

August 13, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

**ALL COUNTY INFORMATION NOTICE NO. I-62-20
PROVIDER INFORMATION NOTICE 20-19-CRP**

This combined All County Information Notice and Provider Information Notice is to provide county child welfare agencies, probation departments, Title IV-E and Title IV-B agreement tribes, and children's residential providers with clarification of how Governor Newsom's order that people in California wear face coverings in public due to the Novel Coronavirus Disease (COVID-19) is applied in children's residential facilities.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

August 13, 2020

ALL COUNTY INFORMATION NOTICE NO. I-62-20
PROVIDER INFORMATION NOTICE 20-19-CRP

TO: ALL FOSTER CARE MANAGERS
ALL COUNTY WELFARE DIRECTORS
ALL COUNTY MENTAL HEALTH DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL TRANSITIONAL HOUSING COORDINATORS
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES
ALL TITLE IV-E AND TITLE IV-B AGREEMENT TRIBES
ALL ADMINISTRATOR CERTIFICATION TRAINING PROGRAM
VENDORS
ALL CHILDREN'S RESIDENTIAL LICENSEES
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF
HOMES CERTIFIED OR APPROVED BY A LICENSED FOSTER
FAMILY AGENCY

SUBJECT: CLARIFICATION OF THE STATE'S FACE COVERING ORDER IN
CHILDREN'S RESIDENTIAL FACILITIES

REFERENCE: [GUIDANCE FOR THE USE OF FACE COVERINGS](#)

The purpose of this combined All County Information Notice (ACIN) and Provider Information Notice (PIN) is to explain the application of Governor Newsom's order regarding face coverings to children's residential facilities and homes.

On June 18, 2020, in response to the ongoing COVID-19 health crisis, the California Department of Public Health (CDPH) issued guidance mandating that people in California wear face coverings while in specified high-risk situations, including inside of any indoor public space and while at work.

In the ensuing days, the California Department of Social Services (CDSS) received questions from children's residential providers¹ about whether the order applies to their facilities, many of which are both residences for children² and workplaces for staff.

Requirements for Children and Guidance Regarding Visitors

Foundationally, the residence of a child in care is not a public place, and should be treated as their home, with reasonable effort made to ensure that the experience the child has is as normal as possible. Children therefore are not *required* to wear face coverings while in their residences, whether that residence is a home-based setting or a congregate care facility.

However, a provider may require that face coverings be worn by visitors, recommend that a face covering be worn by children while those visitors are present, or encourage the use of face coverings to mitigate spread when someone living or working at the home or facility has either tested positive for COVID-19 or has a known exposure to someone who has. Children who are concerned about contracting the virus also may choose to wear face coverings around others.

Children over the age of two must wear face coverings in many public places while out in the community, as specified in the Governor's order and local orders. Further guidance on protective measures to prevent and minimize the risk of exposure and transmission of COVID-19 is available in [ACIN No. I-50-20/PIN 20-12-CRP](#).

Requirements for Staff

Staff working at congregate care facilities or home-based settings who do not reside in the facility or setting are mandated to wear face coverings while at work, with the understanding that there are situations where doing so may be unreasonable. The Governor's order and CDPH guidance specifically require that Californians wear face coverings when they are engaged in work, whether at the workplace or performing work off-site, under the following circumstances:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;

¹ For the purposes of this Notice, "provider" means a licensed children's residential facility, a licensed foster family home or resource family, or a home certified or approved by a foster family agency.

² For the purposes of this Notice, "children" includes youth and nonminor dependents residing in a residential facility.

- In any room or enclosed area where other people (except for healthy members of the person's own household or residence) are present when unable to physically distance.

No one residing in a home-based setting is required to wear a face covering in their home. For example, being without a face covering may be necessary to de-escalate and/or comfort a traumatized child. Depending on the child, their age, trauma history, and developmental needs, a face covering may be traumatic, especially with prolonged use.

Children rely on facial expression for cues, acceptance, and signals of safety, such as smiling, frowning, etc. It is recommended that facilities consider other ways to present the faces of staff, through pictures, a bulletin board, or similar methods. In order to ensure that children are served in accordance with their needs, and as the face covering can present a barrier to connecting with children, CDSS recommends that a protocol be developed for each facility around when a face covering would be removed.

Exceptions – Face Coverings

In situations where face coverings cannot be used for developmental reasons (i.e. communicating or assisting young children or those with special needs), a clear face shield with a drape on the bottom edge may be used instead of a non-transparent face covering while in the facility as long as the wearer maintains physical distance from others, to the extent practicable.

Additionally, there are specified exceptions to the mandate to wear a face covering. Exceptions that may apply to persons in care include, but are not limited to:

- Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering. This includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- Persons who are obtaining a service involving the nose or face where temporary removal of face covering is necessary;
- Persons who are engaged in outdoor work or recreation, and able to maintain at least six feet from others.

Persons exempted from wearing a face covering are encouraged to wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as appropriate.

Enforcement

This is a difficult time and CDSS is committed to working with providers who are attempting in good faith to comply with state and local mandates related to COVID-19. Providers should be aware, however, that intentional and repeated refusal to comply with the mandate to wear face coverings at work may be considered inimical conduct constituting a threat to the health and safety of clients in care, and therefore subject to action by the Department as specified in [Health and Safety Code Section 1550](#). Providers also are strongly encouraged to stay up-to-date on the specific mandates of their [local health departments](#) relating to face coverings.

If you are a county child welfare services agency, probation department, or tribe and have any questions or need additional guidance regarding the information in this letter, contact the Continuum of Care Reform Branch at (916) 651-1101 or at ccr@dss.ca.gov. If you are a licensee and have any questions or need additional guidance regarding the information in this PIN, please contact the appropriate [Children's Residential Regional Office](#) or the Children's Residential Program Policy Bureau at CRPOPolicy@dss.ca.gov.

CDSS recommends Children's Residential Program (CRP) licensees follow guidance in all applicable [CDSS PINs](#), in addition to guidance or instructions from health care providers, the [Centers for Disease Control and Prevention \(CDC\)](#), the [California Coronavirus \(COVID-19\) Response](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#).

In the event the most current guidance or instructions from CDC, CDPH, CDSS, or the local health department are contradictory, CRP licensees should defer to direction from their local health department.

To access [all PINs published by the Children's Residential Program](#), please visit <https://www.cdss.ca.gov/inforesources/community-care-licensing/policy/provider-information-notices/childrens-residential>.

To access [all published ACLs and ACINs](#), please visit <https://www.cdss.ca.gov/inforesources/letters-and-notices>.

Sincerely,

Original Document Signed By

GREGORY E. ROSE, Deputy Director
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PAMELA DICKFOSS, Deputy Director
Community Care Licensing Division