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Regulation Package # 0511-02

CDSS MANUAL LETTER NO. CCL-12-04

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

**Regulation Package #0511-02**

**Effective 3/7/2012**

**Section 86001**

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG649.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-12-03. The latest prior manual letter containing Transitional Housing Placement Program regulation changes was Manual Letter No. CCL-10-10.

### Page(s)

### Replace(s)

4 through 5  
8 and 9

4 and 5  
8 and 9

Attachments

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**CHAPTER 7 -- TRANSITIONAL HOUSING PLACEMENT PROGRAM****Article 1. General Requirements****86000 GENERAL 86000**

- (a) A Transitional Housing Placement Program (THPP) as defined in Section 86001t(1) shall be governed by the provisions specified in this chapter. In addition, such THPPs, except where specified otherwise, shall be governed by Chapter 1, General Licensing Requirements.

NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Section 1502, Health and Safety Code; and Section 16522, Welfare and Institutions Code.

**86001 DEFINITIONS 86001**

In addition to Section 80001, the following shall apply:

- (a) (1) "Administrative Office" means the central administrative headquarters of the licensee and is the component of the THPP Program that is licensed by the licensing agency.
- (b) (Reserved)
- (c) (1) "Certificate of Approval" means the county approval as a condition of licensure according to Welfare and Institutions Code Section 16522.1.
- (2) "Certificate of Compliance" means the document generated and retained by the licensee that verifies that the single housing unit meets the requirements of Health and Safety Code Section 1501(b)(5) and may be used as living quarters for THPP participant(s).
- (3) "Child" means a person who is under 18 placed in a licensed transitional housing placement program 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 transitional housing placement facility.

## 86001 DEFINITIONS (Continued)

86001

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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:

- (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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- (d) (1) "Department-Approved County THPP Plan" means a county THPP plan that is submitted by the county to the Department that states that the county's Independent Living Program will actively participate in the screening and supervision of THPP participants in accordance with Welfare and Institutions Code Section 16522.5.
- (e) (Reserved)
- (f) (Reserved)
- (g) (Reserved)

**86001**      **DEFINITIONS** (Continued)**86001**

- (h)      (1)      "Host County" means a county without a Department-approved plan that gives approval to a licensed THPP in another county to provide services to THPP participants in that host county.
- (2)      "Host County Letter" means a county letter authorizing a THPP provider licensed in an adjacent county to operate in the host county that does not have a Department approved THPP plan.
- (3)      "Host Family" is a variant of the remote site model and means a living situation where the THPP participant resides in a single housing unit with one or more adults approved by the THPP.
- (i)      (1)      "Independent Living Program (ILP)" means the program authorized under Title 42, Section 677(a)(1) of the U.S. Code (Social Security Act), for services and activities to assist children age 16 or older who are either a dependent (Welfare and Institutions Code Section 300) or a ward (Welfare and Institutions Code Sections 601 and 602) of the court to make the transition to independent living.
- (j)      (Reserved)
- (k)      (Reserved)
- (l)      (Reserved)
- (m)      (Reserved)
- (n)      (Reserved)
- (o)      (Reserved)
- (p)      (Reserved)
- (q)      (Reserved)
- (r)      (1)      "Remote Site Model" means a single housing unit where the participant lives independently and where licensee staff do not live in the same building as the participant.
- (s)      (1)      "Single Housing Unit" means a living unit such as an apartment, single family dwelling, or condominium intended to house a THPP participant(s).

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**HANDBOOK CONTINUES**

Welfare and Institutions Code Section 11403 provides in part:

"A child who is in foster care and receiving aid pursuant to this chapter and who is attending high school or the equivalent level of vocational or technical training on a full-time basis prior to his or her 18th birthday, may continue to receive aid following his or her 18th birthday so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis and the child may reasonably be expected to complete the educational or training program before his or her 19th birthday. Aid shall be provided such an individual pursuant to this section provided both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, which documents the continued need for out-of-home placement."

Health and Safety Code Section 1559.110(d)(1), (2) and (3) provide in part:

"(d) Transitional Housing Placement Program services shall include any of the following:

- "(1) Programs in which one or more participants live in an apartment, single-family dwelling or condominium with an adult employee of the provider.
- "(2) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by the provider located in a building in which one or more adult employees of the provider reside and provide supervision.
- "(3) Programs in which a participant lives independently in an apartment, single-family dwelling, or condominium rented or leased by a provider under the supervision of the provider if the State Department of Social Services provides approval."

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: 42 USC Section 677; Sections 1559.110 and 1559.115, Health and Safety Code; and Sections 11400, 11401, 11403, 16522.1, and 16522.5, Welfare and Institutions Code.

**Article 2. License Required****86005 LICENSE REQUIRED****86005**

- (a) In addition to 80005, the following shall apply, except as specified in the Health and Safety Code Section 1559.110(c) and (e).
- (1) No individual, organization or governmental entity shall provide THPP services as described in Health and Safety Code Section 1559.110 without first obtaining a Transitional Housing Placement Program license from the licensing agency.
  - (2) A certified THPP as defined in Health and Safety Code Sections 1559.110(c) and (e) is exempt from licensure.

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- (A) Health and Safety Code Section 1559.110(e) provides:

"A transitional housing placement facility that serves only eligible youth over 18 years of age who have emancipated from the foster care system shall not be subject to subdivision (a), provided the facility has been certified to provide transitional housing services by the appropriate county social services or probation department, and has obtained a local fire clearance. No later than June 30, 2002, the department shall establish certification standards and procedures in consultation with the County Welfare Directors Association, the California Youth Connection, the county probation departments, and provider representatives. The certification standards shall include, but not be limited to, a criminal background check of transitional housing providers and staff."

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NOTE: Authority cited: Sections 1530 and 1559.110, Health and Safety Code. Reference: Sections 1503, 1505, 1508, 1509, 1520, 1559.110 and 1559.115 Health and Safety Code; and Section 16522.1, Welfare and Institutions Code.