

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #1 "Reasonable and Prudent Parent Standard" in Group Homes and Foster Parent Training Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held as follows:

May 12, 2010
Office Building # 8, Room 105
744 P St.
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 12, 2010.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of non-substantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development
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CHAPTERS

Title 22, Division 6, Chapter 4 (Small Family Homes), Section 83064 (Licensee Duties and Responsibilities); Chapter 5 (Group Homes), Section 84001 (Definitions), Section 84067 (Reasonable and Prudent Parent Standard), Section 84076 (Food Service), Section 84079 (Planned Activities), Section 84087.2 (Outdoor Activity Space), Section 84088 (Fixtures, Furniture, Equipment, and Supplies), and Section 84090 (Initial Certification Training Program Approval Requirements); Chapter 7 (Transitional Housing Placement Program), Section 86065 (Personnel Requirements); Chapter 8.8 (Foster Family Agencies), Section 88065 (Personnel Requirements); and, Chapter 9.5 (Foster Family Homes), Section 89405 (Training Requirements).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, group home regulations lack direction for the administrator or facility manager and his or her responsible designee as it relates to allowing children in care to participate in extracurricular, enrichment, and social activities. In addition, existing regulations require training for caregivers of foster family homes, transitional housing placement programs, foster family agencies, small family homes, and administrators of group homes.

The proposed regulations have been drafted to apply the "Reasonable and Prudent Parent Standard" to group homes and to adopt new training requirements.

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.

The proposed 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 proposed 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.

The proposed regulations will 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, Statute 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.

Adopting 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.

COST ESTIMATE

1. Costs or Savings to State Agencies: \$0.00
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact
4. Federal Funding to State Agencies: No Impact

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.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

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.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine 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 as and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 1501, 1530, and 1531, Health and Safety Code. Subject regulations implement and make specific Sections 1522.41 and 1529.2, Health and Safety Code; Sections 361.2, 362.04, 362.05, 727, and 16001.9, Welfare and Institutions

Code; Assembly Bill 2096 (Chapter 483, Statutes of 2008); and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

**CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED
REGULATION**

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