

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

Item #5 Foster Youth Personal Rights

The 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 September 17, 2003 as follows:

September 17, 2003
State Office Building #9
744 P Street, 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 CDSS will adjourn the hearings 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 CDSS 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 telefax to the address/number listed below. All comments must be received by 5:00 p.m. on September 17, 2003.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such 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 and the proposed regulations are also available online at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which CDSS 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: Anthony J. Velasquez, Chief, Office of Regulations Development, California Department of Social Services, 744 P Street, MS 7-192, Sacramento, California 95814

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CHAPTERS

Community Care Licensing, Title 22, Division 6, Chapter 1 - General Licensing Requirements, Section 80072 (Personal Rights); Chapter 4 - Small Family Home Regulations, Section 83072 (Personal Rights); Chapter 5 - Group Home Regulations, Section 84072 (Personal Rights); Chapter 5, Subchapter 1 - Community Treatment Facility Regulations, Section 84172 (Personal Rights); Chapter 5, Subchapter 2 - Care for Children Under the Age of Six Years, Section 84272 (Personal Rights).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations do not contain foster youth personal rights provisions of Assembly Bill (AB) 899, (Chapter 683, Statutes of 2001) in all children's residential program regulations. This includes group homes, small family homes and community treatment facilities.

These proposed Community Care Licensing Division regulations amend specific foster youth personal rights regulations in Title 22, Division 6, Chapter 1, General Licensing Requirements; Chapter 4, Small Family Home Regulations; Chapter 5, Group Home Regulations, Chapter 5, Subchapter 1 - Community Treatment Facility Regulations; and Chapter 5, Subchapter 2 - Care for Children Under the Age of Six Years of the California Code of Regulations to ensure that certain provisions of Assembly Bill (AB) 899, (Chapter 683, Statutes of 2001) are incorporated in all children's residential programs including group home, small family home and community treatment facility regulations.

AB 899 also adds Welfare and Institutions Code Section 16001.9 to require, in part, that the Department ensure that 21 enumerated personal rights are uniformly incorporated into the existing protected rights of foster children. Additionally, AB 899 amends Health and Safety Code Section 1530.91 to require children's residential care providers to post a listing of all foster youth rights or provide a developmentally appropriate orientation session, as applicable, for each child residing in foster care.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies, county welfare departments, or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The 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
The CDSS has determined that the proposed regulations will affect small businesses.

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
The 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 and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS
The CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, 10604 and 11369. Subject regulations implement and make specific Welfare and Institutions Code Section 16001.9 and Health and Safety Code Sections 1501, 1528, 1530.8, 1530.91, and 1531.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION
Contact Person: Anthony J. Velasquez (916) 657-2586
Backup: Steve Smalley (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION
Program Contact: Charles Thomas (916) 322-3177
Backup: Connie Fanos (916) 324-4318

AGENDA ITEM(S) FOR THIS PUBLIC HEARING – September 17, 2003

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| ITEM # 1 | ORD # 1202-28
Regulations | ABAWD, Food Stamp Voluntary Quit, and FSET Emergency |
| ITEM # 2 | ORD # 0403-08 | Family Reunification Child Support Referral Requirements |
| ITEM # 3 | ORD # 0603-13
Reimbursement | Foster Care Rates - Triennial Financial Audits and Cost |
| ITEM # 4 | ORD # 0203-04 | CalWORKs/Food Stamps Intercept Program |
| ITEM # 5 | ORD # 0503-12 | Foster Youth Personal Rights |