately administered in the home:
 - (A) A dependency upon one or more of the following when, but for the fact that trained foster parents may provide these services under Welfare and Institutions Code Section 17736, the skills of qualified technical or professional personnel would be necessary: enteral feeding tube, total parenteral feeding, a cardiorespiratory monitor, intravenous therapy, a ventilator, oxygen support, urinary catheterization, renal dialysis, ministrations imposed by tracheostomy, colostomy, ileostomy, ileal conduit, or other medical or surgical procedures or special medication regimens, including injection, and intravenous medication; or
 - (B) Conditions such as AIDS, premature birth, congenital defects, severe seizure disorders, severe asthma, bronchopulmonary dysplasia, and severe gastroesophageal reflux when, because his/her condition could rapidly deteriorate causing permanent injury or death, the child requires in-home health care other than, or in addition to, family health care.
- | (n) (1) "Nontreatment Agency" means any foster family agency that certifies a home for placement of a child(ren) pending the adoption of the child(ren) by that family. A nontreatment agency does not provide therapeutic services such as those specified in the definition of a treatment agency at Section 88001t.(1).
- | (o) (Reserved)
- | (p) (1) "Placement Hold" means a foster family agency stops placing children into a certified family home as a result of any of the following:
 - (A) Pending or substantiated violations of licensing regulations.
 - (B) Failure to meet the standards of the foster family agency.
- | (2) "Private Foster Family Agency" means a foster family agency organized and operated as a nonprofit corporation and not part of any governmental entity.
- | (3) "Public Foster Family Agency" means a governmental entity designated by the appropriate governing body as an agency through which foster family agency services shall be offered.
- | (q) (Reserved)

88001 **DEFINITIONS** (Continued)**88001**

- (r) (Reserved)
- (s) (1) "Specialized Certified Family Home" means a certified family home which provides specialized in-home health care to children.
 - (2) "Specialized In-Home Health Care" means health care, other than family health care, identified by the child's physician as appropriately administered in the home by a health care professional or by a certified parent or staff trained by health care professionals.
 - (3) "Social Work Personnel" means employees who provide those services specified in Section 88065.3.
 - (4) "Suboffice" means any additional office set up by the foster family agency to supplement the services provided by the administrative office.
- (t) (1) "Treatment Agency" means any foster family agency that provides therapeutic services to children who reside in certified family homes. The services, which are identified by social work staff assessing the child(ren)'s needs, may include, but not be limited to, education and mental health services, sexual or physical abuse counseling, alcohol or drug abuse counseling, and vocational training, and determining the appropriate individual case plan to ensure those needs are met.
- (u) (Reserved)
- (v) (Reserved)
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority cited: Section 1530, Health and Safety Code; and Section 17730, Welfare and Institutions Code. Reference: Sections 1502, 1506, 1506.7, 1507.2, 1530.5 and 1538, Health and Safety Code; and Sections 11403, 17710, 17731(c), 17732(b) and 17732.1, Welfare and Institutions Code.

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Article 2. LICENSE**88005 LICENSE REQUIRED****88005**

- (a) In addition to 80005, the following shall apply:
- (1) No individual, organization or governmental entity shall engage in recruiting and certifying homes for placement of children for temporary or permanent care without first obtaining a license from the licensing agency.
 - (A) A public foster family agency shall be designated by the appropriate governing body as a public foster family agency.
 - (B) A private foster family agency shall be a corporation organized and operated on a nonprofit basis.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1502, 1508 and 1530, Health and Safety Code.

88008 LICENSING OF INTEGRAL PROGRAM COMPONENTS**88008**

- (a) Notwithstanding Section 80008, the licensing agency shall have the authority to issue separate licenses to a single foster family agency to operate its program in various regions of the state as determined by the Department.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1509, 1530 and 1534, Health and Safety Code.

88009 POSTING OF LICENSE**88009**

- (a) The current, valid license(s) shall be posted in a prominent, publicly accessible location in the administrative office and copies of the applicable license shall be posted in each suboffice of the foster family agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1508, Health and Safety Code.

88010 LIMITATIONS ON LICENSE**88010**

(a) In addition to Section 80010, the following shall apply:

- (1) The license shall specifically indicate whether the foster family agency is authorized to operate a treatment and/or nontreatment program.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1508, Health and Safety Code.

Article 3. APPLICATION PROCEDURES**88018 APPLICATION FOR LICENSURE****88018**

- (a) In addition to Section 80018, excluding Sections 80018(d)(6) and (13), the following shall apply:
- (1) The application shall be filed with the licensing agency designated to serve the foster family agency proposed geographic area of service.
 - (2) The application shall be signed by the chief executive officer or other authorized member of the Board of Directors and shall be accompanied by written authorization of the governing board granting him/her authority to apply for the license.
 - (3) The application shall contain a written resolution from the governing board stating that it shall operate the foster family agency program in full conformity with applicable statutes and regulations.
 - (4) A private foster family agency shall submit copies of its articles of incorporation, bylaws (which must include provisions for control by a responsible governing board), annual statement filed with the Secretary of State, corporate charter (if applicable) and evidence certifying nonprofit status.
 - (5) The application shall include a written statement describing the manner in which the Board of Directors shall perform the duties specified at Section 88063(c).
 - (6) The application shall include a written plan of operation as defined in Section 88022.
 - (7) As a requirement for licensure, the chief executive officer or other authorized member of the Board of Directors and the administrator shall attend an orientation given by the licensing agency which outlines the applicable rules and regulations for operation of a foster family agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1520 and 1525.3, Health and Safety Code.

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88019 CRIMINAL RECORD CLEARANCE**88019**

(a) In addition to Section 80019, the following shall apply:

- (1) Prior to certification by the foster family agency, the applicant and all adults residing in the home shall obtain a criminal record clearance or exemption as specified in Health and Safety Code Section 1522.
- (2) Prior to being home alone with or having supervisory control of children, all foster family agency personnel shall obtain a California criminal record clearance or exemption as specified in Health and Safety Code Section 1522.
- (3) In addition the requirements of 80019(d)(1)(A), all individuals subject to criminal record review pursuant to Health and Safety Code Section 1522 shall, declare whether he/she has been arrested for any crime against a child, spousal cohabitant abuse or for any crime as provided in 80019.1(m).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1522 and 1522.07, Health and Safety Code.

88019.2 CHILD ABUSE CENTRAL INDEX**88019.2**

- (a) Prior to certifying a home, the foster family agency shall ensure that the Department has conducted a Child Abuse Central Index (CACI) review pursuant to Health and Safety Code Section 1522.1 and Penal Code Section 11170(b)(3). The Department shall check the CACI for the applicant(s) and all individuals subject to a criminal record review pursuant to Health and Safety Code Section 1522(d) and shall have the authority to approve or deny certification, employment, residence or presence in the licensed facility based on the results of the review.
- (1) The foster family agency shall submit the Child Abuse Central Index checks (LIC 198A [3/99]) for all individuals required to be checked directly to the California Department of Justice at the same time that the individual's fingerprints are submitted for a criminal background check as required by Section 88019(a).
- (A) Individuals who have submitted the Child Abuse Central Index check (LIC 198A [3/99]) with fingerprints on or after January 1, 1999 need not submit a new check if the individual can transfer their criminal record clearance or exemption pursuant to Section 80019(e) or Section 80019.1(f).
- (2) The Department shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. Certification of a home shall not be denied based upon a report from the CACI unless the Department substantiates an allegation of child abuse.
- (b) The foster family agency shall submit Child Abuse Central Index checks (LIC 198A [3/99]) directly to the California Department of Justice for all foster family agency personnel who have contact with children in accordance with Health and Safety Code Section 1522.1.
- (c) Subsequent to certification, all individuals subject to a criminal record review, pursuant to Health and Safety Code Section 1522(b), shall complete a Child Abuse Central Index check (LIC 198A [3/99]), prior to employment, residence or initial presence in the certified family home.
- (1) The foster family agency shall submit the Child Abuse Central Index check (LIC 198A [3/99]) directly to the California Department of Justice with the individual's fingerprints as required by Section 88019(a) prior to the individual's employment, residence or initial presence in the home.
- (2) The Department shall check the CACI pursuant to Penal Code Section 11170(b)(3), and shall investigate any reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not deny a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

88019.2 CHILD ABUSE CENTRAL INDEX (Continued)**88019.2**

- (3) The Department shall investigate any subsequent reports received from the CACI. The investigation shall include, but not be limited to, the review of the investigation report and file prepared by the child protective agency that investigated the child abuse report. The Department shall not revoke a license or take any other administrative action based upon a report from the CACI unless the Department substantiates the allegation of child abuse.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 1522.1, Health and Safety Code.

88022 PLAN OF OPERATION**88022**

- (a) In addition to Section 80022, excluding Sections 80022(b)(7) and (8), the plan of operation shall contain the following:
 - (1) A description of the administrative organization, including the parent organization, if applicable.
 - (2) The location, including street address and mailing address, if different, for the administrative office and all suboffices.
 - (3) Complete job descriptions of all foster family agency positions, including number, classification, qualifications and duties, and information regarding lines of authority and staff responsibilities.
 - (4) A comprehensive program statement including:
 - (A) Goals of the foster family agency program.
 - (B) The types of children to be served.
 - (C) A description of the services to be provided to children, certified parent(s) and foster family home licensee(s) including the treatment services to be provided by the foster family agency program.
 - (D) A description of emergency response services to be provided by the foster family agency including weekends, holidays and evenings.
 - (5) A written description of the foster family agency training plan including:
 - (A) Employee orientations and ongoing training.
 - (B) Initial and ongoing training of certified parent(s) shall include training in child abuse identification, prevention, and treatment. The training plan shall also include training required by Health and Safety Code Section 1529.2.

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1. Health and Safety Code Section 1529.2 provides:
 - “(a) In addition to the foster parent training provided by community colleges, foster family agencies shall provide a program of training for their certified foster families.
 - “(b) (1) Every licensed foster parent shall complete a minimum of 12 hours of foster parent training, as prescribed in paragraph (3), before the placement of any foster children with foster parent. In addition, a foster parent shall complete a minimum of twelve hours of foster parent training annually as prescribed in paragraph (4). No child shall be placed in a foster family home unless these requirements are met by the persons in the home who are serving as foster parents.
 - “(2) (A) Upon the request of the foster parent for a hardship waiver from the postplacement training requirement or a request for an extension of the deadline, the county may, at its option, on a case-by-case basis, waive the postplacement training requirement or extend any established deadline for a period not to exceed one year, if the postplacement training requirement presents a severe and unavoidable obstacle to continuing as a foster parent. Obstacles for which a county may grant a hardship waiver or extension are:
 - (i) Lack of access to training due to the cost or travel required.
 - (ii) Family emergency.
 - (B) Before a waiver or extension may be granted, the foster parent should explore the opportunity of receiving training by video or written materials.
 - “(3) The initial preplacement training shall include, but not be limited to, training courses that cover all of the following:
 - (A) An overview of the child protective system.
 - (B) The effects of child abuse and neglect on child development.

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- (C) Positive discipline and the importance of self-esteem.
 - (D) Health Issues in foster care.
 - (E) Accessing education and health services available to foster children.
 - (F) The right of a foster child 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.
- “(4) The postplacement annual training shall include, but not be limited to, training courses that cover all of the following:
- (A) Age-appropriate child development.
 - (B) Health issues in foster care.
 - (C) Positive discipline and the importance of self-esteem.
 - (D) Emancipation and independent living skills if a foster parent is caring for youth.
 - (E) The right of a foster child 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.”
 - (F) The dependency court process and court participation by the foster children and foster parents.
 - (G) Permanency options for children in foster care and services and supports available to foster parents providing permanent placements for dependent children.

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88022 PLAN OF OPERATION (Continued)**88022**

- (C) Initial and ongoing training in child abuse identification, prevention, and treatment for foster family agency personnel who provide services to children, certified parent(s), and foster family home licensee(s).
 - (D) Initial and ongoing training of foster family agency staff in the child's right to have fair and equal access to all available services, placement, care, treatment, and benefit, 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.
 - (E) The types of training to be provided, who will conduct the training, and who will attend.
- (6) A statement regarding how the foster family agency will coordinate with community resources.
 - (7) Procedures for the development, review, implementation and modification of the needs and services plan for children placed with the foster family agency.
 - (8) Procedures for the development, maintenance and implementation of removal and discharge procedures for children placed with the foster family agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 51, Civil Code; Sections 1506, 1506.7, 1520, and 1529.2, Health and Safety Code; Section 11174.1, Penal Code; Section 16001.9, Welfare and Institutions Code.

Article 4. CERTIFICATION AND USE OF HOMES**88030 IDENTIFICATION OF CERTIFIED FAMILY HOMES****88030**

- (a) All licensed foster family agencies shall accept applications from adult applicants, evaluate applicants for certification, or decertify homes, on a nondiscriminatory basis without regard to age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry.
- (b) Each certified family home used by a licensed foster family agency shall be provided with a Certificate of Approval, properly completed and signed by the administrator of the foster family agency or his/her designee.
- (c) The Certificate of Approval shall include the following:
 - (1) The capacity for which the home has been certified.
 - (2) The age range of children to be served.
 - (3) Any limitations of the home, including ambulatory status.
 - (4) Any preferences requested by the home.
 - (5) Date of issuance.
 - (6) Date of expiration not to exceed one year from the date of issuance.
- (d) A copy of the Certificate of Approval shall be kept in the certified family home case records maintained by the foster family agency.
- (e) A Certificate of Approval is not transferable and shall be void upon a change of location or certified parent(s) except under emergency conditions as specified in Section 88033.
- (f) Certified family homes shall conform to the regulations for "Foster Family Homes," Chapter 9.5, commencing with Section 89200.

NOTE: Authority cited: Section 1501 and 1530, Health and Safety Code. Reference: Sections 1502, 1506, 1530 and 1530.5, Health and Safety Code; and Section 51, Civil Code.

88030.1 LIMITATION ON USE OF SPECIALIZED CERTIFIED FAMILY HOMES 88030.1

- (a) The foster family agency may place children with special health care needs in certified family homes but not licensed foster family homes, however, no more than two children shall be placed in a specialized certified family home with the following exception:
- (1) The foster family agency may place a third child with or without special health care needs provided that the capacity, as determined by the foster family agency under Section 80028 is not exceeded, and the conditions specified in Sections 83010.1(a)(1)(A), (B) and (C) are met.
- (b) The foster family agency shall not place any child with special health care needs in a certified family home unless the certified parent has completed specialized in-home health care training as required by Section 83065.1(a).
- (c) The foster family agency shall not place a child if the child requires in-home health care other than family health care, unless the child is a child with special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), 17732(a) and 17736(a), Welfare and Institutions Code and Sections 1502(a) and 1507, Health and Safety Code.

88030.2 PROHIBITION OF LICENSURE FOR SPECIALIZED CERTIFIED FAMILY HOMES 88030.2

- (a) The foster family agency shall not place or permit the continued placement of children with special health care needs in a specialized certified family home for which the certified parent holds any day care or health care facility license for the same premises as the specialized certified family home.
- (1) If the foster family agency plans to place a child with special health care needs in a specialized certified family home whose certified parent holds a license as specified in Section 88030.2(a), the foster family agency shall verify that the certified parent has surrendered the license to the licensing agency prior to placing the child.
- (2) The provisions specified in Sections 88030.2(a) and (a)(1) shall not apply to existing placements of children with special health care needs in certified family homes that meet the conditions specified in Sections 83010.2(a)(2)(A) and (B).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17732(a), Welfare and Institutions Code and Sections 1300, 1506(a), 1524(c) and 1531, Health and Safety Code.

88031 APPLICATION FOR CERTIFICATION**88031**

- (a) The foster family agency application for certification shall require an applicant to provide the following:
- (1) Whether the applicant has been denied certification by a foster family agency and if so, by which agency.
 - (2) Whether the applicant has been put on a placement hold by a county and, if so, by which agency.
 - (3) Information required by Health and Safety Code Section 15006.7(a).

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- (A) Health and Safety Code Section 1506.7(a).

“A foster family agency shall require the owner or operator of a family home applying for certification to sign an application that shall contain, but not be limited to, the following information.

- (1) Whether the applicant has been certified, and by which foster family agency.
- (2) Whether the applicant has been decertified, and by which foster family agency.
- (3) Whether a placement hold has been placed on the applicant by a foster family agency, and by which foster family agency.
- (4) Whether the applicant has been a foster home licensed by a county or the state and, if so, by which county or state, or whether the applicant has been approved for relative placement by a county and, if so, by which county.”

HANDBOOK ENDS HERE

- (4) A declaration required by Health and Safety Code Section 1506.7(b)(2).

HANDBOOK BEGINS HERE

- (A) Health and Safety Code Section 1506.7(b)(2) provides in part:

“The application form signed by the owner or operator of the family home applying for certification shall be signed with a declaration by the applicant that the information submitted is true, correct, and contains no material omissions of fact to the best knowledge and belief of the applicant. Any person who declares as true any material matter pursuant to this section that he or she knows to be false is guilty of a misdemeanor....”

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88031 APPLICATION FOR CERTIFICATION (Continued)**88031**

- (b) In its application, the foster family agency shall provide applicants with notice required by Health and Safety Code Section 1506.7(b)(1) and 1506.7(b)(2).

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- (1) Health and Safety Code Section 1506.7(b)(1) provides:

“The application form signed by the owner or operator of the family home applying for certification shall contain notice to the applicant for certification that the foster family agency is required to check references of all foster family agencies that have previously certified the applicant and of all state and county licensing offices that have licensed the applicant as a foster parent, and that the signing of the application constitutes the authorization of the applicant for the foster family agency to conduct its check of references.”

- (2) Health and Safety Code Section 1506.7(b)(2) provides in part:

“...The application shall include a statement that submitting false information is a violation of law punishable by incarceration, a fine, or both incarceration and a fine.”

HANDBOOK ENDS HERE

- (c) Before certifying an applicant, the foster family agency shall make contacts and conduct a reference check as required by Health and Safety Code Section 1506.8, 1506.9(b), and 1536(c).

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- (1) Health and Safety Code Section 1506.8 provides:

“Before certifying a family home, a foster family agency shall contact any foster family agencies by whom an applicant has previously been certified and any state or county licensing offices that have licensed the applicant as a foster parent, and shall conduct a reference check as to the applicant.”

- (2) Health and Safety Code Section 1506.9(b) provides:

“Neither the department, a foster family agency, or a county shall incur civil liability for providing a county or a foster family agency with information if the communication is for the purpose of aiding in the evaluation of an application for certification of a family home by a foster family agency or for licensure as a foster home or approval of a relative placement by a county or by the department.”

HANDBOOK CONTINUES

88031 APPLICATION FOR CERTIFICATION (Continued)**88031**

HANDBOOK CONTINUES

- (3) Health and Safety Code Section 1536(c) provides in part:

“...a foster family agency may request information from, or divulge information to, the department, a county, or a foster family agency, regarding a prospective certified parent, or relative caregiver for the purpose of, and as necessary to, conduct a reference check to determine whether it is safe and appropriate to license, certify, or approve an applicant to be a certified parent, foster parent, or relative caregiver”

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506.7, 1506.8, 1506.9, and 1536, Health and Safety Code.

88035 USE OF COUNTY LICENSED FOSTER FAMILY HOMES**88035**

- (a) A foster family agency shall place in a county licensed foster family home as provided:
- (1) Foster family agencies shall not use foster family homes licensed by a county without the approval of the licensing county. When approval is granted, a written agreement between the foster family agency and the county shall specify the nature of administrative control and case management responsibility and the nature and number of children to be served in the home.

88035 USE OF COUNTY LICENSED FOSTER FAMILY HOMES**88035**

(Continued)

- (2) Before a foster family agency may use a licensed foster family home it shall review and, with the exception of a new fingerprint clearance, qualify the home in accordance with Health and Safety Code Section 1506.
 - (3) When approval is given, and for the duration of the agreement permitting the foster family agency use of its licensed foster family home, no child shall be placed in that home except through the foster family agency.
 - (4) Nothing in this section shall transfer or eliminate the responsibility of the placing agency for the care, custody, or control of the child. Nothing in this section shall relieve a foster family agency of its responsibilities for or on behalf of a child placed with it.
- (b) The county licensing agency shall continue to monitor the home as a licensed foster family home and shall maintain authority over all licensing activities.
 - (c) The foster family agency shall approve the county licensed foster family home by documenting that the home is willing and able to meet any additional conditions required by the foster family agency in order to provide the appropriate level of services to the children placed in that home.
 - (d) The foster family agency shall provide social work services to both the foster parents and children placed by the foster family agency into a county licensed foster family home.
 - (e) The foster family agency shall maintain the following material on file for all county licensed foster family homes utilized by the agency for placement:
 - (1) A copy of the written agreement between the county licensing agency and the foster family agency as provided in Health and Safety Code Section 1506.5(a).
 - (2) A copy of the foster family home license.
 - (3) A copy of the written agreement with the foster family home licensee documenting that it is willing and able to conform to all foster family agency conditions imposed upon the home.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506, 1506.5 and 1530, Health and Safety Code.

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Article 5. ADMINISTRATIVE ACTIONS**88044 INSPECTION AUTHORITY OF THE LICENSING AGENCY 88044**

- (a) The licensing agency has the authority to inspect foster family agencies in compliance with Health and Safety Code Sections 1526.5, 1533, 1534, and 1538.
- (b) The licensing agency has the authority to inspect certified family homes in compliance with Health and Safety Code Sections 1533, 1534, and 1538.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1526.5, 1533, 1534, and 1538, Health and Safety Code.

88044.5 DECERTIFICATION AUTHORITY OF THE LICENSING AGENCY 88044.5

- (a) If the licensing agency determines that a certified family home is out of compliance with applicable statutes and regulations, the licensing agency may require a foster family agency to decertify a certified family home.
 - (1) The certified family home may appeal the decertification to the Department and be provided an administrative hearing pursuant to Section 1551 of the Health and Safety Code.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530, 1534 and 1551, Health and Safety Code.

88045 EVALUATION VISITS 88045

- (a) The licensing agency shall have the authority to inspect the certified family homes used by the foster family agency as often as necessary to ensure the quality of care being provided.
- (b) The licensing agency shall select the certified family homes to be inspected.
- (c) A representative of the foster family agency shall accompany the licensing evaluator on an evaluation inspection.

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- (1) For complaint investigations, the licensing agency shall determine whether to have a foster family agency representative accompany the licensing evaluator.

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88045 EVALUATION VISITS (Continued)**88045**

- (d) The foster family agency shall inform the certified family homes at the time of certification of the licensing agency authority to conduct inspections of the certified family homes as provided by Health and Safety Code Section 1534.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530, 1530.5, 1533 and 1534, Health and Safety Code.

**88046 DENIAL OR REVOCATION OF LICENSE FOR
FAILURE TO PAY CIVIL PENALTIES****88046**

- (a) In addition to Section 80055.1(a), the Foster Family Agency licensee shall be responsible for paying civil penalties for violations cited against the agency's certified homes.

Authority cited: Sections 1530 and 1548, Health and Safety Code. Reference: Sections 1522, 1534, 1548, and 1551, Health and Safety Code.

Article 6. COMPLAINTS**88050 INVESTIGATIONS OF CHILD ABUSE OR NEGLECT COMPLAINTS 88050**

Repealed by Manual Letter No. CCL-99-02, effective 6/28/99.

88051 INVESTIGATION OF COMPLAINTS OTHER THAN CHILD ABUSE OR NEGLECT 88051

Repealed by Manual Letter No. CCL-99-02, effective 6/28/99.

88054 CIVIL PENALTIES 88054

(a) In addition to Section 80054, the following penalties shall apply:

- (1) The department shall assess an immediate civil penalty of \$50.00 when the agency fails to provide the department with a log of certified and decertified homes for any month by the tenth day of the following month. After each citation, the department shall assess a penalty of \$50.00 per day until the date the agency provides the department with the log.
- (2) The department shall assess an immediate civil penalty of \$50.00 when the agency fails to notify the department within one business day that it has decertified a family home for any reason specified in Section 88061(h)(1). After each citation, the department shall assess a penalty of \$50.00 per day until the date the agency notifies the department about the decertification.
- (3) If the agency is cited for repeating the same violation within 12 months, the department shall Additionally assess immediate civil penalties pursuant to Section 80054(d) or (e), in accordance with Health and Safety Code Sections 1548(c) and (d).

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(A) Health and Safety Code Section 1548(c) provides in part:

“...any facility that is cited for repeating the same violation of this chapter within 12 months of the first violation is subject to an immediate civil penalty of one hundred fifty dollars (\$150) and fifty dollars (\$50) for each day the violation continues until the deficiency is corrected.”

HANDBOOK CONTINUES

88054 CIVIL PENALTIES (Continued)**88054**

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(B) Health and Safety Code Section 1548(d) provides:

“Any facility that is assessed a civil penalty pursuant to subdivision (c) which repeats the same violation of this chapter within 12 months of the violation subject to subdivision (c) is subject to an immediate civil penalty of one hundred fifty dollars (\$150) for each day the violation continues until the deficiency is corrected.”

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NOTE: Authority cited: Sections 1530 and 1548(e), Health and Safety Code. Reference: Sections 1536 and 1548, Health and Safety Code.

Article 7. CONTINUING REQUIREMENTS**88061 REPORTING REQUIREMENTS****88061**

- (a) Each licensee or applicant shall furnish to the licensing agency reports as required by the Department, including, but not limited to, those specified in this section.
- (b) All foster family agency personnel shall report suspected child abuse and neglect to a child protective agency in accordance with Penal Code Sections 11164 et seq.

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- (1) Penal Code 11166 provides, in part, as follows:

(a)...any child care custodian...who has knowledge of or observes a child, in his or her professional capacity or within the scope of his or her employment, whom he or she knows or reasonably suspects has been the victim of child abuse, shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within 36 hours of receiving the information concerning the incident. A child protective agency shall be notified and a report shall be prepared and sent even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

Penal Code 11166.5 provides, in part, as follows:

(a)..."child care custodian" includes...licensees, administrators, and employees of licensed community care...facilities...foster parents...

Penal Code 11165.9 provides as follows:

As used in this article, "child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department. It does not include a school district police or security department.

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- (c) If any of the following incidents occur in a certified family home or in the foster family agency, the foster family agency shall report it to the Department by the Department's next working day during the normal business hours by telephone or fax:
 - (1) Any suspected physical or psychological abuse of any child.
 - (2) Death of any child from any cause.

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88061 REPORTING REQUIREMENTS (Continued)**88061**

- (3) Any injury to any child that requires treatment by a health practitioner.
- (A) This includes a permanent change in any child from ambulatory to nonambulatory status, if serving this nonambulatory child is inconsistent with the Plan of Operation or if a fire clearance has not been obtained.

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- (B) Please note the limitations on placing children with specialized health care needs at Section 88030.1, Section 88030.2, Section 88065.1, and Section 88069.1.

Also, please note the requirement to notify the licensing agency regarding a change in the Plan of Operation at Section 88061(i)(4).

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- (4) Any unusual incident or child absence that threatens the physical or emotional health or safety of any child.
- (A) Report suicide threats or attempts regardless of injury or treatment.
- (B) Report temporary absences if a personal history or the needs and services plan indicate that the child may be in jeopardy when absent beyond the approved time.
- (5) Epidemic outbreaks.
- (6) Poisonings.
- (7) Catastrophes.
- (8) Fires or explosions that occur in or on the premises.
- (9) Complaints associated with a certified family home's or foster family agency's compliance with applicable licensing laws and regulations.
- (d) Within seven days of the above reported incident, submit to the Department a written report that contains the following:
- (1) Name, address, and telephone number of the certified family parent(s) involved.
- (2) Child's name, age, sex, and date of admission.
- (3) Name, address, and telephone number of the foster family agency or other personnel involved.
- (4) Date and nature of the incident.

88061 REPORTING REQUIREMENTS (Continued)**88061**

- (5) Whether abuse report was required and filed.
- (6) Attending physician's name, findings, and treatment, if any.
- (7) Disposition of the case.
- (e) If the analysis of the incident reported takes longer than seven working days, send an interim written report to the Department within seven days and follow-up with the final written report within ten days of concluding the analysis.
- (f) The foster family agency shall report the following to the Department within ten working days:
 - (1) A change in the licensee's or applicant's mailing address.
 - (A) Report the individual's name, old address, new address, and date of the change.
 - (2) A change in the administrator or chief executive officer.
 - (A) Include the name, mailing and residence address of the new individual.
 - (B) Submit the individual's beginning date.
 - (C) Send verification of the administrator's education, experience, and qualifications.

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- 1. See Section 80019, Section 88019, and Section 88019.1 for criminal record and child abuse requirements applicable to a new administrator or chief executive officer.

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- (g) The foster family agency shall report as follows to the child's authorized representative and placement agency:
 - (1) Report the following events no later than the next working day:
 - (A) The items specified in Sections 88061(c)(1) through (8).
 - (B) The placement or removal of a child in a certified family home or licensed foster family home, under emergency circumstances and without the authorized representative's participation.
 - (C) A determination that the child must be relocated to another placement facility, because the foster family agency cannot meet the needs of the child.

88061 REPORTING REQUIREMENTS (Continued)**88061**

- (2) Report the following within seven days:
 - (A) The determination that the child must be relocated to another certified family home or licensed foster family home.
 - (B) Information that the child is not enrolled in or regularly attending school.
- (h) The foster family agency shall provide to the Department a log of family homes certified and decertified during the month by the tenth day of the following month.
 - (1) During the month, the foster family agency shall notify the Department within one business day of determining it necessary to decertify a certified family home due to any of the following actions by the certified family parent.
 - (A) Violating licensing rules and regulations.
 - (B) Aiding, abetting, or permitting the violation of licensing rules and regulations.
 - (C) Conducting oneself in a way that is inimical to the health, morals, welfare, or safety of a child placed in that certified family home.
 - (D) Being convicted of a crime while a certified family parent.
 - (E) Knowingly allowing any child to have illegal drugs or alcohol.
 - (F) Committing an act of child abuse or neglect or act of violence against another person.
 - (2) Notify the Department by the most expeditious means, including, but not limited to, telephone, fax, e-mail, or letter.
- (i) The foster family agency shall notify the Department before any of the following occurs:
 - (1) The establishment of a suboffice.
 - (2) A change in location of the administrative office or any suboffice.
 - (3) A change in the conditions or limits described on the license.
 - (4) Any changes in the plan of operation that affect services to children.
 - (5) A change of licensee, as required by Health and Safety Code Sections 1524 and 1524.1, including the following:
 - (A) Sale or transfer of the majority of stock.
 - (B) Separation from a parent company.

88061 REPORTING REQUIREMENTS (Continued)

88061

- (C) Merger with another company.

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1. Health and Safety Code, Section 1524, provides in pertinent part:

"A license shall be forfeited by operation of law prior to its expiration date when one of the following occurs:

(a) The licensee sells or otherwise transfers the facility or facility property, except when change of ownership applies to transferring of stock when the facility is owned by a corporation, and when the transfer of stock does not constitute a majority change of ownership....

(c) The licensee moves a facility from one location to another...."

2. Health and Safety Code, Section 1524.1, provides as follows:

"(a) Notwithstanding Section 1524, in the event of a sale of a licensed community care facility..where the sale will result in a new license being issued, the sale and transfer of property and business shall be subject to both of the following:

(1) The licensee shall provide written notice to the department and to each resident or client or his or her legal representative of the licensee's intent to sell the facility at least 60 days prior to the transfer of property or business, or at the time that a bona fide offer is made, whichever period is longer.

(2) The licensee shall, prior to entering into an admission agreement, inform all residents/clients, or their legal representatives, admitted to the facility after notification to the department, of the licensee's intent to sell the property or business.

(b) Except as provided in subdivision (e), the property and business shall not be transferred until the buyer qualifies for a license or provisional license pursuant to this chapter.

(1) The seller shall notify, in writing, a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a community care facility. The seller shall send a copy of this written notice to the licensing agency.

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(2) The prospective buyer shall submit an application for a license, as specified in Section 1520, within five days of the acceptance of the offer by the seller.

(c) No transfer of the property or business shall be permitted until 60 days have elapsed from the date when notice has been provided to the department pursuant to paragraph (1) of subdivision (a).

(d) The department shall give priority to applications for licensure that are submitted pursuant to this section in order to ensure timely transfer of the property and business. The department shall make a decision within 60 days after a complete application is submitted on whether to issue a license pursuant to Section 1520.

(e) If the parties involved in the transfer of the property and business fully comply with this section, then the transfer may be completed and the buyer shall not be considered to be operating an unlicensed facility while the department makes a final determination on the application for licensure.”

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- (j) The foster family agency shall notify the local health officer, as set forth in Title 17, California Code of Regulations, Section 2500, regarding the items specified in Sections 88061(c)(5) through (7) above.
- (1) The licensee shall report to the local health officer all outbreaks or suspected outbreaks involving two or more children of any communicable disease listed in Handbook Section 88061(j)(1)(A).

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- (A) Title 17, Section 2500, lists the following reportable communicable diseases as of March 21, 1997:

Acquired Immune Deficiency Syndrome (AIDS)

+ Amebiasis

+ Anisakiasis

◆ Anthrax

HANDBOOK CONTINUES

88061 REPORTING REQUIREMENTS (Continued)

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- | + Babesiosis
- | ◆ Botulism (Infant, Food borne, Wound)
- | Brucellosis
- | + Campylobacteriosis
- | Chancroid
- | Chlamydial Infections
- | ◆ Cholera
- | ◆ Ciguatera Fish Poisoning
- | Coccidioidomycosis
- | + Colorado Tick Fever
- | + Conjunctivitis, Acute Infectious of the Newborn, Specify Etiology
- | + Cryptosporidiosis
- | Cysticercosis
- | ◆ Dengue
- | ◆ Diarrhea of the Newborn, Outbreaks
- | ◆ Diphtheria
- | ◆ Domoic Acid Poisoning (Amnesic Shellfish Poisoning)
- | Echinococcosis (Hydatid Disease)
- | Ehrlichiosis
- | + Encephalitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic

HANDBOOK CONTINUES

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- ◆ Escherichia coli 0157:H7 Infection
- + • Food borne Disease
 - Giardiasis
 - Gonococcal Infections
- + Haemophilus influenzae, Invasive Disease
- ◆ Hantavirus Infections
- ◆ Hemolytic Uremic Syndrome
- Hepatitis, Viral
 - + Hepatitis A
 - Hepatitis B (specify acute case or chronic)
 - Hepatitis C (specify acute case or chronic)
 - Hepatitis D (Delta)
 - Hepatitis, other, acute
- Kawasaki Syndrome (Mucocutaneous Lymph Node Syndrome)
- Legionellosis
- Leprosy (Hansen Disease)
- Leptospirosis
- + Listeriosis
- Lyme Disease
- + Lymphocytic Choriomeningitis

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88061 REPORTING REQUIREMENTS (Continued)

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- | + Malaria
- | + Measles (Rubeola)
- | + Meningitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic
- | ◆ Meningococcal Infections
- | Mumps
- | Non-Gonococcal Urethritis (Excluding Laboratory Confirmed Chlamydial Infections)
- | ◆ Paralytic Shellfish Poisoning
- | Pelvic Inflammatory Disease (PID)
- | + Pertussis (Whooping Cough)
- | ◆ Plague, Human or Animal
- | + Poliomyelitis, Paralytic
- | + Psittacosis
- | + Q Fever
- | ◆ Rabies, Human or Animal
- | + Relapsing Fever
- | Reye Syndrome
- | Rheumatic Fever, Acute
- | Rocky Mountain Spotted Fever
- | Rubella (German Measles)

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Rubella Syndrome, Congenital

+ Salmonellosis (Other than Typhoid Fever)

◆ Scombroid Fish Poisoning

+ Shigellosis

+ Streptococcal Infection (Outbreaks of Any Type and Individual Cases in Food Handlers and Dairy Workers Only)

+ Swimmer's Itch (Schistosomal Dermatitis)

+ Syphilis

Tetanus

Toxic Shock Syndrome

Toxoplasmosis

+ Trichinosis

+ Tuberculosis

Tularemia

+ Typhoid Fever, Cases and Carriers

Typhus Fever

+ Vibrio Infections

◆ Viral Hemorrhagic Fevers (e.g., Crimean-Congo, Ebola, Lassa and Marburg viruses)

+ Water-associated Disease

◆ Yellow Fever

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+ Yersiniosis

Occurrence of any unusual disease

- ◆ Outbreaks of any disease (including diseases not listed in Section 2500). Specify if institutional and/or open community.

The above symbols have the following meaning:

(◆) - To be reported immediately by telephone.

(+) - To be reported by mailing a report, telephoning, or electronically transmitting a report within one (1) working day of identification of the case or suspected case.

(●) - To be reported immediately by telephone, when two (2) or more cases or suspected cases of Food borne disease from separate households are suspected to have the same source of illness.

(No diamond or cross symbol) - to be reported within seven (7) calendar days by mail, telephone, or electronic report from the time of identification.

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- (k) The foster family agency shall report immediately to the local fire authority any fires or explosions in or on the premises of a foster family agency, certified family home, or foster family home used by the foster family agency.
 - (1) In areas not having organized fire services, the foster family agency shall report to the State Fire Marshal within 24 hours.
- (l) The foster family agency shall send, by certified mail, copies of substantiated complaints to the persons designated in each child's placement agreement, as required by Health and Safety Code Section 1538.5(b).

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(1) Health and Safety Code Section 1538.5 provides, as follows:

(a)(1) Not less than 30 days prior to the anniversary of the effective date of the license of any residential community care facility license, except licensed foster family homes, the department may transmit a copy to the board members of the licensed facility, parents, legal guardians, conservators, client's rights advocate, or placement agency, as designated in each resident's placement agreement, of all inspection reports given to the facility by the department during the past year as a result of a substantiated complaint regarding a violation of this chapter relating to resident abuse and neglect, food, sanitation, incidental medical care, and residential supervision. During that one-year period the copy of the notices transmitted and the proof of the transmittal shall be open for public inspection.

(2) A group home facility shall maintain, at the facility, a copy of all licensing reports for the past three years that would be accessible to the public through the department, for inspection by placement officials, current and prospective family clients, and these client's family members who visit the facility.

(b) The facility operator, at the expense of the facility shall transmit a copy of all substantiated complaints, by certified mail, to those persons described pursuant to paragraph (1) of subdivision (a) in the following cases:

(1) In the case of any substantiated complaint relating to resident physical or sexual abuse, the facility shall have three days, from the date the facility receives the licensing report from the state department to comply.

(2) In any case in which a facility has received three or more substantiated complaints relating to the same violation during the past 12 months, the facility shall have five days from the date the facility receives the licensing report to comply.

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- (c) Each residential facility shall retain a copy of the notices transmitted pursuant to subdivision (b) and proof of their transmittal by certified mail for a period of one year after their transmittal.
- (d) If any residential facility to which this section applies fails to comply with the provisions of this section, as determined by the state department, the state department shall initiate civil penalty action against the facility in accordance with the provision of Article 3 (commencing with Section 1530) and the related rules and regulations.
- (e) The department shall notify the residential community care facility of its obligation when it is required to comply with this section.

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Section 11174.1, Penal Code; and Sections 1501, 1524, 1524.1, 1538, 1538.5, and 1550, Health and Safety Code.

88063 ACCOUNTABILITY**88063**

- (a) The licensee is accountable for the general supervision of the licensed facility and the certified family homes, for the establishment of policies concerning operations, and for ensuring operations comply with applicable regulations and statutes.
- (1) The licensee shall establish internal procedures to ensure that certified family homes report incidents, complaints, and alleged child abuse to the foster family agency.
 - (2) The licensee shall establish internal procedures to ensure that reports specified in Section 88063(a)(1) by certified family homes are reported to the Department.
- (b) Upon substantiation of a complaint against a certified family home, the licensee shall ensure that appropriate action is taken.
- (1) In the case of a substantiated child abuse complaint, the appropriate action may include removal of the child(ren), removal of a household member or decertification of the home, even though there were not sufficient grounds to warrant criminal prosecution.
 - (2) In the case of some other type of substantiated complaint, the appropriate action must ensure that the certified family home complies with applicable statutes and regulations.
- (c) The board of directors shall actively ensure accountability and perform, at a minimum, the following responsibilities:
- (1) Establish and approve policies and procedures governing the operation of the foster family agency.
 - (2) Approve and monitor a budget for the foster family agency.
 - (3) Access and maintain the level of funds necessary to cover the costs of operating the foster family agency.

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88063 ACCOUNTABILITY (Continued)**88063**

- (4) Adopt a plan of operation and program statement for the foster family agency that will ensure the services provided by the foster family agency correspond to the needs of the community.
- (5) Employ an administrator who meets the requirements of Section 88064 and Section 88065.
- (6) Maintain in the foster family agency files a written statement describing the duties delegated to the administrator.
- (7) Ensure that the administrator receives a copy of the statement describing the duties delegated to the administrator.
- (8) Review all licensing and incident reports provided by the administrator, and based upon such review, ensure that the foster family agency and its certified family homes thereafter comply with all applicable regulations.

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- (A) The information received in these reports is confidential in nature. Board members and foster family agency personnel are prohibited from further disseminating information received in these reports. Please see Health and Safety Code Section 1540.2 at Section 88065(a)(6)(A)1.

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- (9) Conduct board meetings on at least a quarterly basis to review and discuss the operation of the foster family agency.
- (10) Require that the chief executive officer, administrator, or designee be present at all board of directors meetings during which the operation or the policies of the foster family agency are discussed.
- (11) Ensure that minutes are recorded for all board of directors meetings and retained by the foster family agency as a permanent record of all board meetings.
- (12) Ensure that all minutes for board of directors meetings are available for review by the licensing agency and include an acknowledgment by the board members that they have received, reviewed, and discussed the licensing and incident reports provided to the board of directors by the administrator.
- (13) Submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501 and 1550, Health and Safety Code.

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88064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES**88064**

- (a) In addition to Section 80064, the following shall apply:
- (1) All foster family agencies shall have an administrator who shall meet one of the following requirements:
 - (A) A Master's Degree from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family and child counseling, counseling psychology, social psychology or equivalent education and experience as determined by the licensing agency. In addition, the administrator shall have demonstrated ability and leadership through a minimum of three years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.
 - (B) A Bachelor's Degree in a behavioral science from an accredited college or university. In addition, the administrator shall have demonstrated ability and leadership through a minimum of five years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.
 - (2) Foster family agency administrators hired before October 30, 1993, who do not meet the education and experience requirements shall remain qualified, provided they have no break exceeding three consecutive years in employment as a foster family agency administrator.
 - (3) The administrator shall be responsible for the operation of the foster family agency, including the following duties:
 - (A) Designating a staff person to perform the duties of the administrator in his/her absence from the facility who has the following qualifications.
 1. Knowledge of the foster family agency operations.
 2. Training in programs provided by the foster family agency.

88064 ADMINISTRATOR - QUALIFICATIONS AND DUTIES (Continued) 88064

3. Designation as the authorized person to correct deficiencies that constitute immediate threats to the health and safety of children in the foster family agency certified family homes.
 - (B) Appointing and dismissing staff.
 - (C) Ensuring attendance at each board meeting by the chief executive officer, administrator, or designee.
 - (D) Mailing copies of all alleged child abuse or neglect, substantiated complaint, licensing, and incident reports to the Board of Directors.
 - (E) Organizing and carrying out a program of staff development for all staff members.
 - (F) Ensuring the maintenance of a file of all foster family agency incident investigation reports and Department complaint investigation reports, including the foster family agency action taken.
 - (G) Ensuring that incident and complaint investigation reports are kept confidential as required by Health and Safety Code Section 1538(b).
- (b) The administrator may also serve in another personnel capacity provided he/she meets the applicable qualifications of both positions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1531 and 1538, Health and Safety Code.

88065 PERSONNEL REQUIREMENTS 88065

- (a) In addition to Section 80065, excluding Sections 80065(e), (f) and (j), the following shall apply:
 - (1) No foster family agency administrator, supervisor, social worker or Board of Director(s) member shall be a certified parent of the foster family agency with which he/she is affiliated.
 - (A) Individuals certified before October 30, 1993, shall be allowed to continue as certified parent(s) until the children currently in placement are removed from the certified parent(s)'s home.
 1. Individuals shall not accept additional placements from the foster family agency after October 30, 1993.

88065 PERSONNEL REQUIREMENTS (Continued)**88065**

- (2) For any other employee or consultant of the foster family agency who is also a certified parent of that foster family agency there shall be a clear separation of that individual's employment responsibilities and his/her responsibilities as a certified parent.
- (3) No administrator, supervisor or social worker employed by the foster family agency shall enter into any independent financial relationship or transaction with a certified parent of a home certified by the foster family agency, including but not limited to, rental agreements, personal cash loans, or sale, trade or transfer of property, unless:
 - (A) The independent financial relationship or transaction is found by the administrator and the Board of Directors to not represent a conflict of interest for the foster family agency or the individual; and
 - (B) The written finding and a full description of the relationship or transaction are recorded in both the personnel and certified family home files.
- (4) All foster family agency personnel who have direct contact with children shall complete a minimum of one-hour training in the area of child abuse identification and reporting.
- (5) All foster family agency personnel shall complete the training specified in Section 88022(a)(5).
- (6) All foster family agency personnel, who provide care and supervision of a child, shall be trained on the existing laws and procedures regarding the safety of foster youth at school as contained in the California Student Safety and Violence Prevention Act of 2000.
- (7) All foster family agency personnel shall sign the following statements:
 - (A) A statement acknowledging the provisions of Health and Safety Code Section 1540.2.

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1. Health and Safety Code Section 1540.2 reads as follows:

For any person who, without lawful authorization from a duly authorized officer, employee, or agent of the department, informs an owner, operator, employee, agent, or resident of a community care facility, of an impending and unannounced site visit to that facility by personnel of the department is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one thousand dollars (\$1,000), by imprisonment in the county jail for a period not to exceed 180 days, or by both a fine and imprisonment.

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- (B) A statement acknowledging the child abuse and neglect reporting responsibilities in Penal Code Section 11164 et seq.

88065 PERSONNEL REQUIREMENTS (Continued)**88065**

- | (8) The foster family agency shall employ staff necessary to perform the duties as follow:
 - (A) An administrator as specified in Section 88064.
 - (B) A social work supervisor meeting the qualifications specified in Section 88065.2.
 - (C) Social work personnel meeting the qualifications specified in Section 88065.3 and the ratios outlined in Section 88065.5.
- | (9) Each suboffice shall maintain social work personnel who meet requirements specified in Sections 88065.3 and 88065.4 to perform the functions of the suboffice.
- | (10) The foster family agency shall have qualified social work personnel available on a 24-hour basis to respond to any emergencies within a two-hour period.
- | (11) The foster family agency shall employ or retain professionals and consultants necessary to implement the plan of operation.

88065 PERSONNEL REQUIREMENTS (Continued)**88065**

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Education Code section 32228 provides:

"(a) It is the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

- (1) Teach pupils techniques for resolving conflicts without violence.
- (2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.
- (3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.
- (4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

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NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 11166.5 and 11174.1, Penal Code; Sections 1529.2, 1530, and 1540.2, Health and Safety Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

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88065.1 ADDITIONAL PERSONNEL REQUIREMENTS FOR FOSTER FAMILY AGENCIES PLACING CHILDREN WITH SPECIAL HEALTH CARE NEEDS 88065.1

- (a) Any foster family agency placing a child with special health care needs shall employ or contract with a registered nurse(s) to supervise and monitor the child's specialized in-home health care.
 - (1) The cumulative total of the supervisory hours specified in the individualized health care plan of each child assigned to a registered nurse as part of his/her regular caseload, shall not exceed 40 hours per week.

NOTE: Authority cited: Sections 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code.

88065.2 SOCIAL WORK SUPERVISOR 88065.2

- (a) Each social work supervisor in a foster family agency shall be responsible for, but not limited to, the following duties:
 - (1) Orientation and training of new social work personnel.
 - (2) Review and oversight of social work personnel casework.
 - (3) Ensure that assigned social work personnel perform their duties in compliance with applicable laws, regulations, policies and procedures.
- (b) Social work supervisors shall meet the following education and experience requirements:
 - (1) A Master's Degree from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology, or social psychology.
 - (2) In addition to the degree specifications in Subsection (b)(1) above, all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 1993:
 - (A) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.

88065.2 SOCIAL WORK SUPERVISOR
(Continued)**88065.2**

- (B) At least nine semester units of coursework related to children and families or 18 months experience in working with children and families.
 - (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (3) Experience as follows:
- (A) Three years of full-time social work or casework employment in the field of family or child welfare services; or
 - (B) Two years of full-time social work or casework employment in a licensed foster family or adoption agency.
- (c) Social work supervisors who do not meet the Master's Degree requirements specified in Subsection (b)(1) above may be granted an exception provided he/she completes the coursework and field practice or experience requirements specified in Subsection (b)(2) above.
- (1) Exceptions granted by the Department prior to January 1, 1993, shall remain in effect.
- (d) Social work supervisors who are hired on or after January 1, 1992, but prior to January 1, 1993, who do not meet the requirements listed in Subsection (b)(2) above shall be required to successfully meet those requirements by December 31, 1994, in order to remain employed as a social work supervisor in a foster family agency.
- (e) Social work supervisors who were hired prior to January 1, 1992, shall not be required to meet the requirements of Section 88065.2 in order to remain employed in a foster family agency.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code.

88065.3 SOCIAL WORK PERSONNEL**88065.3**

- (a) Social work personnel shall be employed to provide the social services of the foster family agency.
- (b) Social work personnel shall meet the following education and experience requirements:
 - (1) A Master's Degree from an accredited or state approved graduate school, as defined in Section 94310 of the Education Code, in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology or social psychology.
 - (2) In addition to the degree specifications in Subsection (b)(1) above, all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 1993:
 - (A) At least three semester units or 100 days of field practice or experience in a public or private social service agency setting at the Master's Degree level.
 - (B) At least nine semester units of coursework related to children and families, or 18 months experience in working with children and families.
 - (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
 - (D) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (c) Social work personnel who do not meet the Master's Degree requirements specified in Subsection (b)(1) above may apply for an exception provided he/she completes the coursework and field practice or experience requirements specified in Subsection (b)(2) above.
 - (1) Exceptions granted by the Department prior to January 1, 1993, shall remain in effect.
- (d) Social work personnel who are hired on or after January 1, 1992, but prior to January 1, 1993, who do not meet the requirements listed in this section shall be required to successfully meet those requirements by December 31, 1994, in order to remain employed as social work personnel in a foster family agency.

88065.3 SOCIAL WORK PERSONNEL (Continued)**88065.3**

- (e) Social work personnel who were hired prior to January 1, 1992, shall not be required to meet the requirements of this section in order to remain employed in a foster family agency.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.
- (g) Social work personnel shall be responsible for the following:
 - (1) Orientations of potential certified family home applicants.
 - (2) Evaluation and assessment of the application of the potential certified family home.
 - (3) Evaluation and assessment of a child for placement and continued placement in a certified family home or licensed foster family home.
 - (4) Placement of the child in the certified family home or licensed foster family home.
 - (5) Development and updating of the child's needs and services plan, including identifying individuals who are important to the child are required by Welfare and Institutions Code Section 366.1(g).

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- (A) Welfare and Institutions Code Section 366.1(g) provides:

“Whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with individuals other than the child's siblings that are important to the child, consistent with the child's best interests, and actions taken to maintain those relationships. The social worker shall ask every child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer to identify any individuals other than the child's siblings who are important to the child, consistent with the child's best interest. The social worker may ask any other child to provide that information, as appropriate.”

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- (6) Supervision of the placement of the child including direct contact with the child and the certified parent(s) or foster family home licensee(s).
- (7) Provision of support services to certified parents or foster family home licensees assigned to the social worker.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code; Sections 366.1 and 366.21, Welfare and Institutions Code..

88065.4	SOCIAL WORK SUPERVISOR/SOCIAL WORKER RATIOS	88065.4
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- (a) The foster family agency shall employ:
- (1) One full-time social work supervisor for every six social workers or fraction thereof in a treatment agency.
 - (2) One full-time social work supervisor for every eight social workers or fraction thereof in a nontreatment agency.
- (b) A social work supervisor may function as a social worker only under the following conditions:
- (1) When fewer than six social workers are supervised in a treatment agency, the supervisor shall be allowed to carry three cases in place of supervising one social worker.
 - (2) When fewer than eight social workers are supervised in a nontreatment agency, the supervisor shall be allowed to carry three cases in place of supervising one social worker.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88065.5	SOCIAL WORKER RATIOS	88065.5
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- (a) The foster family agency shall employ, for treatment agencies, one full-time social worker for every 15 children or fraction thereof in placement.
- (b) The foster family agency shall employ, for nontreatment agencies, one full-time social worker for every 25 children or fraction thereof in placement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88066 PERSONNEL RECORDS**88066**

(a) In addition to Section 80066, the following shall apply:

(1) The foster family agency shall maintain the following personnel records:

- (A) Documentation that the foster family agency personnel has completed the required training.
- (B) Documentation that the foster family agency personnel meets the education and experience requirements specified in Sections 88064, 88065, 88065.2 and 88065.3.
- (C) A record of performance evaluation and any correspondence with each employee.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88066.1	ADDITIONAL PERSONNEL RECORDS FOR FOSTER FAMILY AGENCIES PLACING CHILDREN WITH SPECIAL HEALTH CARE NEEDS	88066.1
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(a) Any foster family agency placing a child with special health care needs shall maintain the following personnel records for the registered nurse(s) required by Section 88065.1:

- (1) A copy of a valid license authorizing him/her to practice as a registered nurse in California.
- (2) A current list of children with special health care needs assigned to the registered nurse as part of his/her regular caseload. For each child, the list shall provide:
 - (A) The child's name and address.
 - (B) The number of supervisory hours required in the child's individualized health care plan.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code.

88068	ADMISSION AGREEMENTS	88068
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- (a) In addition to Section 80068, the following shall apply:
- (1) The foster family agency shall complete and maintain current admission agreements with each certified parent(s) or foster family home licensee(s) with whom the child is placed.
 - (A) Agreements shall be dated and signed by the foster family agency and the certified parent(s) or foster family home licensee(s) prior to the placement of any child.
 - (B) The foster family agency shall retain the original copy of the agreement and shall provide copies to the certified family home or licensed foster family home.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88068.1 INTAKE PROCEDURES**88068.1**

- (a) The foster family agency shall develop, maintain and implement intake procedures which meet the requirements specified in this section.
- (b) The following requirements shall be met within 30 calendar days of the child's placement in the home.
 - (1) The information specified in Sections 80070 and 88070 shall be obtained from the child's authorized representative(s).
 - (A) If the information is not completed by a placement agency, the foster family agency shall make telephone and/or written requests for the information to the child's placement agency and/or authorized representative, and shall record and retain the details of those requests.
 - (B) If the information is not received within 30 calendar days of the requests specified in Subsection (A) above, the foster family agency shall obtain from other sources the information necessary to complete the foster family agency appraisal form.
 - (2) When the information is received, social work personnel shall complete a needs and services plan as specified in Section 88068.2.
 - (3) The information specified in Subsections (b)(1) and (2) above shall be reviewed by the social work personnel to determine whether the foster family agency can provide the services necessary to meet the child's needs.
 - (4) If the child is accepted for placement, the following requirements shall be met:
 - (A) A foster family agency agreement shall be signed by the authorized representative(s) and the foster family agency as specified in Section 80068(c).
 - (B) The foster family agency shall develop an admission agreement that shall be dated and signed by the certified parent(s) or foster family home licensee(s) and the foster family agency as specified in Section 88068(a)(1).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88068.2 NEEDS AND SERVICES PLAN**88068.2**

- (a) The needs and services plan shall identify the child's needs in the following areas:
- (1) Reason for placement.
 - (2) Education.
 - (3) Training.
 - (4) Personal care and grooming.
 - (5) Ability to manage his/her own money including the maximum amount of money the child shall be permitted to have in his/her possession at any one time.
 - (6) Visitation, including the frequency of and any other limitations on visits to the family residence and other visits inside and outside the certified family home or licensed foster family home.
 - (7) Other specific services, including necessary services to the child's parent(s) or guardian(s).
 - (8) Types of services necessary, including treatment plan for placement with a treatment agency.
 - (9) Planned length of placement including the removal and/or discharge plan specified in Section 88068.4.
- (b) The foster family agency shall ensure that the child, age and maturity permitting, his/her authorized representative(s), the certified parent(s) or the foster family home licensee(s) are offered the opportunity to participate in the development of the needs and services plan.
- (1) The needs and services plan shall not be implemented unless prior written approval of the plan has been obtained from the child's authorized representative.
- (c) The foster family agency shall provide the certified parent(s) or the foster family home licensee(s) and the child's authorized representative with a copy of the needs and services plan.
- (d) A needs and services plan shall be completed within 30 calendar days from the date of placement for all children in a certified family home or licensed foster family home.
- (e) Unless restricted by the case plan adopted by the court or other court order, the foster family agency, certified parent, and foster family home licensee shall permit and facilitate connections between the child and the child's family and non-relative extended family members. Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501,1530 and 1531, Health and Safety Code; Sections 366.1, 366.21, and 16001.9, Welfare and Institutions Code.

88068.3 MODIFICATIONS TO NEEDS AND SERVICES PLAN**88068.3**

- (a) The needs and services plan specified in Section 88068.2 shall be updated at least every six months to determine the following:
 - (1) The child's need for continuing services.
 - (2) The need for modification in services.
 - (3) The foster family agency recommendation regarding the feasibility of the child's return to his/her home, placement in another facility or move to independent living.
- (b) The foster family agency shall ensure that the child, age permitting, and his/her authorized representative(s), the certified parent(s) or the foster family home licensee(s) are offered the opportunity to participate in such review.
 - (1) Modifications of the needs and services plan shall not be implemented unless prior written approval of the plan has been obtained from the child's authorized representative(s).
- (c) The foster family agency shall provide the certified foster parent(s) or the foster family home licensee(s) and the child's authorized representative(s) with a copy of the modified need(s) and services plan.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88068.4 REMOVAL AND/OR DISCHARGE PROCEDURES**88068.4**

- (a) The foster family agency shall develop, maintain and implement written policies and procedures governing a child's removal and/or discharge from a certified family home or licensed foster family home.
 - (1) Child, age and maturity permitting, and his/her authorized representative(s) shall receive copies of the procedures.
 - (2) Copies of the procedures, signed by the child's authorized representative(s), shall be maintained in the child's record.
- (b) The foster family agency shall ensure that the child, age and maturity permitting, and his/her authorized representative(s) are offered the opportunity to participate in the development of a discharge plan for the child.

88068.4 REMOVAL AND/OR DISCHARGE PROCEDURES (Continued)**88068.4**

- (c) If the foster family agency determines that it cannot continue to meet the needs of the child, the foster family agency shall notify the authorized representative(s) of the determination and provide written notification that the child shall be removed within seven days.
- (d) The foster family agency shall not prevent the child's removal from the certified family home or licensed foster family home under emergency circumstances by an authorized person.
 - (1) Emergency circumstances include, but are not limited to:
 - (A) Removal by law enforcement officer(s) when a child is arrested or when the child(ren) in the home is endangered by his/her continued presence in the home.
 - (B) Removal for emergency medical or psychiatric care.
 - (C) Relocation by the child's authorized representative(s).

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069 CHILDREN'S MEDICAL ASSESSMENT**88069**

- (a) In addition to Section 80069, the following shall apply:
 - (1) The foster family agency shall provide the certified parent(s) or foster family home licensee(s) with a copy of each child's current medical assessment.
 - (2) If a current medical assessment cannot be obtained, the foster family agency shall ensure that a current medical assessment is completed within 30 days of placement of the child.
 - (A) If the medical assessment cannot be completed within 30 days, a medical appointment date shall be obtained by the foster family agency within 30 days of placement of the child.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.1 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED CERTIFIED FAMILY HOMES**88069.1**

- (a) The foster family agency shall not place a child with special health care needs in a specialized certified family home unless the foster family agency has obtained an individualized health care plan for the child. The plan shall include the following information:
- (1) The name, address, and phone number of the registered nurse specified in Section 88065.1.
 - (2) The appropriate number of hours of on-site supervision and monitoring, and the appropriate number of hours of off-site supervision and monitoring, needed to be provided by the nurse specified in Section 88069.1(a)(1).
 - (3) Documentation by the child's individualized health care plan team identifying the specialized in-home health care to be administered by a health care professional or responsible adult trained by a health care professional.
 - (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of the certified parent for the provision of specialized in-home health care, including any required training and/or additional training.
 - (6) Identification of any available and funded medical services that are to be provided to the child in the home which may include, but is not limited to, assistance from health care professionals.
 - (7) Identification of any psychological, emotional, behavioral, or medical problems that will be identified in the child's needs and services plan or the medical assessment specified in Sections 80069 and 88069.
- (b) The individualized health care plan for each child with special health care needs shall be updated at least every six months or sooner if the needs of the child change.
- (c) For any child with special health care needs the hospital discharge plan may be adopted by the individualized health care plan team as the child's individualized health care plan.
- (d) The individualized health care plan may be combined with the child's needs and services plan or regional center individual program plan provided that all the information required by each plan is included.
- (e) The foster family agency shall provide the certified parent(s) with a copy of the child's individualized health care plan prior to placing the child. The foster family agency shall also provide the certified parent(s) with revised copy of the plan, whenever the plan is updated.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731(c), Welfare and Institutions Code.

88069.2 HEALTH PROTECTION OF CHILDREN - GENERAL REQUIREMENTS 88069.2

- (a) Each foster family agency shall ensure the provision of preventive and remedial medical care by a qualified physician or a medical clinic. The medical care provided shall include:
- (1) For infants, well baby care; for all other children, medical interventions as required.
 - (A) Physical examinations must be conducted at least annually or more often as recommended by a physician.
 - (2) Prompt treatment of remediable physical conditions.
 - (3) Necessary laboratory tests and immunizations.
 - (4) Tuberculin test or chest X-ray, and when indicated, provision for nose and throat culture and appropriate tests for sexually transmitted disease(s) for each child.
 - (5) Care in case of illness or accident, including provision for medical care and hospitalization as required.
 - (6) Dental examinations annually followed by necessary treatment; and arrangements for orthodontic care for the child when funding and services are available.
 - (7) Continuing observation of the child's progress and discussion with the physician of any changes from satisfactory conditions.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.3 IMMUNIZATIONS 88069.3

- (a) A child for whom vaccination against the following diseases cannot be verified shall receive the first dose of the appropriate vaccines as determined by a physician within 30 calendar days of placement in the home and shall receive follow-up doses as recommended by a physician.
- (1) Poliomyelitis.
 - (2) Diptheria.
 - (3) Pertussis, i.e., whooping cough.

88069.3 IMMUNIZATIONS (Continued)**88069.3**

- (4) Tetanus.
- (5) Measles.
- (6) Rubella, i.e., German measles.
- (7) Mumps.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530 and 1531, Health and Safety Code.

88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED FOSTER FAMILY HOME CASE RECORD**88069.7**

- (a) Each foster family agency shall maintain a case record for each certified family home or licensed foster family home used by the foster family agency.
- (b) Each certified family home or licensed foster family home case record shall include the following information on each home:
 - (1) A copy of the completed application that includes information required by Section 88031, Application for Certification.
 - (2) A written record of the home study.
 - (3) Medical reports.
 - (4) Correspondence.
 - (5) Applicable legal documents.
 - (6) Verifications of required information, including a signed statement acknowledging the child abuse and neglect reporting responsibilities of Penal Code Section 11164 et seq.
 - (7) Evaluation of findings.
 - (8) Decisions reached.
 - (9) Actions taken.
 - (10) Contacts with references.
 - (11) A record of each child placed in the home and the dates the child was in care.
- (c) In addition to Subsection (b) above, each case record of a certified family home shall include:

88069.7 CONTENT OF CERTIFIED FAMILY HOME OR LICENSED FOSTER FAMILY HOME CASE RECORD (Continued) 88069.7

- (1) Fingerprint clearances.
 - (2) Child Abuse Index Check Clearances.
 - (3) Any necessary fire clearances as specified in Section 83020.
 - (4) A copy of the Certificate of Approval.
 - (5) Documentation of the required 12 hours of annual training for certified parents as required by Section 1506(b)(2) of the Health and Safety Code.
 - (6) A copy of any complaint investigation report, the findings of that report, and the action taken by the foster family agency.
- (d) All information in case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff and foster family agency personnel that need access to the information to perform their duties.
- (1) This requirement does not relieve the foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties, as required by Section 88061(l).
- (e) All case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, a licensing 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 administrator or designee.
 - (3) Licensing representatives shall return the records undamaged and in good order within three business days following the date the records were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506.7, 1522, 1522.1 and 1531, Health and Safety Code.

88069.8 ADDITIONAL CONTENT OF CERTIFIED FAMILY HOME CASE RECORDS FOR SPECIALIZED CERTIFIED FAMILY HOMES 88069.8

- (a) The foster family agency shall ensure that the case record for each specialized certified family home includes the documentation required in Sections 83066(a)(1) and/or (2), and (d).

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Section 17731, Welfare and Institutions Code and Section 1531, Health and Safety Code.

88070 CHILDREN'S CASE RECORDS**88070**

- (a) In addition to Section 80070, the following shall apply:
- (1) The following information regarding the child shall be obtained and maintained by the foster family agency:
 - (A) The name, address, and telephone number of the adults with whom the child was living immediately prior to the current placement.
 - (B) The name, address, and telephone number of the child's parent(s), if known.
 - (C) The name, address, and telephone number of the placement worker and placement agency.
 - (D) Educational records, if available, describing the child's present academic level, including his/her grade or performance level, and any previous school-related problems.
 - (E) Dental and medical history, if available, including immunization records and physician's orders for any medically necessary diet.
 - (F) The child's court status, if applicable, including a copy of any custody orders and agreements with parent(s) or person(s) having legal custody.
 - (G) The list of persons who should or should not be allowed to visit and any limitations on visitation.
 - (H) Medical, psychiatric and psychological reports that identify special needs of the child diagnosed as mentally disordered or developmentally disabled.
 - (I) Medical and dental insurance coverage information including the placement agency or person responsible for medical and dental costs.
 - (J) Consent forms, completed by the child's authorized representative(s), to permit the foster family agency, certified parent(s) or foster family home licensee(s) to authorize medical and dental care.
 - (K) A copy of the child's original, and any modified, needs and services plan.

88070 CHILDREN'S CASE RECORDS (Continued) 88070

- (L) Signed copies of the foster family agency policies and procedures regarding the termination of the child's placement, discipline, and complaints.
 - (M) Documentation that vaccinations have been obtained as specified in Section 88069.3, if immunization records are not available prior to placement.
 - (N) Copy of the foster family agency agreement with authorized representative(s).
 - (O) Copy of the foster family agency agreement with the certified parents or foster family home licensees.
- (2) The following information shall be maintained in the child's record if it is determined that the child is to be removed or discharged from the foster family agency:
- (A) Date the child's authorized representative(s) was notified of the necessity for the child's removal or discharge.
 - (B) The name, address and relationship to the child of the person to whom the child was released.
 - (C) Reason for the child's removal or discharge.
- (3) All information in children's case records shall be confidential and shall be available only to the licensing agency; and to placement agency staff and foster family agency personnel that need access to the information to perform their duties.
- (4) All children's case records shall be available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (A) Licensing representatives shall not remove any current emergency or health-related information for current foster children unless the same information is otherwise readily available in another document or format.
 - (B) Prior to removing any case records, a licensing representative shall prepare a list of the case records to be removed, sign and date the list upon removal of the case records, and leave a copy of the list with the administrator or designee.
 - (C) Licensing representatives shall return the case records undamaged and in good order within three business days following the date the case records were removed.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506(b) and 1531, Health and Safety Code.

**88070.1 ADDITIONAL CHILDREN'S RECORDS FOR SPECIALIZED
CERTIFIED FAMILY HOMES****88070.1**

- (a) The foster family agency shall ensure that case records for each child with special health care needs contain the following additional information:
- (1) Documentation that the child has been adjudged a dependent of the court under Section 300 of the Welfare and Institutions Code or has a developmental disability and is receiving services and case management from a regional center.
 - (2) A copy of the child's individualized health care plan as specified in Section 88069.1.
 - (3) A copy of the written reassessment of the child's individualized health care plan as specified in Section 88069.1(b).
- (b) The foster family agency shall ensure that the needs and services plan of each child placed in a specialized certified family home not exceeding the two-child capacity limit contains the following information in addition to the information required in Sections 88068.2 and 88068.3:
- (1) Documentation by the child's county social worker, regional center caseworker or authorized representative that the needs of the child can be met by the facility.
 - (A) New documentation shall be obtained for all children and placed in the respective needs and services plans each time there is an increase or turnover in children and the home meets the conditions described in above Section 88070.1(b).
- (c) If a third child is placed in a specialized certified family home the foster family agency shall ensure that:
- (1) The needs and services plan for the third child documents the determination specified in Section 83010.1(a)(1)(A).
 - (2) The needs and services plan for each child in the home documents the determinations specified in Sections 83010.1(a)(1)(B) and (B)1.
 - (3) The individualized health care plan for each child with special health care needs documents the determinations specified in Sections 83010.1(a)(1)(C) and (C)1.
 - (A) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the team has been notified and has determined that the two-child limit may be exceeded.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Section 1530, Health and Safety Code. Reference: Sections 17710(a), 17731(c) and 17732(a), Welfare and Institutions Code and Section 1531, Health and Safety Code.

Article 8. PHYSICAL ENVIRONMENT**88087 ADMINISTRATIVE OFFICE/SUBOFFICE(S)****88087**

- (a) Notwithstanding Section 80087, the foster family agency shall be housed in an administrative office/suboffice(s) which provide privacy for interviewing and are conveniently located for the public.
- (1) The office(s) shall have a separate and secure area if the foster family agency is located in a building that is also used for nonfoster family agency purposes.
- (b) All confidential foster family agency records shall be maintained in locked file cabinets in the administrative office/suboffice(s).
- (c) The administrative office shall maintain the following records:
- (1) Case records for the children, certified family homes and licensed foster family homes served by this office;
- (2) All personnel records.
- (3) The foster family agency shall develop and maintain current administrative records that include an index of the location of all children in placement and all certified family homes and licensed foster family homes used by the foster family agency.
- (d) Each suboffice shall maintain:
- (1) The case records for the children in placement and the certified family homes and licensed foster family homes used by the suboffice.
- (e) No foster family agency shall provide services to children or homes which are located more than two hours by car from the administrative office or suboffice(s) providing the service.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1530, 1531, and 1557.5, Health and Safety Code.

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