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Regulation Package #0511-02

CDSS MANUAL LETTER NO. CCL-12-02

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL,  
TITLE 22, DIVISION 6, CHAPTER 4, SMALL FAMILY HOMES

**Regulation Package #0511-02**

**Effective 3/7/2012**

**Sections 83000 and 83001**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG647.htm>.

These regulations make specific provisions of the law [Health and Safety Code (H&SC) and Welfare and Institutions Code (W&IC)] that permit a child to remain in foster care past age 18 under certain conditions. Currently, law allows:

- A youth who, prior to turning 18, is in foster care and attending high school or the equivalent level of vocational or technical training on a full-time basis or pursuing a high school equivalency certificate may continue to remain in foster care and receive Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits until age 19 if he or she is expected to complete full-time education or training or receive a high school equivalency certificate by that age (W&IC section 11403).
- A youth with special health care needs or a developmental disability may remain in foster care after he or she turns 18 if he or she resides in a licensed foster family home, small family home, group home, or certified family home, is completing a publicly funded education program, and expected to complete the program by age 22, and there is agreement by all parties involved that foster care continue (H&SC section 1507.2; W&IC sections 17710 and 17732.1).

These regulations were considered at the Department's public hearings held on September 14, 2011.

## **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-12-01. The latest prior manual letter containing Small Family Homes regulation changes was Manual Letter No. CCL-10-08.

Page(s)  
4 through 7

Replace(s)  
4 through 7

Attachments

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**Article 1. GENERAL REQUIREMENTS AND DEFINITIONS****83000 GENERAL****83000**

- (a) Small family homes, as defined in Section 80001(s)(3), shall be governed by the provisions specified in this chapter. In addition, such small family homes, except where specified otherwise shall be governed by Chapter 1, General Requirements.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code. Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

**83001 DEFINITIONS****83001**

In addition to Section 80001, the following shall apply.

- a. (1) "Assistant Caregiver" means an adult who assists the licensee of a specialized small family home caring for four or more children in the administration of specialized in-home health care.
- b. (Reserved)
- c. (1) "Child" means a person who is under 18 placed with a caregiver in a licensed small family home by a regional center, a parent or guardian, or a public child placement agency with or without a court order. "Child" also means a person who is:
- (A) 18 or 19, meets the requirements of Welfare and Institutions Code section 11403, and continues to be provided with care and supervision by the caregiver in the home, or
  - (B) 18-22 as specified in the definition for "child with special health care needs" under subsection (c)(2) and continues to be provided with care and supervision by the caregiver in the home.

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Welfare and Institutions Code section 11403 provides:

"...(b)...Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

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**HANDBOOK CONTINUES**

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**HANDBOOK CONTINUES**

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor. The requirement to update the case plan under this paragraph shall not apply to nonminor former dependents or wards in receipt of Kin-GAP program or Adoption Assistance Program payments."

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**83001 DEFINITIONS (Continued)****83001**

- (2) "Child with Special Health Care Needs" means a person who is 22 years of age or younger, who meets the requirements of Welfare and Institutions Code section 17710, subsection (a) and all of the following conditions:
- (A) Has a medical condition that requires specialized in-home health care and
  - (B) Is one of the following:
    - 1. A child who has been adjudged a dependent of the court under Welfare and Institutions Code section 300.
    - 2. A child who has not been adjudged a dependent of the court under Welfare and Institutions Code section 300, but who is in the custody of the county welfare department.
    - 3. A child with a developmental disability who is receiving services and case management from a regional center.

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Welfare and Institutions Code section 17710, subsection (a) provides:

"Child with special health care needs' means a child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care, and who either has been adjudged a dependent of the court pursuant to Section 300, has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center."

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**83001** DEFINITIONS (Continued)**83001**

- d. (1) "Disability" means a condition which makes a person developmentally disabled, mentally disordered or physically handicapped and for whom special care and supervision is required as a result of their condition.
- e. (Reserved)
- f. (1) "Family Health Care" means health care which does not require the skills of qualified technical or professional personnel and is provided to a child by the foster parent in accordance with Section 83075(e). When these requirements are met, the family health care that may be provided includes, but is not limited to the following:
- (A) Routine administration of medications such as the administration of suppositories, ointments, lotions, pills, enemas or medications given by liquid medication dispenser, puffer, dropper or nebulizer.
  - (B) Changing ostomy or indwelling urinary catheter bags.
  - (C) Urine and blood glucose testing using a monitoring kit approved for home use.
  - (D) Heart and apnea monitoring when it is simply the case of providing stimulation to the infant/child when the cardiac or respiratory rate falls below a specified rate and not a matter of interpreting a monitor pattern with the intervention based on that interpretation.
  - (E) Assistance with procedures self-administered by older children free of severe mental or physical disabilities such as insulin injection and oxygen administration.
- g. (Reserved)
- h. (1) "Health Care Professional" means a physician or an individual who is licensed or certified under Division 2 of the Business and Professions Code to perform the necessary client care procedures prescribed by a physician. Such health care professionals include the following: Registered Nurse, Public Health Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist and Respiratory Therapist.
- (2) "Home" means a licensed small family home.
- i. (1) "Individualized Health Care Plan" means the written plan developed by an individualized health care plan team and approved by the team physician, or other health care professional designated by the physician to serve on the team, for the provision of specialized in-home health care.

## 83001 DEFINITIONS (Continued)

83001

- (2) "Individualized Health Care Plan Team" means those individuals who develop an individualized health care plan for a child with special health care needs. This team must include the child's primary care physician or other health care professional designated by the physician, any involved medical team, the county social worker or regional center caseworker, and any health care professional designated to monitor the specialized in-home health care provided to the child as stated in the child's individualized health care plan. The individualized health care plan team may include, but shall not be limited to, a public health nurse, representatives from the California Children's Services Program or the Child Health and Disability Prevention Program, regional centers, the county mental health department and where reunification is the goal, the parent or parents, if available. In addition, the individualized health care plan team may include the prospective specialized licensees who shall not participate in any team determination required by Sections 83010.1(a)(1)(C) and (2)(C), and 83065.1(a)(1)(B).
- j. (Reserved)
- k. (Reserved)
- l. (1) "Licensee's Family" means any relative as defined in Section 80001r.(1) any adopted children, and any person under guardianship or conservatorship, of the licensee, or the licensee's spouse, who resides in the home.
- m. (1) "Medical Conditions Requiring Specialized In-Home Health Care" means, provided that care may be safely and adequately administered in the home:
- (A) A dependency upon one or more of the following when, but for the fact that trained foster parents may provide these services under Welfare and Institutions Code Section 17736, the skills of qualified technical or professional personnel would be required: enteral feeding tube, total parenteral feeding, a cardiorespiratory monitor, intravenous therapy, a ventilator, oxygen support, urinary catheterization, renal dialysis, ministrations imposed by tracheostomy, colostomy, ileostomy, ileal conduit, or other medical or surgical procedures or special medication regimens, including injection, and intravenous medication; or
- (B) Conditions such as AIDS, premature birth, congenital defects, severe seizure disorders, severe asthma, bronchopulmonary dysplasia, and severe gastroesophageal reflux when, because his/her condition could rapidly deteriorate causing permanent injury or death, the child requires in-home health care other than, or in addition to, family health care.

**83001** DEFINITIONS (Continued)**83001**

- n. (1) "Needs and Services Plan" means a time-limited, goal-oriented written plan implemented by the licensee which identifies the specific needs of an individual child, including but not limited to the items specified in Section 83068.2, and delineates those service needs necessary in order to meet the child's identified needs.
- o. (1) "On-Call Assistant" means an adult who is available to respond to a specialized small family home in case of emergency, but who need not otherwise be physically present at the home.
- p. (1) "Physical Restraining Device" means any physical or mechanical device, material, or equipment attached or adjacent to a child's body which the child cannot remove easily and which restricts the child's freedom of movement. Restraining devices include leg restraints, arm restraints, soft ties or vests, wheel chair safety bars, and full length bedrails.
- q. (Reserved)
- r. (Reserved)
- s. (1) "Specialized In-Home Health Care" means health care, other than family health care, identified by the child's physician as appropriately administered in the home by a health care professional or by a licensee or staff trained by health care professionals.
- (2) "Specialized Small Family Home" means a licensed small family home which provides specialized in-home health care to children.
- t. (Reserved)
- u. (Reserved)
- v. (Reserved)
- w. (Reserved)
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

NOTE: Authority cited: Section 1530, Health and Safety Code; and Section 17730, Welfare and Institutions Code. Reference: Sections 1501, 1502, 1507, 1507.2, 1530 and 1531, Health and Safety Code; and Sections 11403, 17710, 17731(c), 17732(b) and 17732.1, Welfare and Institutions Code.