

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



December 30, 2005

ALL COUNTY INFORMATION NOTICE NO. I-80-05

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS**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: TELEPHONE ACCESS RIGHTS OF CHILDREN AND YOUTH IN
FOSTER CARE

The purpose of this All County Information Notice (ACIN) is to clarify the issue of telephone access for children and youth in out-of-home care. Foster youth and advocates have reported to the Department of Social Services that inappropriate restrictions have been placed on that access.

Accessibility

Since Welfare and Institutions Code (W&IC) Section 16001.9(9) states that all children in foster care have the right to make and receive confidential telephone calls, out-of-home care providers cannot impose blanket prohibitions on telephone access and usage. In addition, telephone access and usage should not be dependent on a level or point system based on the time spent in a facility.

Foster care providers may not prohibit or restrict telephone calls to the following: authorized representatives, placement agencies, family members not excluded by court order, social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, the Community Care Licensing Division of the California Department of Social Services, or the State Foster Care Ombudsman.

Limitations on telephone calls to other individuals and agencies may be based on reasonable disciplinary measures, house rules, consideration of the rights of others, case service plan requirements, documented unpaid reimbursement for long distance telephone calls, or court order prohibitions. For example, providers may develop policies regarding the number of calls and limit the amount of time of each call in order to ensure that all youth have equal access.

Confidentiality

Current regulatory and statutory authorities also mandate that foster care youth have the right to make and receive confidential telephone calls from individuals of significance to them, unless otherwise prohibited by court order. To ensure the confidentiality of telephone calls, foster care providers should provide an area away from other youth and staff that will afford privacy.

Call Lists

Since restrictions against making and receiving telephone calls from specific individuals must be based on court orders, it would be reasonable for caregivers to require a “do not call” list for youth as opposed to an “approved call list.” While restrictions may be imposed on calls to and from specific individuals, these restrictions cannot be imposed unless the court or social worker has provided this information to the provider in writing.

Reimbursement for Telephone Calls

Foster care youth should not be required to pay for local telephone calls. However, foster care providers may require reimbursement from the youth or his/her authorized representative for the cost of long distance calls. For calls other than those to individuals and agencies to which telephone access may not be restricted, long distance calls may be prohibited upon documentation that requested reimbursement for previous long distance calls has not been received. It is suggested that foster care providers utilize calling plans that provide unlimited telephone calls at a minimal cost to mitigate the financial burden on the youth.

Placement Agency Responsibilities

All County Letter 02-54 dated July 18, 2002, “Rights of Children in Out-of-Home Placement,” requires county placement workers to inform children in out-of-home care of their personal rights -- including the right to telephone access -- at least every six months. In addition, the private discussions between placement workers and foster youth required by W&IC sections 16516.5 and 16516.6 represent opportunities to discuss and resolve issues of telephone access and usage.

If you have questions regarding the telephone rights of children and youth in out-of-home care, please contact Vincent Herrera, Manager, Community Care Licensing Division, at (916) 322-5502. If you have questions concerning social worker and probation officer responsibilities for confidential visits, please contact West Irvin, Manager, Child and Youth Permanency Branch, at (916) 651-7465.

Sincerely,

JO FREDRICKS
Deputy Director
Community Care Licensing Division

MARY L. AULT
Deputy Director
Children and Family Services Division