

Amend Section 31-001.2 to read:

31-001 GENERAL (Continued)

31-001

- .2 The requirements specified in Section 31-001 through Section 31-525 shall be met by county probation departments when placing children in out-of-home care, ~~whose board and care is funded through the AFDC-FC program.~~ (Continued)

Authority Cited: Sections 10553, 10554, 16520, and 16521, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 361.2(c) and (d), 727, 11404, 16520, and 16521, Welfare and Institutions Code; Section 7901, Family Code; 25 USCA Section 1901 et seq.; and 42 USC Sections 675 and 677.

Amend Section 31-002 to read:

31-002 DEFINITIONS (Continued)

31-002

- (a) (6) “Approval Agency” means the child-placing agency that has the responsibility to approve the homes of relative and non-relative extended family members as meeting the same standards as those set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.
- (7) “Approval Document” means a non-transferable form that indicates a specific relative or nonrelative extended family member at a specific location meets the standards as specified in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, and includes any documented alternative plan.
- (8) “Approval Standards” means the caregiver standards as set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3 and MPP Section 31-445 that must be met before a foster family home license or approval can be issued.
- (9) “Approved Foster Family Home” means the home of a relative or nonrelative extended family member that is exempt from licensure and approved as meeting the same standards as licensed foster family homes as set forth in Foster Family Home Regulations, Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3. For the purposes of this section, an “approved foster family home” shall include the home of a person related to the child by birth or adoption within the fifth degree of kinship, as defined in Welfare and Institutions Code Section 361.3(c)(2), regardless of whether the parent’s rights to the child have been terminated or relinquished.
- (10) “Assessment” (Continued)
- (c) (1) “California Department of Justice Clearance” means an individual has no felony or misdemeanor convictions, other than a minor traffic violation, reported by the California Department of Justice.
- (2) (Continued)
- (3) (Continued)
- (4) (Continued)
- (5) (Continued)
- (6) (Continued)

- (67) (Continued)
- (78) “Child” means a person under 18 years of age or a person up to 19 years of age who meets the requirements of Section 11403 of the Welfare and Institutions Code. For community treatment facilities, child means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11. (Continued)
- (89) (Continued)
- (10) “Child Abuse Central Index (CACI)” means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect.
- (11) “Child Abuse Central Index (CACI) Clearance” means that the California Department of Justice has conducted a name search of the index and the search did not result in a match, or if there is a match the allegation(s) was not substantiated by the Department after independent review and investigation pursuant to Section 1522.1 of the Health and Safety Code.
- (912) (Continued)
- (103) (Continued)
- (114) (Continued)
- (125) (Continued)
- (136) (Continued)
- (17) “Child with Special Health Care Needs” means a child who is under 18 years of age or a person 22 years or younger, who meets the requirements of Section 17710(a) of the Welfare and Institutions Code.

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(A) Welfare and Institutions Code Section 17710(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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(18) “Child’s Case Plan” means the portion of the case plan that identifies a child’s specific needs and services. This plan shall contain the information on the background and needs of the child that the placing social worker deems necessary for the effective care of the child. For the purpose of approval of a home, the “child’s case plan” meets the requirements for the Needs and Services Plan as identified in Foster Family Home Regulations, California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.

(149) (Continued)

(1520) (Continued)

(1621) (Continued)

(1722) (Continued)

(1823) (Continued)

(1924) (Continued)

(205) (Continued)

(216) (Continued)

(27) “Conviction” means:

(A) A criminal conviction in California; or

(B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.

(228) (Continued)

(239) (Continued)

(2430) (Continued)

(2531) (Continued)

(2632) (Continued)

(33) “California Law Enforcement Telecommunications System (CLETS)” means law enforcement or other governmental agency maintained state summary of a person’s criminal history information pursuant to Welfare and Institutions Code Section 16504.5.

(2734) ~~“Criminal Records Check” means, as allowable, pursuant to Health and Safety Code Section 1522.06, an inquiry into the Criminal Law Enforcement Telecommunications System (CLETS).~~ means an inquiry into the CLETS and the submission of two sets of fingerprints to the Department of Justice for the purpose of reviewing a person’s criminal history in accordance with Health and Safety Code Section 1522.1.

(35) “Criminal Records Clearance” means an individual has a California Department of Justice clearance and an FBI clearance or evidence of compliance with FBI requirements as specified in Health and Safety Code Section 1522(d)(1)(D).

(2836) (Continued)

(d) (3) ~~“Direct Assessment” means an in-person assessment of a relative and the relative's home to determine whether a child who has been removed from the physical custody of his/her parent or guardian, pursuant to Welfare and Institutions Code Section 300, may safely reside in the relative's home. Such an assessment is one of the factors to be considered in assessing a relative's home for foster care placement pursuant to Welfare and Institutions Code Section 361.3.~~

(43) (Continued)

(4) “Documented Alternative Plan” means a written authorization for a foster family home to use an alternative, based on a unique need or circumstance specific to a child being considered for placement, to meet the intent of a specified standard as permitted in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.

(e) (2) “Emergency assessment” means an immediate determination of the suitability of a relative caretaker or nonrelative extended family member by a social worker county welfare department or probation department for the temporary placement of a child, based on an in-home visit inspection to assess the safety of the home, the ability of the individual to care for the child during the temporary period, and a consideration of the results of a criminal records check and a check of reports of suspected child abuse or neglect. (Continued)

(11) “Exemption” means the granting of an exemption to the disqualification for an approval of a home, as allowed under Welfare and Institutions Code Section

361.4(d)(2) and pursuant to Health and Safety Code Section 1522(g), for an individual who does not have a criminal records clearance.

(142) (Continued)

(f) (6) “Federal Bureau of Investigation (FBI) Clearance” means an individual has no felony or misdemeanor convictions, other than a minor traffic violation, reported by the FBI.

(67) (Continued)

(D) ~~A foster family home which has been certified pending licensure.~~ An approved foster family home. (Continued)

(F) ~~The A home of a relative other than the child's parent/guardian,~~ pursuant to a court order or voluntary placement agreement. (Continued)

(78) (Continued)

(89) (Continued)

(910) “Foster parent” means a person whose home is licensed or approved as a foster family home or licensed as a small family home or certified by a licensed foster family agency for 24-hour care of children, a person to whom the responsibility for the provision of foster care is delegated by the licensee, and a relative other than the child's parent/guardian person who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement. (Continued)

(i) (1) (Continued)

(A) ~~“Written transitional independent living plan” means a written description of the programs and services, including employment, as appropriate, based on an assessment of the individual child's skills and abilities, which will help the child prepare for transition from foster care to independent living.~~ (Continued)

(4) “Infant” means a child under two years of age.

(45) (Continued)

(56) (Continued)

(67) (Continued)

- (n) (3) “Nonrelative extended family member” means any adult caregiver who has an established familial or mentoring relationship with the child as substantiated by interviews with the parent and child or with one or more third parties as required in Welfare and Institutions Code Section 362.7. (Continued)
- (t) (4) “Transitional independent living plan” means the portion of the child’s case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child’s skills and abilities, that will help the child prepare for transition from foster care to independent living.
- (45) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 319 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 319(f), 361.2(h), 361.3(a)(8), 361.4(a)(3)(A), (b), and (c), 362.7, 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 361, 361.2 and 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), (Section 361.3 was further amended by AB 2773, Chapter 1056, Statutes of 1998), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11400(a), 11467.1, 16501(a)(3), 16501.1(e)(9) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1505.2 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 1522, 1522.06, and 1530.8, Health and Safety Code; 45 CFR 233.120; 42 U.S.C. 675(5); ~~and~~ Sections 7901, 7911, 7911.1, and 7912, Family Code; and Public Law 105-89 (Adoption and Safe Families Act of 1977).

Amend Section 31-075 to read:

31-075 CASE RECORDS (Continued) 31-075

.3 Each case record shall contain at least the following information: (Continued)

(s) When appropriate, the following forms or equivalent ~~forms~~ documentation, which have been approved by the Department: (Continued)

(9) Documentation that the foster family home of a relative or nonrelative extended family member meets the approval standards.

(t) Documentation of the reason(s) for the following, when applicable: (Continued)

~~(3) The child's placement in a family home which has been certified pending licensure including documentation that the requirements specified in Section 31-445 have been met.~~

~~(43)~~ (Continued)

Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), 16002, 16501, and 16501.1(e)(8), and (e)(9) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), and 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; 45 CFR 1356.21(d); and Section 11170(b), Penal Code.

Amend Section 31-401.5 to read:

31-401 GENERAL REQUIREMENTS FOR PLACEMENT (Continued) 31-401

- .5 For a child placed in-state or out-of-state, the placement shall be in an appropriately licensed or approved facility which accords the child the same personal rights ~~awarded~~ afforded children in California as specified in California Code of Regulations, Title 22, Division 6, ~~Sections 80072, 84072, 84072.1, and 84072.2~~ Chapter 9.5, Article 3, Section 89372 and incorporated in MPP Section 31-445.3.

Authority Cited: Sections 16001.9, 10553, and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code and Assembly Bill 1695, Section 21.

Reference: Sections 309(d), 319(f), 361.2(h), 727, 1601.9, and 11402 (as amended by AB 1695, Chapter 653, Statutes of 2001) and 16501, Welfare and Institutions Code; Sections 1501, 1505, 1530.6, and 1531, Health and Safety Code, and 42 U.S.C. 677.

Amend Section 31-405 to read:

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT

31-405

.1 When arranging for a child's placement the social worker shall: (Continued)

(d) Consider nonrelative extended family members identified by the social worker/probation officer as willing and appropriate to care for the child if no noncustodial parent, relative given preferential consideration, or relatives identified by the social worker/probation officer as willing and appropriate is available.

(1) An assessment shall be conducted for the nonrelative extended family member(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.

(e) Meet the requirements specified in Section 31-445 when approving the home of a relative or nonrelative extended family member.

~~(f)~~ (Continued)

~~(g)~~ (Continued)

~~(h)~~ (Continued)

~~(i)~~ (Continued)

~~(j)~~ (Continued)

~~(k)~~ (Continued)

~~(l)~~ (Continued)

~~(m)~~ (Continued)

~~(n)~~ (Continued)

~~(o)~~ (Continued)

~~(p)~~ (Continued)

~~(q)~~ (Continued)

(r) Provide the out-of-home care provider the child's case plan that identifies the child's needs and services.

~~(s)~~ (Continued)

(~~qt~~) (Continued)

(~~ru~~) (Continued)

(~~sv~~) (Continued)

(~~tw~~) (Continued)

(~~ux~~) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 309, and 319, (~~as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997~~), 361.2, 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 361.3, and 362.7 (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 11467.1, and 16501, Welfare and Institutions Code; and Section 1530.8, Health and Safety Code.

Amend Section 31-410 to read:

31-410 TEMPORARY PLACEMENT (Continued)

31-410

.4 (Continued)

.42 A licensed or approved foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency, a county-operated emergency shelter care facility, ~~or an appropriate certified family home whose license is pending and all the prelicense requirements for such placement have been met as set forth in Welfare and Institutions Code Section 361.2(g).~~

~~(a).421~~ (Continued)

.5 The ~~social worker~~ county welfare department or probation department shall begin an emergency assessment for a relative or nonrelative extended family member, as defined in Welfare and Institutions Code Section 319, who either has requested placement of a child pending the detention hearing or whom the social worker/probation officer has identified as willing to provide care for a child pending the detention hearing.

.51 (Continued)

.511 An in-home ~~visit~~ inspection to assess the safety of the home. (Continued)

.513 The results of a criminal records check conducted through the California Law Enforcement Telecommunications System (CLETS) on all persons 18 years of age or older residing in the home, ~~provided that the county board of supervisors of the placing county adopts a resolution allowing a county child welfare services agency to secure CLETS information.~~

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(a) ~~Health and Safety Code Section 1522.06(e) specifies that relatives or people living in the homes of relatives are not precluded from refuting any of the information obtained by law enforcement if the individual believes the criminal record check revealed erroneous information. It is therefore prudent for county staff making inquiries of criminal records information to take necessary and appropriate actions to verify the accuracy of the information provided and to ensure that it is a correct reflection of the adult seeking placement and of the other adults in the home.~~

Penal Code Section 16504.5 specifies in pertinent part:

(a) Notwithstanding any other provision of law, pursuant to subdivision (b) of Section 11105 of the Penal Code, a child welfare agency may secure from an appropriate governmental agency the state summary criminal history information, as defined in subdivision (a) of Section 11105 of the Penal Code, through the California Law Enforcement Telecommunications System for the following purposes: ...

(f) Nothing in this section shall preclude a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the criminal records check revealed erroneous information.

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.514 (Continued)

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- (a) Penal Code Section 11170(b)(5) ~~specifies~~ in summary states that when Child Abuse Central Index information is released by the Department of Justice for the temporary placement of a child, the child protective services agency or court investigator is responsible for notifying, in writing, the person listed in the Child Abuse Central Index that he/she is in the index. The notification shall include the name of the reporting agency and the date of the report.
- (b) Penal Code Section 11170(b)(6)(A) ~~requires~~ in summary requires persons or agencies who receive Child Abuse Central Index information for purposes of licensing, adopting or placing a child to obtain the underlying report from the reporting agency and make their own independent assessment regarding the quality of the evidence disclosed and its sufficiency for making decisions regarding the placement of a child which will be the most appropriate placement and in the best interest of the child.

.52 (Continued)

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.6 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 309 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 319 (as amended by Senate Bill 2232, Chapter 1530, Statutes of 1990), 319(d) (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309, 309(d), 319, 319(f), 361.2(h), 362.7, 727, 11402, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 361.2(b) and (g), 366(c), 11467.1, and 16501.1(c), Welfare and Institutions Code; Section 1530.8, Health and Safety Code; Sections 11170(b)(5) and 11170(b)(6) (as amended by Senate Bill 644, Chapter 842, Statutes of 1997), Penal Code; and 42 U.S.C. Section 675(1)(A).

Amend Section 31-420 to read:

31-420 FOSTER CARE PLACEMENT

31-420

- .1 The foster care placement shall be based on the following needs of the child including, but not limited to: (Continued)
 - .14 ~~Capability, willingness and ability of the foster parent(s) caregiver to meet specific needs of the child, to facilitate family reunification, and provide the child's permanency alternative, if necessary.~~
 - ~~.15 The willingness and ability of a relative to meet the child's needs, to facilitate family reunification, and provide the child's permanency alternative, if necessary.~~
 - .165 (Continued)
 - .176 (Continued)
 - .187 (Continued)
 - .198 (Continued)
- .2 When selecting a foster care placement for the child, the social worker shall adhere to the following priority order:
 - .21 (Continued)
 - .213 When a child is placed under such circumstances, the foster home shall be exempt from licensure pursuant to Health and Safety Code Section 1505. The exempt home shall be approved as meeting the requirements specified in Section 31-445 which incorporates Title 22, Division 6, Chapter 9.5, Article 3, Foster Family Home. (Continued)
 - ~~.23 A family home which has been certified pending licensure.~~
 - ~~.231 No child shall be placed in a family home which has been certified pending licensure unless the case record documents that the child's specific needs cannot be met by an available licensed or exempt facility.~~
 - ~~(a) Under such circumstances, the placing worker shall complete the requirements specified in Section 31-445 prior to placement.~~
 - .243 (Continued)
 - .2431 (Continued)

.2432 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21.

Reference: Sections 361.2(b), 361.2(e)(2) and (3), 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 319(f), 361.2(h), 727, 11402, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 366(c), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16501.1(b) and (c), 11467.1, and 16507.5(b), Welfare and Institutions Code; Sections 1502, 1502(a)(8), and 1530.8, Health and Safety Code; Section 275, Civil Code; and 42 U.S.C. Section 671(1)(A); and Public Law 105-89 (Adoption and Safe Families Act of 1997).

Amend Section 31-440 to read:

31-440 FOSTER PARENT(S) NOTIFICATION REQUIREMENTS 31-440
(Continued)

.2 The county shall not be required to provide the notice specified in Section 31-440.1 if one or more of the following conditions exist: (Continued)

.24 Adverse licensing or ~~certification~~ approval actions have occurred ~~which~~ that prohibit the foster parent(s) from continuing to provide services. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21.

Reference: Section 16501, Welfare and Institutions Code; and Assembly Bill 1695 (Chapter 653, Statutes of 2001).

Amend Section 31-445 to read:

31-445 CERTIFICATION REQUIREMENTS FOR FOSTER HOMES 31-445
PENDING LICENSURE REQUIREMENTS FOR APPROVAL OF
RELATIVE AND NONRELATIVE EXTENDED FAMILY
MEMBER FOSTER FAMILY HOMES

- .1 ~~Prior to placement of a child in a family home which is pending licensure, the social worker shall certify that the home meets licensing standards, and shall complete the following additional requirements: When considering placement of a child in a relative or nonrelative extended family member home, the child welfare agency shall assess the home and the caregiver to the approval standards by completing the following requirements:~~
- .11 ~~An on-site in-home evaluation of the home shall be conducted. Such evaluation shall include the following: (Continued)~~
- .112 ~~Verification that the home has no safety defects ~~which~~ that could pose a hazard to the child, including, but not limited to, the following: (Continued)~~
- (a) ~~An unfenced swimming pool if serving a child who is either under ~~six~~ ten years of age or has a disability for whom special care and supervision is required as a result of his/her condition, unless an acceptable alternative method of inaccessibility, noted in Section 31-445.3 at Handbook Sections 89387(d) and (e) is present. (Continued)~~
- .113 ~~Verification that the home is of sufficient size and adequately furnished to meet the needs of the entire family.~~
- .12 ~~Verification shall be obtained that the following have occurred:~~
- .121 ~~An application for a foster family home license has been made.~~
- .122 ~~The application and its supportive documents do not raise a possible license denial issue.~~
- .123 ~~The foster parent agreement has been signed by the foster parent(s).~~
- .124 ~~The foster parent(s) has signed a statement indicating that he/she has never been convicted of, nor is awaiting trial for, any crime other than a minor traffic violation.~~
- .13 ~~The documentation specified in Sections 31-420.231 and 31-445.12 shall be completed.~~
- .14 ~~The licensing agency shall be notified that a placement is to be made, when the placement is to occur, and its estimated duration.~~

- ~~.15 Written supervisory approval of the placement shall be obtained.~~
- .12 Verification that the proposed caregiver has a criminal record clearance or exemption and Child Abuse and Index Clearance pursuant to Health and Safety Code Sections 1522 and 1522.1.
- .2 At the time of placement, verification shall be obtained that the following have occurred:
- .21 The caregiver is provided an orientation on the child welfare system and the caregiver's role and responsibilities as a foster parent.
- .3 Prior to the issuance of an approval document the agency must ensure the caregiver and home meet all the standards in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Caregiver Standards.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21.

Reference: Sections 309, 319, 361.2, 361.3, 361.5, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, 16507.5(b), and 16518, Welfare and Institutions Code; Section 11105.2, Penal Code; and Sections 1505, 1521.5, 1521.6, 1522, and 1522.05 and 1525.5, Health and Safety Code.