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GAVIN NEWSOM
GOVERNOR

September 21, 2020

PIN 20-21-CRP

TO: ALL FOSTER FAMILY AGENCIES
ALL FOSTER FAMILY AGENCY APPROVED OR CERTIFIED HOMES

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **REVISED AND UPDATED GUIDANCE AND STATEWIDE WAIVERS
FOR FOSTER FAMILY AGENCIES (FFAS) AND HOMES CERTIFIED
OR APPROVED BY AN FFA RELATED TO CORONAVIRUS DISEASE
2019 (COVID-19)**

Provider Information Notice (PIN) Summary

PIN 20-21-CRP provides updated or additional statewide waivers, including capacity, home and grounds, bedroom sharing, family evaluation interviews, training, approval updates, ending inactive status requirements, and other guidance, for FFAs and homes certified or approved by FFAs regarding the statewide emergency related to COVID-19. These waivers are consistent with guidance from [ACL \(All County Letter\) 20-86](#), which extended or revised certain waiver flexibilities originally set forth in [ACL 20-43](#) and [ACL 20-44](#).

The purpose of this PIN is to provide FFAs and homes certified or approved by an FFA with revised guidance during the current state of emergency related to COVID-19. This PIN also provides updated or additional statewide waivers for certain requirements applicable to FFA licensees and homes certified or approved by an FFA, consistent with guidance from [ACL 20-86](#), which extended and revised certain waiver flexibilities originally set forth in [ACL 20-43](#) and [ACL 20-44](#). The California Department of Social Services (CDSS) is actively engaged in efforts to prevent, mitigate and contain the spread of COVID-19 in all children's residential facilities and homes. CDSS and children's residential providers have a critical responsibility to ensure that children are

safe from abuse and neglect and that their overall health, safety and well-being are protected. References to “children” in this PIN includes nonminor dependents.

STATEWIDE WAIVER OF LICENSING STANDARDS

[PIN 20-04-CCLD](#) notified all community care licensees that Governor Newsom issued a March 4, 2020 Proclamation of a State of Emergency (“Proclamation”) in response to a rising number of cases of COVID-19 in California. The Proclamation permits the CDSS to waive any provisions of the Health and Safety Code (HSC) or Welfare and Institutions Code (WIC), accompanying regulations, interim licensing standards, or other written policies or procedures with respect to the use, licensing, or approval of licensed facilities.

Pursuant to the Governor’s Proclamation, the Department is waiving certain licensing requirements applicable to FFAs and homes certified or approved by an FFA, as set forth below. These children’s residential licensees/providers *do not need prior approval* from CDSS to implement the following waivers. Use of these waivers is subject to the Waiver Terms and Conditions set forth in this PIN.

In the event the most current guidance or instructions from CDC (Centers for Disease Control and Prevention), CDPH (California Department of Public Health), CDSS, or the local health department are contradictory, FFAs and homes certified or approved by an FFA should follow the strictest requirements. FFAs should reach out to their Regional Office for assistance if the strictest requirements appear to be in conflict with the best interest of children in care.

Capacity Waivers

Capacity requirements are waived to the extent there is an immediate need for placement of additional children due to isolation or quarantine requirements at another facility or home as a result COVID-19, under the following circumstances:

1. As long as staffing and care and supervision remains sufficient to meet the health and safety needs of **all** children in care;
2. Capacity at a home certified or approved by an FFA, shall only be waived if approved in writing by the FFA and in consultation with the county placing agency and local health department.

FFA staff must ensure that any modification to a Resource Family’s capacity is thoughtfully evaluated to ensure the health and safety of **all** children in care. FFAs should also concurrently plan in collaboration with the county placing agency and

provider for the thoughtful transition of child(ren) to an appropriate placement once the need for extra capacity is no longer warranted or the waiver expires.

This waiver shall not apply to an FFA home caring for children with special health care needs or intensive services foster care (ISFC) youth.

This waiver applies to a facility's or home's obligations related to capacity under Health and Safety Code sections 1502(a)(5), 1502(a)(6), 1505.2, 1502.35, and 1516; Title 22, Cal. Code of Regulations, Division 6, sections 80028; FFA ILS section 88362.

Home and Grounds/Bedroom Sharing

Buildings and grounds requirements related to bedroom sharing are waived as necessary for prevention, containment, and mitigation measures, as long as the health and safety of children is not compromised and the arrangement has been assessed as appropriate using the bedroom sharing arrangement factors set forth in the regulations or ILS. This waiver may be implemented only as needed to isolate or quarantine a child who is exhibiting symptoms of a respiratory virus, or who has tested positive for COVID-19. A child should only be placed into isolation or quarantine conditions under medical or public health instruction. If quarantine or isolation is recommended by the child's medical doctor or the public health officer, then counties, FFAs and/or caregivers should closely partner to ensure the developmental, trauma-related, and overall needs of each child are identified and addressed while in this restrictive setting.

Note: FFAs and caregivers should refer to [PIN 20-12-CRP](#) for more detailed guidance.

This waiver applies to a facility's or home's obligations under FFA ILS sections 88362, 88362.1, and 88487.1.

Family Evaluation Interview Waiver

Family evaluation interviews shall be conducted in person to the extent it is safe to do so in accordance with state or local public health department guidelines, which may include conducting the interview outdoors with physical distancing. If a family evaluation interview cannot be conducted in person including outdoors with physical distancing, in person requirements are waived and FFA workers may, on a case-by-case basis, conduct the family evaluation interviews, including interviews of the applicants and children in the home, via videoconferencing platforms (e.g., Skype, Zoom) under the following circumstances:

- The RFA (Resource Family Approval) applicant refuses entry due to their own health and safety concerns related to the risk of COVID-19 infection. Staff should consult with their supervisor for the appropriate measures and actions needed to facilitate contact.
- The RFA applicant or someone else in the household has confirmed exposure to, or is experiencing symptoms of, or has tested positive for COVID-19. Staff

should consult with their supervisor for the appropriate measures and actions needed in these circumstances to facilitate contact.

If FFA staff believe it is necessary to meet with the applicant and/or individual in person and there is not a way to do so that is consistent with [state](#) and local public health guidelines, in-person contact may be delayed until it is safe to conduct the interview in person, and the reason for delay in interviewing should be documented in the RFA applicant's file. If applicable, this may also be documented in an applicant's file as the reason for any delay in RFA approval.

This waiver applies to family evaluation requirements under Health and Safety Code (HSC) section 1517 and FFA ILS section 88331.5. This waiver does not apply to a Home Health and Safety Assessment pursuant to FFA ILS section 88331.2.

Guidance and Best Practices for Scheduling and Conducting Family Evaluation Interviews

FFAs should ensure best practices are being followed for scheduling and conducting family evaluation interviews in accordance with CDC Guidance. These best practices include [cloth face coverings](#) as addressed in [PIN 20-12-CRP](#) and [PIN 20-19-CRP](#), [hand washing](#), and [social distancing](#). Additional guidance is available from health care providers, the [CDC](#), the [COVID-19 Response](#), the [California Department of Public Health](#) (CDPH), and [local health departments](#).

Prior to the interview the FFA caseworker should call the RFA applicant to pre-screen for COVID-19 [symptoms/exposure](#) by anyone in the household before making the in-person visit by asking the following questions:

- Has anyone in your home tested positive for COVID-19 in the past 14 days?
- In the past 14 days have you, your children, and/or anyone else in your household had any of the following symptoms?
 - Fever
 - Cough
 - Shortness of breath
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore Throat
 - New loss of taste or smell
- Have you, your children, and/or anyone in your household had close contact with a person who tested positive for COVID-19 with a laboratory-confirmed test in the last 14 days?

If someone in the household has been exposed to COVID-19 or is experiencing symptoms, they should be encouraged to contact their doctor about their symptoms and/or exposure. If someone in the household has been exposed to COVID-19 or is

experiencing symptoms of COVID-19, the caseworker should obtain proper Essential Protective Gear (EPG)¹ before going on the in-person visit, and utilize the following preventative practices:

- Practice physical distancing when in someone's home – stay at least six feet away from people when possible in order to accomplish the purpose of the visit.
- Wear the appropriate EPG.
- Caseworkers may ask the family members² or caregivers to wear a mask during an in-person visit, but they cannot require it.
- Frequently wash hands with soap and water for at least 20 seconds. If this is not feasible, use an alcohol-based hand sanitizer with 60% to 95% alcohol.
- Avoid touching eyes, nose or mouth.
- Cover your cough or sneeze with a tissue or your elbow or a tissue. Wash hands afterwards. If this is not feasible, use an alcohol-based hand sanitizer with 60% to 95% alcohol.
- Follow guidance from public health officials.

Training Requirements Waiver

FFAs are encouraged to engage RFA applicants with distance learning options, such as the use of Foster Parent College (FPC) or alternative methods including online sources as set forth in the FFA ILS section 88331.6 (d), in order to facilitate completion of pre-approval training requirements. FFAs are also encouraged to use distance learning options for annual training.

Training requirements may be temporarily waived as described in this waiver if an RFA applicant is unable to complete pre-approval training requirements, including online training options, during the COVID-19 emergency, but has completed all other RFA requirements set forth in statutes, regulations, FFA ILS, or an applicable statewide waiver. If a waiver is necessary for an applicant, then the Resource Family may be approved and the pre-approval training requirements may be completed within 90 days after approval. If an FFA intends to utilize this waiver they must notify CDSS in writing at their local [Children's Residential Regional Office](#) with the following information prior to the approval: (1) the applicant(s) for whom the waiver is being utilized; (2) the reason why the applicant(s) are unable to complete the pre-approval training online or by other alternative means; and (3) how the FFA will assist the applicant to meet the training requirement within 90 days of the RFA approval. Please see Attachment A for detail on waiver timelines.

¹ Inclusive of required Personal Protective Equipment (PPE), EPG may include, but is not limited to, gloves, face coverings, hand soap, hand sanitizer, and disinfectant.

² Please note that [public health guidance](#) recommends that children under the age of two or anyone who has trouble breathing or is unable to remove the mask without assistance should not wear face masks or coverings.

Please note the RFA approval certificate (RFA-05A or equivalent) must document the condition on the approval, including the 90 day due date for the completion of the pre-approval training requirement as required by FFA ILS Section 88331.6, and should explicitly state that continued approval is contingent upon the completion of the pre-approval training within the allowable timeframe. FFAs should also inform Resource Families who delay their pre-approval training until after their approval, that they are still required to complete the minimum eight hours of annual training, within 12 months of approval, in addition to the pre-approval training requirements.

This waiver applies to applicant and Resource Family training requirements under HSC section 1522.44 and FFA ILS sections 88331.6, 88372, and 88431.3.

Annual Approval Update Waiver

With the passage of [Assembly Bill 79](#) (see [HSC 1517](#)), the requirement for updates to the RFA on an annual basis was changed to instead require the approval update on a biennial basis. With this change, extensions to the annual approval update are not necessary for approval updates that are due July 1, 2020, or later. More information pertaining to this statutory change will be forthcoming in FFA ILS Version 5.

The following waivers apply to Resource Family annual update requirements under HSC section 1517, prior to changes made in accordance with AB 79, and FFA ILS section 88371, for the applicable time periods.

If a Resource Family had a 12-month approval update due during the period from April 17, 2020 through June 16, 2020, the requirement to complete the update within 30 days after the due date is waived, and instead the update may be completed up to 180 days after the due date. This extension also allows a Resource Family additional time to complete their post-approval training requirements.

If a Resource Family had a 12-month approval update due during the period from June 17, 2020 through June 30, 2020, the requirement to complete the update within 30 days after the due date is waived, and instead the update may be completed up to 90 days after the due date. This extension also allows a Resource Family additional time to complete their post-approval training requirements.

Ending Inactive Status Waiver

The requirement to complete a Resource Family update within 30 days after a Resource Family requests to end their inactive status in order to take immediate placement of a child is waived and the FFA shall complete the required steps as outlined in FFA ILS section 88348 (d) within 90 days following the emergency placement by the county.

When conducting the Home Health and Safety Assessment, which is required to be conducted in person, FFA staff should use the pre-screening questions and follow the

best practices applicable for in-person visits as noted in the Family Evaluation Interview Waiver above. FFA staff should be mindful of [state](#) and [local](#) public health guidance and advise Resource Families to follow such guidance. Subsequent to the placement, the FFA should follow the RFA update provisions in FFA ILS section 88348 (d).

This waiver applies to inactive status requirements under HSC section 1517.4 and FFA ILS section 88348.

Portability Timelines Waiver

If a Resource Family has initiated a transfer of their approval through the portability process outlined in FFA ILS Article 5.1, the processing timelines may be waived and the FFA may temporarily suspend the processing of this request unless the transfer is critical to the immediate needs of a child placed or the transfer is necessary in order to place the child with relatives.

This waiver applies to Resource Family portability requirements under WIC 16519.58, and FFA ILS sections 88336 and 88441.2.

Terms and Conditions for Waivers

FFAs shall implement the waivers on an as-needed basis, in a reasonable manner; protecting the confidentiality of a child's medical diagnosis, treatment and health care information; and in accordance with any guidance or instructions from CDSS, health care providers, CDC, CDPH, and local health departments.

FFAs shall continue to comply with standards that have not been waived in this PIN's statewide waivers or pursuant to a different individual waiver or exception granted by CDSS. Any approved and pending waiver requests for any of the waiver provisions above shall continue to be in force but shall be replaced by this PIN. Licensees may continue to request individual waivers for standards not included in the statewide waivers, or statewide waivers that have expired, in accordance with [PIN 20-04-CCLD](#).

Requirements for Ongoing Compliance with Waiver; Rescission or Modification

Continued use of the statewide waivers will be based on each FFA's compliance with the following terms and conditions:

1. The FFA shall immediately notify CDSS in writing at their local [Children's Residential Regional Office](#) when implementing a waiver pursuant to the statewide waiver set forth in this PIN and shall post this waiver in a public location at each of the FFA's applicable offices and sub-offices.
2. A licensee's revised policies that are impacted by the waiver shall be developed in compliance with the waiver; be readily available for the public's review, and a

copy shall be provided to the CDSS Regional Office. The policy must include a justification for the need of a waiver.

3. A licensee shall inform the authorized representative of a child in care of any revised policy impacted by the waiver.
4. The licensee shall comply with directives of state and local health departments.
5. The licensee shall not restrict CDSS, CDPH, local health department officials, and healthcare providers, Ombudsman, and essential government authority from entering or conducting investigations at the FFA or homes certified or approved by an FFA.
6. Licensees and homes approved or certified by an FFA shall accommodate the use of video conferencing, teleconferencing, or other technology to support oversight that is conducted remotely.

CDSS may rescind or modify a provider's authorization for use of a waiver based upon new federal, state or local directives or guidance, or if it determines a facility does not meet the terms and conditions of this statewide waiver, or an individual waiver, as applicable.

Effective Dates of Statewide Waivers

The statewide waivers in this PIN shall expire when the Governor's Proclamation expires or is terminated, unless otherwise specified by CDSS. Once a waiver is expired or terminated, all licensing requirements shall be reinstated.

Additional information regarding various effective dates for statewide waivers and flexibilities for the RFA program is included in **APPENDIX A**.

GUIDANCE ON OTHER RFA COMPONENTS

Alternatives to Submitting Forms

To minimize delays to the RFA process, FFAs are encouraged to allow RFA applicants to submit scanned copies or photographs of necessary documents such as the RFA-07, income verifications, etc. If the RFA applicant does not have the ability to submit scanned copies or photographs, the FFA may allow the applicant to provide a written self-attestation for all requirements contained in FFA ILS sections 88331 (e) and 88431.2 (a)(1). If the FFA accepts this information through a self-attestation, they must document it in the RFA Written Report, and place a condition on their RFA Certificate, as authorized by FFA ILS section 88331.7(e), to require the verification documentation by the date of their annual update.

In addition, FFAs are encouraged to review their internal policies and procedures to determine if they require any documents or other tasks that are not required per the FFA ILS. If so, FFAs may wish to consider ceasing these additional requirements to further minimize delays and/or backlogs from occurring.

RESOURCES

- [COVID-19 Response](#)
- [CDSS COVID-19 PINs](#)
- [California Department of Public Health](#)
- [Centers for Disease Control and Prevention](#)
- [Local County Health Departments](#)

If you have any questions or need additional guidance regarding the information in this PIN contact Community Care Licensing Division at (916) 657-2346 or via email at CRPOPolicy@dss.ca.gov, or the applicable [Children's Residential Regional Office](#). To access all [CDSS PINs](#) related to COVID-19, please visit the [Community Care Licensing Division home page](#).

APPENDIX A

WAIVER FLEXIBILITIES

Waiver/Flexibility	Description	Expiration Date	Comment
Family Evaluation Interviews	Interviews should occur in person but may be conducted via videoconferencing platforms consistent with waiver requirements.	State of Emergency Ceases	
Capacity	Capacity requirements may be waived due to isolation or quarantine needs of a child at another facility or home related to COVID-19.	State of Emergency Ceases	FFAs should also plan for transition of child(ren) to an appropriate placement once the need for extra capacity is no longer warranted or the waiver expires.
Home & Grounds/Bedroom Sharing	For purposes of prevention, containment, and mitigation of COVID-19, waivers related to bedroom sharing and use of common areas for sleeping	State of Emergency Ceases	
Pre-Approval Training	If applicant unable to complete pre-approval training and it is the only pending requirement, approval may be issued and conditioned upon completion of training requirement no later than 90 days after approval.	State of Emergency Ceases	Conditional approval should be documented on the RFA Approval Certificate.
Annual Approval Updates Due After July 1, 2020 With or Without Placement	Per AB 79, the update is due biennially	No longer applicable	Please be advised the post approval training requirements are still required to be completed on an annual basis.

Waiver/Flexibility	Description	Expiration Date	Comment
Termination of Inactive Status	For purposes of immediate placement of a child, the requirement to complete the approval within 30 days may be waived and completed up to 90 days past the placement.	State of Emergency Ceases	
Portability	Processing of portability requests may be temporarily suspended unless critical to the immediate needs of a child or necessary to place a child with a relative.	State of Emergency Ceases	
Fingerprint-Based Criminal Background Check for Facility	Per PIN 20-09-CRP , licensed facilities may transfer background check or use CACI/Guardian if LiveScan is not available for facility staff. This is not applicable to RFA applicants.	August 5, 2020 per ACL 20-86	Providers are strongly encouraged to continuously check the availability of Live Scan services and develop plans to ensure delayed fingerprint-based checks are completed expeditiously.
Visitation	Per PIN 20-04-CRP , children’s visitation rights (FFA ILS Sections 88370 and 88487.8) may be conducted via videoconferencing	July 30, 2020 per PIN 20-13-CRP	
Planned Activities, Extracurriculars	Per PIN 20-04-CRP , children’s planned activities may be virtual. Child and Family Team meetings are not required to be conducted as in-person meetings.	July 30, 2020 per PIN 20-13-CRP	
Staffing Ratios Waiver	Per PIN 20-04-CRP , personnel staffing ratios for providers, except for homes, are waived as necessary for prevention, containment, and mitigation measures as long as the provider is able to meet the health and safety needs of children in care.	June 30, 2020 per PIN 20-04-CRP	

Waiver/Flexibility	Description	Expiration Date	Comment
Staff Requirements	Per PIN 20-04-CRP , staff may start working immediately with completion of CPR training, other training requirements must be met within 30 days. Tuberculosis testing requirements are waived for new staff. Staff shall conduct TB screening before beginning work.	June 30, 2020 per PIN 20-04-CRP	
Administrators	Per PIN 20-04-CRP , administrators may take online testing for initial certification and must take in person exam after state of emergency is lifted. Continuing education requirements may be met with online trainings.	June 30, 2020 per PIN 20-04-CRP	

Additional Guidance

Flexibility	Description	Expiration Date	Comment
Flexibility with submission of documents including self-attestation	FFAs may accept scanned copies or photographs of required documents from applicants or when this is not possible, allowance of a self-attestation document.	State of Emergency Ceases	Self-attestation should be documented in the Written Report and the Resource Family Certificate as a condition of approval. Required verification of information is due by approval update.