

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 80001, et seq. (Definitions)

Specific Purpose:

The chapter number "8.8" is adopted and the word "chapter" is repealed in the lead paragraph for the section of definitions. The existing definition for "Child" is repealed. Subsections (c)(7) through (20) are renumbered to subsections (c)(6) through (19) to accommodate the repeal of the "Child" definition.

Factual Basis:

The chapter number "8.8" for Foster Family Agencies is adopted in Chapter 1, General Licensing Requirements, to indicate that the terms as defined in the definitions section also apply to those chapters for the purpose of clarity. The word "chapter" is repealed for the purpose of clarity since the reference to "chapters" applies to all of the chapter numbers that follow it. The definition for "Child" is repealed in General Licensing Requirements since the "Child" definition is incorporated separately into each Children's Residential facility category for the purpose of clarity and ease of use. These changes meet the clarity standard of the Administrative Procedure Act (APA), section 11349(c) of the Government Code.

Section 83000(a)

Specific Purpose:

The number "2" is repealed and the number "3" is adopted.

Factual Basis:

It is necessary to change the reference from number "2" to number "3" for the purpose of clarity and consistency with the numbering of the referenced definition for "Small Family Homes" in General Licensing Requirements. This change meets the necessity, clarity, and consistency standards of the APA, section 11349(a), (c), and (d), of the Government Code.

Section 83001c (Definitions)

Specific Purpose:

The existing definition for "Child" is amended to repeal "years of age who is being provided care and supervision" and "except where otherwise specified in this chapter" and adopt language to specify that a "Child" also includes a person who is age 18 or 19, or age 18 to 22, as specified. The existing definition for "Child with Special Health Care Needs" is amended to repeal "child," adopt "person under 18 or 22 and younger," and adopt reference to section 17710 of the Welfare and Institutions Code.

Factual Basis:

The definitions for "Child" and "Child with Special Health Care Needs" are amended to clarify the ages at which a "child" may be in foster care in a Small Family Home. The definitions also clarify the conditions that must be met for a "child" to receive care past the age 18, at which he or she would be considered an "adult."

The definitions for "Child" and "Child with Special Health Care Needs" are consistent with section 1507.2 of the Health and Safety Code and sections 17710 and 17732.1 of the Welfare and Institutions Code, which specify that a "child" may remain in foster care up to age 22 if he or she has a developmental disability or special health care needs. The definition for "Child" is additionally consistent with section 11403 of the Welfare and Institutions Code, which specifies that a "child" may remain in foster care up to age 19 if he or she is participating in high school or the equivalent level of vocational or technical training, or pursuing a high school equivalency certificate.

Based on program experience with Children's Residential facilities, the California Department of Social Services (CDSS) believes it is necessary to clarify these definitions. These clarifications will mitigate CDSS staff workload caused by exception and waiver requests to provide care to a "child" past age 18.

Other nonsubstantive amendments have been made to the definitions for "Child" and "Child with Special Health Care Needs" for the purpose of clarity. These amendments meet the clarity standard of the APA, section 11349(c) of the Government Code, the requirements of style pursuant to section 11343.1 of the Government Code, and the principles of "Plain English" rule drafting.

Section 84001, et seq. (Definitions)

Specific Purpose:

The existing definition for "Child" is amended to repeal "years of age and who is being provided care and supervision" and "except where otherwise specified in this chapter" and adopt language to specify that a "Child" also includes a person who is age 18 or 19, or age 18 to 22, as specified. The existing definition for "Child with Special Health Care Needs" is amended to repeal "child," adopt "person under 18 or 22 and younger," and adopt reference to section 17710 of the Welfare and Institutions Code. Subsection (a)(1) through (3) are renumbered to correct sequencing of definitions. "Minor Parent" in subsection (a)(5) is renumbered to subsection (m)(5) to correct sequencing of definitions.

Factual Basis:

The definitions for "Child" and "Child with Special Health Care Needs" are amended to clarify the ages at which a "child" may be in foster care in a Group Home. The definitions also clarify the conditions that must be met for a "child" to receive care past age 18, at which he or she would be considered an "adult."

The definitions for "Child" and "Child with Special Health Care Needs" are consistent with section 1507.2 of the Health and Safety Code and sections 17710 and 17732.1 of the Welfare and Institutions Code, which specify that a "child" may remain in foster care up to age 22 if he or she has a developmental disability or special health care needs. The definition for "Child" is additionally consistent with section 11403 of the Welfare and Institutions Code, which specifies that a "child" may remain in foster care up to age 19 if he or she is participating in high school or equivalent level of vocational or technical training, or pursuing a high school equivalency certificate.

Based on program experience with Children's Residential facilities, CDSS believes it is necessary to clarify these definitions. These clarifications will mitigate CDSS staff workload caused by exception and waiver requests to provide care to a "child" past age 18.

Other nonsubstantive amendments have been made to the definitions for "Child" and "Child with Special Health Care Needs" for the purposes of clarity. These amendments meet the clarity standard of the APA, section 11349(c) of the Government Code, the requirements of style pursuant to section 11343.1 of the Government Code, and the principles of "Plain English" rule drafting.

Section 86001, et seq. (Definitions)

Specific Purpose:

A definition is adopted for "Child."

Factual Basis:

A definition is adopted for "Child" to clarify the ages at which a "child" may be in foster care in a Transitional Housing Placement Program. The definition also clarifies the conditions that must be met for a "child" to receive care past age 18, at which he or she would be considered an "adult."

The definition for "Child" is consistent with section 11403 of the Welfare and Institutions Code, which specifies that a "child" may remain in foster care up to age 19 if he or she is participating in high school or equivalent level education or training, or pursuing a high school equivalency certificate.

Based on program experience with Children's Residential facilities, CDSS believes it is necessary to clarify these definitions. These clarifications will mitigate CDSS staff workload caused by exception and waiver requests to provide care to a "child" past age 18.

Section 88001, et seq. (Definitions)

Specific Purpose:

A definition is adopted for "Child." The existing definition for "Child with Special Health Care Needs" is amended to repeal "child," adopt "person under 18 or 22 and younger," and adopt reference to section 17710 of the Welfare and Institutions Code. The definition is also amended to adopt an additional condition for receiving care and renumber the conditions for receiving care to accommodate addition of the condition. Subsections (c)(5) through (7) are renumbered to subsections (c)(6) through (8) to accommodate addition of the "Child" definition.

Factual Basis:

A definition is adopted for "Child" and the definition for "Child with Special Health Care Needs" is amended to clarify the ages at which a "child" may be placed with a Foster Family Agency for foster care in a Certified Family Home. The definitions also clarify the conditions that must be met for a "child" to receive care past age 18, at which he or she would be considered an "adult."

The definitions for "Child" and "Child with Special Health Care Needs" are consistent with section 1507.2 of the Health and Safety Code and sections 17710 and 17732.1 of the Welfare and Institutions Code, which specify that a "child" may remain in foster care up to age 22 if he or she has a developmental disability or special health care needs. The definition for "Child" is additionally consistent with section 11403 of the Welfare and

Institutions Code, which specifies that a "child" may remain in foster care up to age 19 if he or she is participating in high school or equivalent level of vocational or technical training, or pursuing a high school equivalency certificate.

Based on program experience with Children's Residential facilities, CDSS believes it is necessary to clarify these definitions. These clarifications will mitigate CDSS staff workload caused by exception and waiver requests to provide care to a "child" past age 18.

Other nonsubstantive amendments have been made to the definition for "Child with Special Health Care Needs" for the purpose of clarity. These amendments meet the clarity standard of the APA, section 11349(c) of the Government Code, the requirements of style pursuant to section 11343.1 of the Government Code, and the principles of "Plain English" rule drafting.

b) Identification of Documents Upon Which Department Is Relying

Section 1507.2 of the Health and Safety Code.

Sections 11403, 17710, and 17732.1 of the Welfare and Institutions Code.

Courtney, M.E., *The Difficult Transition to Adulthood for Foster Youth in the US: Implications for the State as Corporate Parent*, in Social Policy Report, Society for Research in Child Development, Vol. XXIII, No. 1, 2009.

Courtney, M.E., et al., *Midwest Evaluation of the Adult Functioning of Former Foster Youth*, Chapin Hall at the University of Chicago, 2007.

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations, which require state reimbursement under Section 17500 et seq. of the Government code.

d) Statement of Alternatives Considered

CDSS has made an initial determination that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

Although the proposed action may affect Foster Family Agencies and Group Homes, CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.