



KIM JOHNSON  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



GAVIN NEWSOM  
GOVERNOR

June 29, 2020

PIN 20-13-CRP  
(Supersedes PIN 20-04-CRP)

TO: ALL CHILDREN'S RESIDENTIAL LICENSEES  
FOSTER FAMILY AGENCY APPROVED OR CERTIFIED HOMES  
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF

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

SUBJECT: **UPDATED STATEWIDE WAIVERS FOR LICENSING REQUIREMENTS  
DUE TO CORONAVIRUS DISEASE 2019 (COVID-19)**

**Provider Information Notice (PIN) Summary**

PIN 20-13-CRP provides updates to two previously issued statewide waivers for operation of licensed children's residential facilities, licensed foster family homes, and homes certified or approved by a foster family agency, relating to visitation and planned activities. The waivers were originally detailed in [PIN 20-04-CRP](#).

The situation surrounding the Coronavirus Disease 2019 (COVID-19) continues to rapidly change. This PIN provides updates to the statewide waivers in [PIN 20-04-CRP](#) for certain licensing requirements applicable to licensed children's residential facilities, licensed foster family homes, and homes certified or approved by a foster family agency (FFA). This PIN supersedes the guidance and waivers in [PIN 20-04-CRP](#), which expires on June 30, 2020. The waivers in this PIN may be implemented without the need for providers to make an individual request, and subject to the waiver terms and conditions set forth in this PIN. For the most recent guidance on prevention, containment, and mitigation measures for COVID-19, CDSS is recommending children's residential providers follow guidance or instructions from their [Children's Residential Regional Office](#), including but not limited to all [CDSS PINs](#) applicable to children's residential facilities, in addition to the most recent 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 that the most current guidance or instructions from CDC, CDPH, CDSS, or the local health department are contradictory, providers are encouraged to reach out to their Licensing Program Analyst or Regional Office for assistance.

## 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 licensed children’s residential facilities, licensed foster family homes, 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.

### **Visitation Waiver**

Children’s residential licensees/providers may limit entry to only individuals who need entry, but only as necessary for prevention, containment, and mitigation measures as specified in guidance by [Centers for Disease Control and Prevention \(CDC\)](#), the [California Coronavirus \(COVID-19\) Response](#), the [California Department of Public Health \(CDPH\)](#), and [local health departments](#). This waiver applies to visitation under Health and Safety Code sections 1502.2(d), 1502.21(d), 1512, and 1530.91(c); Welfare and Institutions Code sections 4503, and 16001.9(a); Title 22, California Code of Regulations, Division 6, sections 80072, 83072(d), 84072(d), 84172(b), 84272, 86072(c), 86572(a), and 89372(a); Short Term Residential Therapeutic Program (STRTP) Interim Licensing Standards (ILS) sections 87072(d), 87096.72, and 87097.72; FFA ILS section 88487.8; Youth Homelessness Prevention Center (Runaway and Homeless Youth Shelter) ILS section 84572; Nonminor Dependents in Foster Care (AB 12) ILS sections 83172, 84472, 86172, and 893172; and Transitional Shelter Care Facility Operating Standards (OS) section 84072.

In lieu of in-person visits, licensees/providers shall make arrangements for alternate

means of communication and social interactions, such as phone calls, video calls, texting, social media and other online communications. Relatives or non-relative extended family members, tribal connections, and other important connections that are essential to the wellbeing of the child should be maintained consistent with screening protocols and physical distancing recommendations, including outside visits. Communications should allow for private and/or confidential communications as needed, and as required by law.

- **This waiver shall not apply to visitation rights under the Lanterman Petris Short Act, as set forth in Welfare and Institutions Code section 5000 et seq.**
- **This waiver shall not apply to in-person visits mandated by a court order or federal law, such as visits by child welfare and probation personnel, or FFA social workers.**
- **Use of this waiver shall be consistent with [All County Letter \(ACL\) 20-70](#) and [ACL 20-25](#) and any subsequent published CDSS guidance.**

#### **Planned Activities, Social and Extracurricular Activities, Child/Family Councils Waiver**

Children's residential licensees/providers may cancel planned activities, in-person group meetings, and social or extracurricular activities as necessary for prevention, containment, and mitigation measures. This waiver may be implemented only when no alternative activity or meeting can be arranged that meets requirements as set forth in current CDC, CDPH, or local health department guidance, including but not limited to, health screening for symptoms of COVID-19, limiting group size, physical distancing six (6) feet apart, use of masks or cloth face coverings, and enhanced cleaning, handwashing, and disinfection practices. This waiver applies to activities as described in and/or required by Health and Safety Code sections 1512.5, 1520.2 and 1530.91; Welfare and Institutions Code section 16001.9(a); Title 22, Cal. Code of Regulations, Division 6, sections 83072, 83079, 84072, 84079, 84080, 84172, 84272, 84279, 86572, 86579, and 89372; FFA ILS sections 88487.8 and 88487.14; STRTP ILS sections 87072, 87079, 87080, 87096.72, and 87097.72; Nonminor Dependents in Foster Care (AB 12) sections 83172, 83179, 84472, 84479, 86172, 86179, 893172, and 893179; Transitional Shelter Care Facility OS sections 84072 and 84079.

NOTE: Until further notice, CFTs provided to children in foster care are not required to be conducted as in-person meetings. Facilities and homes should accommodate the use of video conferencing, teleconferencing, or other technology to support and actively participate in CFT meetings conducted remotely. All other requirements related to the provision of CFT's, as described in [ACL 16-84](#) and [ACL 18-23](#), and [WIC Section 16501](#) and [WIC Section 16501.1](#), are not waived and remain in effect for all children in foster care.

### **Terms and Conditions for Waivers**

Licenses/providers shall implement the waivers described in this PIN only on an as-needed basis, in a reasonable manner, and in accordance with any guidance or instructions from CDSS, health care providers, CDC, CDPH, and local health departments.

Licenses/providers 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, as specified. Licenses/providers may continue to request individual waivers for standards not included in the statewide waiver in accordance with [PIN 20-04-CCLD](#).

### **Requirements for Ongoing Compliance with Waiver; Rescission or Modification**

Continued use of the statewide waivers is based on each facility's or home's compliance with the following terms and conditions:

1. The licensee/provider shall immediately notify CDSS in writing at their local [Children's Residential Regional Office](#) when a facility or home implements a waiver pursuant to the statewide waiver set forth in this PIN, and the facility or home shall post this waiver in a public location within the facility or home.
2. A licensee's/provider'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/provider must inform the authorized representative of a child or nonminor dependent in care of any revised policy impacted by the waiver and shall notify any family member impacted by the revised policy.
4. The licensee/provider shall comply with directives of state and local health departments.
5. Licenses/providers shall accommodate the use of video conferencing, teleconferencing, or other technology to support oversight that is conducted remotely.
6. The licensee/provider shall not restrict CDSS, CDPH, local health department officials, and healthcare providers, Ombudsman, and essential government authority from entering or conducting investigations at the facility or home.

CDSS may rescind or modify a licensee's/provider's authorization for use of a waiver based upon new federal, state or local directives or guidance, or if it determines a facility or home 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 on July 30, 2020, unless otherwise specified by CDSS. Once this waiver is expired, all licensing requirements shall be reinstated.

If you have any questions regarding the information in this PIN, please contact 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](#).