



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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EDMUND G. BROWN JR.  
GOVERNOR

June 17, 2014

ALL COUNTY INFORMATION NOTICE NO. I-21-14

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY PROBATION OFFICERS  
ALL TITLE IV-E AGREEMENT TRIBES  
ALL GROUP HOME PROVIDERS

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

SUBJECT: THE PRISON RAPE ELIMINATION ACT (PREA) OF 2003 AND ITS  
IMPACT ON CALIFORNIA FOSTER CARE GROUP HOMES

The purpose of this All County Information Notice (ACIN) is to clarify and notify the counties about the impact of the PREA on California foster care group homes.

**DEFINITION AND PURPOSE**

The PREA of 2003, Public Law 108-79, is the first United States federal law passed dealing with the sexual assault of prisoners. The bill was signed into law on September 4, 2003. The PREA addresses the problem of sexual abuse of persons in the custody of United States correctional agencies and calls for federal, state, and local corrections systems to have a zero-tolerance policy regarding rape in prisons, jails, police lock-ups, and other confinement facilities. The Act requires development of standards for detection, prevention, reduction, and punishment of prison rape. It standardizes collection and dissemination of information on the incidence of prison rape and awards grants to help state and local governments implement the PREA's provisions.

A copy of the federal PREA law, Public Law 108-79, codified as 42 USC § 15601 can be found on the following website:

<http://www.gpo.gov/fdsys/pkg/PLAW-108publ79/pdf/PLAW-108publ79.pdf>

**APPLICABILITY TO FOSTER CARE GROUP HOMES**

In addition to adult criminal justice facilities, PREA applies to juvenile "confinement" facilities. However, group home foster care placements, whether probation or child welfare supervised, are, by definition, not "confinement" facilities and therefore not covered by the PREA requirements.

The California Foster Care Program is funded by the Aid to Families with Dependent Children – Foster Care (AFDC-FC) welfare grant program known as Title IV-E. One of the eligibility requirements to receive federal financial participation is to place the child in an eligible foster care placement setting (i.e. foster homes or group homes). Locked and non-secure detention or commitment facilities operated for the confinement of youth in the juvenile justice system are not eligible foster care placement settings for Title IV-E purposes.

In California, we have “community care facilities (CCFs).” The CCFs are “foster family homes” and “child-care institutions” (including group homes) as defined in 42 United States Code (USC) 672(c) (45 Code of Federal Regulation [CFR] 1355.2[a][2]) and are non-detention facilities that are entitled to Title IV-E funding. The CCFs are not secure and the residents cannot be compelled to stay. The group home provides “routine day-to-day direction and arrangements, to ensure the well-being and safety of the child” (45 CFR 1355.2[a][2]); no restraint or confinement is allowed pursuant to California state statute and regulations.

Juvenile halls, camps, ranches, detention and other commitment facilities for youth in California’s delinquency system, on the other hand, are intended for the confinement of residents and therefore are not entitled to Title IV-E funding. Under federal law, “foster care maintenance payments” made to a “foster family home” or a “child-care institution,” “shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.” (42 USC 672(b) and 42 USC 672 (c)(2),)

While the PREA does not apply to group home foster care placements in California, it is essential that county placing agencies and group home providers insure compliance with existing state statutory and regulatory placement, supervision and reporting standards designed to prevent maltreatment and abuse of children residing in group homes and other community care facilities.

If you have any questions regarding this ACIN, please contact your county Foster Care Funding and Eligibility Consultant, at (916) 651-9152.

Sincerely,

***Original Document Signed By:***

CHERYL TREADWELL, Chief  
Foster Care Audits and Rates Branch