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Regulation Package #0709-07

CDSS MANUAL LETTER NO. CCL-10-12

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22,  
DIVISION 6, CHAPTER 9.5, FOSTER FAMILY HOMES

**Regulation Package #0709-07**

**Effective 10/03/2010**

**Section 89405**

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG642.htm>

Assembly Bill (AB) 2096, (Chapter 483, Statutes of 2008), amended Welfare and Institutions Code Sections 362.05 and 727 and requires a group home administrator or facility manager, or his or her responsible designee to apply the "Reasonable and Prudent Parent Standard," as defined in 362.04(a)(2), when determining whether to allow group home children (i.e., wards and dependents) to participate in age-appropriate extracurricular, enrichment, and social activities. AB 2096 required designated staff to take steps to determine the appropriateness of the activity considering the child's age, maturity, and developmental level.

These regulations clarify and create standards for group home administrators or facility managers, or his or her designee in regard to applying a "Reasonable and Prudent Parent Standard." These regulations are intended to clarify the definition of "Reasonable and Prudent Parent Standard," to guide its application to group homes when determining whether to allow children (i.e., wards and dependents) to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, and social activities, and to amend various sections of the group home regulations to allow for the day-to-day application of this standard.

These regulations add new training requirements for specified staff in group homes, small family homes, foster family agencies, foster family homes, and transitional housing placement programs. As specified in Health and Safety Code Sections 1522.41 (c)(1)(J) and 1529.2 (b)(3)(G), amended by AB 3015, (Chapter 557, Statutes of 2008), this new training provides basic instruction on existing laws and procedures addressing the safety of foster youth at school and to ensure a harassment and violence free school environment.

These new training requirements will assist in educating group home administrators and licensed caregivers on what schools are doing to promote student safety, and harassment and violence prevention. Applicable statutes have been added to handbook for easy reference.

These regulations were considered at the Department's public hearings held on May 12, 2010.

### **FILING INSTRUCTIONS**

**Revisions to all manuals 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-10-11. The latest prior manual letter containing Foster Family Homes regulation changes was Manual Letter No. CCL-10-06.

Page(s)

Replace(s)

125 through 128

Pages 125 through 128

Attachments

KJ

**Article 4. PLACEMENT****89400 LICENSURE IS NOT AN ENTITLEMENT TO PLACEMENT 89400**

- (a) A license is required before placement, but the license does not entitle the caregiver to placement of a "child" pursuant to Welfare and Institutions Code section 16507.5, subsection (b).

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Welfare and Institutions Code section 16507.5, subsection (b) provides:

"The granting of a community care license or approval status does not entitle the caregiver to the placement of a specific child or children. Placement is based on the child's needs and best interests."

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1501.1, and 1531, Health and Safety Code; and Section 16507.5, Welfare and Institutions Code.

**89405 TRAINING REQUIREMENTS 89405**

- (a) The caregiver is required to complete training as specified in Health and Safety Code section 1529.2, subsection (b).
- (1) The following courses, seminars, conferences, or training accepted by the licensing agency to meet the training requirements in Health and Safety Code section 1529.2, subsections (b)(3) and (4) include, but are not limited to:
- (A) Child development,
  - (B) Recognizing and assisting a "child" with learning disabilities,
  - (C) Infant care and stimulation,
  - (D) Parenting skills,
  - (E) Complexities, demands, and special needs of children in the home,
  - (F) Building self-esteem of a "child,"
  - (G) Recordkeeping,

**89405 TRAINING REQUIREMENTS (Continued)****89405**

- (H) Caregiver rights, responsibilities, and grievance process,
- (I) Licensing and placement regulations, and
- (J) Existing laws and procedures regarding the safety of foster youth at school as specified in the California Student Safety and Violence Prevention Act of 2000.

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Health and Safety Code section 1529.2(b)(3)(G) provides:

"Basic instruction on the existing laws and procedures regarding the safety of foster youth at school and the ensuring of a harassment and violence free school environment contained in the California Student Safety and Violence Prevention Act of 2000, Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code."

Education Code section 32228 provides:

"(a) It is the intent of the Legislature that public schools serving pupils in any of grades 8 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

- (1) Teach pupils techniques for resolving conflicts without violence.
- (2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.
- (3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.
- (4) Provide age-appropriate instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention."

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**89405 TRAINING REQUIREMENTS (Continued)****89405**

- (b) In addition to the training specified in subsection (a), the caregiver shall complete current training in first aid and Cardiopulmonary Resuscitation (CPR).
- (1) Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority (EMSA), or a course offered by an accredited college or university.
  - (2) The caregiver shall maintain copies of unexpired first aid and CPR certificates. These certificates shall be appropriate to the age and needs of a "child."

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Health and Safety Code section 1529.2, subsections (b) and (c) provide in part:

"...(b)(1) Every licensed foster parent shall complete a minimum of 12 hours of foster parent training, as prescribed in paragraph (3), before the placement of any foster children with the foster parent. In addition, a foster parent shall complete a minimum of eight hours of foster parent training annually as prescribed in paragraph (4). No child shall be placed in a foster family home unless these requirements are met by the persons in the home who are serving as the foster parents.

(2)(A) Upon the request of the foster parent for a hardship waiver from the postplacement training requirement or a request for an extension of the deadline, the county may, at its option, on a case-by-case basis, waive the postplacement training requirement or extend any established deadline for a period not to exceed one year, if the postplacement training requirement presents a severe and unavoidable obstacle to continuing as a foster parent. Obstacles for which a county may grant a hardship waiver or extension are:

- (i) Lack of access to training due to the cost or travel required.
- (ii) Family emergency.

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(B) Before a waiver or extension may be granted, the foster parent should explore the opportunity of receiving training by video or written materials.

(3) The initial preplacement training shall include, but not be limited to, training courses that cover all of the following.

(A) An overview of the child protective system.

(B) The effects of child abuse and neglect on development.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing education and health services available to foster children.

(F) The right of a foster child 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.

(4) The postplacement annual training shall include, but not be limited to, training courses that cover all of the following:

(A) Age-appropriate child development.

(B) Health issues in foster care.

(C) Positive discipline and the importance of self-esteem.

(D) Emancipation and independent living skills if a foster parent is caring for youth.

(E) The right of a foster child 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.

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**89405 TRAINING REQUIREMENTS (Continued)****89405**

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**HANDBOOK CONTINUES**

(5) Foster parent training may be attained through a variety of sources, including community colleges, counties, hospitals, foster parent associations, the California State Foster Parent Association's Conference, adult schools, and certified foster parent instructors.

(6) A candidate for placement of foster children shall submit a certificate of training to document completion of the training requirements. The certificate shall be submitted with the initial consideration for placements and provided at the time of the annual visit by the licensing agency thereafter.

(c) Nothing in this section shall preclude a county from requiring county-provided preplacement or postplacement foster parent training in excess of the requirements in this section."

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Reference: Sections 1501, 1506, 1506.7, 1529.1, 1529.2, 1531, and 1562, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

**89410 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS****89410**

- (a) The caregiver shall not operate a home beyond the conditions and limitations specified in the license, including the capacity determination, as specified in Section 89228, Capacity Determination.
- (b) The caregiver shall not accept more than two infants, including infants in the caregiver's family, without additional help.
- (c) Unless the licensing agency approves an increase before placement, a social worker or placing agency does not have the authority to place more children in a home than the capacity stated on the home's license or waiver.
- (d) The caregiver shall not allow a "child" who is nonambulatory to be placed in or remain in any room approved to accommodate only children who are ambulatory.
  - (1) The licensing agency may require a "child" who is accommodated in an ambulatory room to demonstrate that they are ambulatory.