

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package # 0507-02

CDSS MANUAL LETTER NO. CCL-08-07

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 8.8, FOSTER FAMILY AGENCIES

Regulation Package # 0507-02**Effective 8/8/08****Sections 88001, 88022, 88031, 88054, 88065.3, 88068.2 and 88069.7**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG641.htm>.

Proposed regulatory amendments would incorporate provisions of AB 1412 into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of small family home (SFH); needs and services plan sections of group home (GH), transitional housing placement program (THPP), and foster family agency (FFA); social work personnel section of FFA; and responsibility for providing care and supervision section of standalone foster family home (FFH) regulations.

Proposed regulatory amendments would incorporate AB 458 nondiscrimination training provisions into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of SFH; initial certification training program approval requirements of GH; personnel requirements sections of all GH; plan of operation section of FFA; and training requirements section of standalone FFH regulations. Proposed regulatory amendments would incorporate the provider nondiscrimination provisions of AB 458 by amending the applicant qualifications sections of general licensing requirements, SFH, and standalone FFH regulations.

Proposed regulatory amendments would incorporate AB 2661 provisions by adding a definition of "placement hold" to the definitions section of FFA regulations. An Application for Certification section would be added to regulations to outline information that applicants for family home certification must provide to FFAs, information that FFAs must provide to applicants for family home certification, and reference checks that FFAs must make before an applicant is certified as a family home.

A Civil Penalties section would be added to FFA regulations to outline a schedule of immediate and repeat civil penalties that will apply when a FFA is cited for failing to provide the department with information about certified and decertified family homes. Immediate and daily civil penalties of \$50.00 would apply when an agency fails to

provide the department with a log of certified and decertified family homes or fails to notify the department about its decision to decertify a family home, until it corrects the violation. An immediate civil penalty of \$150.00 and daily civil penalty of \$50.00 would apply when an agency repeats the same violation within 12 months.

These regulations were considered at the Public Hearing held on March 12, 2008

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-08-06. The latest prior manual letter containing General Licensing Requirements regulation changes was Manual Letter No.CCL-06-04.

<u>Page(s)</u>	<u>Replace(s)</u>
1 and 2	Pages 1 and 2
4 through 8	Pages 4 through 8
15 through 16.2	Pages 15 and 16
19 through 20	Pages 19 and 20
23 and 24	Pages 23 and 24
33 and 34	Pages 33 and 34
39 and 40	Pages 39 and 40
45 and 46	Pages 45 and 46

Attachments

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FOSTER FAMILY AGENCIES

TABLE OF CONTENTS

TITLE 22, DIVISION 6

CHAPTER 8.8 FOSTER FAMILY AGENCIES

Article 1. General Requirements and Definitions

	Section
General	88000
Definitions	88001

Article 2. License

License Required	88005
Licensing of Integral Program Components	88008
Posting of License.....	88009
Limitations on License.....	88010

Article 3. Application Procedures

Application for Licensure	88018
Criminal Record Clearance	88019
Child Abuse Central Index.....	88019.2
Plan of Operation	88022

Article 4. Certification and Use of Homes

Identification of Certified Family Homes	88030
Limitation on Use of Specialized Certified Family Homes	88030.1
Prohibition of Licensure for Specialized Certified Family Homes.....	88030.2
Application for Certification.....	88031
Emergency Condition - Continuation of Certification.....	88033
Use of County Licensed Foster Family Homes	88035

Article 5. Administrative Actions

Inspection Authority of the Licensing Agency	88044
Decertification Authority of the Licensing Agency.....	88044.5
Evaluation Visits	88045
Denial or Revocation of License for Failure to Pay Civil Penalties	88046

FOSTER FAMILY AGENCIES

TABLE OF CONTENTS (Continued)

Article 6. Complaints

Repealed by Manual Letter No. CCL-00-02, effective 2/1/00.

	Section
Investigations of Child Abuse or Neglect Complaints.....	88050
Investigation of Complaints Other Than Child Abuse or Neglect.....	88051

Article 7. Continuing Requirements

Civil Penalties	88054
Reporting Requirements	88061
Administrator - Qualifications and Duties	88064
Personnel Requirements.....	88065
Additional Personnel Requirements for Foster Family Agencies	
Placing Children with Special Health Care Needs.....	88065.1
Social Work Supervisor	88065.2
Social Work Personnel.....	88065.3
Social Work Supervisor/Social Worker Ratios.....	88065.4
Social Worker Ratios	88065.5
Personnel Records.....	88066
Additional Personnel Records for Foster Family Agencies	
Placing Children with Special Health Care Needs.....	88066.1
Admission Agreements	88068
Intake Procedures	88068.1
Needs and Services Plan	88068.2
Modifications to Needs and Services Plan.....	88068.3
Removal and/or Discharge Procedures	88068.4
Children's Medical Assessment	88069
Individualized Health Care Plans for Specialized Certified Family Homes	88069.1
Health Protection of Children - General Requirements	88069.2
Immunizations.....	88069.3
Content of Certified Family Home or Licensed	
Foster Family Home Case Record	88069.7
Additional Content of Certified Family Home Case Records	
for Specialized Certified Family Homes	88069.8
Children's Case Records	88070
Additional Children's Records for Specialized Certified Family Homes	88070.1

Article 8. Physical Environment

Administrative Office/Suboffice(s).....	88087
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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 with Special Health Care Needs" means a child who meets 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 Section 300 of the Welfare and Institutions Code.
 - 2. A child with a developmental disability who is receiving services and case management from a regional center.
- (6) "Client" means each individual child placed with the foster family agency.
- (7) "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.

| (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.

88001

DEFINITIONS (Continued)

88001

- (E) Assistance with procedures self-administered by older children free of severe mental or physical disabilities such as insulin injection and oxygen administration.
- (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; Section 17730, Welfare and Institutions Code. Reference: Sections 1502, 1506, 1506.7, 1530.5, and 1538, Health and Safety Code; Sections 17710(a), (g) and (i), 17731(c) and 17732(b), Welfare and Institutions Code.

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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.

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- (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.

HANDBOOK ENDS HERE

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.

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.”

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

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- (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).

HANDBOOK BEGINS HERE

- (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.”

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- (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.”

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

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- (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”

HANDBOOK ENDS HERE

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 7. CONTINUING REQUIREMENTS**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.”

- (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.

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).

HANDBOOK BEGINS HERE

- (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.”

HANDBOOK ENDS HERE

- (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..

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.

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.