

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 83068.2(b)(8)

Specific Purpose:

This section is being adopted to clarify that small family home licensees have the responsibility to include plans for maintaining children's connections with family and extended family members as part of the children's needs and services plans.

Factual Basis:

This section is necessary to maintain consistency across children's residential facility categories with requirements added to the group home and foster family agency regulations as a result of a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires the California Department of Social Services (CDSS) to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. The incorporation of plans to maintain family connections into children's needs and services plans will satisfy this requirement. This section is adopted to ensure that children residing in small family homes have the same opportunities to maintain family connections that are provided in other children's residential facilities.

Sections 83068.2(b)(9) through (11)

Specific Purpose/Factual Basis:

These sections are being renumbered as a result of the addition of Section 83068.2(b)(8). This amendment is necessary to meet the "clarity" and "nonduplication" standards of the Administrative Procedure Act (APA), Government Code Sections 11349(c) and (f), respectively.

Section 83068.2(d)

Specific Purpose:

This section is being adopted to clarify that small family home licensees have the responsibility to ensure that children's connections with family and extended family members are maintained in accordance with the children's needs and services plans unless restricted by court order.

Factual Basis:

This section is necessary to maintain consistency across children's residential facility categories with requirements added to the group home and foster family agency regulations as a result of a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires CDSS to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. This requirement is met by specifying the licensees' responsibility in this area in regulation. This section is adopted to ensure that children residing in small family homes have the same opportunities to maintain family connections that are provided in other children's residential facilities.

Section 84068.2(b)(7)

Specific Purpose:

This section is being adopted to clarify that group home licensees have the responsibility to include plans for maintaining children's connections with family and extended family members as part of the children's needs and services plans.

Factual Basis:

This section is necessary to implement a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires CDSS to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. The incorporation of plans to maintain family connections into children's needs and services plans will satisfy this requirement.

Section 84068.2(b)(8)

Specific Purpose/Factual Basis:

This section is being renumbered as a result of the addition of Section 84068.2(b)(7). This amendment is necessary to meet the "clarity" and "nonduplication" standards of the APA, Government Code Sections 11349(c) and (f), respectively.

Section 84068.2(e)

Specific Purpose:

This section is being adopted to clarify that group home licensees have the responsibility to ensure that children's connections with family and extended family members are maintained in accordance with the children's needs and services plans unless restricted by court order.

Factual Basis:

This section is necessary to implement a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires CDSS to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. This section is adopted to meet that requirement by specifying the licensees' responsibility in this area.

Section 88001(p)(1)

Specific Purpose:

This section is being adopted to define the term "placement hold" to clarify one of the types of actions that applicants for certification must disclose to foster family agencies.

Factual Basis:

This section is necessary to meet the "necessity," "clarity," and "consistency" standards of the APA, Government Code Sections 11349 (a), (c), and (d), respectively. This section is necessary for consistency with Section 1506.7 of the Health and Safety Code that specifies a list of actions that applicants for certification must disclose to foster family agencies. AB 2661, Chapter 643, Statutes of 2004 added Section 1506.7 to the Health and Safety Code that requires applicants for certification to disclose any history of being put on "placement hold" status by a foster family agency. This section is adopted to clarify the types of actions that would constitute a "placement hold".

Section 88001(p)(2) and 88001(p)(3)

Specific Purpose/Factual Basis:

These sections are being renumbered as a result of the addition of Section 88001(p)(1). This amendment is necessary to meet the "clarity" and "nonduplication" standards of the APA, Government Code Sections 11349(c) and (f), respectively.

Section 88022(a)(9)

Specific Purpose:

This section is being adopted to specify that a foster family agency’s plan of operation must include a copy of an application form with specified information that will be completed by applicants for certification by the agency.

Factual Basis:

This section is necessary to meet the “necessity” and “consistency” standards of the APA, Government Code Sections 11349 (a) and (d), respectively. This section is necessary for consistency with Section 1506.7 of the Health and Safety Code that specifies applications for certification by a foster family agency must include certain information. AB 2661, Chapter 643, Statutes of 2004 added Section 1506.7 to the Health and Safety Code that requires applicants for certification to disclose specified information on the application form used by the foster family agency for certification. This section is adopted to ensure that the foster family agency’s application for certification form will contain the required information.

Section 88031 and Handbook

Specific Purpose:

This section is being amended to specify the application and reference check procedures that foster family agencies must follow prior to certifying an applicant to operate a certified family home. A handbook section is necessary to make foster family agency licensees aware that they are required to request and respond to requests for reference check information and that they will not incur civil liability for making or responding to these requests.

Factual Basis:

This amendment is necessary to meet the “necessity,” “clarity,” and “consistency” standards of the APA, Government Code Sections 11349 (a), (c), and (d), respectively. This section is necessary for consistency with Sections 1506.7 and 1506.8 of the Health and Safety Code that require foster family agencies to follow specified procedures in the assessment of applicants for certification. A handbook section is necessary to make foster family agency licensees aware of the provisions of Sections 1506.9 and 1536 of the Health and Safety Code that specify that following these procedures will not result in civil liability.

AB 2661, Chapter 643, Statutes of 2004, added Sections 1506.7 and 1506.8 to the Health and Safety Code that require foster family agencies to obtain and disclose specified information on application for certification forms and to conduct reference checks with any entities that have previously certified or licensed an applicant as a foster parent. It also added Section 1506.9 and amended Section 1536 of the Health and Safety Code to provide that requesting or divulging specified information about applicants for certification will not result in civil liability.

This section is amended to ensure that the foster family agency's application for certification process will meet the specified requirements. The handbook section is added to incorporate information to make licensees aware that following these procedures will not result in civil liability.

#### Section 88054

##### Specific Purpose:

This section is being adopted to specify procedures and reasons for assessing civil penalties against foster family agencies and the amounts of the penalties.

##### Factual Basis:

This section is necessary to meet the "necessity" and "consistency" standards of the APA, Government Code Sections 11349(a) and (d), respectively. This section is necessary for consistency with Section 1536 of the Health and Safety Code that authorizes CDSS to assess civil penalties under specified circumstances. AB 2661, Chapter 643, Statutes of 2004, amended Section 1536 of the Health and Safety Code to provide CDSS with the authority to assess civil penalties against foster family agencies that fail to report specified information to CDSS in a timely manner. This section is adopted to specify the reasons and procedures for assessing these penalties and to specify the amounts that shall be assessed.

#### Section 88066.2

##### Specific Purpose:

This section is being adopted to specify the information that is required to be maintained in the foster family agency's case record for certified family homes and licensed foster family homes used by the agency. This information was previously contained in Section 88069.7 that is being repealed in this regulation package. Section 88066.2(b)(1) was amended to clarify that the case record must include an application form for each certified parent and eliminates the previously permitted option of maintaining a face sheet in lieu of an application form.

##### Factual Basis:

This section is necessary to meet the "necessity," "clarity," and "consistency" standards of the APA, Government Code Sections 11349(a), (c), and (d), respectively. This section is necessary for consistency with Section 1506.7 of the Health and Safety Code that requires applicants for certification to complete an application form that includes specified information. Health and Safety Code Section 1506.7 does not provide for the use of a face sheet as an alternative to the application form as previous regulations did. This section is also necessary to replace the information in Section 88069.7 that is being repealed in this regulation package. This information relates to certified parent files and is more appropriately located in this subsection of the foster family agency's personnel requirements than in its previous location as a subsection of the children's medical records.

AB 2661, Chapter 643, Statutes of 2004, amended Section 1506.7 of the Health and Safety Code to require the owner or operator of a family home applying for certification to sign an application form with specified information. This section is adopted to specify that the application form must be maintained in the certified family home's case record.

Section 88066.3

Specific Purpose:

This section is being adopted to specify the information that is required to be maintained in the foster family agency's case record for specialized certified family homes. This information was previously contained in Section 88069.8 that is being repealed.

Factual Basis:

This section is necessary to meet the "necessity," "clarity," and "consistency" standards of the APA, Government Code Sections 11349(a), (c), and (d), respectively. This section is necessary for consistency with Section 17731 of the Welfare and Institutions Code that requires specified training for certified parents and employees of specialized foster care homes. This section is also necessary to replace the information in Section 88069.8 that is being repealed in this regulation package. This information relates to case records for certified parents and employees of specialized foster care homes and is more appropriately located in this subsection of the foster family agency's personnel requirements than in its previous location as a subsection of the children's medical records.

Section 88068.2(a)

Specific Purpose:

This section is being amended to clarify that the needs and services plan must address the child's needs in specified areas.

Factual Basis:

This section is necessary to meet the "clarity" standard of the APA, Government Code Section 11349 (c). This amendment is necessary for grammatical precision and clarity.

Section 88068.2(a)(7)

Specific Purpose:

This section is being adopted to clarify that foster family agency licensees have the responsibility to include plans for maintaining children's connections with family and extended family members as part of the children's needs and services plans.

Factual Basis:

This section is necessary to implement a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires CDSS to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. The incorporation of plans to maintain family connections into children's needs and services plans will satisfy this requirement.

Sections 88068.2(a)(8) through (10)

Specific Purpose/Factual Basis:

These sections are being renumbered as a result of the addition of Section 88068.2(a)(7). This amendment is necessary to meet the "clarity" and "nonduplication" standards of the APA, Government Code Sections 11349(c) and (f), respectively.

Section 88068.2(e)

Specific Purpose:

This section is being adopted to clarify that foster family agency licensees have the responsibility to ensure that children's connections with family and extended family members are maintained in accordance with the children's needs and services plans unless restricted by court order.

Factual Basis:

This section is necessary to implement a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires CDSS to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. This section is adopted to meet that requirement by specifying the licensees' responsibility in this area.

Section 88069.7

Specific Purpose:

This section is being repealed. The information in this section has been moved to Section 88066.2 that is being adopted.

Factual Basis:

This section is being repealed to meet the “clarity” and “nonduplication” standards of the APA, Government Code Sections 11349 (c) and (f), respectively. The repeal of this section is necessary to avoid duplication of requirements in two different sections. This section was moved to Section 88066.2 since the information required relates to certified parent case records and is more appropriately located as a subsection of the foster family agency’s personnel requirements than as a subsection of the children’s medical records.

Section 88069.8

Specific Purpose:

This section is being repealed. The information in this section has been moved to Section 88066.3 that is being adopted.

Factual Basis:

This section is being repealed to meet the “clarity” and “nonduplication” standards of the APA, Government Code Sections 11349 (c) and (f), respectively. The repeal of this section of regulations is necessary to avoid duplication of requirements in two different regulation sections. This section was moved to Section 88066.3 since the information required relates to certified parent case records and is more appropriately located as a subsection of the foster family agency’s personnel requirements than as a subsection of the children’s medical records.

Section 89405(b) (Handbook)

Specific Purpose/Factual Basis:

This handbook section is being changed to incorporate new language added to the referenced statute by AB 458, Chapter 331, Statutes of 2003, related to required training on the topic of nondiscrimination for foster parents.

Section 89405(2)(A) through (89405(2)(J) (Handbook) (Renumbered)

Specific Purpose/Factual Basis:

This handbook section is being renumbered from (b)(1) through (b)(10) to (2)(A) through 2(J) in order to show the correct numbering sequence for clarity and consistency.

Section 89468(b)(8)

Specific Purpose:

This section is being adopted to clarify that foster family home licensees have the responsibility to include plans for maintaining children's connections with family and extended family members as part of the children's needs and services plans.

Factual Basis:

This section is necessary to maintain consistency across children's residential facility categories with requirements added to the group home and foster family agency regulations as a result of a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires CDSS to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. The incorporation of plans to maintain family connections into children's needs and services plans will satisfy this requirement. This section is adopted to ensure that children residing in foster family homes have the same opportunities to maintain family connections that are provided in other children's residential facilities.

Section 89468(b)(9)

Specific Purpose/Factual Basis:

This section is being renumbered as a result of the addition of 89468(b)(8). This amendment is necessary to meet the "nonduplication" standard of the APA, Government Code Section 11349(f). This section is amended to prevent the use of the same subsection number for more than one regulation.

Section 89468(g)

Specific Purpose:

This section is being adopted to clarify that foster family home licensees have the responsibility to ensure that children's connections with family and extended family members are maintained in accordance with the children's needs and services plans unless restricted by court order.

Factual Basis:

This section is necessary to maintain consistency across children's residential facility categories with requirements added to the group home and foster family agency regulations

as a result of a Program Improvement Plan developed in response to the U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review. This plan requires CDSS to implement procedures to ensure that staff in group homes and foster family agencies understand the need to ensure that children in these facilities are able to maintain family connections. This requirement is met by specifying the licensees' responsibility in this area in regulation. This section is adopted to ensure that children residing in foster family homes have the same opportunities to maintain family connections that are provided in other children's residential facilities.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 458, Chapter 331, Statutes of 2003

Assembly Bill 2661, Chapter 643, Statutes of 2004

U. S. Department of Health and Human Services Children's Bureau Report on California's Child and Family Services Review of January 10, 2003

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.