

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



March 9, 1999

ALL COUNTY LETTER NO. 99-12
TO: ALL COUNTY WELFARE DIRECTORS
ALL GROUP HOME PROVIDERS
ALL REGIONAL CENTERS

REASON FOR THIS TRANSMITTAL

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

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

REFERENCE: ALL COUNTY LETTER NUMBER 98-96 (dated December 30, 1998)

The purpose of this All County Letter (ACL) is to provide information regarding the implementation of regulations governing the care of children under the age of six years in group homes and in emergency shelter care facilities. Three packages of regulations relating to the placement of children under the age of six years in institutional settings became effective September 24, 1998. One of these packages addresses foster care rates, the second addresses foster care placement standards, and the third addresses licensing standards. This ACL contains information regarding two of the regulation packages: the foster care rates and the placement standards regulations. For information regarding the regulations containing licensing standards, please refer to ACL Number 98-96 (dated December 30, 1998) issued by the California Department of Social Services' (CDSS) Community Care Licensing Division.

Assembly Bill 1197 (Chapter 1088, Statutes of 1993)

Assembly Bill (AB) 1197 required CDSS to adopt regulations for licensed group homes and for emergency shelter care facilities that care for children under the age of six years that are dependent children, children placed by a regional center, or children who are voluntary placements. The bill was designed to meet the specific needs of very young children birth to age six years resulting from the trauma of separation from their families. The intent of the Legislature was that these young children should be placed in family homes, not group care or institutional settings. Assembly Bill 1197 added Welfare and Institutions Code Section 319.2 that places new requirements on the placing court to make specific findings when a child under the age of six is placed in a group home or temporary shelter care facility. The court must find that the group home or temporary shelter care placement is necessary to obtain a complete and adequate evaluation of the child, including placement planning and transition time. The placement cannot exceed 60 days unless the child's case plan documents the need and has

been approved by the supervisor of the child's social worker. The bill also required that regulations adopted incorporate state childcare standards for the physical environment, staffing, and health and safety.

The bill further required that CDSS develop standards to address the specific needs of young children and adopt regulations after assessing the needs of this population. The following parties assisted the Department in developing the standards: 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, the California Association of Services for Children, the Association for Minority Adolescents in Residential Care Homes, the County Welfare Directors' Association, the National Association of Social Workers, the Child Welfare League of America, and Regional Centers. The standards were the basis for the three regulation packages. However, after the standards were developed, a lawsuit concerning the placement of very young children was filed by an advocacy group. As a part of the settlement of the lawsuit, certain requirements were subsequently added to the regulations.

Provisions of the Regulations

The foster care rates regulations do not change the ratesetting process for group homes. The rates regulations essentially add new definitions and modifications brought about as a result of the promulgation of the licensing and placement regulations.

The placement regulations restrict the placement of very young children into group homes beginning September 24, 1998, and continuing through December 31, 1999, unless certain conditions are met [Section 31-405.1(b)(1)(A) through (E)]. Effective January 1, 2000, placements of children under the age of six years must be only in family-like settings. In the event that such a setting is unavailable, an exception process has been created for county use for placements made after that date. In these situations, the county shall request approval from the CDSS for any alternative placement in excess of 30 days [(Section 31-405.1(b)(1)(F)].

These regulations apply to licensed group homes, as well as to licensed and unlicensed emergency shelter facilities that accept children under the age of six years. There are exemptions from some of the regulations for emergency shelters that apply only if children under the age of six years remain in the shelter for no more than 30 days [(Section 31-405.1(c (1)]. Failure to meet the requirements for the placement of children under the age of six placed in emergency shelters or group homes will result in the loss of federal and state funding for these placements.

As these three regulations packages are intertwined, it would be advisable to refer to all three packages when questions arise. The placement and rates regulations are brief regulation packages which cross-reference the more detailed licensing regulation package. Contained in the licensing regulations are the staffing requirements, educational requirements for staff, physical environment, requirements for social workers, and other regulatory requirements. All County Letter Number 98-96 contains attachments which list the various requirements, where they are contained in the regulations, and their effective dates.

Assembly Bill (AB) 2773 (Chapter 1056, Statutes of 1998)

Assembly Bill (AB) 2773 was signed into law after September 24, 1998, which was the effective date of the regulations. The bill revised Section 1530.8 of the Health and Safety Code, and requires CDSS to adopt regulations that apply specifically to mother and infant programs that serve children younger than the age of six years. These young children must be dependents of the court, and must reside in a group home with a minor mother who is the child's primary caregiver. The bill requires that the regulations be submitted for public comment by September 1, 1999. Prior to preparing the regulations, CDSS is required to refer to national standards for mother and infant programs as a guideline, where applicable. Also, CDSS is required to convene a meeting by February 28, 1999, to consult with interested parties, including representatives from a public interest law firm specializing in children's issues and provider organizations prior to preparing the regulations. The first of these meetings has already taken place, with a subsequent meeting scheduled.

For Further Information

If you wish to obtain copies of the three regulations packages, the licensing regulations are currently available through the Internet on the CDSS website. These can be accessed at <http://www.dss.cahwnet.gov/getinfo/cacoderegs.html>. The other two regulation packages are not yet posted on the web site, but should be added shortly. You also may call the CDSS Office of Regulations Development at (916) 657-2586 to obtain copies of the regulations.

If you have questions about the licensing standards, please contact Sharan Fleming of the Community Care Licensing Division at (916) 323-5338. Questions regarding foster care rates should be directed to Steve Smalley of the Program Development Bureau at (916) 327-4639. Questions regarding placement standards should be directed to Lee Ann Kelly of the Foster Care Policy Bureau at (916) 327-8959.

Sincerely,

*Original Signed by:
Marjorie Kelly on 03/09/99*

MARJORIE KELLY
Deputy Director
Children and Family Services Division

c: CWDA