

Amend Section 80072 to read:

80072 PERSONAL RIGHTS

80072

- (a) Except for children's residential facilities, ~~E~~each client shall have personal rights which include, but are not limited to, the following: (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1528, and 1531, Health and Safety Code.

1. Amend Section 83072 to read:
2. Post Hearing: Amend Section 83072 to read:

83072 PERSONAL RIGHTS

83072

~~(a)~~ In addition to Section 80072, ~~the following shall apply:~~

~~(b)(a)~~ Each facility licensed to provide foster care for six or more children shall post a listing of a foster child's rights.

~~(e)(b)~~ Each facility shall provide each school age child, who is placed in foster care, and his or her authorized representative, who is placed in foster care, with an age and developmentally appropriate orientation that includes an explanation of the rights of the child and addresses the child's questions and concerns.

~~(b)(d)(c)~~ Each child shall have personal rights which include but are not limited to: At admission, each ~~Each~~ child, and his/her authorized representative, shall be personally advised of and given ~~at admission~~ a copy of ~~their~~ the child's rights as specified below:
(Continued)

(1) ~~To have visitors, as specified below by mutual agreement between the licensee and the visitors, and~~ provided the rights of others are not infringed upon, including:

(A) ~~Relatives, during waking hours, unless prohibited by court order or by the child's authorized representative. Brothers and sisters, unless prohibited by court order.~~

1. Other relatives, unless prohibited by court order or by the child's authorized representative. (Continued)

(3) ~~To possess and control his/her own cash resources, and maintain an emancipation bank account, and manage personal income consistent with the child's age and developmental level, unless otherwise agreed to in the child's needs and services plan and by the child's authorized representative. (Continued)~~

~~(6) (Continued) To have access to telephones, both to make and receive confidential telephone calls, provided that such calls are not unless prohibited by court order, or by the child's authorized representative, or are not prohibited as a form of discipline. However, such use shall not infringe upon the rights of others, nor tie up the telephone during emergencies.~~

(A) ~~(Continued) The licensee shall be permitted to require reimbursement for long distance calls from the child or his/her authorized representative. Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:~~

1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received;
 2. Restrict phone use in accordance with the facility's discipline program;
 3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.
- (B) ~~(Continued) The licensee shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received.~~ All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative.
- (C) ~~Calls permitted to be restricted prohibited as a form of discipline by subsections (A)1. and (A)2. above shall not include calls to the child's authorized representative, or placement agency, family members (including brothers and sisters), unless prohibited by a (except by court order), social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.~~
- (7) To have access to letter writing material and to send and receive unopened correspondence unless prohibited by court order or by the child's authorized representative.
 - (8) To be accorded dignity in his/her personal relationships with staff and other persons.
 - (9) To live in a safe, healthy and comfortable home where he or she is treated with respect.
 - (10) To be free of physical, sexual, emotional, or other abuse, ~~or~~ and corporal punishment.
 - (11) To receive adequate and healthy food, and adequate clothing.
 - (12) To receive medical, dental, vision, and mental health services.
 - (13) To be free of the administration of medication or chemical substances, unless authorized by a physician.
 - (14) To contact family members (including brothers and sisters), unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

- (15) To contact the Community Care Licensing Division of the California Department of Social Services 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 punishment for making complaints.
- (16) To be informed, and to have his or her authorized representative informed by the licensee 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 confidentiality.
- ~~(A) Provisions regarding inspection requests are found in Health and Safety Code Section 1538.~~
- (17) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.
- ~~(A) Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.~~
- (18) To not be locked in any room, building, or facility premises at any time.
- (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of clients provided the clients are able to exit the facility.
- (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the clients are able to exit the facility and with the prior approval of the licensing agency.
- (19) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.
- (20) To work and develop job skills at an age-appropriate level that is consistent with state law.
- ~~(21) To leave or depart the facility at any time.~~
- ~~(A) The licensee shall not be prohibited by this provision from setting curfews or other house rules for the protection of clients.~~
- ~~(B) This provision shall not apply to minors for whom a guardian, conservator, or other legal authority has been appointed.~~
- ~~(22)~~(21) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.

- ~~(23)~~(22) To attend Independent Living Program classes and activities if he or she meets age requirements.
- ~~(24)~~(23) To attend court hearings and speak to the judge.
- ~~(25)~~(24) To review his or her own case plan if he or she is over 12 years of age and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- ~~(26)~~(25) To be free from unreasonable searches of personal belongings.
- ~~(27)~~(26) To confidentiality of all juvenile court records consistent with existing law.
- ~~(28)~~(27) 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 client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client 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.
- (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 ~~resident~~ child.
- (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured.
- (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
- (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a ~~resident's~~ 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.

(G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client 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.

(H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.

~~(d) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement or to prohibit a foster care provider from taking any action to protect the health and safety of children in out-of-home placement.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

1. Amend Section 84072 to read:
2. Post Hearing: Amend Section 84072 to read:

84072 PERSONAL RIGHTS

84072

~~(a) In addition to Section 80072, the following shall apply:~~

~~(b)(a) Each facility licensed to provide foster care for six or more children shall post a listing of a foster child's rights.~~

~~(e)(b) Each facility shall provide each school age child, who is placed in foster care, and his or her authorized representative, who is placed in foster care, with an age and developmentally appropriate orientation that includes an explanation of the rights of the child and addresses the child's questions and concerns.~~

~~(b)(d)(c) The licensee shall ensure that each child is accorded the following personal rights: At admission each child, and his/her authorized representative, shall be personally advised of and given at admission a copy of their the child's rights as specified below:~~
(Continued)

(5) (Continued)

(A) (Continued)

(B) Visits by the child's brothers and sisters can only be prohibited by court order.

(6) (Continued)

(8) To possess and use his/her own cash resources except as specified in Section 84026, and to maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan. (Continued)

~~(11) (Continued) To have access to telephones in order to make and receive confidential telephone calls, provided that such calls are not prohibited by the child's needs and services plan; are not prohibited as a form of discipline; do not infringe upon the rights of other children; do not restrict the availability of the telephone during emergencies; and are not unless prohibited by court order, or by the child's authorized representative(s).~~

~~(A) (Continued) The licensee shall be permitted to require reimbursement from the child or his/her authorized representative for long distance calls. Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:~~

1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received;
 2. Restrict phone use in accordance with the facility's discipline program;
 3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.
- (B) ~~(Continued) The licensee shall be permitted to prohibit long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received. All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative.~~
- (C) ~~Calls permitted to be prohibited-restricted as a form of discipline by subsections (A)1. and 2. above shall not include calls to the child's authorized representative, or placement agency, family members (including brothers and sisters), unless prohibited by a (except by court order), social workers, attorneys, Court Appointed Special Advocates (CASA), probation officers, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.~~
- (12) To send and receive unopened correspondence unless prohibited by court order or by the child's authorized representative.
 - (13) To be accorded dignity in his or her personal relationships with staff and other persons.
 - (14) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
 - (15) To be free from physical, sexual, emotional, or other abuse, or and corporal punishment.
 - (16) To receive adequate and healthy food, adequate clothing, and an allowance.
 - (17) To receive medical, dental, vision, and mental health services.
 - (18) To be free of the administration of medication or chemical substances, unless authorized by a physician.
 - (19) To contact family members (including brothers and sisters), unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

- (20) To contact the Community Care Licensing Division of the California Department of Social Services 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 punishment for making complaints.
- (21) To be informed, and to have his/her authorized representative, if any, informed, by the licensee 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 confidentiality.
- ~~(A) Provisions regarding inspection requests are found in Health and Safety Code Section 1538.~~
- (22) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice. Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.
- ~~(A) Attendance at religious services, in or outside of the facility, shall be on a completely voluntary basis.~~
- (23) To not be locked in any room, building, or facility premises at any time.
- (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows ~~setting curfews~~ or from establishing ~~other~~ house rules for the protection of clients provided the clients are able to exit the facility.
- (B) ~~This provision shall not apply to minors for whom a guardian, conservator, or other legal authority has been appointed.~~ The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the clients are able to exit the facility and with the prior approval of the licensing agency.
- (24) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.
- (25) To work and develop job skills at an age-appropriate level that is consistent with state law.
- (26) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.
- (27) To attend Independent Living Program classes and activities if he or she meets age requirements.
- (28) To attend hearings and speak to the judge.

- (29) To review his or her own case plan ~~is~~ if he or she is over 12 years of age and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (30) To be free of unreasonable searches of personal belongings.
- (31) To confidentiality of all juvenile court records consistent with existing law.
- ~~(32) To leave or depart the facility at any time.~~
- ~~(A) The licensee shall not be prohibited by this provision from setting curfews or other house rules for the protection of clients.~~
- ~~(B) This provision shall not apply to minor clients for whom a guardian, conservator, or other legal authority has been appointed.~~
- ~~(33)~~(32) 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 client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client 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.
- (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 ~~resident~~ child.
- (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured.
- (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.
- (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a ~~resident's~~ 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.

(G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client 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.

(H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.

~~(e)(d) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement or to prohibit a foster care provider from taking any action to protect the health and safety of children in out of home placement.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

Amend Section 84172 to read:

84172 PERSONAL RIGHTS

84172

(a) (Continued)

(b) The licensee shall ensure that every child admitted to a community treatment facility is informed and afforded the personal rights as specified in Sections 5325, 5325.1, 5325.2, ~~and 5326,~~ and 16001.9 of the Welfare and Institutions Code; Section 1530.91 of the Health and Safety Code; Sections 862 through 865 and 867 of the California Code of Regulations, Title 9, Chapter 4; and Sections 1934, 1935, 1936, and 1937 of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

(1)-(4) (Continued)

(5) Welfare and Institutions Code Section 16001.9 states:

(a) It is the policy of the state that all children in foster care shall have the following rights:

- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
- (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- (3) To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.
- (4) To receive medical, dental, vision, and mental health services.
- (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.

- (8) To contact the Community Care Licensing Division of the State Department of Social Services 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 punishment for making complaints.
 - (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
 - (10) To attend religious services and activities of his or her choice.
 - (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
 - (12) To not be locked in any room, building, or facility premises, unless placed in a community treatment facility.
 - (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.
 - (14) To work and develop job skills at an age-appropriate level that is consistent with state law.
 - (15) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.
 - (16) To attend Independent Living Program classes and activities if he or she meets age requirements.
 - (17) To attend court hearings and speak to the judge.
 - (18) To have storage space for private use.
 - (19) To review his or her own case plan if he or she is over 12 years of age and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
 - (20) To be free from unreasonable searches of personal belongings.
 - (21) To confidentiality of all juvenile court records consistent with existing law.
- (b) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

(6) Section 1530.91 of the Health and Safety Code states:

(a) Except as provided in subdivision (b) any care provider that provides foster care for children pursuant to this chapter shall provide each school age child and his or her authorized representative, as defined in regulations adopted by the department, who is placed in foster care, with an age and developmentally appropriate orientation that includes an explanation of the rights of the child, as specified in Section 16001.9 of the Welfare and Institutions Code, and addresses the child's questions and concerns.

(b) A facility licensed to provide foster care for six or more children pursuant to this chapter shall post a listing of a foster child's rights specified in Section 16001.9 of the Welfare and Institutions Code. The office of the State Foster Care Ombudsperson shall design posters and provide the posters to each facility subject to this subdivision. The posters shall include the telephone number of the State Foster Care Ombudsperson.

~~(5)~~(7) (Continued)

~~(6)~~(8) (Continued)

~~(7)~~(9) (Continued)

~~(8)~~(10) (Continued)

~~(9)~~(11) (Continued)

~~(10)~~(12) (Continued)

~~(11)~~(13) (Continued)

~~(12)~~(14) (Continued)

~~(13)~~(15) (Continued)

~~(14)~~(16) (Continued)

HANDBOOK ENDS HERE

(c)-(d) (Continued)

Authority Cited: Section 1530 and 1530.9, Health and Safety Code.

Reference: Sections 1501, 1530.91, and 1531, Health and Safety Code; and Sections 4096(g), 4094.6, ~~and 5275~~, and 16001.9, Welfare and Institutions Code.

Amend Section 84272 to read:

84272 PERSONAL RIGHTS

84272

- (a) Sections ~~84072(b)~~ (d)(5), (25), (27), and (29) does not apply to children under six years of age.
- (b) (Continued)
- (c) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1530.8, and 1531, Health and Safety Code; and Section 11467.1, Welfare and Institutions Code.