TEMPORARY SHELTER CARE FACILITY INTERIM LICENSING STANDARDS

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INTRODUCTION

The “Interim Licensing Standards” (ILS) contained herein constitute the written instructions authorized by Assembly Bill 403 (Chapter 773, Section 123, Statutes of 2015), and Assembly Bill 1997 (Chapter 612, Section 131, Statutes of 2016) for the California Department of Social Services to implement the Continuum of Care Reform Provisions that govern temporary shelter care facilities (TSCF). The TSCF ILS build upon the existing licensing regulations contained in Title 22, Division 6, Chapters 1 & 5 and specifically address the new licensing requirements for a county children’s shelter that is operating as a licensed group home to transition to a TSCF.

I. Intent

AB 403 states that the intent of the Act is to reduce the use of congregate care placement settings and to ensure that, when children are removed from their own families, they are placed, whenever possible, with relatives or someone familiar, or, when this is not possible, with other caregiving families that are able to meet their physical, social, and emotional needs until they can return home. The Act additionally references federal law, which requires that placements of children in foster care be in the least restrictive, most family-like environment, and states that placement in a residential setting should be limited to circumstances when the child requires residential care due to his or her individual needs.

The ILS implement the provisions of the Continuum of Care Reform (CCR) which requires (1) reducing the use of county operated children’s shelters by requiring counties to create a robust transitional plan for the development of temporary shelter care facilities (TSCF) to address the unique circumstances and needs of the populations they serve, while remaining consistent with the CCR principles described above, (2) that counties shift to a home-based family treatment model for emergency care, (3) when necessary, to develop an appropriate plan to repurpose shelter facilities, and (4) for the Department to develop a legislative report no later than January 1, 2021, which outlines the number of children and youth served by temporary shelter care facilities (formally known as children’s shelters), characteristics of children residing at these facilities, and whether there is a continued need for the licensing and operation of TSCF.
II. Background

Several counties currently operate “children’s shelters” which provide care and supervision to children and youth, typically at the point of entry to foster care or during unexpected transitions between placements.

In September 2012, the California Department of Social Services, in partnership with the County Welfare Directors Association of California, launched the Continuum of Care Reform (CCR) effort to develop recommendations to reform the current available continuum of services and programs and reduce the reliance on congregate care. The Continuum of Care Reform draws together a series of existing and new reforms to our child welfare services program designed out of an understanding that children who must live apart from their biological parents do best when they are cared for in committed nurturing family homes.

In January of 2015, the Department released a report to the legislature that outlined the comprehensive approach to improving the experience and outcomes of children in foster care and made recommendations to improve the Continuum of Care through legislative action. The report included a recommendation that counties be provided a reasonable multi-year window to phase out the use of county operated children’s shelters and to shift to a home-based family treatment model, and, when necessary, develop an appropriate plan to repurpose shelter facilities.

On October 11, 2015, AB 403, which authorized the California Department of Social Services to implement provisions of CCR beginning January 1, 2017, was signed into law. AB 403 specifically permitted the department to license a county shelter, currently licensed under group home regulations as of January 1, 2016, as a temporary shelter care facility (TSCF). A TSCF is a 24-hour facility that provides no more than 10 calendar days of residential care and supervision for children under 18 years of age who have been removed from their homes as a result of abuse or neglect, as defined in section 300 of the Welfare and Institutions Code, or both.

CDSS consulted with counties to develop procedures for the submission of transition plans to the Department regarding the conversion of these county shelters licensed as group homes to TSCFs. The transition plans shall address the unique circumstances of each particular facility and the needs of the populations they serve, while remaining consistent with the principles of CCR.
Continued reliance on county shelters solely due to a lack of available home based placement options or due to a lack of appropriate therapeutic level residential placements able to meet the needs of youth is inconsistent with the intent and principles of CCR and should be addressed through comprehensive evaluations of the continuum of services available in the county. This continuum includes the use of intensive home based services such as wrap-around, specialty mental health services, and intensive services foster care, capacity building efforts to expand the availability of emergency home based options, and strengthening the level of care and supervision provided by Short Term Residential Therapeutic Programs through enhanced supervision, training, staff qualifications, specialty mental health services, and other care and supervision or service enhancements. Establishment of Temporary Shelter Care Facilities as a component of the local continuum of care should be based on models of care that effectively and demonstrably improve the pathways to permanency and long term placement stability of children who are placed there.

III. Authority

AB 403 (Chapter 773, Section 123 Statutes of 2015) and Assembly Bill 1997 (Chapter 612, Section 131, Statutes of 2016) implemented statewide licensing requirements for temporary shelter care facilities in Health and Safety Code section 1530.8 and Welfare and Institutions Code section 11462.02.
Article 1 – General Requirements

84600 GENERAL
(a) Unless otherwise specified in these interim licensing standards, the provisions of Title 22, Chapter 1, General Licensing Requirements, and Chapter 5, Group Homes, shall apply to temporary shelter care facilities.
(b) Sections 80068.2, 80068.3, 84068.2, 84068.3, and any other reference to a needs and service plan within Title 22, Chapter 1, General Licensing Requirements, and Chapter 5, Group Homes, shall not apply to temporary shelter care facilities.
(c) Temporary shelter care facilities shall not accept for placement children who are under the age of six years, unless the facility is licensed for that age group and meets the requirements of Subchapter 2, beginning with Section 84200.
(d) Temporary shelter care facilities shall not be considered in determining overconcentration of residential facilities as specified in Health and Safety Code section 1520.5.
(e) Nothing in these interim licensing standards shall preclude a county from applying for and being licensed as a short-term residential therapeutic program; a runaway and homeless youth shelter; or a foster family agency, as provided by Health and Safety Code section 1530.8(e)(2).

84601 DEFINITIONS
In addition to Sections 80001 and 84001, the following shall apply:
(a) (1) “Authorized Representative” means any person or entity authorized by law to act on behalf of any client. Such person or entity may include but not be limited to a minor's parent, a legal guardian, a conservator or a public placement agency.
(b)-(n) (Reserved)
(o) (1) “Overconcentration” has the same meaning as “overconcentration” as defined in Health and Safety Code section 1520.5(b).
(p)-(r) (Reserved)
(s) (1) “Social Work Staff” means at least one social worker or other professional person trained in the behavioral sciences who provides, either through employment or alternative means, those services specified in this chapter.
(t) (1) “Temporary shelter care facility” means any residential facility that meets all of the following requirements:

(A) It is owned and operated by the county or by a private, nonprofit agency on behalf of a county.

(B) It is a 24-hour care facility that provides no more than 10 calendar days of residential care and supervision for children under 18 years of age who have been removed from their homes as a result of abuse or neglect, or both, as defined in Section 300 of the Welfare and Institutions Code.

(u)-(z) (Reserved)
Article 2. Licensing

84604 LICENSING AUTHORITY
(a) The department may issue a temporary shelter care facility license to an entity operating a children’s shelter, licensed as a group home, and operated by a county, or an agency on behalf of a county, as of January 1, 2016, as specified in Health and Safety Code section 1530.8(d)(1).

84605 LICENSE REQUIRED
(a) In addition to 80005, the following shall apply.
(b) A children’s shelter, licensed as group home, and operated by a county, or an agency on behalf of a county, shall apply to obtain a license as a temporary shelter care facility by the date declared in the facility’s transition plan as approved by the Department.
Article 2.5. Transition Plan

84613 TRANSITION PLAN

(a) A children’s shelter, licensed as a group home, and operated by a county, or an agency on behalf of a county, shall prepare and submit a written transition plan, as described in this section, to the department on or before July 17, 2017.

(b) The transition plan shall address the unique circumstances and needs of the populations they serve and contain a description of the following:

1. How the facility will comply with the requirements in the temporary shelter care facility interim licensing standards.

2. A staffing plan that, at a minimum, includes an organizational chart and description of staff position responsibilities.

3. The criteria for accepting placements into the temporary shelter care facility.

4. How the facility will find a placement for the child as soon as possible, but no later than ten days after admission.

5. How the facility will identify barriers to timely placement for incoming children.

6. What efforts the facility will make to mitigate barriers to placement for the child.

7. A communication strategy plan that includes a daily report or spreadsheet containing the placement status, along with ongoing placement efforts, for each child in the facility, and ensures the daily report is distributed to all placing social workers, placing social work supervisors, the facility administrator, and the county placing agency director or his or her designee.

8. The services to be provided as described in Welfare and Institutions Code section 11462.022(e).

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Welfare and Institutions Code section 11462.022(e) provides:

“(e) The temporary shelter care facility shall ensure that the following services, at a minimum, are identified in the facility’s plan of operation and are available to children detained at the facility:
(1) Medical, developmental, behavioral, and mental health assessments based on the information obtained through the screenings required pursuant to subdivision (d).
(2) Based on the screening, assessments, and other information obtained about the child, identification of the appropriate placement resources that meet the child’s needs.
(3) Trauma-informed services and interventions.
(4) Crisis intervention services.
(5) Care and supervision provided by trauma-informed trained and qualified staff.
(6) Referrals to and coordination with service providers who can meet the medical, developmental, behavioral, or mental health needs of the child identified upon admission.
(7) Educational services to ensure the child’s educational progress, including efforts to maintain the child in his or her school of origin if practical.
(8) Visitation services, including the ability to provide court-ordered, supervised visitation.
(9) Structured indoor and outdoor activities, including recreational and social programs.
(10) Transportation and other forms of support to ensure, to the extent possible, the child’s ability to attend and participate in important milestone events.
(11) Mentorship and peer support-type programs.”

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(9) A description of how the facility will monitor and ensure the adequacy and quality of care, supervision, and services provided by the facility, as informed by the following indicators:

(A) The number of reported incidents.
(B) The number of reported law enforcement contacts.
(C) The number of children prescribed psychotropic medication.
(D) The number of children absent without leave from the temporary shelter care facility.
(E) The number of children who have run away from their last placement.
(F) Any other indicators that specialized or intensive needs of the children served by the temporary shelter care facility are not being met.
Article 3. Application Procedures

84618 APPLICATION FOR LICENSE
(a) In addition to Section 80018 and 84018, the following shall apply:
(b) A written plan of operation as required in Section 84622.

84622 PLAN OF OPERATION
(a) In addition to Sections 80022 and 84022, the following shall apply:
(b) The plan of operation and related materials shall also contain the following:
   (1) A statement that the primary purpose of the facility is to provide temporary shelter care only for the duration necessary to enable a county placing agency to perform the required assessments and to appropriately place a child.
   (2) A description of how the facility will meet the diverse needs of children placed in the shelter, how children will be housed within the shelter, and the circumstances that may be considered in making housing and decisions.
   (3) A description of how the facility will assess each child on an individual basis with the focus on why the child was moved from his or her prior living arrangement or placement and the services the child will need for transition to his or her next placement.
   (4) A description of the facility’s procedures and resources for locating appropriate placements that meet the individual needs of children, including a description of the placement and placement coordination responsibilities of the facility's social work staff.
   (5) A description of the facility's plan for ascertaining information on where the child should attend school, assuring school attendance, and providing services to support the child's educational progress.
   (6) A description of services to be provided by the facility which shall include, but not be limited to, the following:
      (A) Medical, developmental, behavioral, and mental health assessments.
      (B) How the facility will identify appropriate placement resources that meet the child’s needs.
(C) Trauma-informed services and interventions.
(D) Crisis intervention services.
(E) Care and supervision provided by trauma-informed trained and qualified staff.
(F) Referrals to and coordination with service providers who can meet the medical, developmental, behavioral, or mental health needs including need for specialty mental health services, of the child identified upon admission.
(G) Visitation services, including the ability to provide court-ordered, supervised visitation.
(H) Structured indoor and outdoor activities, including recreational and social programs, as required under Section 84079.
(I) Transportation and other forms of support to ensure the child’s ability to enjoy the rights specified in Welfare and Institutions Code section 16001.9.
(J) Mentorship and peer-support type programs.

(7) A description of how the facility will monitor and ensure the adequacy and quality of care, supervision, and services provided by the facility, as informed by the following indicators:
(A) The number of reported incidents.
(B) The number of reported law enforcement contacts.
(C) The number of children prescribed psychotropic medication.
(D) The number of children absent without leave.
(E) The number of children who have run away from their last placement.
(F) Any other indicators that specialized or intensive needs of the children served by the temporary shelter care facility are not being met.

(8) A communication strategy plan that includes a daily report or spreadsheet containing the placement status, along with ongoing placement efforts, for each child in the facility, and ensures the daily report is distributed to all placing social workers, placing social work supervisors, the facility administrator, and the county placing agency director or his or her designee.

(c) Any changes in the plan of operation which affect the services to children shall be subject to licensing agency approval.
(d) The facility shall operate in accordance with the terms specified in its plan of operation.

84635 CONDITIONS FOR FORFEITURE

(a) In addition to Section 80035, the following shall apply:

(b) A group home license issued to a county to operate a children's shelter shall be forfeited by operation of law when the county receives a license to operate a temporary shelter care facility, as specified in Health and Safety Code section 1524(j).

(c) A temporary shelter care facility license issued to a private, nonprofit organization under contract with a county shall be forfeited by operation of law upon termination of the contract, as specified in Health and Safety Code section 1524(k).
Article 4. Administrative Actions

84640 DENIAL OF INITIAL LICENSE

(a) In addition to Sections 80040 and 84040, the following shall apply:

(b) A license application for a temporary shelter care facility applicant shall not be denied upon the basis of overconcentration, as specified in Health and Safety Code section 1520.5(g).
84651 SERIOUS DEFICIENCIES

(a) In addition to 84051, the following shall apply:

(b) The department may issue a citation to a facility for a violation of the 10-day placement limit as specified in Welfare and Institutions Code section 11462.022.

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Welfare and Institutions Code section 11462.022 (f)(1) provides:

“(f)(1) In no case shall the detention or placement in a temporary shelter care facility exceed 10 calendar days. For any stay that exceeds 10 calendar days, the child welfare agency shall submit a written report to the department, within 24 hours of an overstay, that shall include a description of the reasons and circumstances for the child’s overstay, and shall be signed by the county child welfare agency director or his or her designee. The department may choose not to issue a citation to the county for a violation of the 10-day placement limit when, based on the information contained in the report, the overstay is reasonable and the county is complying with subdivision (d).”

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Article 6. Continuing Requirements

84661 REPORTING REQUIREMENTS

(a) In addition to Section 84061, the following shall apply.

(b) The county child welfare agency shall prepare and submit to the Department a written report no later than 24 hours after the child’s placement reaches the 10-day limit. The report shall contain the following information:
   (1) The number of days the child has been placed at the facility;
   (2) The reasons and circumstances for the child’s overstay;
   (3) The steps the licensee and child welfare agency are taking to identify placement options and place the child;
   (4) The report shall be signed by the county child welfare agency director or his or her designee; and
   (5) The report shall be resubmitted to the Department weekly until the child has been placed.

(c) The licensee shall maintain a daily report, and submit it to the Department upon request. The report shall contain the following information:
   (1) Total number of children served;
   (2) Date of birth for each child served;
   (3) Gender and gender identity of each child served;
   (4) Date of admission and planned date of discharge;
   (5) Length of stay of each child served;
   (6) Each child’s previous placement if applicable;
   (7) Reason for each child’s admission to facility; and
   (8) Barriers to each child’s placement, if applicable.

(d) The licensee shall ensure that the child's authorized representative is notified no later than the next business day if the following circumstances have occurred without the authorized representative's participation:
   (1) Any unusual absence or failure of a child to return or inform the facility that they are not returning for a specified period of time.
(A) A child identified to be at risk of, or having been commercially sexually exploited who has not informed the facility of an absence should be reported to the authorized representative as soon as is reasonably possible and in no case longer than 24 hours.

(e) The licensee shall submit reports to the Department, using form LIC 624-LE or alternative documentation containing all the information required in LIC 624-LE, regarding any incident that involves law enforcement contact with a child residing in the facility.

(1) The licensee shall make an initial report to the Department no later than the next business day following each incident. The initial report shall include all information described in Section 84061(k)(2)(A) through (E) that is known to the licensee at the time the report is made.

(2) Within six months of the incident, the licensee shall provide a follow-up report for each incident that includes the following information:

(A) The type of incident.

(B) Whether the incident involved an alleged violation of any crime, other than an age-based curfew law, by a child residing in the facility.

(C) Whether staff, children, or both were involved in the incident.

(D) The gender, race, ethnicity, and age of children involved in the incident.

(E) The outcome of the incident, if known, including arrests, removals of children from placement, termination or suspension of staff, the filing of a 602 petition for the child, or revocation of or changes to the terms of probation.

(3) The licensee may file the follow-up report at any time within six months of the incident, including with the initial report, if all outcomes and required information are known. (4) The licensee may be required to provide follow-up reports beyond the first six months if the Department determines that the information provided in either the initial or follow-up reports is incomplete, or if outcomes required to be reported are not known until later than six months after the initial report.

(5) A licensee reporting an incident under this subsection shall not be required to report the same incident under any other provision of this Section, or under Section 80061, so long as all information required to be reported by the other provision is
provided. (6) For the purposes of this subsection, “contact with law enforcement” means contact by police officers, sheriffs and others as defined in Section 84001(l)(1), with a child residing in the facility, which does not include routine contact with a probation officer who is supervising the placement of a child in the facility.

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Example: Routine contacts with probation officers do not need to be reported to the Department. However, contacting a probation officer regarding an incident involving a specific child or children or other contact with a probation officer that results in action taken by a probation officer in response to a reportable incident involving a child in the facility in which law enforcement was called, including, but not limited to, revocation or changes of the terms of probation, a child being taken into the custody of probation, or the child being removed from placement should be reported as an outcome as required in (e)(2)(E) if known.

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(f) For data collection purposes to better inform the Department on the need for shelter care, a quarterly report shall be submitted within 30 days of the end of each quarter. The quarter’s end dates shall be March 31, June 30, September 30 and December 31. The report shall include the following information for each child:

1. Child demographics including date of birth, gender, and race
2. Placing agency
3. Date of admission and date of discharge
4. The length of stay in the facility
5. If the child is returning to the shelter due to a failed placement
6. Reason for shelter usage
7. Barriers to placement, and barriers to placement causing stay to exceed ten (10) calendar days if applicable
8. The child’s next placement

84665.2 PERSONNEL DUTIES
(a) In addition to 84065.2, the following shall apply.

(b) Social work staff shall:

(1) Complete an assessment of each child that ensures appropriate services are being provided to meet the child’s individual needs while the child is temporary placed in the facility.

(2) Assist with a child’s transition to his or her next placement.

84665.3 ADDITIONAL STAFF TRAINING

(a) In addition to all other training required in Title 22, Chapter 1, General Licensing Requirements, and Chapter 5, Group Homes, the following shall apply.

(b) All administrators, facility managers, social work staff, and direct care staff shall receive four hours of training on the specialized needs of children in transition.

84665.5 STAFF RATIOS

(a) Sections 84065.5 and 84065.7 shall not apply to temporary shelter care facilities.

(b) (1) During the hours of 7 am to 10 pm:

(A) When only one child is present at the facility, there shall be at least one awake and on duty direct care staff present at the facility.

(B) When there are two to four children present at the facility, there shall be at least two awake and on duty direct care staff present at the facility.

(C) When there are five or more children present at the facility, there shall be at least one awake and on duty direct care staff present at the facility for every four children, or fraction thereof, present at the facility.

(2) During the hours of 10 pm to 7 am:

(A) When only one child is present at the facility, there shall be at least one awake and on duty direct care staff present at the facility.

(B) When there are two to six children present at the facility, there shall be at least two awake and on duty direct care staff present at the facility.

(C) When there are seven or more children present at the facility, there shall be at least one awake and on duty direct care staff present at the facility for every six children, or fraction thereof, present at the facility.
(c) There shall be at least one awake and on duty direct care staff present for each four children participating in planned activities away from the facility.

(d) Additional staff shall be on call and capable of arriving at the facility within 30 minutes.

(f) If the children require special care and supervision because of age, problem behavior or other factors, the number of on-duty facility staff shall be increased.

(g) The Department may require a licensee to provide additional staff when it is determined that additional staff are required to address the unique circumstances and needs of the populations served. The licensee shall be informed in writing of the reasons for the licensing agency's determination.

84668.05 PRE-INTAKE PROCEDURES

(a) The facility shall develop, maintain, and implement pre-intake procedures which meet the requirements specified in this section.

(b) Prior to accepting a child transferring from a previous placement, the facility shall collaborate with the county placing agency to:

(1) Ensure reasonable efforts were made to place the child with a relative, tribal member, nonrelative extended family member, in a licensed, certified, approved or tribally approved foster home, resource family or a short term residential therapeutic program.

(2) Obtain information regarding prior placements and the reason(s) each placement was discontinued.

(3) Discuss the services that were provided to prevent removal of the child from his or her current living arrangement or placement.

(c) Information obtained regarding a child pursuant to this section shall be maintained in the child’s record.

84668.1 INTAKE PROCEDURES

(a) Sections 80068 and 84068.1 shall not apply.

(b) The licensee shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.

(c) The licensee shall:
(1) Ensure that placement of the child in the facility shall not result in the facility exceeding its licensed capacity.

(2) Ensure that all placement agreements specify that the child’s placement shall not exceed ten (10) calendar days.
   (A) Such agreements shall be dated and signed, acknowledging the contents of the document, by the child if age and developmentally appropriate the child’s authorized representative, and the licensee or the licensee's designated representative.

(3) Acquire necessary information from the county placing agency to conduct an individualized assessment of the child and the services needed to transition the child to his or her next placement.

(4) Assess whether the child may present a threat to self or to any other child in care, or whether the child may be at risk of harm from another child in care.

(5) Provide each child with a health, mental health, and developmental screening.

(6) Obtain from the child’s authorized representative a list of the child’s prior placements and residences, and the reasons why the child was removed from each living arrangement or placement.

(7) Request that the county placing agency convene a child and family team meeting within 4 days from the time of placement.
   (A) If a child and family team meeting has occurred within the previous 30 days, requesting a child and family team within 4 days is not required.

(8) Ensure that a child and family team informs the continuing efforts to place the child in the most appropriate homelike setting possible.

84668.4 REMOVAL AND/OR DISCHARGE PROCEDURES

(a) Section 84068.4 shall not apply to temporary shelter care facilities.

(b) The licensee shall develop, maintain, and implement written policies and procedures governing a child’s removal and/or planned discharge from the facility which meet the requirements specified in this section.
   (1) A child and his or her authorized representative(s) shall receive a copy of such policies and procedures.
(2) Signed copies of such policies and procedures shall be maintained in the child’s record, as specified in Section 84070.

(3) The licensee shall post these written policies and procedures in the facility.

(c) Upon identification of an appropriate placement that meets the individual needs of a child, the licensee shall ensure that the child is transferred to the placement in a timely manner.

(d) The licensee shall remove or discharge a child when the child:

(1) The child is placed in an approved or licensed home or facility.

(2) Is determined by a court to have committed an unlawful act and is committed to a secure facility;

(3) Requires physical health care in an acute care hospital; or

(4) Requires mental health services in an acute psychiatric hospital or community treatment facility.

(e) If it is determined that the child is to be removed or discharged from the facility for reasons other than the placement of the child in an approved or licensed home or facility, the reason for the child’s removal or discharge shall be documented in the child’s record.

(f) If a child is removed or discharged, the licensee shall include the date of and reason for transfer or removal in a child’s record, in addition to the information specified in Section 84070.

84675 HEALTH-RELATED SERVICES

(a) In addition to 84075 the following shall apply.

(b) The licensee shall ensure that all prescribed medications, with the exception of contraceptives, are centrally stored, as provided in Section 80075.

(1) Licensees shall continue to ensure the health and safety of all children in the facility.

(A) The licensee shall provide the child with a locked container in which to store their contraceptives.

1. There shall be more than one key to the container. One key shall be given to the child and the others shall be kept by facility staff.

(c) Psychotropic medications shall be used only in accordance with the written directions of the physician prescribing the medication and as authorized by the juvenile court order or parental authorization form.
(d) The licensee shall provide an isolation room or area that shall be used where separation from others is required to prevent the spread of a communicable disease.

(e) For children 12 years of age or older, the licensee shall allow access and assist children in accessing age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections (STIs).

(1) A licensee may direct a child to reliable sources of information.

(2) A licensee shall not require a child to agree to practice abstinence.