

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



Regulation Package # 0409-04

CDSS MANUAL LETTER NO. CCL-10-05

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,
DIVISION 6, CHAPTER 9.5, FOSTER FAMILY HOMES

Regulation Package # 0409-04**Effective 3/6/10****Section 89374**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG642.htm> .

Currently, only two licensed children's residential facility categories, Group Homes that care for children under the age of six years and Crisis Nurseries, prohibit smoking within the facility and on the facility grounds.

A Report of the United States (U.S.) Surgeon General entitled, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*" (2006), concluded that "there is no risk-free level of exposure to secondhand smoke." Also, the U.S. Environmental Protection Agency found that each year in the U.S., secondhand smoke exposure is responsible for 150,000 to 300,000 new cases of bronchitis and pneumonia in children aged less than 18 months resulting in 7,500 to 15,000 hospitalizations annually.

Senate Bill 7 (Oropeza) Statutes of 2007 added Health and Safety Code Section 118948 which made it unlawful to smoke a pipe, cigar or cigarette containing tobacco or any other plant material in a motor vehicle whether in motion or at rest in which there is a minor. These regulations implement this statute and make the nonsmoking requirement mandatory for all children's residential facilities' buildings and grounds.

These regulations, promulgated by the Department of Social Services ensure children in small family homes have the right to be accorded safe, healthful and comfortable home accommodations and be free of the risks and toxic exposure of secondhand smoke.

These regulations were considered at the Department's public hearing held on August 12, 2009.

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-10-04. The latest prior manual letter containing Foster Family Homes regulation changes was Manual Letter No. CCL-08-08.

Page(s)

Replace(s)

82 through 83.1

Pages 82 and 83

Attachments

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89372	PERSONAL RIGHTS (Continued)	89372
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- (B) To be free from unreasonable searches of personal belongings.
- (24) To have all his/her juvenile court records be confidential, consistent with existing law.
- (25) At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, 1530.9, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 51 (Unruh Civil Rights Act), Civil Code; Section 12921; (California Fair Employment and Housing Act), Government Code.

89373	TELEPHONES	89373
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All foster family homes shall have telephone service, unless alternative telephone access is approved and documented.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520, 1524.7, and 1531, Health and Safety Code.

89374	TRANSPORTATION	89374
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- (a) The caregiver shall ensure that all transportation provided for children in their care is provided in vehicles that are in safe operating condition and that the drivers comply with all applicable laws.
 - (1) The caregiver and his/her staff are prohibited from smoking, or permitting any person from smoking a pipe, cigar or cigarette containing tobacco or any other plant in a motor vehicle when minor children are present. This prohibition applies when the motor vehicle is moving or at rest.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1531, and 118948, Health and Safety Code.

89376 FOOD SERVICE**89376**

- (a) The caregiver shall provide or ensure at least three nutritious meals per day and as necessary to meet any special dietary needs documented in the child's Needs and Services Plan.
- (b) Whenever children in placement eat at the home, they will have their meals with family members in a family setting.
- (c) Infants under seven months shall be held during bottle-feeding.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, and 1530, Health and Safety Code.

89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**89378**

- (a) The caregiver shall provide care and supervision as necessary to meet each child's needs, and shall be available at all times unless documented in the child's Needs and Services Plan, placement agreement, or Transitional Independent Living Plan (TILP) or agreed to in advance by the licensing agency.
- (b) The caregiver shall provide those services identified in each child's Needs and Services Plan and Transitional Independent Living Plan (TILP) if applicable.
- (c) The caregiver is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.
 - (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.
- (d) Unless restricted by the case plan adopted by the court or other court order, the caregiver shall permit and facilitate connections between the foster child and the foster child's family and non-relative extended family members. Nothing in the 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: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 201). Reference: Sections 1501, 1520, 1530.6, 1531, and 1559.110, Health and Safety Code; Section 677, Title 42 United States Code; Sections 366.1, 366.21, 11465 and 16001.9, Welfare and Institutions Code.

89379**ACTIVITIES****89379**

- (a) The caregiver shall provide opportunity for, and encourage participation in, group sports, leisure time, family, special school, and daily living skill activities.
- (b) The caregiver shall ensure direct care and supervision is provided to meet the child's needs during participation in those activities that are sponsored by third parties, except that school-sponsored activities shall be presumed to provide adequate care and supervision.

HANDBOOK BEGINS HERE

When a caregiver is determining whether a sponsor, other than a school, is providing adequate care and supervision, the caregiver should consider who the sponsor is and what supervision and safeguards are in place.

HANDBOOK ENDS HERE

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