

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



March 20, 2007

Regulation Package #1104-06

CDSS MANUAL LETTER NO. CCL-07-06

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,  
DIVISION 6, CHAPTER 7, TRANSITIONAL HOUSING PLACEMENT PROGRAM

**Regulation Package #1104-06****Effective 2/16/07****Sections 86072 and 86072.1**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/Transition\\_1712.htm](http://www.dss.cahwnet.gov/ord/Transition_1712.htm)

Community care facilities regulations list personal rights accorded to children in out-of-home placement as specified in Section 16001.9 of the Welfare and Institutions Code. Assembly Bill (AB) 458, Chapter 331, Statute of 2003 and Senate Bill (SB) 1639, Chapter 668, Statute of 2004, further amended Section 16001.9 of the Welfare and Institutions Code by adding additional personal rights.

AB 458 accords foster children the right to have fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to discrimination or harrassment 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. This statute provides specific anti-discrimination policies protecting foster care youth statewide and ensures consistent implementation throughout the state.

SB 1639 accords foster children who are 16 years old or older the right to have access to postsecondary educational and vocational opportunities available and financial aid information for those programs. Foster youth face numerous barriers to educational and training opportunities, including the lack of information about postsecondary education and financial aid opportunities. This personal right will benefit foster youth by increasing access to higher education and training information and reducing informational barriers.

These regulations changes were developed to incorporate the provisions of AB 458 and SB 1639 into the Transitional Housing Placement Program regulations manual and were considered at the Department's public hearing held on August 17, 2005.

## FILING INSTRUCTIONS

**All new revisions are indicated by a vertical line in the left margin.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-07-05. The latest prior manual letter containing Transitional Housing Placement Program regulations was Manual Letter No. CCL-03-09.

### Page(s)

1 and 2

36 through 39

### Replace(s)

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Attachments

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**86070 PARTICIPANT RECORDS (Continued)****86070**

- (d) When the participant is transferred from the program, the original or photographic reproduction of the participant's and the participant's child(ren)'s record shall be:
- (1) Given to the participant's primary placing agency, and;
  - (2) A copy to any other participant authorized representative, if applicable, and;
  - (3) The participant.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501, 1507, and 1531, Health and Safety Code; Sections 16001.9 and 16522.1, Welfare and Institutions Code; and Title 42 USC Sections 675 and 677 of the Social Security Act.

**86072 PERSONAL RIGHTS****86072**

- (a) THPP licensees are not subject to the provisions in Section 80072. Instead, THPP licensees are subject to the following and the following shall apply:
- (b) The licensee shall ensure that each participant is accorded the personal rights specified in this section.
- (c) Each participant, and his/her authorized representative, shall be personally advised and given at admission a copy of the rights specified below.
- (d) Each participant shall have personal rights, which include but are not limited to the following:
- (1) To be accorded the greatest level of independence consistent with safety and the participant's ability and maturity level as outlined in the participant's Needs and Services Plan or TILP in order to prepare the participant for self-sufficiency.
  - (2) To be accorded safe, healthful and comfortable home accommodations, furnishings and equipment that are appropriate to his/her needs.
  - (3) To be treated with respect and to be free from physical, sexual, emotional or other abuse in accordance with Section 86072(d)(5).
  - (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
  - (5) To have fair and equal access to all available services, placement, care, treatment, and benefits, and not to 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.

## 86072 PERSONAL RIGHTS (Continued)

86072

- (6) To receive necessary medical, dental, vision, and mental health services.
- (7) To contact Community Care Licensing Division of the State Department of Social Services regarding violations of rights, to speak to representatives of the office confidentially and to be free from threats or punishments for making complaints.
- (8) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors and friends, in accordance with Section 86072(d)(5).
- (9) To contact family members, unless prohibited by court order.
- (10) To visit and contact brothers and sisters, unless prohibited by court order.
- (11) To contact social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (12) To have visitors, provided the rights of others are not infringed upon.
- (13) To attend religious services and activities of his or her choice.
- (14) To be free to attend court hearings and speak to the judge.
- (15) To have all his/her juvenile court records be confidential, consistent with existing law.
- (16) To be accorded dignity in his/her personal relationships with other persons in the home.
  - (A) To be free from unreasonable searches of person.
  - (B) To be free from unreasonable searches of personal belongings.
- (17) To have visitors as specified by the licensee's policies, in accordance with Welfare and Institutions Code Section 16522.1(h), including:
  - (A) Relatives, including parents unless prohibited by court order or by the participant's authorized representative.
  - (B) Authorized representative and placing agency.
  - (C) Other visitors unless prohibited by court order or by the participant's authorized representative or placing agency.

**86072 PERSONAL RIGHTS (Continued)****86072**

- (18) To possess and control his/her own cash resources unless otherwise agreed to in the participant's needs and services or TILP and by the participant's placing agency and authorized representative.
- (19) To possess and use his/her own personal possessions, including toilet articles.
  - (A) Clothing and personal items provided shall be in accordance with Section 86072(d)(5).
- (20) To have access to a telephone to make and receive confidential calls.
- (21) To send and receive unopened correspondence.
- (22) To have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.
- (23) In addition to the personal rights as specified in this section, all participants shall be entitled to all personal rights specified in Welfare and Institutions Code Section 16001.9.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code, Section 16522, Welfare and Institutions Code. Reference: Sections 1501, 1531, Health and Safety Code; Sections 16001.9, 16500, and 16522.1, Welfare and Institutions Code.

**86072.1 EDUCATIONAL OPTIONS****86072.1**

- (a) The licensee shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Section 86072(d)(22). The information may include, but is not limited to, any of the following:
  - (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools;
  - (2) Informational brochures on postsecondary or vocational schools/programs;
  - (3) Campus tours;
  - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth;
  - (5) School sponsored events promoting postsecondary or vocational school/programs; and

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**86072.1 EDUCATIONAL OPTIONS (Continued.)****86072.1**

- (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to current or former foster youth and contact information for the Student Aid Commission.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

**86073 TELEPHONE SERVICE****86073**

- (a) In addition to Section 80073 the following shall apply:

- (1) The licensee shall ensure that the THPP administrative office, sub-administrative office, staff residential living unit and the participant living unit have telephone service on the premises at all times.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16522.1; Welfare and Institutions Code.

**86074 TRANSPORTATION****86074**

(a) In addition to Section 80074 the following shall apply:

- (1) When transporting participants, the licensee shall ensure the participants and the participant's children are secured in a safety restraint system in accordance with Vehicle Code Sections 27315(e) and 27360(a).

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(A) Vehicle Code Section 27315(e) provides in part:

No person 16 years of age or over shall be a passenger in a motor vehicle on a highway unless that person is properly restrained by a safety belt.

(B) Vehicle Code Section 27360(a) provides in part:

No parent or legal guardian, when present in a motor vehicle, as defined in Section 27315, shall permit his or her child or ward to be transported upon a highway in the motor vehicle without providing and properly securing the child or ward, in a passenger restraint system meeting applicable federal motor vehicle safety standards....

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; Section 16522.1, Welfare and Institutions Code; and Sections 27315 and 27360, Vehicle Code.

**86075 HEALTH-RELATED SERVICES****86075**

- (a) THPP licensees are not subject to the provisions in Section 80075. Instead, THPP licensees are subject to the following and shall ensure that:
- (b) Each THPP participant shall receive all necessary medical, dental, vision and mental health services.
- (c) The THPP participant's physician has stated, in writing, that the THPP participant is able to determine and administer his/her own prescription or nonprescription PRN medication.
- (d) First aid supplies shall be maintained in the THPP participant living unit and staff residential unit.