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Regulation Package #0511-02

CDSS MANUAL LETTER NO. CCL-12-05

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

Regulation Package #0511-02

Effective 3/7/2012

Section 88001

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

These regulations make specific provisions of the law [Health and Safety Code (H&SC) and Welfare and Institutions Code (W&IC)] that permit a child to remain in foster care past age 18 under certain conditions. Currently, law allows:

- A youth who, prior to turning 18, is in foster care and attending high school or the equivalent level of vocational or technical training on a full-time basis or pursuing a high school equivalency certificate may continue to remain in foster care and receive Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits until age 19 if he or she is expected to complete full-time education or training or receive a high school equivalency certificate by that age (W&IC section 11403).
- A youth with special health care needs or a developmental disability may remain in foster care after he or she turns 18 if he or she resides in a licensed foster family home, small family home, group home, or certified family home, is completing a publicly funded education program, and expected to complete the program by age 22, and there is agreement by all parties involved that foster care continue (H&SC section 1507.2; W&IC sections 17710 and 17732.1).

These regulations were considered at the Department's public hearings held on September 14, 2011.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. 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-12-04. The latest prior manual letter containing Foster Family Agencies regulation changes was Manual Letter No. CCL-10-13.

Page(s)

Replace(s)

4 through 8

4 through 8

Attachments

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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.

HANDBOOK BEGINS HERE

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."

HANDBOOK ENDS HERE

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.

HANDBOOK BEGINS HERE

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."

HANDBOOK ENDS HERE

- (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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