

89286	ALTERATIONS TO EXISTING FOSTER FAMILY HOMES	89286
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- (a) The licensing agency shall have the authority to require that the caregiver have a building inspection by a local building inspector if the agency suspects that a hazard to health and safety exists.

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

**Article 3. CORE REQUIREMENTS FOR CAREGIVERS, RELATIVES, AND
NONRELATIVE EXTENDED FAMILY MEMBERS**

89317 NONDISCRIMINATION OF APPLICANTS

89317

Any adult shall be permitted to apply for a license or approval regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, gender identity, HIV status, or ancestry.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Section 51, Civil Code; Section 1520, Health and Safety Code; Section 16013, Welfare and Institutions Code.

89318 APPLICANT QUALIFICATIONS

89318

- (a) An applicant shall have the knowledge, ability, and willingness to comply with the applicable laws and regulations and:
- (1) Provide care and supervision appropriate to a "child," including communicating with the "child,"
 - (2) Maintain or supervise the maintenance of all records that pertain to a "child" as specified in Section 89226, Safeguards for Cash Resources, Personal Property, and Valuables, and Section 89370, Children's Records,
 - (3) Direct the work of others in providing care when applicable,
 - (4) Apply the reasonable and prudent parent standard as specified in Welfare and Institutions Code sections 362.04, 362.05, 727, and Section 89377, Reasonable and Prudent Parent Standard,
 - (5) Promote a normal, healthy, balanced, and supported childhood experience and treat a "child" as part of the family, to the extent possible,
 - (6) Prepare a "child" for adulthood, and
 - (7) Attend training and professional development.
- (b) An applicant for a foster family home license shall complete an orientation provided by the licensing or approval agency.

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Welfare and Institutions Code section 362.04 provides in part:

"(a) For purposes of this section:

(1) "Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member.

(2) "Reasonable and prudent parent" or "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest."

Welfare and Institutions Code section 362.05 provides in part:

"(a) Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent or create barriers to participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level."

Welfare and Institutions Code section 727 provides in part:

"(4)(A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to wards have policies consistent with this section and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the child's age, maturity, and developmental level."

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89318 APPLICANT QUALIFICATIONS (Continued)**89318**

NOTE: Authority Cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1520, 1525.3, 1529.1, 1529.2, 1531, and 1562, Health and Safety Code; and Sections 362.04, 362.05, and 727, Welfare and Institutions Code.

89319 CRIMINAL RECORD CLEARANCE REQUIREMENT**89319**

All persons subject to criminal record review shall obtain a criminal record clearance from the California Department of Social Services or county as appropriate. Such review will require submission of completed fingerprints pursuant to Health and Safety Code section 1522. The licensing or approval agency will also conduct a search of the Child Abuse Clearance Index and child abuse records. The licensing or approval agency may conduct an authorized search of the California Law Enforcement Telecommunications System (CLETS).

NOTE: 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, 1522 and 1522.1, Health and Safety Code.

89323 EMERGENCY PROCEDURES**89323**

- (a) The caregiver shall post emergency telephone numbers in a prominent location.
 - (1) The caregiver shall discuss and practice emergency procedures with a "child" as age and developmentally appropriate at time of new placement and every six months.
 - (2) The caregiver shall ensure that occasional short-term babysitters, as defined in Section 89201, subsection (o)(1), and alternative caregivers as defined in Section 89201, subsection (a)(3), know the location of the emergency numbers.
 - (A) The caregiver shall review the emergency procedures with the babysitter or alternative caregiver.

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Emergency procedures are actions to be taken by the caregiver, a "child," and other household members in the event of a fire, earthquake, accident or other emergency, including, but not limited to, calling 911 and going to a safe meeting place.

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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 and 1531, Health and Safety Code; and Section 362.04, Welfare and Institutions Code.

89361 REPORTING REQUIREMENTS**89361**

- (a) The caregiver shall report to the licensing or approval agency and the person or agency responsible for placing a "child" when any of the following events occur. This report shall be made by telephone, e-mail, or fax within 24 hours after the event occurs or within the agency's next business day.
- (1) Death of any child.
 - (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6.

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Penal Code section 11165.6 provides:

"As used in this article, the term 'child abuse or neglect' includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. 'Child abuse or neglect' does not include a mutual affray between minors. 'Child abuse or neglect' does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer."

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- (3) Any injury to or illness of a "child" that requires emergency medical treatment or hospitalization.
- (4) Any unusual incident or absence of a "child" which threatens the physical or emotional health or safety of any child in the home.
- (5) Communicable disease outbreak as reported to the caregiver by a health professional or by the local health authority.
- (6) Poisonings.
- (7) Fires or explosions which occur in or on the premises.
- (8) If the caregiver operates a family day care home as defined in Health and Safety Code section 1596.78.

89361 REPORTING REQUIREMENTS (Continued)**89361****HANDBOOK BEGINS HERE**

Health and Safety Code section 1596.78 provides:

"(a) 'Family day care home' means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

(b) 'Large family day care home' means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) 'Small family day care home' means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in Section 1597.44 and as defined in regulations."

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- (9) All changes in household composition including, but not limited to:
- (A) An addition to the caregiver's family, including when the caregiver becomes guardian or conservator for any child or other person.
 - (B) Any adult moving in or out of the home.
 - (C) Except for a "child" under the jurisdiction of the court and placed by the county, anyone living in the home who reaches their 18th birthday.
- (b) The caregiver shall submit a written report to the licensing or approval agency and the person or agency responsible for placing a "child" when any of the events specified in subsection (a)(1) through (9) occur and the initial report was made by phone or did not include all of the information required on the written report. This written report shall be submitted within 7 calendar days after the event occurs and include the following information:
- (1) The name, age, sex, and date of admission of the "child."
 - (2) Date and nature of the incident.

89361 REPORTING REQUIREMENTS (Continued) 89361

- (3) Attending physician's name, findings, and treatment, if any.
- (4) Current status of the incident.
- (c) When there is a change in the caregiver's mailing address that does not also include a change in the location of the home, the caregiver shall notify the licensing or approval agency and the person or agency responsible for placing a "child," by telephone, e-mail or fax within 10 working days following the change.
- (d) When there is a change in the location of the home, the caregiver shall notify the licensing or approval agency and the person or agency responsible for placing a "child," by telephone, e-mail, or fax 30 days prior to the move or as soon as the information is available.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1530.6, 1531, 1557.5, and 1596.78, Health and Safety Code; Sections 11165.6, 11165.7, 11165.9, and 11166, Penal Code; Section 361.2(j)(1)(A), Welfare and Institutions Code.

89370 CHILDREN'S RECORDS 89370

- (a) For each "child" in the home, the caregiver shall maintain a separate, complete, and current record or file that includes the following:
 - (1) The name of the "child," birth date, and date of placement in the home.
 - (2) If provided, a summary of the health and education information and records, including mental health information or records as described in Welfare and Institutions Code section 16010.
 - (A) The summary may be maintained in the form of a health and education passport as defined in Section 89201, subsection (h)(1), or a comparable format designed by the placing county.
 - (B) The caregiver shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, immunization records and any official grade or progress reports.

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Welfare and Institutions Code section 16010 provides in part:

"(a) When a child is placed in foster care, the case plan for each child recommended pursuant to Section 358.1 shall include a summary of the health and education information or records, including mental health information or records, of the child. The summary may be maintained in the form of a health and education passport, or a comparable format designed by the child protective agency. The health and education summary shall include, but not be limited to, the names and addresses of the child's health, dental, and education providers, the child's grade level performance, the child's school record, assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement, a record of the child's immunizations and allergies, the child's known medical problems, the child's current medications, past health problems and hospitalizations, a record of the child's relevant mental health history, the child's known mental health condition and medications, and any other relevant mental health, dental, health, and education information concerning the child determined to be appropriate by the Director of Social Services. If any other provision of law imposes more stringent information requirements, then that section shall prevail."

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- (3) Written authorization for the caregiver to obtain medical and dental care in an emergency if the person or agency responsible for placing a "child" cannot be reached.
 - (4) If provided, a written plan identifying the specific needs and services of the "child."
 - (5) If the written plan identifying the specific needs and services of the "child" is not provided at the time of placement, pre-placement information as specified in Section 89468, subsection (b). This information shall be kept on file regardless of whether the written plan is received at a later date.
 - (6) Itemized inventory list of cash resources, personal property, and valuables of a "child" as specified in Section 89226, subsections (a) and (d).
- (b) All records for a "child" shall be available to the Department, licensing or approval agency to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) The Department, licensing or approval agency representatives shall not remove any current emergency or health-related records for a "child" unless the same information is readily available in another document or format.

89370 CHILDREN'S RECORDS (Continued) 89370

- (2) Prior to removing any records, the Department, licensing or approval agency representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the caregiver.
 - (3) The Department, licensing or approval agency representatives shall return the records to the home undamaged and in good order within three business days following the date the records were removed.
- (c) All information and records regarding a "child" shall be confidential except as otherwise authorized by law.

NOTE: Authority cited: Authority: Sections 1530, 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, 1531, and 1557.5, Health and Safety Code; Sections 361.2(j)(1)(A) and 16010, Welfare and Institutions Code.

89372 PERSONAL RIGHTS 89372

- (a) The caregiver shall ensure that each "child" is accorded the personal rights specified in Welfare and Institutions Code section 16001.9. In addition, the caregiver shall ensure that each "child" is accorded the following personal rights:
- (1) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
 - (2) To be provided with and allowed to possess and use adequate personal items, which includes their own:
 - (A) Clothes, provided the clothes are age-appropriate as defined in Section 89201, subsection (a)(2), do not violate school standards when worn during school activities, and are in accordance with the gender identity of the "child."
 - (B) Toiletries and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate.
 - (C) Belongings, including items that were a gift to the "child."

89372 PERSONAL RIGHTS (Continued)**89372**

- (3) Provided the rights of others are not infringed upon, to have visitors that include:
- (A) Relatives, unless prohibited by court order.
 - (B) The authorized representative for the "child."
 - (C) Other visitors, unless prohibited by court order or by the authorized representative for the "child."
- (4) To be informed and to have his or her authorized representative informed, by the caregiver of the provisions of law regarding complaints, including the address and telephone number of the licensing agency and about the confidentiality of complaints.
- (5) To make and receive confidential telephone calls, and send and receive unopened mail and electronic communication, unless prohibited by court order.
- (A) Reasonable restrictions may be imposed by the caregiver, social worker, or probation officer on calls and correspondence.
 - (B) Other reasonable restrictions may be imposed. The caregiver may:
 - 1. Request reimbursement for the cost of long distance calls made by the "child" from the "child" or his or her authorized representative,
 - 2. Deny the making of long distance calls by the "child" upon verification that previous long distance calls have not been paid,
 - 3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies, and
 - 4. Restrict the telephone use of the "child" as reasonable discipline except as provided in (D) below, and shall be subject to social worker or probation officer review.
 - 5. Restrict Internet usage when appropriate.
 - (C) No restrictions shall be applied to telephone calls, mail, and electronic communication with relatives, including brothers and sisters, unless prohibited by court order.

89372 PERSONAL RIGHTS (Continued)**89372**

- (D) No restrictions shall be applied to telephone calls, mail, and electronic communication with social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (6) To have access to letter writing material.
- (7) To be accorded the independence appropriate to the age, maturity, and capability of the "child" consistent with the written plan identifying the specific needs and services of the "child" or the Transitional Independent Living Plan (TILP) for the "child," if applicable.
- (8) Not to be restrained or placed in any restraining device other than as specified in Section 89475.2, Postural Supports and Protective Devices.
- (9) To be accorded dignity in their personal relationships with other persons in the home.
- (A) To be free from unreasonable searches of person.
- (10) To have private or personal information including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, school reports reflecting poor performance or behavior, and information relating to the biological family of the "child," maintained in confidence.
- (A) The caregiver shall disclose information about the "child" to the biological family, Juvenile Court, the minor's social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, authorized representative, and licensing or approval agency, unless such disclosure is prohibited by court order.
- (B) As needed to ensure appropriate care, supervision, or education of the "child," the caregiver shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school officials, and other persons, unless such disclosure is prohibited by court order.

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Welfare and Institutions Code section 16001.9, subsection (a) provides in part:

"(a) It is the policy of the state that all children in foster care shall have the following rights:

- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.

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- (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- (3) To receive adequate and healthy food, adequate clothing.
- (4) To receive medical, dental, vision, and mental health services.
- (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.
- (8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- (10) To attend religious services and activities of his or her choice.
- (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
- (12) To not be locked in any room, building, or facility premises, unless placed in a community treatment facility.
- (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.
- (14) To work and develop job skills at an age-appropriate level, consistent with state law.

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- (15) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.
- (16) To attend Independent Living Program classes and activities if he or she meets age requirements.
- (17) To attend court hearings and speak to the judge.
- (18) To have storage space for private use.
- (19) To be involved in the development of his or her own case plan and plan for permanent placement.
- (20) To review his or her own case plan and plan for permanent placement if he or she is 12 years of age or older and in a permanent placement, and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (21) To be free from unreasonable searches of personal belongings.
- (22) To confidentiality of all juvenile court records consistent with existing law.
- (23) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (24) At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education."

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Welfare and Institutions Code section 369.5 provides:

"(a) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication..."

"(d) Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

"(e) Nothing in this section is intended to supersede local court rules regarding a minor's right to participate in mental health decisions."

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- (b) In ensuring the rights of a "child," the caregiver is not required to take any action that would impair the health and safety of a "child" or household members.
- (1) Caregivers are not prohibited from locking exterior doors and windows or from establishing house rules for the protection of a "child" or household members so long as a "child" can exit the home.
- (c) At the time of placement, the caregiver shall ensure a "child" is verbally notified, in an age and developmentally appropriate manner, of the rights specified in this section and provided with a written copy of these rights and information regarding agencies a "child" may contact concerning violations of these rights and other complaints.

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: California Constitution, Article 1, Section 13; Sections 1501, 1501.1, 1520, 1530.91, and 1531, Health and Safety Code; Sections 361.2(j) - (j)(2), 369.5, 727(a)(3), 827, and 16001.9, Welfare and Institutions Code; Section 51, Civil Code; Section 12921, Government Code.

89373 TELEPHONES**89373**

Telephone service shall be readily accessible in the home at all times, unless alternative telephone access is approved and documented by the licensing or approval agency using a Documented Alternative Plan (LIC 974) as defined in Section 89201, subsection (d)(5).

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, 1520, and 1531, Health and Safety Code; Section 361.2(j)(1)(A), Welfare and Institutions Code.

89374 TRANSPORTATION**89374**

- (a) The caregiver shall ensure that persons who transport a "child" use vehicles that are in safe operating condition.
- (1) The caregiver and his/her staff are prohibited from smoking a tobacco product, or permitting any person from smoking a tobacco product in a motor vehicle that is regularly used to transport children, regardless of when the children are present. This prohibition applies when the motor vehicle is moving or at rest. Smoking has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code, and tobacco product means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

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Business and Professions Code sections 22950.5(c) and (d) provide:

(c) "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

(d) (1) "Tobacco product" means any of the following:

(A) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

(B) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

(C) Any component, part, or accessory of a tobacco product, whether or not sold separately.

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89374 TRANSPORTATION
(continued)**89374**

- (b) The caregiver shall not allow a "child" to be transported by a person the caregiver knows or reasonably should know does not have a valid California or other state driver's license.
- (c) Unless other arrangements are specified in the written plan identifying the specific needs and services of a "child" or included in the written placement agreement between the caregiver and the placing agency, the caregiver shall ensure transportation is provided for the following situations:
- (1) Medical appointments,
 - (2) School, and
 - (3) Extracurricular, enrichment and social activities, provided the transportation to these activities is reasonable.

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When determining if the transportation to an activity for a "child" is reasonable, the caregiver may consider the location, frequency, cost for transportation, and time necessary to provide transportation.

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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, 1530.7, 1531, and 118948, Health and Safety Code; Section 362.05, Welfare and Institutions Code; and 22950.5(c) and (d), Business and Professions Code.

89376 FOOD SERVICE**89376**

- (a) The caregiver shall provide or ensure at least three nutritious meals per day, have between-meal snacks available, provide food as necessary, and meet any special dietary needs documented in the written plan identifying the specific needs and services of the "child," unless the physician of a "child" advises otherwise.
- (1) The quantity and quality of food available to household members shall be equally available to a "child."
- (b) A "child" shall be invited to participate in all household meals.
- (c) An infant who is unable to hold a bottle shall be held during bottle-feeding. At no time shall a bottle be propped for an infant. A bottle given to an infant able to hold his or her own bottle shall be unbreakable.
- (d) The caregiver may encourage a "child," as age and developmentally appropriate, to learn meal preparation, but shall not require a "child" to prepare meals.
- (1) A "child" may use kitchen knives and appliances to learn meal preparation.

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, 1530, and 1531, Health and Safety Code; Sections 361.2(j) - (j)(2) and 362.05, Welfare and Institutions Code.

89377 REASONABLE AND PRUDENT PARENT STANDARD**89377**

- (a) The caregiver shall be responsible for applying the Reasonable and Prudent Parent Standard as defined in Welfare and Institutions Code section 362.04 and specified in sections 362.05 and 727.

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The Reasonable and Prudent Parent Standard is intended to assist caregivers in normalizing the life of a "child."

Welfare and Institutions Code section 362.04 provides in part:

"(a) For purposes of this section:

- (1) 'Caregiver' means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member.

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89377 REASONABLE AND PRUDENT PARENT STANDARD
(Continued)**89377**

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(2) 'Reasonable and prudent parent' or 'reasonable and prudent parent standard' means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest...."

Welfare and Institutions Code section 362.05 provides in part:

"(a) Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent or create barriers to participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level."

Welfare and Institutions Code section 727 provides in part:

"(4)(A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to wards have policies consistent with this section and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the child's age, maturity, and developmental level."

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- (b) Application of the reasonable and prudent parent standard shall not result in the denial of the rights of a "child" as specified in Welfare and Institutions Code section 16001.9, or contradict court orders or the written plan identifying the specific needs and services of the "child."

89377 REASONABLE AND PRUDENT PARENT STANDARD
(Continued)**89377**

- (c) In applying the reasonable and prudent parent standard, the caregiver shall consider:
- (1) The age, maturity, and developmental level of a "child,"
 - (2) The nature and inherent risks of harm, and
 - (3) The best interest of a "child" based on information known by the caregiver.

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The caregiver should consider information provided or known about a "child" when determining the best interest of the "child." This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, developmental level of, and court orders for, the "child." The social worker, physician, counselor, and educator of a "child" are valuable resources for obtaining this information.

HANDBOOK ENDS HERE

- (d) If the foster family home has dual licensure as a family child care home, the caregiver shall not use the reasonable and prudent parent standard as specified in subsections (a) through (c) to make decisions for children in the family day care.

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A Reasonable and Prudent Parent Standard decision is referenced in the following sections:

- (1) Applicant Qualifications, Section 89318, subsection (a)(4).
- (2) Responsibility for Providing Care and Supervision, Section 89378, subsections (a)(1)(A), (a)(1)(A)3.a., (a)(1)(B), (a)(1)(D), (a)(1)(F), and (b).
- (3) Activities, Section 89379, subsection (b).
- (4) Buildings and Grounds, Section 89387, subsection (d)(1).
- (5) Storage Space, Section 89387.2, subsections (b)(1) through (3).
- (6) Admission Procedures, Section 89468, subsection (b) handbook.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference:Section 1531, Health and Safety Code; Sections 362.04, 362.05, and 727, Welfare and Institutions Code.

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

- (a) The caregiver shall provide care and supervision as necessary to meet the needs of a "child." At a minimum, the caregiver shall provide those services as specified in the written plan identifying the specific needs and services of the "child," placement agreement, and Transitional Independent Living Plan (TILP) if applicable.
- (1) The caregiver may arrange for other care and supervision as follows:
- (A) Occasional Short-term Babysitter.
1. If the caregiver anticipates being absent from the home for no more than 24 hours at a time, on an occasional basis, the caregiver is permitted to arrange for an occasional short-term babysitter to provide care and supervision to a "child."
 2. The caregiver shall apply the reasonable and prudent parent standard specified in Welfare and Institutions Code section 362.04 and Section 89377, Reasonable and Prudent Parent Standard, in determining and selecting appropriate babysitters for occasional short-term use.
 3. An occasional short-term babysitter may be under 18 years of age, but shall have the maturity, experience, and ability necessary to provide adequate care and supervision to a "child."
 - a. A "child" may act as an occasional short-term babysitter, however the caregiver shall apply the reasonable and prudent parent standard as specified in Section 89377, Reasonable and Prudent Parent Standard, to determine whether that is appropriate. Under no circumstances shall a "child" be required to babysit.
 4. When a "child" is in the care of an occasional short-term babysitter, the caregiver shall ensure that the babysitter knows how to contact the caregiver in case of an emergency.

89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION
(Continued)**89378**

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Welfare and Institutions Code section 362.04 provides:

...

"(a)... (1) "Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member.

(2) "Reasonable and prudent parent" or "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest.

(3) "Short-term" means no more than 24 consecutive hours.

(b) Every caregiver may arrange for occasional short-term babysitting of their foster child and allow individuals to supervise the foster child for the purposes set forth in Section 362.05, or on occasions, including, but not limited to, when the foster parent has a medical or other health care appointment, grocery or other shopping, personal grooming appointments, special occasions for the foster parents, foster parent training classes, school-related meetings (such as parent-teacher conferences), business meetings, adult social gatherings, or an occasional evening out by the foster parent.

(c) Caregivers shall use a reasonable and prudent parent standard in determining and selecting appropriate babysitters for occasional short-term use.

(d) The caregiver shall endeavor to provide the babysitter with the following information before leaving the child for purposes of short-term care:

(1) Information about the child's emotional, behavioral, medical or physical conditions, if any, necessary to provide care for the child during the time the foster child is being supervised by the babysitter.

(2) Any medication that should be administered to the foster child during the time the foster child is being supervised by the babysitter.

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(3) Emergency contact information that is valid during the time the foster child is being supervised by the babysitter.

(e) Babysitters selected by the caregiver to provide occasional short-term care to a foster child under the provisions of this section shall be exempt from any department regulation requiring health screening or cardiopulmonary resuscitation certification or training."

...

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(B) Alternative Caregiver.

1. If the caregiver anticipates being absent from the home for longer than 24 hours, on an occasional basis, the caregiver is permitted to arrange for an alternative caregiver to provide care and supervision to a "child" unless prohibited by the social worker, probation officer, court order, or the licensing or approval agency.
2. The caregiver shall apply the reasonable and prudent parent standard specified in Welfare and Institutions Code section 362.04 and Section 89377, Reasonable and Prudent Parent Standard, in determining and selecting appropriate alternative caregivers.
 - a. At a minimum, the alternative caregiver shall meet the following requirements:
 - i. Is 18 years of age or older.
 - ii. Have a criminal record clearance and a child abuse central index clearance as specified in Welfare and Institutions Code section 1522 and Section 89319, Criminal Record Clearance Requirement.
 - iii. Have the willingness and ability to and shall comply with applicable statutes and regulations.

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RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION

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(Continued)

- iv. Have the willingness and ability to provide care and supervision to a "child", taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications abilities and limitations, developmental level of, and court orders for a "child."
3. The care and supervision during the caregiver's absence shall occur in the caregiver's home.
4. The caregiver shall provide the alternative caregiver with the following information before leaving the home:
 - a. Information about the emotional, behavioral, medical or physical conditions of a "child," if any.
 - b. Any medication that should be administered to a "child" during the time the "child" is being supervised by the alternative caregiver, consistent with physician's instructions, when available.
 - c. The name and telephone number of the social worker for a "child" and the caregiver's emergency contact information.
5. The caregiver shall provide verbal or written notification to the social worker or probation officer for a "child" prior to the caregiver's absence from the home. Notification shall include:
 - a. The dates the caregiver plans to be absent from the home.
 - b. The name of the alternative caregiver.
 - c. An emergency number where the caregiver may be reached in their absence.
6. The caregiver shall receive prior approval from the social worker or probation officer for a "child" for any absence that exceeds 72 hours.

89378**RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**
(Continued)**89378**

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Providing care and supervision through the use of an alternative caregiver is intended to prevent the removal of a "child" from the home and allow them to remain in the home, thus creating stability and normalization during those infrequent instances where the caregiver will be absent from the home longer than 24 hours.

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(C) Respite Care.

1. The caregiver may use respite care as defined in Welfare and Institutions Code section 16501, subsection (b) and Division 31 Manual of Policies and Procedures Section 31-002, subsection (r).
 - a. Respite care shall not exceed 72 hours per session as specified in Welfare and Institutions Code section 16501, subsection (b) and Division 31 Manual of Policies and Procedures Section 31-002, subsection (r).
2. Respite care shall be provided by a licensed, approved or certified caregiver.

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Welfare and Institutions Code section 16501, subsection (b) provides:

"(b) As used in this chapter, "respite care" means temporary care for periods not to exceed 72 hours. This care may be provided to the child's parents or guardians. This care shall not be limited by regulation to care over 24 hours. These services shall not be provided for the purpose of routine, ongoing child care."

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89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION
(Continued)**89378****HANDBOOK CONTINUES**

Division 31, Manual of Policies and Procedures Manual Section 31-002, subsection (r)(6) provides:

"(r)(6) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care."

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- (D) Leaving a "child" alone without adult supervision.
1. If the caregiver anticipates being absent from the home on an occasional basis, the caregiver is permitted to leave a "child" alone without adult supervision, but shall not leave a "child" unsupervised overnight.
 2. The caregiver shall apply the reasonable and prudent parent standard as set forth in Section 89377, Reasonable and Prudent Parent Standard, to determine the appropriateness of leaving a "child" alone without adult supervision.
 - a. Before leaving a "child" alone, the caregiver shall ensure the following:
 - i. A "child" knows where the emergency numbers are posted.
 - ii. A "child" knows emergency procedures.
 - iii. A "child" knows where and how to contact the caregiver.
- (E) Licensed child care facility as defined in Health and Safety Code section 1596.750.

89378**RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**
(Continued)**89378**

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Health and Safety Code section 1596.750 provides:

"Child day care facility" means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes."

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- (F) The participation of a "child" in extracurricular, enrichment, and social activities, as specified in Welfare and Institutions Code section 362.05, provided the caregiver has applied the reasonable and prudent parent standard as set forth in Welfare and Institutions Code section 362.04 and Section 89377, Reasonable and Prudent Parent Standard.
- (b) If the caregiver chooses to leave a "child" in a parked vehicle, consistent with the requirements of Vehicle Code section 15620, the caregiver shall apply the reasonable and prudent parent standard as specified in Section 89377, Reasonable and Prudent Parent Standard, to determine the appropriateness of leaving any "child" in a parked vehicle.
- (1) If the foster family home has dual licensure as a family child care home, the caregiver shall not leave a day care child alone in a vehicle as specified in Title 22, California Code of Regulations Division 12, Section 102417, subsection (k).

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Vehicle Code section 15620 provides in part:

"(a) A parent, legal guardian, or other person responsible for a child who is 6 years of age or younger may not leave that child inside a motor vehicle without being subject to the supervision of a person who is 12 years of age or older, under either of the following circumstances:

- (1) Where there are conditions that present a significant risk to the child's health or safety.
- (2) When the vehicle's engine is running or the vehicle's keys are in the ignition, or both..."

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89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 89378
(Continued)

- (c) The caregiver is responsible for ensuring care and supervision of the child(ren) of any minor parent placed in the home.
- (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.
 - (2) If the home is a Whole Family Foster Home as defined in Welfare and Institutions Code section 11400, subsection (t), the caregiver shall work with the minor parent and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as set forth in Welfare and Institutions Code sections 11465, subsection (d)(3) and 16501.25, subsection (b).

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Welfare and Institutions Code section 11400, subsection (t) provides:

"...(t) 'Whole family foster home' means a new or existing family home, approved relative caregiver or nonrelative extended family member's home, the home of a nonrelated legal guardian whose guardianship was established pursuant to Section 366.26 or 360, certified family home that provides foster care for a minor parent and his or her child, and is specifically recruited and trained to assist the minor parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home."

Welfare and Institutions Code section 11465, subsection (d)(3) provides:

"... (d)(3) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan..."

Welfare and Institutions Code section 16501.25 provides:

"... (b)(2) The plan shall be designed to preserve and strengthen the teen parent family unit, as described in Section 16002.5, to assist the teen parent in meeting the goals outlined in Section 16002.5, to facilitate a supportive home environment for the teen parent and the child, and to ultimately enable the teen parent to independently provide a safe, stable, and permanent home for the child. The plan shall in no way limit the teen parent's legal right to make decisions regarding the care, custody, and control of the child.

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89378**RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION****89378**(Continued)

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(3) The plan shall be written for the express purpose of aiding the teen parent and the caregiver to reach agreements aimed at reducing conflict and misunderstandings. The plan shall outline, with as much specificity as is practicable, the duties, rights, and responsibilities of both the teen parent and the caregiver with regard to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

(A) Feeding.

(B) Clothing.

(C) Hygiene.

(D) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.

(E) Health care.

(F) Transportation to health care appointments, child care, and school, as appropriate.

(G) Provision of child care and babysitting.

(H) Discipline.

(I) Sleeping arrangements.

(J) Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court.

(c) Upon completion of the shared responsibility plan and any subsequent updates to the plan, a copy shall be provided to the teen parent and his or her attorney, the caregiver, the county child welfare agency or probation department and, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver."

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89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 89378
(Continued)

- (d) Unless restricted by the case plan adopted by the court or other court order, the caregiver shall permit and facilitate connections between a "child" and a child's family and non-relative extended family members. Nothing in this section shall be interpreted to require a caregiver to take any action that would impair the health and safety of a "child."

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, 1507.25, 1522, 1530.6, 1531, 1559.110, and 1596.750, Health and Safety Code; 42 USC Section 677 of the Social Security Act; Sections 362.04, 362.05, 366.1, 366.21, 11400(t), 11465, 16001.9, 16002.5, 16501(b), and 16501.25, Welfare and Institutions Code; Section 15620, Vehicle Code.

89379 ACTIVITIES 89379

- (a) A "child" shall be entitled to participate in age and developmentally appropriate extracurricular, enrichment, and social activities.

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Extracurricular, enrichment, and social activities may include, but are not limited to, the following:

- (1) Sports.
- (2) School activities such as band, dances, and field trips.
- (3) Leisure time such as bike riding, socializing with friends, shopping and going to the movies.
- (4) 4-H activities.
- (5) Scouting.
- (6) Sleepover with friends.
- (7) Babysitting.
- (8) Having visitors in the home.
- (9) Use of computer equipment.
 - (A) Computer equipment made available to other children in the household should also be available to a "child" of similar age and maturity.

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- (B) The caregiver is not required to incur a cost to provide computer availability.
- (10) Use of a cell phone.
- (A) Unless prohibited by court order or the person or agency responsible for placing the "child," a "child" may possess a cell phone.
- (B) The caregiver may place reasonable limitations on cell phone use as specified in Section 89377, Reasonable and Prudent Parent Standard.
- (C) The caregiver is not required to purchase a cell phone for a "child" or to pay for cell phone service.
- (11) Access to information regarding obtaining a California Driver's License.

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- (b) The caregiver shall promote participation by a "child" in extracurricular, enrichment, and social activities as specified in Welfare and Institutions Code sections 362.05 and 727 and apply the reasonable and prudent parent standard as specified in Section 89377, Reasonable and Prudent Parent Standard.

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Welfare and Institutions Code section 362.05 provides in part:

"(a) Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent or create barriers to participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level."

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Welfare and Institutions Code section 727 provides in part:

"(4) (A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to wards have policies consistent with this section and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the child's age, maturity, and developmental level."

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- (c) For a "child" age 16 or older, the caregiver shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Welfare and Institutions Code section 16001.9, subsection (a)(24) and emancipation programs. The information may include, but is not limited to, any of the following:
- (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
 - (2) Informational brochures on postsecondary or vocational schools/programs.
 - (3) Campus tours.
 - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
 - (5) School sponsored events promoting postsecondary or vocational schools or programs.
 - (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to a current or former "child" and contact information for the Student Aid Commission.

89379 ACTIVITIES (Continued)**89379**

- (7) Requirements for participation in Transitional Housing Program (THP)-Plus.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1530.6, 1531, and 1559.110(c), (d), and (e), Health and Safety Code; Sections 362.04, 362.05, 727, 11403.2(a)(2), 16001.9, and 16522(b) and (d), Welfare and Institutions Code.

89387 BUILDINGS AND GROUNDS**89387**

- (a) The caregiver shall provide bedrooms in the home which shall meet, at a minimum, the following requirements unless a Documented Alternative Plan (LIC 973) is approved.
- (1) No more than two children shall share a bedroom.
- (2) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
- (A) A minor parent may share a bedroom with the minor parent's child of the opposite sex.
- (B) Nothing in this section shall preclude a caregiver from requesting a Documented Alternative Plan (LIC 973) permitting a "child" to be in a bedroom based on their gender identity.
- (3) Except for infants, children shall not share a bedroom with an adult.
- (A) In bedrooms shared by an adult and infant, no more than two infants and two adults shall share the room.
- (B) A "child" who turns 18 and meets the requirements specified in Section 89201, subsection (c)(7)(A) or (B) is not considered an adult for purposes of this section and may continue to share a bedroom with another "child."
- (4) No room commonly used for other purposes shall be used as a bedroom.
- (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas and sheds or similar detached buildings.
- (5) No bedroom shall be used as a public or general passageway to another room.

89387 BUILDINGS AND GROUNDS (Continued)**89387**

- (6) Each bedroom shall have at least one operable window or door that ensures safe, direct, emergency exit to the outside. If security window bars are used, the window is considered operable only if the window bars have a safety release device that meets all state and local requirements. If the caregiver's home is in a high rise building, the caregiver is subject to the rules and regulations set forth by the State Fire Marshal.
- (7) The caregiver shall provide each "child" with an individual bed which is equipped with a clean, comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.
 - (A) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by a "child" at all times.
 - (B) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
- (8) Bunk beds of more than two tiers shall not be used.
 - (A) Bunk beds shall have railings on both sides of the upper tier to prevent falling.
 - (B) A "child" under six years of age or who is unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.
- (9) The caregiver shall provide each infant with a safe and sturdy bassinet or crib, appropriate to the age and size of a "child." The following shall apply to cribs:
 - (A) Tiered or stacked cribs shall not be permitted.
 - (B) Crib slats shall not pose the danger of an infant being trapped.
 - (C) Crib mattresses shall be clean, comfortable and fit properly in the crib.
 - (D) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by infants at all times.
 - (E) An infant who can climb out of a crib shall be provided with an age-appropriate bed.
- (10) Each bedroom shall have portable or permanent closets and drawer space to accommodate the child's clothing and personal belongings.

89387 BUILDINGS AND GROUNDS (Continued)**89387**

- (11) Subsections (a)(1) through (a)(10) apply to all bedrooms used by all children residing in the home, including children who are members of the caregiver's family, guardianship children, children of a minor parent, and children in care.
- (12) Subsections (a)(4) and (a)(5) apply to all bedrooms used by the caregiver and all other adults residing in the home.
- (b) The home shall be clean, safe, sanitary, and in good repair at all times.
- (1) The licensee shall take measures to keep the home reasonably free of flies and other insects.
- (c) All outdoor and indoor passageways, stairways, inclines, ramps, and open porches shall be kept free of obstruction.
- (d) A caregiver who accepts a "child" under 10 years of age or a "child" who is developmentally, mentally, or physically disabled shall ensure that swimming pools, fixed-in-place wading pools, hot tubs, spas, or similar bodies of water are inaccessible.
- (1) The caregiver shall use the reasonable and prudent parent standard as defined in Welfare and Institutions Code section 362.04, subsection (a)(2) and as specified in Section 89377, Reasonable and Prudent Parent Standard, when deciding whether a "child" should have access to fish ponds, fountains, creeks, and similar bodies of water.

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Caregivers should provide supervision when a "child" is near a swimming pool and other bodies of water and are encouraged to provide age and developmentally appropriate instruction to a "child" on water safety skills, including teaching them how to swim. When applying the reasonable and prudent parent standard to allowing a "child" to have access to fish ponds, fountains, creeks, and similar bodies of water, the caregiver is encouraged to consider the distance of the body of water from the home, depth, and water flow, and the level of supervision a "child" requires.

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- (2) Inaccessibility shall be assured by using at least one of the following safety features in subsections (A) or (B) below:
- (A) The pool shall be isolated from access to the home by an enclosure, as defined in Health and Safety Code section 115921, subsection (c) and as specified in section 115923 and does not obscure the pool from view.
1. If removable mesh pool fencing is used as the enclosure as provided in Health and Safety Code section 115922, subsection (a)(2), the caregiver shall ensure that it is installed and maintained according to the manufacturer's specifications.

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Health and Safety Code section 115921, subsection (c) provides:

"(c) 'Enclosure' means a fence, wall, or other barrier that isolates a swimming pool from access to the home."

Health and Safety Code section 115922, subsection (a)(2) provides:

"(a)(2) The pool shall incorporate removable mesh pool fencing that meets American Society for Testing Materials (ASTM) Specifications F 2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device."

Health and Safety Code section 115923 provides:

"An enclosure shall have all of the following characteristics:

(a) Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.

(b) A minimum height of 60 inches.

(c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.

(d) Gaps or voids, if any, do not allow passage of a sphere equal or greater than four inches in diameter.

(e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over."

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(B) The pool shall be equipped with an approved safety pool cover as defined in Health and Safety Code section 115921, subsection (d). A pool safety net that meets the American Society for Testing and Materials standards is considered an approved safety pool cover. Pool covers shall be supported by flotation devices.

1. If a foster family home has dual licensure as a family child care home, a pool safety net shall not be permitted.

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Health and Safety Code section 115921, subsection (d) provides:

"(d) 'Approved safety pool cover' means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91."

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- (C) When the licensing or approval agency determines that it is not possible for the caregiver to comply with subsections (A) or (B) above, the home shall be equipped with exit alarms, as defined in Health and Safety Code section 115921, subsection (e), on doors or windows that provide direct access to the pool.

1. All windows in rooms that provide direct access from the home to the pool or body of water shall be secured so that they cannot open more than 4 inches.

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Health and Safety Code section 115921, subsection (e) provides:

"'Exit alarms' means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building."

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- (D) The caregiver may use other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in subsections (A) to (C). The other means of protection must be approved in writing by the licensing or approval agency.

1. If licensed or approved prior to June 1, 1995, homes with existing pool fencing shall be exempt from the fence requirements specified in subsection (d)(1)(A) until such fence is replaced or structurally altered. When the caregiver replaces or alters the fence, it shall be required to meet the fence requirements specified in subsection (d)(1)(A).

89387 BUILDINGS AND GROUNDS (Continued)**89387**

- (e) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible and if the pool is less than 60 inches in height, by the use of a barricade. Any barricade, whether or not it includes the above-ground pool structure itself, shall meet the requirements of subsection (d)(1)(A).
- (f) All pools that cannot be emptied after each use shall have an operative pump and filtering system.
- (g) An adult who has the ability to swim shall provide supervision at all times when "a child" is using a pool or a body of water from which rescue requires the rescuer's ability to swim.
- (h) If the caregiver provides a yard or outdoor activity space, it shall be free from hazards that endanger the health and safety of a "child."
- (i) The caregiver who accepts a "child" with a disability shall make necessary specific provisions including, but not limited to, changes to the buildings and grounds as required to protect and assist a "child" and to maximize the potential of a "child" for self-help.
- (j) The caregiver shall maintain at least one toilet, sink, and tub or shower in safe, clean operating condition.
 - (1) If age and developmentally appropriate, individual privacy shall be provided to a "child" in all toilet, bath, and shower areas.
 - (2) Bathrooms shall be located inside the home.
- (k) The caregiver shall maintain a safe and comfortable temperature for a "child" in the home at all times.
- (l) The caregiver shall ensure the safety of a "child" in a home that has fireplaces, open-faced heaters, or woodstoves.
- (m) The caregiver shall provide lighting as necessary in all rooms and other areas to ensure comfort and safety in the home.
- (n) Faucets used by a "child" for personal care and grooming shall deliver hot water at a safe temperature.
- (o) Waste shall be stored, located, and disposed of in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, provide a breeding place or food source for insects or rodents.

89387 BUILDINGS AND GROUNDS (Continued)**89387**

- (p) Except a home with a sprinkler system, a home shall have an approved, commercially manufactured, and functioning smoke detector installed in the hallway(s) in each sleeping area in the home. The smoke detectors shall be audible in each bedroom or sleeping room.
- (q) The licensee shall prohibit smoking inside the home.
- (r) Smoking on the outside of the home is permitted, as long as the child is not present.
- (s) Every foster family homes shall have one or more carbon monoxide detectors in the home that meets the standards established in Health and Safety Code Chapter 8 (commencing with Section 13260) of Part 2 of Division 12.

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Health and Safety Code Section 13260 provides:

"This chapter shall be known and may be cited as the Carbon Monoxide Poisoning Prevention Act of 2010."

Health and Safety Code Section 13261 provides:

"The Legislature finds and declares all of the following:

- (a) According to the American Medical Association, carbon monoxide is the leading cause of accidental poisoning deaths in the United States. The federal Centers for Disease Control and Prevention estimate that carbon monoxide kills approximately 500 people each year and injures another 20,000 people nationwide.
- (b) According to the United States Environmental Protection Agency, a person cannot see or smell carbon monoxide. At high levels carbon monoxide can kill a person in minutes. Carbon monoxide is produced whenever any fuel, such as gas, oil, kerosene, wood, or charcoal, is burned.
- (c) The State Air Resources Board estimates that every year carbon monoxide accounts for between 30 and 40 avoidable deaths, possibly thousands of avoidable illnesses, and between 175 and 700 avoidable emergency room and hospital visits.
- (d) There are well-documented chronic health effects of acute carbon monoxide poisoning or prolonged exposure to carbon monoxide, including, but not limited to, lethargy, headaches, concentration problems, amnesia, psychosis, Parkinson's disease, memory impairment, and personality alterations.
- (e) Experts estimate that equipping every home with a carbon monoxide device would cut accident-related costs by 93 percent. Eighteen states and a number of large cities have laws mandating the use of carbon monoxide devices.

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(f) Carbon monoxide devices provide a vital, highly effective, and low-cost protection against carbon monoxide poisoning and these devices should be made available to every home in California.

(g) The Homeowners' Guide to Environmental Hazards prepared pursuant to Section 10084 of the Business and Professions Code is an important educational tool and should include information regarding carbon monoxide. It is the intent of the Legislature that when the booklet is next updated as existing resources permit, or as private resources are made available, it be updated to include a section on carbon monoxide."

Health and Safety Code Section 13262 provides:

"For the purposes of the chapter, the following definitions shall apply:

(a) 'Carbon monoxide device' means a device that meets all of the following requirements:

(1) A device designed to detect carbon monoxide and produce a distinct, audible alarm.

(2) A device that is battery powered, a plug-in device with battery backup, or a device installed as recommended by Standard 720 of the National Fire Protection Association that is either wired into the alternating current power line of the dwelling unit with a secondary battery backup or connected to a system via a panel.

(3) If the device is combined with a smoke detector, the combined device shall comply with all of the following:

(A) The standards that apply to carbon monoxide alarms as described in this chapter.

(B) The standards that apply to smoke detectors, as described in Section 13113.7.

(C) The combined device emits an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

(4) The device has been tested and certified, pursuant to the requirements of the American National Standards Institute (ANSI) and Underwriters Laboratories Inc. (UL) as set forth in either ANSI/UL 2034 or ANSI/UL 2075, or successor standards, by a nationally recognized testing laboratory listed in the directory of approved testing laboratories established by the Building Materials Listing Program of the Fire Engineering Division of the Office of the State Fire Marshal of the Department of Forestry and Fire Protection.

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(b) 'Dwelling unit intended for human occupancy' means a single-family dwelling, factory-built home as defined in Section 19971, duplex, lodging house, dormitory, hotel, motel, condominium, stock cooperative, time-share project, or dwelling unit in a multiple-unit dwelling unit building or buildings. "Dwelling unit intended for human occupancy" does not mean a property owned or leased by the state, the Regents of the University of California, or a local governmental agency.

(c) 'Fossil fuel' means coal, kerosene, oil, wood, fuel gases, and other petroleum or hydrocarbon products, which emit carbon monoxide as a byproduct of combustion."

Health and Safety Code Section 13263 provides:

"(a) (1) The State Fire Marshal shall develop a certification and decertification process to approve and list carbon monoxide devices and to disapprove and delist previously approved devices, if necessary. The certification and decertification process shall include consideration of effectiveness and reliability of the devices, including, but not limited to, their propensity to record false alarms. The certification and decertification process shall include a review of the manufacturer's instructions and shall ensure their consistency with building standards applicable to new construction for the relevant type of occupancy with respect to number and placement.

(2) The State Fire Marshal shall charge an appropriate fee to the manufacturer of a carbon monoxide device to cover his or her costs associated with the approval and listing of carbon monoxide devices.

(b) A person shall not market, distribute, offer for sale, or sell any carbon monoxide device in this state unless the device and the instructions have been approved and listed by the State Fire Marshal."

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NOTE: Authority cited: Sections 1530, 1530.5 and 115926 Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1503.2, 1530, 1531, 1531.4, 115921, 115922(a), 115923, 13260, 13261, 13262 and 13263, Health and Safety Code; Sections 361.2(j) - (j)(1)(B), 361.2(j)(2), 362.04, 11403, 16001.9, and 17710, Welfare and Institutions Code; Commercial Practices, 16 C.F.R. Section 1513.6.

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89387.1 OUTDOOR ACTIVITY SPACE**89387.1**

(a) Renumbered to Section 89387(h) by Manual Letter No. CCL-10-06, effective 4/3/10.

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, and 1531, Health and Safety Code.

89387.2 STORAGE SPACE**89387.2**

(a) Except as specified in subsections (b)(1) through (3), medicines, disinfectants, cleaning solutions, poisons, firearms, and other dangerous items shall be stored where inaccessible to "a child."

(1) Storage areas for poisons, firearms, and other dangerous weapons shall be locked.

(2) In lieu of locked storage of firearms, the caregiver may use trigger locks or remove the firing pin.

(A) Firing pins shall be stored and locked separately from firearms.

(3) Ammunition shall be stored and locked separately from firearms.

(b) The caregiver shall apply the reasonable and prudent parent standard, as specified in Section 89377, Reasonable and Prudent Parent Standard, in determining if it is age and developmentally appropriate for a "child" to have access to and use items specified in subsections (b)(1) through (3).

(1) Household kitchen knives and appliances do not need to be locked or inaccessible to a "child" who is of sufficient age and maturity to use such items.

(2) Medications shall be stored where inaccessible to a "child," except as specified in Section 89475.1, Emergency Medical Assistance, Injections, and Self- Administration of Medications.

89387.2 STORAGE SPACE (Continued)**89387.2**

- (3) Disinfectants and cleaning solutions shall be stored where inaccessible to a "child," except as follows:
- (A) Before allowing a "child" to have access to or use disinfectants and cleaning solutions, the caregiver shall ensure that a "child" knows how to safely handle and use these products.
- (c) In allowing a "child" to have access to and use items specified in subsections (b)(1) through (3), the caregiver shall ensure that the safety of a "child" and others in the home is maintained.

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 and 1531, Health and Safety Code; Sections 361.2(j) - (j)(2), 16001.9, Welfare and Institutions Code; and 42 USC Section 677 of the Social Security Act.

89388 COOPERATION AND COMPLIANCE**89388**

- (a) The caregiver shall maintain and comply with all caregiver standards.
- (b) No caregiver shall make or disseminate any false or misleading statement associated with the application for licensure or approval, including, but not limited to, information regarding the applicant, family members, family home, persons who provide, or may provide, care or supervision to a "child," or any of the services provided by the caregiver.

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, 1520 and 1531, Health and Safety Code; and Section 361.2(j)(1)(A) and Welfare and Institutions Code.