

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



December 30, 1998

ALL COUNTY LETTER NO. 98-96

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: IMPLEMENTATION OF REGULATIONS FOR THE CARE OF CHILDREN UNDER THE AGE OF SIX YEARS IN GROUP HOMES AND IN EMERGENCY SHELTER CARE FACILITIES

This letter provides information regarding the implementation of licensing regulations governing the care of children under the age of six years in group homes. The regulations were effective September 24, 1998. The regulations establish standards for the care of children under the age of six years in group homes and in emergency shelter care facilities that may or may not be licensed as group homes. The regulations apply only if an under-six child is a court dependent, voluntary or regional center placement and is not accompanied by the child's minor mother. The standards specified in the regulations apply to both licensed and unlicensed emergency shelter care facilities, although certain exemptions to these standards are provided.

Enclosed are the phase-in instructions (Attachment I) and the exemptions from regulations provided to emergency shelter care facilities (Attachment II). For ease of use, the controlling regulatory citation is beside each regulatory requirement or exemption in Attachments I and II. The regulations are available through internet at <http://www.dss.cahwnet.gov/getinfo/cacoderegs.html>.

Background

The intent of the implementing legislation was twofold: (1) to avoid placing young children in shift care when family care is appropriate and (2), when group care is necessary, to ensure that the facility is regulated by standards that apply specifically to the care of young children. In developing those standards the Department consulted with the following stakeholders: representatives for developmentally disabled individuals, a pediatrician, a psychiatrist, a specialist in alcohol and drug abuse treatment, and representatives from the California Association of Children's Homes, California Association of Services for Children,

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Association for Minority Adolescents in Residential Care Homes, County Welfare Directors' Association, National Association of Social Workers, Child Welfare League of America, and Regional Centers.

The standards became the basis for three packages of regulations: one addressing foster care rates, one addressing placement standards, and one addressing licensing standards. The licensing regulations also incorporate state child care standards for the physical environment, staffing, and other health and safety provisions, as required by Health and Safety Code, Section 1530.8. The Children and Family Services Division will issue a separate letter with instructions for implementing the foster care rates and placement standards.

If you have any questions about the licensing standards for children under six years of age, please contact Sharan Fleming of my staff at (916) 323-5338.

Sincerely,

***Original Document Signed by Dave Dodds for
Martha Lopez on 12/30/98.***

MARTHA LOPEZ
Deputy Director
Community Care Licensing Division

Enclosures

**PHASE-IN INSTRUCTIONS
FOR CARING FOR CHILDREN UNDER AGE SIX**

Regulatory requirements that became effective October 24, 1998

Highlights of the group home requirements that must be met by October 24, 1998 are as follows:

- Caregiver to children ratio of 1:3 [§84201(f)(1), §84265(i)(1-3), §84265.5, and §84265.7]
- Social worker to children ratio of 1:12 [§84265(g)(1)]
- Social worker with a master's degree in a behavioral science [§84265(g)]
- Separation of children under six years of age from older children [§84201(f)(1), §84268.1(c), §84287.2(a)(2), and §84265(I)]
- Needs and services plans and the frequent updates [§84268.2 and §84268.3]
- Building and grounds health and safety requirements [§§84278-§84288]
- Extensive information required before accepting a child with a psychiatric history [§84268.1(b)].

Please refer to the full text of the regulations to become acquainted with all the remaining requirements that were to be met by October 24, 1998.

Requirement to meet by December 23, 1998

Group home facility managers employed before the effective date of these regulations must have completed or be enrolled in the 15 hours of training in preventive health practices. [§84222(c)(5)]

Requirements to meet by February 1, 1999

For implementation purposes only, the Department is allowing group homes until February 1, 1999, to submit an amended Plan of Operations. Unlicensed emergency shelter care facilities must keep at the facility a Plan of Operations that contains the elements specified below, but are not to submit the plan to the licensing office. Licensed group homes that do not intend to accept placements of children under the age of six years and whose current license allows for care of children under six must request an amended license. Licensed group homes that intend to accept children under six years of age must submit an amended Plan of Operations to the licensing office. The licensing office will provide written approval, suggest changes to comply with the new regulations, or request additional information. The new regulations require prior written approval from the licensing office for any changes in operations covered by this amended and approved Plan of Operations [§84051(b) and §84261(b)]. The amended Plan of Operations should include a description of the following elements:

- The plan for family member involvement in the needs and services planning and in the caregiving, when family reunification is a goal. [§84222(a)(3)]
- Toilet training policies and procedures, including the process for assessing individual toilet training readiness; the training of caregivers in a consistent strategy for toilet training; and the

provision of appropriate supplies and clothing to promote toilet training success (e.g., potty chairs, pull-up diapers, training pants, mattress protectors. [§84222(a)(4)]

- Indoor and outdoor activities planned, including age-appropriate developmental challenges; facilitation of active, child-initiated exploration and success; and provisions for safety. [§84222(a)(5)]
- Therapeutic interventions planned, including the types of therapeutic interventions and the qualifications of professional staff. [§84222(a)(6)]
- Copies of all agreements and contracts and a description of the quality assurance procedures, including the procedures/agreements that assure that any contracted staff/services meet the regulatory requirements. There should be assurances that contracted staff maintain the appropriate certification/license and receive required continuing education. There should also be assurances regarding the confidentiality of children's records. [§84222(a)(7-8)]
- Discipline policies and procedures, including evidence of particular attention to guidance appropriate to young, traumatized children, such as consistency among caregivers and consequences based on the child's age, developmental level and temperament. [§84222(a)(9)]
- Disease prevention and infection control policies and procedures. [§84222(a)(10)]
- Procedures to prepare children for transitions, including forewarning of staff turnover, minimizing changes in daily schedules, and developmentally based and individualized routines for separation. [§84222(a)(11)]

Regulatory requirements to be met by September 24, 1999

- A family-like setting. [§84201(f)(2)]

This one-year grace period allows providers time to remodel the physical environment into units with a capacity for no more than six children and two adults. Alternatively, group homes may choose to use this year to move children under six years of age into family homes. This alternative would avoid the cost of remodeling the physical environment and avoid traumatizing children by immediate moves. This year also gives the Department and counties time to increase the supply of family homes.

- The resident houseparent [§84200(d)(1), 84201(h)(1), and 84222(a)(2)(A)]
- The Plan of Operation specifications regarding the family-like setting and the primary caregiver/houseparent staffing pattern. [§84222(a)(1-2)]

- The houseparents and facility manager qualifications [§84265(d)(1-3)]

Houseparents employed on or after September 24, 1999, must meet the qualifying education and experience specified at §84265(d). Primary caregivers/houseparents and facility managers employed before September 24, 1998, have an additional grace period to meet the qualifying education and experience. They remain qualified if they maintain continuous enrollment and complete with a passing grade at least three semester units each semester until the appropriate educational requirement is met.

- The houseparents continuing development requirements. [§84265(h)]

Licensees must have a written plan for and implement the orientation, on-the-job training, continuing education, supervision and evaluation requirements.

**EXEMPTIONS FOR EMERGENCY SHELTER CARE FACILITIES
FOR CARING FOR CHILDREN UNDER AGE SIX
[§84200(a)(2)(A-C)]**

The Department allows the following exemptions from the licensing regulations in recognition of the special time-limited placement services provided by emergency shelter care facilities:

- A family-like setting (The emergency shelter may use a dormitory setting, but must separate children under the age of six years from older children.)
- A resident houseparent (The emergency shelter may use shift staff, i.e., primary caregivers that meet the houseparent qualifications.)
- The requirement to care for children under the age of six years in a family group. (However, the shelter must maintain the 1:3 staff to children ratio.)
- A plan of operation that includes a description of the family-like setting and the staffing pattern. (If unlicensed, the Plan of Operations, absent the above two elements, must be maintained at the emergency shelter care facility.)
- Family member(s) involvement in the needs and services planning and in the caregiving (The children have recently been removed from their homes under traumatic circumstances. Immediate family member involvement is usually inappropriate.)
- A social worker at the facility (The placement agency's social worker substitutes. Placement, services planning, and discharge are that individual's responsibility.)
- The requirement to complete a needs and services plan that contains specified information within 30 days of admission.
- The removal/discharge procedures at 84068.4, 84070(d)(1-3) and 84268.4.
- A signature by the authorized representative acknowledging the policies and procedures for removal/discharge, discipline, and complaints. (The Department assumes that a placement agency that uses this shelter knows the shelter's policies and procedures.)
- The requirement to maintain a scrapbook for each child under the age of six years.

Emergency shelter care facilities, whether licensed or unlicensed, must comply with all the other regulations, as specified in Attachment I. In addition, the above exemptions apply only if children under six years of age are retained for no more than 30 days.