

89261 REPORTING PROCEDURES**89261**

- (a) Upon the occurrence, during the operation of the home, of any of the events specified in Section 89361(a), a report shall be made to the licensing agency within the agency's next working day during its normal business hours. In addition, a written report containing the information specified in Section 89361(b) shall be submitted to the licensing agency within seven days following the occurrence of such event.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1530.6, 1531, 1538, 1550.5, and 1557.5, Health and Safety Code.

89286 ALTERATIONS TO EXISTING FOSTER FAMILY HOMES**89286**

- (a) The licensing agency shall have the authority to require that the caregiver have a building inspection by a local building inspector if the agency suspects that a hazard to health and safety exists.

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- (b) Prior to construction or alterations, state and local law requires that the caregiver shall secure a building permit.

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1525.5, and 1531, Health and Safety Code.

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Article 3. LICENSE/APPROVAL STANDARDS**89317 APPLICANT QUALIFICATIONS****89317**

- (a) Any adult shall be permitted to apply for a license regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, or ancestry.
- (b) An applicant shall have the following qualifications:
 - (1) Ability to provide care and supervision appropriate to the type of children to be served including ability to communicate with the children.
 - (2) Knowledge of and ability to comply with the applicable laws and regulations.
 - (3) Ability to maintain, or supervise the maintenance of, financial and other records.
 - (4) Ability to direct the work of others when applicable.
- (c) An applicant for a foster family home license shall complete an orientation provided by the licensing/approval agency.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1520, 1525.3, 1526.5, 1529.1, 1529.2, 1529.3, 1530.91, 1531, and 1562, Health and Safety; and Section 51, Civil Code.

89319 CRIMINAL RECORD CLEARANCE REQUIREMENT**89319**

All persons subject to criminal record review shall obtain a criminal record clearance from the California Department of Social Services or county as appropriate. Such review will require submission of completed fingerprints pursuant to Health and Safety Code Section 1522. The licensing/approval agency will also conduct a search of the Child Abuse Clearance Index and child abuse records. The licensing/approval agency may conduct an authorized search of the California Law Enforcement Telecommunications System (CLETS).

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1522 and 1522.1, Health and Safety Code.

89323 EMERGENCY PLAN**89323**

- (a) Each caregiver shall post emergency telephone numbers, discuss emergency situations with children, practice emergency procedures every six months and at time of new placements.

NOTE: Authority Cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520 and 1531, Health and Safety Code.

89361 REPORTING REQUIREMENTS**89361**

- (a) Each caregiver shall furnish to the licensing/approval agency and the child's authorized representative such reports as required by the Department including but not limited to the following:
- (1) Death of any child from any cause.
 - (2) Any injury or illness to any child which requires medical treatment.

89361 REPORTING REQUIREMENTS 89361

- (3) Any unusual incident or child absence which threatens the physical or emotional health or safety of any child.
 - (4) Any suspected physical or psychological abuse of any child.
 - (5) Communicable diseases as reported to caregiver by a health professional.
 - (6) Poisonings.
 - (7) Catastrophes.
 - (8) Fires or explosions which occur in or on the premises.
- (b) When a written report of such an event is required by the licensing/approval agency, the caregiver shall submit, within 7 days, a written report of such event, which includes the following information:
- (1) Child's name, age, sex, and date of admission.
 - (2) Date and nature of event.
 - (3) Attending physician's name, findings, and treatment, if any.
 - (4) Disposition of the case.
- (c) Any change in the caregiver's mailing address that does not also include a change in location shall be reported to the licensing/approval agency within 10 working days following the occurrence.
- (d) When there is a change in the location of the home, the caregiver shall notify the licensing/approval agency 30 days prior to the move or as soon as the information is available.
- (e) When the caregiver intends to be absent from the home for 48 hours or longer, the caregiver shall notify the licensing/approval agency and the child's authorized representative, in writing or by telephone and include the following information:
- (1) Dates of intended absence.
 - (2) Whether the child will accompany the caregiver or remain in the home.
 - (3) Telephone number where caregiver may be contacted.
 - (4) Name, address, telephone number of substitute care provider.

89361 REPORTING REQUIREMENTS (Continued)**89361**

- (f) The caregiver shall report all changes in household composition within ten working days. These changes shall include, but not be limited to:
- (1) Any additions to the caregiver's family, including when the caregiver becomes guardian or conservator for any child or other person.
 - (2) The arrival or departure of any person, other than the children, residing in the home requires immediate notification and clearance per the requirements of Health and Safety Code Section 1522(b).

NOTE: Authority cited: Sections 1530, 1530.5, 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1520, 1530.6, 1531, and 1557.5, Health and Safety Code.

89370 CHILDREN'S RECORDS**89370**

- (a) The caregiver shall maintain a separate, complete, and current record or file in the home for each child, which includes a current placement agreement and Needs and Services Plan for each child, and the name, birth date and date of placement in the home.
- (b) The file should also contain a written consent that authorizes the caregiver to obtain other ordinary medical and dental care in an emergency if the authorized representative cannot be reached.
- (c) All children's records shall be available to the licensing/approval agency to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) Licensing/approval agency representatives shall not remove any current emergency or health-related children's records unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, a licensing/approval agency representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the caregiver.
 - (3) Licensing/approval agency representatives shall return the records to the home undamaged and in good order within three business days following the date the records were removed.
- (d) All information and records obtained from or regarding children shall be confidential except as otherwise authorized by law.

NOTE: Authority cited: Sections 1530, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520, 1530.5, 1531, and 1557.5, Health and Safety Code.

89372 PERSONAL RIGHTS

89372

- (a) The caregiver shall ensure that each child is accorded the personal rights specified in this section.
- (b) Each child, and his/her authorized representative, shall be personally advised, and given at admission a copy, of the rights specified in (c) below.
- (c) Each child shall have personal rights which include but are not limited to the following:
 - (1) To be accorded safe, healthful and comfortable home accommodations, furnishings and equipment that are appropriate to his/her needs.
 - (A) To have storage space for his/her private use.
 - (2) To be treated with respect and to be free from physical, sexual, emotional or other abuse.
 - (3) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to be treated with respect and to be free from discrimination, intimidation or harassment based on sex, actual or perceived race, color, religion, ancestry, national origin, mental or physical disability, medical condition, ethnic group identification, gender identity, HIV status, or sexual orientation or perception of having one or more of these characteristics.
 - (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
 - (5) To receive adequate and healthy food.
 - (6) To be provided adequate clothing and personal items, in accordance with Section 89372(c)(3).
 - (A) To wear his/her own clothes.
 - (B) To possess and use his/her own personal items including toiletries.
 - (7) To receive an allowance if living in a group home.
 - (8) To receive necessary medical, dental, vision, and mental health services.
 - (9) To be free of the administration of medication or chemical substances, unless authorized by a physician and, if required, by court order.
 - (10) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors and friends, in accordance with Section 89372(c)(3).
 - (11) To contact family members, unless prohibited by court order.

89372 PERSONAL RIGHTS (Continued)

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- (12) To visit and contact brothers and sisters, unless prohibited by court order.
- (13) To contact social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (14) To have visitors, provided the rights of others are not infringed upon.
 - (A) Relatives, during waking hours, unless prohibited by court order, or by the child's authorized representative.
 - (B) Authorized representative.
 - (C) Other visitors, unless prohibited by court order or by the child's authorized representative.
- (15) To contact Community Care Licensing Division of the State Department of Social Services if residing in a licensed home, or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially and to be free from threats or punishments for making complaints.
 - (A) To be informed and to have his/her authorized representative informed, by the caregiver of the provisions of law regarding complaints, including but not limited to the address and telephone number of the complaint, receiving unit of the licensing agency and of information regarding the confidential registration of complaints.
- (16) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
 - (A) Reasonable restrictions may be imposed by the social worker/caregiver to calls and correspondence.
 - (B) No restrictions shall be applied to those listed in (c)(12) above.
 - (C) Other reasonable restrictions may be imposed. The caregiver may:
 1. Request long distance cost reimbursement, for calls made by the child, from the child or his/her authorized representative;
 2. Be permitted to deny the making of long distance calls by the child upon verification that previous long distance calls have not been paid.
 3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies;

89372 PERSONAL RIGHTS (Continued)**89372**

- (D) To have access to letter writing material.
- (17) To be free to attend religious services and activities of his/her choice and to have visits from the spiritual advisor of his/her choice.
- (18) To be accorded the independence appropriate to the child's age, maturity, and capability consistent with the child's Needs and Services Plan or Transitional Independent Living Plan (TILP) if applicable.
 - (A) To attend Independent Living Program classes and activities if he/she is 16 or older.
 - (B) To maintain an emancipation bank account.
 - (C) To manage personal income, consistent with his/her age and developmental level.
 - (D) To work and develop job skills at an age appropriate level that is consistent with state law.
 - (E) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with his/her age and developmental level, in accordance with Section 89372(c)(3).
- (19) To not be locked in any room, building, or family home.
 - (A) The caregiver shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of the children so long as the children can exit from the home.
- (20) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
 - (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a child's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a child from falling out of bed, a chair, etc.
 - 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.

89372 PERSONAL RIGHTS (Continued)

89372

- (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.
- (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.
- (D) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
- (E) Under no circumstances shall postural supports include tying, depriving, or limiting the use of a child's hands or feet.
1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.
- (F) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below.
1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.
 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

(21) To be free to attend court hearings and speak to the judge.

(22) To contact his/her placing social worker to review his/her own case plan if he/she is over 12 years of age and to receive information regarding out-of-home placement and case plan, including being told of changes to the plan.

(23) To be accorded dignity in his/her personal relationships with other persons in the home.

(A) To be free from unreasonable searches of person.

89372 PERSONAL RIGHTS (Continued) 89372

- (B) To be free from unreasonable searches of personal belongings.
- (24) To have all his/her juvenile court records be confidential, consistent with existing law.
- (25) At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, 1530.9, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 51 (Unruh Civil Rights Act), Civil Code; Section 12921; (California Fair Employment and Housing Act), Government Code.

89373 TELEPHONES 89373

All foster family homes shall have telephone service, unless alternative telephone access is approved and documented.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520, 1524.7, and 1531, Health and Safety Code.

89374 TRANSPORTATION 89374

The caregiver shall ensure that all transportation provided for children in their care is provided in vehicles that are in safe operating condition and that the drivers comply with all applicable laws.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501 and 1531, Health and Safety Code.

89376 FOOD SERVICE 89376

- (a) The caregiver shall provide or ensure at least three nutritious meals per day and as necessary to meet any special dietary needs documented in the child's Needs and Services Plan.
- (b) Whenever children in placement eat at the home, they will have their meals with family members in a family setting.

89376 FOOD SERVICE (Continued)**89376**

- (c) Infants under seven months shall be held during bottle-feeding.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1520, and 1530, Health and Safety Code.

89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**89378**

- (a) The caregiver shall provide care and supervision as necessary to meet each child's needs, and shall be available at all times unless documented in the child's Needs and Services Plan, placement agreement, or Transitional Independent Living Plan (TILP) or agreed to in advance by the licensing agency.
- (b) The caregiver shall provide those services identified in each child's Needs and Services Plan and Transitional Independent Living Plan (TILP) if applicable.
- (c) The caregiver is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement.
- (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Section 11465, Welfare and Institutions Code; and Sections 1501, 1520, 1530.6, 1531, and 1559.110, Health and Safety Code; and 42 USC Section 677 of the Social Security Act.

89379 ACTIVITIES**89379**

- (a) The caregiver shall provide opportunity for, and encourage participation in, group sports, leisure time, family, special school, and daily living skill activities.
- (b) The caregiver shall ensure direct care and supervision is provided to meet the child's needs during participation in those activities that are sponsored by third parties, except that school-sponsored activities shall be presumed to provide adequate care and supervision.

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When a caregiver is determining whether a sponsor, other than a school, is providing adequate care and supervision, the caregiver should consider who the sponsor is and what supervision and safeguards are in place.

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89379 ACTIVITIES (Cont.)**89379**

- (c) For children 16 years of age or older, the caregiver shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 89372(c)(25). The information may include, but is not limited to, any of the following:
- (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
 - (2) Informational brochures on postsecondary or vocational schools/programs.
 - (3) Campus tours.
 - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
 - (5) School sponsored events promoting postsecondary or vocational schools/programs.
 - (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to current or former foster youth and contact information for the Student Aid Commission.

NOTE: Authority cited: Sections 1530, and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1530.6, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

89387 BUILDINGS AND GROUNDS**89387**

- (a) The caregiver shall provide bedrooms in the home which shall meet, at a minimum, the following requirements unless a documented alternative plan is approved:
- (1) No more than two children shall share a bedroom.
 - (2) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
 - (3) No room commonly used for other purposes shall be used as a bedroom.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas and sheds or similar detached buildings.
 - (4) No bedroom shall be used as a public or general passageway to another room.
 - (5) The caregiver shall provide each child with an individual bed which is equipped with a clean, comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.

89387 BUILDINGS AND GROUNDS (Continued.) 89387

- (A) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by children at all times.
- (B) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
- (6) Each bedroom shall have portable or permanent closets and drawer space to accommodate the child's clothing and personal belongings.
- (7) The caregiver shall provide each infant with a safe and sturdy bassinet or crib, appropriate to the child's age and size.
- (8) Except for infants, children shall not share a bedroom with an adult.
 - (A) In bedrooms shared by adults and infants, no more than two infants and no more than two adults shall share the room.
- (9) Sections 89387(a)(1) through (a)(8) apply to all bedrooms used by all children residing in the home, including children who are members of the caregiver's family, guardianship children, and children in placement.
- (10) Sections 89387(a)(3) and (a)(4) apply to all bedrooms used by the caregiver and all other adults residing in the home.
- (b) The home shall be clean, safe, sanitary and in good repair at all times for the safety and well-being of the children.
- (c) All outdoor and indoor passageways, and stairways, inclines, ramps, open porches and other areas or potential hazard shall be kept free of obstruction.
- (d) All homes that accept children under 10 years of age or a child that has a condition including one that makes the child developmentally disabled, or mentally handicapped, and for whom special care and supervision is required as result of his/her condition, shall ensure the inaccessibility of pools, including swimming pools (in-ground and above-ground), fixed-in-place wading pools, hot tubs, spas, fish ponds, and similar bodies of water.
 - (1) Inaccessibility shall be assured by using at least one of the following safety features in (A) or (B) below:
 - (A) The pool shall be isolated from access to a home by an enclosure, as defined in Section 115921(c) and that meets the requirements of Section 115923 of the Health and Safety Code and does not obscure the pool from view.

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Section 115921 of the Health and Safety Code states in pertinent part:

(c) "Enclosure" means a fence, wall, or other barrier that isolates a swimming pool from access to the home.

Section 115923 of the Health and Safety Code states:

An enclosure shall have all of the following characteristics:

(a) Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.

(b) A minimum height of 60 inches.

(c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.

(d) Gaps or voids, if any, do not allow passage of a sphere equal or greater than four inches in diameter.

(e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

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89387 BUILDINGS AND GROUNDS (Continued)**89387**

- (B) The pool shall be equipped with an approved safety pool cover as defined in Section 115921 of the Health and Safety Code.

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Section 115921(d) of the Health and Safety Code states in pertinent part:

(d) "Approved safety pool cover" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

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- (C) When the Department determines that it is not feasible for the caregiver to comply with (A) or (B) above, the residence shall be equipped with exit alarms, as defined in Section 115921 of the Health and Safety Code, on those doors or windows providing direct access to the pool.

1. Where it is feasible to comply in part with (A), the Department may authorize use of a combination of (A) and (C).

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Section 115921 of the Health and Safety Code states in pertinent part:

"Exit alarms" means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

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2. All windows providing direct access from the home to the swimming pool shall be secured so that they cannot open more than 4 inches, however, if they are sleeping rooms, they must use an exit alarm.
- (D) Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in subdivisions (A) to (C), inclusive, as determined by the building official of the jurisdiction issuing the applicable building permit, or other official documentation. Any ordinance governing child access to pools adopted by a political subdivision on or before January 1, 1997, is presumed to afford protection that is equal to or greater than that afforded by any of the devices set forth in subdivisions (A) to (C), inclusive.

89387 BUILDINGS AND GROUNDS (Continued)**89387**

1. The caregiver must submit to the department documentation of approval by the building official of his/her jurisdiction before accepting children described in subsection (D) above.
 2. If licensed prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fence requirements specified in Section 89387(d)(1)(A) until such fence is replaced or structurally altered. When the caregiver replaces or alters the fence, it shall be required to meet the fence requirements specified in Section 89387(d)(1)(A).
- (e) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible and if the pool is less than 60 inches in height, by the use of a barricade. Any barricade, whether or not it includes the above-ground pool structure itself, shall meet the requirements of Section 89387(d)(1)(A).
- (f) All in-ground pools, and above-ground pools which cannot be emptied after each use, shall have an operative pump and filtering system.
- (g) An adult who has the ability to swim shall provide supervision at all times when children are using a pool or a body of water from which rescue requires the rescuer's ability to swim.
- (h) The caregiver who accepts a child with a disability shall make necessary specific provisions including but not limited to changes to the buildings and grounds as required to protect and assist the child and maximize the child's potential for self-help.
- (i) The caregiver shall maintain at least one toilet, sink, and tub or shower maintained in safe, clean operating conditions.
- (j) Bunk beds of more than two tiers shall not be used.
- (1) Bunk beds shall have railings on the upper tier to prevent falling.
 - (2) Children under five years of age or those who are unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.
- (k) The caregiver shall maintain a comfortable temperature for children at all times.
- (l) The caregiver shall ensure the safety of children in a home that has fireplaces, open-faced heaters, or woodstoves.
- (m) The caregiver shall provide lamps or light as necessary in all rooms and other areas to ensure the comfort and safety of all persons in the home.
- (n) Faucets used by clients for personal care and grooming shall deliver hot water at a safe temperature.

89387 BUILDINGS AND GROUNDS (Continued)**89387**

- (o) Waste shall be stored, located and disposed of in a manner that will not permit the transmission of communicable disease or of odors, create a nuisance, provide a breeding place or food source for insects or rodents.
- (p) All foster family homes, except homes with sprinkling systems, shall have an approved commercially manufactured and functioning smoke detector installed in the hallway(s) in each sleeping area in the home. The smoke detectors shall be audible in each bedroom or sleeping room.
- (q) Each bedroom or sleeping room shall have at least one operable window or door that ensures safe, direct, emergency exit to the outside. If security window bars are used, the window is considered operable only if the window bars have a safety release device that meets all state and local requirements.

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The Department shall notify the caregiver of the requirements of Section 1531.4 of the Health and Safety Code, which states:

On and after January 1, 1999, no security window bars may be installed or maintained on any community care facility unless the security window bars meet current state and local requirements, as applicable, for security window bars and safety release devices.

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NOTE: Authority cited: Sections 1530, 1530.5, 1531, and 11526, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1531, 1531.4, 115921, and 115923, Health and Safety Code.

89387.1 OUTDOOR ACTIVITY SPACE**89387.1**

- (a) The caregiver shall provide yard or outdoor activity space that is free from hazards to life and health.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, and 1531, Health and Safety Code.

89387.2 STORAGE SPACE**89387.2**

- (a) Medicines, disinfectants, cleaning solutions, poisons, firearms and other dangerous items shall be stored where inaccessible to children.
 - (1) Storage areas for poisons, and firearms and other dangerous weapons shall be locked.

89387.2 STORAGE SPACE (Continued)**89387.2**

(2) In lieu of locked storage of firearms, the caregiver may use trigger locks or remove the firing pin.

(A) Firing pins shall be stored and locked separately from firearms.

(3) Ammunition shall be stored and locked separately from firearms.

(b) Medicines, disinfectants, and cleaning solutions may be accessible to children consistent with the child's Needs and Services Plan or TILP if applicable.

NOTE: Authority cited: Sections 1524, 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and 42 USC Section 677 of the Social Security Act.

89388 COOPERATION AND COMPLIANCE**89388**

(a) The caregiver shall maintain and cooperate with all caregiver standards.

(b) No caregiver shall make or disseminate any false or misleading statement associated with the application for licensure/approval, including but not limited to information regarding the applicant, family members, family home, or any of the services provided by the home.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1520 and 1531, Health and Safety Code.

Article 4. PLACEMENT**89400 LICENSURE IS NOT AN ENTITLEMENT TO PLACEMENT****89400**

- (a) A license is required prior to placement, but the license does not entitle the caregiver to placement of a child pursuant to Section 16507.5 of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code Section 16507.5 provides in part:

The granting of a community care license or approval status does not entitle the caregiver to the placement of a specific child or children. Placement is based on the child's needs and best interest.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501 and 1501.1, Health and Safety Code; and Section 16507.5, Welfare and Institutions Code.

89405 TRAINING REQUIREMENTS**89405**

- (a) Any time a child is in the home, at least one of the persons providing regular and routine care and supervision to the child shall have received current training in first aid and Cardiopulmonary Resuscitation (CPR). Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be current and appropriate to the child's age and needs.
- (b) The caregiver is required to complete a minimum of 12 hours of training prior to placement of a child in the home and a minimum of 8 hours of annual training as required in Health and Safety Code Section 1529.2. In addition, the caregiver shall complete first aid and CPR training as required in Section 89405(a).

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 1529.2 provides:

"(a) In addition to the foster parent training provided pursuant to Section 903.7 of the Welfare and Institutions Code, foster family agencies shall supplement the community college training by providing a program of training for their certified foster families.

HANDBOOK CONTINUES

89405 TRAINING REQUIREMENTS (Continued)

89405

HANDBOOK CONTINUES

"(b) (1) Every licensed foster parent shall complete a minimum of 12 hours of foster parent training, as prescribed in paragraph (3), before the placement of any foster children with the foster parent. In addition, a foster parent shall complete a minimum of eight hours of foster parent training annually as prescribed in paragraph (4). No child shall be placed in a foster family home unless these requirements are met by the persons in the home who are serving as the foster parents.

"(2) (A) Upon the request of the foster parent for a hardship waiver from the postplacement training requirement or a request for an extension of the deadline, the county may, at its option, on a case-by-case basis, waive the postplacement training requirement or extend any established deadline for a period not to exceed one year, if the postplacement training requirement presents a severe and unavoidable obstacle to continuing as a foster parent. Obstacles for which a county may grant a hardship waiver or extension are:

"(i) Lack of access to training due to the cost or travel required.

"(ii) Family emergency.

"(B) Before a waiver or extension may be granted, the foster parent should explore the opportunity of receiving training by video or written materials.

"(3) The initial preplacement training shall include, but not be limited to, training courses that cover all of the following:

"(A) An overview of the child protective system.

"(B) The effects of child abuse and neglect on child development.

"(C) Positive discipline and the importance of self-esteem.

"(D) Health issues in foster care.

"(E) Accessing education and health services available to foster children.

"(4) The postplacement annual training shall include, but not be limited to, training courses that cover all of the following:

HANDBOOK CONTINUES

89405 TRAINING REQUIREMENTS (Continued)

89405

HANDBOOK CONTINUES

- “(A) Age-appropriate child development.
- “(B) Health issues in foster care.
- “(C) Positive discipline and the importance of self-esteem.
- “(D) Emancipation and independent living skills if a foster parent is caring for youth.
- “(5) Foster parent training may be attained through a variety of sources, including community colleges, counties, hospitals, foster parent associations, the California State Foster Parent Association's Conference, adult schools, and certified foster parent instructors.
- “(6) A candidate for placement of foster children shall submit a certificate of training to document completion of the training requirements. The certificate shall be submitted with the initial consideration for placements and provided at the time of the annual visit by the licensing agency thereafter.
- “(c) Nothing in this section shall preclude a county from requiring county-provided preplacement or postplacement foster parent training in excess of the requirements in this section.”
- (b) The following are examples of course, seminar, conference or training topics which will be accepted by the licensing agency to meet the requirements in (a) above. Programs which can be shown to be similar will also be accepted.
- (1) Child development
 - (2) Recognizing and/or dealing with learning disabilities
 - (3) Infant care and stimulation
 - (4) Parenting skills
 - (5) Complexities, demands and special needs of children in placement
 - (6) Building self-esteem, for the caregiver or the children

HANDBOOK CONTINUES

89405 TRAINING REQUIREMENTS (Continued)**89405**

HANDBOOK CONTINUES

- | (7) Recordkeeping
- | (8) Caregiver rights and grievance process
- | (9) Licensing and placement regulations
- | (10) Rights and responsibilities of foster family home providers

HANDBOOK ENDS HERE

| NOTE: Authority cited: Sections Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1529.1, 1529.2, 1529.3, and 1562, Health and Safety Code; and Section 903.7, Welfare and Institutions Code.

89410	LIMITATIONS ON CAPACITY AND AMBULATORY STATUS	89410
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- (a) The caregiver shall not operate a home beyond the conditions and limitations specified in the license, including the capacity limitation.
- (b) The caregiver shall not accept more than two infants, including infants in the caregiver's family, without additional household help.
- (c) The caregiver shall not place nonambulatory children in any room approved to accommodate only ambulatory children.
 - (1) Children whose condition becomes nonambulatory shall not remain in rooms restricted to ambulatory children.
 - (2) The licensing agency shall have the authority to require children who are accommodated in ambulatory rooms to demonstrate that they are ambulatory.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, 1525.25, 1530.6, and 1531, Health and Safety Code.

89420	FIRE CLEARANCE	89420
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- (a) Prior to accepting a disabled child, or deciding to continue to provide services to a child determined after placement to have a disability, the caregiver shall notify the licensing agency so that a fire clearance, approved by the local fire authority having jurisdiction, can be obtained.

HANDBOOK BEGINS HERE

- (1) Health and Safety Code Section 13143 provides in pertinent part:

A fire clearance shall not be required if the foster family home is providing care for:

- (A) six or fewer ambulatory children, and/or
- (B) children two years of age or younger.

HANDBOOK ENDS HERE

- (b) The licensing agency shall approve postural supports only after the appropriate fire clearance has been secured.

NOTE: Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, 1507.2, 1531, 1531.4, and 13143, Health and Safety Code.