

July 9, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-50

PROVIDER INFORMATION NOTICE NO. 24-08-CRP

The purpose of this All County Letter and Provider Information Notice is to provide licensed foster family agencies, federally recognized tribes, county child welfare agencies, and probation departments with information, guidance, requirements, and best practices on the use of video cameras in Resource Family Homes.



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

July 9, 2024

ALL COUNTY LETTER NO. 24-50
PROVIDER INFORMATION NOTICE NO. 24-08-CRP

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL CDSS ADOPTION DISTRICT OFFICES
ALL COUNTY ADOPTION AGENCIES
ALL LICENSED FOSTER FAMILY AGENCIES
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF
ALL TRIBES WITH A IV-E AGREEMENT WITH CDSS

SUBJECT: REQUIREMENTS AND BEST PRACTICES FOR THE USE OF
VIDEO CAMERAS IN COUNTY AND LICENSED FOSTER
FAMILY AGENCY APPROVED RESOURCE FAMILY HOMES

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 16519.5;](#)
[WIC SECTION 16001.9;](#)
[HEALTH AND SAFETY CODE \(HSC\) SECTION 1517;](#)
[PENAL CODE SECTION 632;](#)
[RESOURCE FAMILY APPROVAL HOME HEALTH AND SAFETY](#)
[ASSESSMENT CHECKLIST \(03\).](#)

The purpose of this All County Letter (ACL) and Provider Information Notice (PIN) is to provide licensed foster family agencies (FFAs), federally recognized tribes, county child welfare agencies, and probation departments with information, guidance, requirements, and best practices on the use of video cameras in Resource Family (RF) homes.

For the purpose of this letter, "video camera" has the same meaning as "surveillance camera," and "video surveillance." A video camera is defined as an electronic recording device used for observing a specific area with video (including video with or without audio capability), inside or outside a home, wired or wireless, and includes, but is not limited to, security cameras, doorbell cameras, "nanny cameras," and "pet cameras."

BACKGROUND

The use of video cameras in RF homes has been a topic of discussion within the California Department of Social Services (CDSS) for several years. In recent years, new video surveillance technology has made it easier and more affordable for families to use video cameras to monitor their homes for safety and criminal activity, to supervise their pet(s), and other reasons.

The CDSS recognizes that a large percentage of families are either considering, or have already installed, video cameras at their homes for various reasons. The CDSS believes the use of video cameras inside homes where foster children and nonminor dependents (NMD) live should be discouraged. However, in many situations, the practice of using video cameras at a RF home can be acceptable if critical components are considered, instituted, and properly maintained. The CDSS recognizes that a RF home is one where a person or family has opened their home for foster children or NMDs to live, and RFs are entitled to maintain control of their own home. At the same time, foster children and NMDs are entitled to various rights described in [WIC section 16001.9](#) also known as the [Foster Youth Bill of Rights \(FYBOR\)](#) and elsewhere, which include the personal rights of foster children and NMDs. These rights include, but are not limited to, the right to make and receive confidential telephone calls and other electronic communications, the right to live in a safe and comfortable home, the right to be provided Trauma Informed Care (TIC), the right to visit and contact family, friends, tribal members, and others in private, as well as the constitutional right to privacy.

The use of video cameras in RF homes is not specifically addressed in the Written Directives (WDs), Interim Licensing Standards (ILS), Welfare and Institutions Code ([WIC](#)) [section 16519.5](#), or [Health and Safety Code \(HSC\) section 1517](#). As such, there are no laws or regulations with standards that offer specific guidance on the scope of, and/or limitations on the use of, video cameras in RF homes. However, there are several areas of law and guidance that impact the use of cameras in RF homes, including the FYBOR. This ACL/PIN provides information, guidance, requirements, and best practices surrounding the use of video cameras in RF homes to counties, licensed FFAs, federally recognized tribes, and probation departments until new WDs, ILS, and/or regulations are promulgated, or laws related to camera usage are passed.

OVERVIEW

The following information is designed to help ensure the provision of TIC when a video camera is used at a RF home, to ensure video cameras are used appropriately in RF homes, and to ensure that any video camera usage inside or outside the RF home does not violate the personal rights of foster children or NMDs in placement.

- The use of a video camera cannot be used as an alternative to providing supervision or to monitor the behavior or actions of foster children or NMDs in the home.

- Video camera location and positioning should be based upon genuine security purposes for the family. For the purpose of this letter, “genuine security purpose” is defined as the security of the home and valuables in relation to potential violence or crime within the neighborhood or community.
- The RF must inform all placement workers about the presence of video cameras in their home prior to accepting any placement. The foster child or NMD must also be notified about the presence and location of each camera prior to placement, either while being told about placement, or while they are being informed of their personal rights. If exterior cameras do not have audio disabled, the foster child or NMD must be notified of the location of each exterior camera that captures audio.
- The RF must also notify the foster child’s or NMD’s visitors of the location of audio cameras.
- Video camera recordings can be stored and used for investigations. The RF must allow access to recordings when requested. Video camera recordings are not to be used to intimidate or coerce a foster child or NMD.

It is important for RFs to ensure that children’s personal rights to private visits and communications in WIC section 16001.9 are protected, and that video cameras do not violate those rights.

If any video camera is used in the home – whether the video camera is used on the exterior, interior, or both – the RF home must comply with all requirements and guidelines in this letter.

PLACEMENT CONSIDERATIONS

- It is important to incorporate TIC practices into the assessment of the use of video cameras in RF homes. While surveillance systems such as video cameras can often feel protective, they can also feel intrusive and have adverse implications, especially to children and NMDs in foster care. In addition, what’s acceptable to one foster child or NMD may not be acceptable to another foster child or NMD placed in the same home. When considering TIC, a Resource Family Approval worker, a FFA social worker, a child welfare placement worker, or a probation officer will need to respect each individual foster child’s and NMD’s health, safety, and well-being needs.
- When there are video cameras in RF homes, Resource Family Approval workers, FFA social workers, child welfare placement social workers, and probation officers need to consider the foster child’s or NMD’s culture and their specific

trauma history to determine whether the use of video cameras is consistent with the foster child's or NMD's right to live in a safe, comfortable, trauma-informed home. Further, for a foster child or NMD who identifies as an Indian Child, the evaluation of video cameras in the home shall consider, in collaboration with a child's Tribe, whether video cameras are consistent with the prevailing social and cultural standards of the Indian community with which the foster child or NMD identifies.

- When appropriate, the Child and Family Team (CFT) can be used to help address the impacts of video cameras in the home and to determine whether the use of video cameras in the home is consistent with the needs and the rights of the foster child or NMD. The best practice is to hold a CFT meeting to discuss the issue or make the discussion part of an already occurring CFT meeting.
- A foster child's or NMD's history of trauma and feelings that they may express about having video cameras at the RF home should be taken into consideration (TIC) and assessed as a TIC practice to ensure a positive physical and emotional environment.

REQUIREMENTS FOR VIDEO CAMERA USE INDOORS

- Video cameras are allowed inside the home, located at the exterior doorway locations, provided they are pointed toward the doorway and away from the interior of the home. This allows the camera to capture who enters and exits through the exterior doorway only and does not capture other images inside the home.
- Video cameras in common areas such as hallways, family rooms, living rooms or kitchens are allowed when there is a genuine security purpose (please see definition, above) for the camera, provided the cameras are not pointed at any private rooms or spaces and provided the positioning of a video camera does not violate the privacy or personal rights of foster children or NMDs. Baby monitors shall only be used for their intended purpose of monitoring the safety of an infant in a crib or an approved safe sleeping area.
 - Video cameras are not allowed in private rooms or spaces, such as bedrooms and bathrooms or locations designated as private for conversations between a foster child or NMD and their visitors.
 - In order to preserve the privacy rights of foster children and NMDs, video cameras are not permitted in bedrooms. However, if there is a compelling health and safety reason, a video camera may be allowed in a child's or NMD's bedroom under the following conditions:

- The foster child or NMD must have a medical condition requiring the use of the video camera in the bedroom.
- Documentation (such as a prescription, note, or letter) of the recommendation for a video camera in a private area must be written and signed by a physician. Physicians may be identified with the title MD (medical doctor) or DO (osteopathic doctor), of any appropriate medical specialty, including a psychiatrist.
 - The physician's written documentation must have a justification and purpose for the use of the video camera.
 - The physician's written documentation must state the times when the camera should be used.
 - The physician's written documentation must establish an end date for the camera use.
- All other options that could possibly address the health and safety concern must have been exhausted, for example, the use of alarms, motion detectors, baby gates, etc., as applicable.
- Other than baby monitors, any video camera inside the home shall not be equipped with audio capability.
 - If video cameras have audio capabilities, the audio capabilities must be disabled. If the audio function on the camera is not capable of being disabled, the audio must be turned down completely so that it cannot capture conversations.
 - It is important to note that video cameras with audio capability may be able to pick up sounds from locations that are beyond their view. This may result in the recording of a conversation between foster children or NMDs and their visitors without their consent in violation of California Law ([Penal Code §632](#)); therefore, cameras with audio capability are not allowed inside the home unless the audio capability is disabled or completely turned down as stated above.

REQUIREMENTS FOR VIDEO CAMERA USE OUTDOORS

- Video cameras are generally allowed outside of the home provided they do not violate a foster child's or NMD's right of privacy or personal rights.
 - Exterior video cameras are generally permissible, provided the cameras are not pointed towards a bedroom window, inside the house, or a specific location that may be used for a foster child's or NMD's visitors.

- Exterior video cameras may have audio capability provided the cameras are not in or near an area where confidential communications between foster children or NMDs and their visitors may occur. All foster children, NMDs, and their visitors must be made aware of outdoor audio recording.
- Best practice would be to disable audio capability on exterior cameras. Further, if confidential meetings or visits occur outdoors, cameras must be turned off during the duration of those meetings. If outdoor cameras are not able to be turned off, the RF must provide a private area for confidential meetings or visits.
- RFs should be aware that if outdoor video cameras with audio capabilities capture or record communication between foster children or NMDs and their visitors, the RF may be subject to a complaint investigation for personal rights violations. Recording a conversation between foster children or NMDs and their visitors without their consent is a violation of California Law (Penal Code §632).

RESOURCE FAMILY APPROVAL - VIDEO CAMERA AGREEMENT FORM

The Resource Family Approval 13 (RFA 13) is a new optional form containing requirements that must be reviewed, and agreed to, with RFs and applicants who are currently using video cameras or who are planning to install video cameras at their home. Counties, agencies, federally recognized tribes, and probation departments can either use the RFA 13, or an equivalent form containing the same information. For RFs and applicants who already have, or who are planning to install video cameras, the RF or applicant must sign the RFA 13 or an equivalent form to acknowledge they agree with the requirements, and it must be completed either at approval as a RF, when the RFA 13 is made available, or prior to the installation of the video cameras.

For all RFs, whether they currently have or are planning to have video cameras, the following information must be included in the RFA 13 or an equivalent form:

- The location of the video cameras must be documented on form RFA 13 “Resource Family Approval - Video Camera Agreement” or on an equivalent form.
- If the video camera has a recording feature, RFs need to identify who will have access to the recordings and how the recording history will be managed and safeguarded.
 - The Resource Parent(s) should be the only person(s) designated to have access to and oversee the recordings. The RFA 13 contains an area to include this type of information.

Video camera guidelines will be reviewed during all updates to Resource Family Approval that require a [Home Health and Safety Assessment Checklist \(RFA 03\)](#). If you have any questions or need additional guidance regarding the information in this letter, contact the Resource Family and Eligibility Support Bureau at (916) 651-1101 or at rfa@dss.ca.gov. For Licensing questions or additional guidance, contact the Children's Residential Program at CRPOPpolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

CLAIRE RAMSEY
Chief Deputy Director
Community Care Licensing Division

cc: All Federally Recognized Tribes

Attachment

RESOURCE FAMILY APPROVAL - VIDEO CAMERA AGREEMENT FORM

Name of County or FFA: _____

Applicant/Resource Family Name: _____

Family ID Number or Licensed Facility Number: _____

Pre-Approval

Post-Approval

In order to protect a foster child's or nonminor dependent's personal rights, video cameras are permissible only if used in a trauma-informed manner, and all the following conditions are met:

1. The Resource Family must inform all placement workers about the presence of video cameras in their home prior to accepting any placement. The foster child or nonminor dependent must also be notified about the presence and location of cameras prior to placement.
2. Video cameras are never placed in any location designated as a private room or space for foster children or nonminor dependents nor are video cameras pointed in the direction of such locations, including but not limited to bedrooms, bathrooms, and other areas where a foster child or nonminor dependent can expect to have reasonable privacy with the exception of a baby monitor used for its intended purpose of monitoring the safety of an infant in a crib.
 - If there is a compelling health and safety reason, a video camera may be allowed in a child's or NMD's bedroom under the following conditions:
 - The foster child or NMD must have a medical condition requiring the use of the video camera in the bedroom.
 - Documentation (such as a prescription, note, or letter) of the recommendation for a video camera in a private area must be written and signed by a physician. Physicians may be identified with the title MD (medical doctor) or DO (osteopathic doctor), of any appropriate medical specialty, including a psychiatrist.
 - The physician's written documentation must have a justification and purpose for the use of the video camera.
 - The physician's written documentation must state the times when the camera should be used.
 - The physician's written documentation must establish an end date for the camera use.
 - All other options that could possibly address the health and safety concern must have been exhausted, for example, the use of alarms, motion detectors, baby gates, etc., as applicable.
3. Video camera location and positioning is based upon genuine security purposes for the family. Genuine security purpose is defined as the security of the home and valuables in relation to potential violence or crime within the neighborhood or community.
4. Video cameras shall not be used as a substitution for the supervision of foster child or nonminor dependent, including the monitoring of behavior or actions of foster children or nonminor dependents in the home.
5. Outdoor video cameras must not be pointed towards a bedroom window, inside the house, or a specific location that may be used for a foster child's or nonminor dependent's visitors.
6. Other than baby monitors, any video camera inside the home shall not be equipped with audio capability. If video cameras inside the home have audio capabilities, the audio capabilities must be

disabled. If the audio function on the camera is not capable of being disabled, the audio must be turned down completely so that it cannot capture conversations. It is important to note that video cameras with audio capability may be able to pick up sounds from locations that are beyond their view. This may result in the recording of a conversation between foster children or nonminor dependents and their visitors without their consent in violation of California Law ([Penal Code §632](#)).

7. If outdoor video cameras have audio capabilities, all foster children, non minor dependents, and their visitors must be made aware of the location of each camera with audio capability. However, if a Resource Parent is aware that confidential meetings or visits occur outdoor, cameras must be turned off during the duration of those meetings. If outdoor cameras are not able to be turned off, the Resource Parent must provide a private area for confidential meetings or visits.
8. If the video camera has a recording feature, the Resource Parent(s) should be the only person(s) designated to have access to and to be in charge of the recordings. Recordings are able to be used in investigations and Resource Parents must allow access to the recordings upon request. Video camera recordings are not to be used as a way to intimidate or coerce a foster child or NMD.

a. Name of Resource Parent(s) with access to recordings:

1. _____ 2. _____

b. Where are the recordings stored? _____

c. How are the recordings protected? _____

The use of video cameras, whether inside or outside our home, cannot violate a foster child's or nonminor dependent's constitutional right to privacy and the foster child's or nonminor dependent's personal rights including, but not limited to, their right:

1. To live in a safe, healthy, and comfortable home where they are treated with respect. For Indian children to live in a home which upholds the prevailing social and cultural standards of the child's community.
2. To be free from physical, sexual, emotional, or other abuse, corporal punishment, and exploitation.
3. To be placed in the least restrictive setting possible.
4. To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and education rights holder if other than the parent or parents, and when applicable, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding, and to communicate with these individuals privately.
5. To visit and contact siblings, family members, and relatives privately, unless prohibited by court order, and to ask the court for visitation with the child's siblings.
6. To make, send, and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order.

* For complete list of a foster youth's personal rights, review [Welfare and Institutions Code 16001.9](#)

List location of all video cameras:

Indoor or Outdoor?	Location	Recording Capability? (Y/N)	Audio Capability? (Y/N)	Audio Capability is disabled or turned down. (Initials of RP and RFA worker)

ELECTRONIC SIGNATURE DECLARATION

I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.

I acknowledge that by providing my electronic signature for this form, I agree my electronic signature is the legal binding equivalent to my handwritten signature. I hereby confirm that my electronic signature represents my execution of authentication of this form, and my intent to be bound by it.

ACKNOWLEDGEMENT

By signing below, I understand the safety and well-being surrounding each foster child's or nonminor dependent's personal rights with respect to the use of video cameras. I understand that failure to comply with the video camera requirements and guidelines could result in a complaint investigation. Failure to sign or abide by the signed agreement could result in rescission or denial of my Resource Family Approval.

_____ RESOURCE FAMILY/APPLICANT	_____ DATE
_____ RESOURCE FAMILY/APPLICANT	_____ DATE

SIGNATURE OF TRIBAL SOCIAL SERVICES DIRECTOR OR DESIGNEE (If Applicable)

By signing below, I acknowledge that I have received a copy of this report:

Name:	Signature:	Date:
Title:	Telephone Number:	Email: