

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1 Certified Family Homes Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 14, 2010, as follows:

July 14, 2010
Office Building # 8
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 14, 2010.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
California Department of Social Services
744 P Street, MS 8-4-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586 FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

California Code of Regulations (CCR), Title 22, Division 6, Chapter 8.8 (Foster Family Agencies), Section 88030 (Identification of Certified Family Homes).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, homes certified by Foster Family Agencies conform to Title 22, Division 6, General Licensing Requirements and Small Family Home regulations, with specified exceptions.

Typically, the Small Family Homes provide care and supervision to a medically fragile population and children with developmental disabilities. Most Certified Family Homes (CFH) do not provide care and supervision to a medically fragile population. Typical CFH resemble Foster Family Homes (FFH) in the scope of care and supervision provided and type of children served. In another similarity, FFH and CFH are regarded by statute as private residences pursuant to Health and Safety Code section 1530.5. Requiring CFH to conform to FFH regulations when providing care and supervision to foster youth is appropriate. These proposed regulations will update the FFA regulations to require certified caregivers to follow the FFH regulations, Chapter 9.5, commencing with section 89200.

Making this change is also beneficial because the FFH regulations have recently been updated to incorporate input from the Children's Residential Regulations Review Workgroup (CRRRW). The CRRRW was comprised of experts in the field, including advocates, county child welfare staff, current and former foster youth, foster parents, foster parent associations, and the California Department of Social Services representatives. The input is applicable to certified foster homes.

Therefore, it is the intent of the Department of Social Services, based on its broad authority through Health and Safety Code sections 1501 and 1530, to promulgate regulations that ensure children in certified foster care homes and the foster family agency caregivers follow the most appropriate and applicable regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No additional costs or savings because this regulation makes only technical, nonsubstantive or clarifying changes to current laws and regulations.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: No additional costs because the change is technical and clarifying.
4. Federal Funding to State Agencies: No additional costs because the change is technical and clarifying.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that the proposed regulations will affect small businesses. The proposed regulations establish requirements for certified family homes and require compliance from Foster Family Agencies. Foster Family Agencies are considered small businesses pursuant to section 11462.4 of the Welfare and Institutions Code.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1501 and 1530. Subject regulations implement and make specific Health and Safety Code Sections 1530 and 1530.5.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Everardo Vaca	(916) 657-2586
Backup:	Zaid Dominguez	(916) 657-2586