



CDSS

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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

June 16, 2014

ALL COUNTY LETTER NO. 14-38

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL FOSTER FAMILY AGENCY DIRECTORS
 ALL GROUP HOMES
 ALL COUNTY IV-E TRIBES
 ALL CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADOPTIONS
 DISTRICT OFFICES

SUBJECT: NEW HEALTH RIGHTS AND SOCIAL WORKER AND PROBATION
 OFFICER RESPONSIBILITY TO EDUCATE FOSTER CHILDREN AND
 NON-MINOR DEPENDENTS ON FOSTER YOUTH PERSONAL RIGHTS

REFERENCE: ALL COUNTY LETTERS 00-58, 02-54, and 08-51

The purpose of this All County Letter (ACL) is to advise counties and other parties of recent changes to Welfare and Institutions Code (W&IC) section 16001.9 and to remind counties of the requirements regarding the responsibility of social workers and probation officers to educate foster children and non-minor dependents in out-of-home care of their personal rights.

Senate Bill 528 (Chapter 338, Statutes of 2013) added new language to W&IC section 16001.9(a), effective January 1, 2014, to clarify that all minors and non-minors in foster care shall have the same rights. Also, paragraph 26 of subdivision (a) was added, which states minors and non-minors at 12 years of age or older shall have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections.

Existing law in W&IC section 16501.1(f)(4) requires the social worker and probation officer to inform children and non-minor dependents in out-of-home placement of their personal rights, as specified in W&IC section 16001.9, at least once every six months, at the time of a regularly scheduled social worker or probation officer contact with the child or non-minor

dependent. The information must be provided in an age and developmentally appropriate manner that includes an explanation of the rights of the child and non-minor dependent and addresses the child's or non-minor dependents questions and concerns in the child's or non-minor dependents primary language. An interpreter must be provided if one is needed.

All children placed in-state or out-of-state, in a licensed or approved facility must be accorded the same personal rights set forth in W&IC section 16001.9 (see attached). These rights of all children and non-minor dependents in out-of-home care and the responsibilities of the social worker and probation officer with regard to these rights are stated in Manual of Policies and Procedures (MPP) section 31-401.5 and more fully described in various other regulations for the different children's residential placements.

For children placed in the home of an approved relative and non-relative extended family member, personal rights are found in MPP section 31-445.2. For children placed in a licensed children's residential facility, personal rights are found in a number of specific regulations located in the California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, section 89372 (foster family homes); Chapter 9.5, Article 3, section 89372 (foster family homes); Chapter 4, Article 6, section 83072 (small family homes); Chapter 5, Article 6, section 84072 (group homes); Chapter 7, Article 6, section 86072 (transitional housing placement program); Chapter 5, Subchapter, Article 6, section 84172 (community treatment facilities); Chapter 5, Subchapter 2, Article 6, section 84272 (children under six years of age).

To assist the social workers and probation officers in carrying out their responsibilities, the Office of the Foster Care Ombudsman (FCO) has available posters and brochures that contain the required information regarding the personal rights of foster children and non-minor dependents' personal rights. Copies of the posters and brochures may be downloaded by accessing the FCO website at www.fosteryouthhelp.ca.gov, ordered by telephone (877) 846-1602, or email fosteryouthhelp@dss.ca.gov. Posters and brochures are available in non-English languages upon request.

If you have any questions regarding the rights of children and non-minor dependents in out-of-home care, the posters, or brochures, please contact Karen Grace-Kaho, Foster Care Ombudsman at (916) 651-6560 or toll-free at (877) 846-1602.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

16001.9.

(a) It is the policy of the state that all minors and nonminors 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 (CASAs), 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 a 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, with minimal disruptions to school attendance and educational stability.
- (14) To work and develop job skills at an age-appropriate level, consistent with state law.
- (15) To have social contacts with people outside of the foster care system, including 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 be involved in the development of his or her own case plan and plan for permanent placement.
- (20) To review his or her own case plan and plan for permanent placement, if he or she is 12 years of age or older and in a permanent placement, and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (21) To be free from unreasonable searches of personal belongings.
- (22) To the confidentiality of all juvenile court records consistent with existing law.

(23) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(24) To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.

(25) At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education.

(26) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections at 12 years of age or older.

(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.

(c) The State Department of Social Services and each county welfare department are encouraged to work with the Student Aid Commission, the University of California, the California State University, and the California Community Colleges to receive information pursuant to paragraph (23) of subdivision (a).

(Amended by Stats. 2013, Ch. 338, Sec. 2. Effective January 1, 2014.)