

Amend Section 89318 to read:

89318 APPLICANT QUALIFICATIONS

89318

- (a) An applicant shall have the ~~following qualifications~~ knowledge, ability, and willingness to comply with the applicable laws and regulations and:
- (1) ~~Ability to p~~Provide care and supervision appropriate to the type of children to be served a "child," including ability to communicate communicating with the children.
"child,"
 - (2) ~~Knowledge of and ability to comply with the applicable laws and regulations.~~
 - (32) ~~Ability to m~~Maintain, or supervise the maintenance of, financial and other all records that pertain to a "child" as specified in Section 89226, Safeguards for Cash Resources, Personal Property, and Valuables, and Section 89370, Children's Records,
 - (43) ~~Ability to d~~Direct the work of others in providing care when applicable,
 - (4) Apply the reasonable and prudent parent standard as specified in Welfare and Institutions Code sections 362.04, 362.05, 727, and Section 89377, Reasonable and Prudent Parent Standard,
 - (5) Promote a normal childhood experience and treat a "child" as part of the family, to the extent possible,
 - (6) Prepare a "child" for adulthood, and
 - (7) Attend training and professional development.
- (b) An applicant for a foster family home license shall complete an orientation provided by the licensing~~g~~ or approval agency.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 362.04 provides in part:

"(a) For purposes of this section:

- (1) "Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member.
- (2) "Reasonable and prudent parent" or "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest."

Welfare and Institutions Code section 362.05 provides in part:

"Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent or create barriers to participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. Caregivers, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. The caretaker shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level."

Welfare and Institutions Code section 727 provides in part:

"(4)(A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to wards have policies consistent with this section and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the child's age, maturity, and developmental level."

HANDBOOK ENDS HERE

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, 1507, 1507.2, 1507.5, 1520, 1525.3, ~~4526.5~~, 1529.1, ~~1529.2~~, ~~1530.91~~, 1531, and 1562, Health and Safety Code; ~~and Section 51, Civil Code~~ Sections 362.04, 362.05, and 727, Welfare and Institutions Code.

Amend Section 89319 to read:

89319 CRIMINAL RECORD CLEARANCE REQUIREMENT

89319

All persons subject to criminal record review shall obtain a criminal record clearance from the California Department of Social Services or county as appropriate. Such review will require submission of completed fingerprints pursuant to Health and Safety Code ~~§~~section 1522. The licensing/approval agency will also conduct a search of the Child Abuse Clearance Index and child abuse records. The licensing/approval agency may conduct an authorized search of the California Law Enforcement Telecommunications System (CLETS).

Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1522 and 1522.1, Health and Safety Code.

Amend Section 89323 to read:

89323 EMERGENCY PLAN PROCEDURES

89323

- (a) ~~Each~~ The caregiver shall post emergency telephone numbers; in a prominent location.
- (1) The caregiver shall discuss and practice emergency situations procedures with children, practice emergency procedures every six months and a "child" as age and developmentally appropriate at time of new placements and every six months.
- (1) The caregiver shall ensure that occasional short-term babysitters, as defined in Section 89201, subsection (o)(1), and alternative caregivers as defined in Section 89201, subsection (a)(3), know the location of the emergency numbers.
- (A) The caregiver shall review the emergency procedures with the babysitter or alternative caregiver.

HANDBOOK BEGINS HERE

Emergency procedures are actions to be taken by caregivers, a "child," and other household members in the event of a fire, earthquake, accident or other emergency, including, but not limited to, calling 911 and going to a safe meeting place.

HANDBOOK ENDS HERE

Authority cited: Sections 1530, and 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, ~~1501.1, 1520~~ and 1531, Health and Safety Code; and Section 362.04, Welfare and Institutions Code.

Amend Section 89361 to read:

89361 REPORTING REQUIREMENTS

89361

- (a) ~~Each caregiver shall furnish to the licensing/approval agency and the child's authorized representative such reports as required by the Department including but not limited to the following:~~

The caregiver shall report to the licensing or approval agency and the person or agency responsible for placing a "child" when any of the following events occur. This report shall be made by telephone, e-mail, or fax within 24 hours after the event occurs or within the agency's next business day.

- (1) ~~Death of any child from any cause.~~
- (42) Any suspected physical or psychological abuse of any child abuse or neglect, as defined in Penal Code section 11165.6.

HANDBOOK BEGINS HERE

Penal Code section 11165.6 provides:

"As used in this article, the term 'child abuse or neglect' includes physical injury inflicted by other than accidental means upon a child by another person, sexual abuse as defined in Section 11165.1, neglect as defined in Section 11165.2, the willful harming or injuring of a child or the endangering of the person or health of a child, as defined in Section 11165.3, and unlawful corporal punishment or injury as defined in Section 11165.4. 'Child abuse or neglect' does not include a mutual affray between minors. 'Child abuse or neglect' does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer."

HANDBOOK ENDS HERE

- (23) ~~Any injury to or illness to any of a "child" which that requires emergency medical treatment or hospitalization.~~
- (34) ~~Any unusual incident or child absence of a "child" which threatens the physical or emotional health or safety of any child in the home.~~
- (5) Communicable diseases outbreak as reported to the caregiver by a health professional or by the local health authority.
- (6) Poisonings.
- (7) ~~Catastrophes.~~
- (87) Fires or explosions which occur in or on the premises.

- (8) If the caregiver operates a family day care home as defined in Health and Safety Code section 1596.78.

HANDBOOK BEGINS HERE

Health and Safety Code section 1596.78 provides:

"(a) 'Family day care home' means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

(b) 'Large family day care home' means a home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in Section 1597.465 and as defined in regulations.

(c) 'Small family day care home' means a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in Section 1597.44 and as defined in regulations."

HANDBOOK ENDS HERE

- (f) (9) ~~The caregiver shall report a~~ All changes in household composition within ten working days. These changes shall include including, but not be limited to:
- (1) (A) ~~Any~~ Any additions to the caregiver's family, including when the caregiver becomes guardian or conservator for any child or other person.
 - (2) (B) ~~The arrival or departure of any person, other than the children, residing in~~ Any adult moving in or out of the home requires immediate notification and clearance per the requirements of Health and Safety Code Section 1522(b).
 - (C) Except for a "child" under the jurisdiction of the court and placed by the county, anyone living in the home who reaches their 18th birthday.
- (b) ~~When~~ The caregiver shall submit a written report of such an event is required by to the licensing/ or approval agency, the caregiver and the person or agency responsible for placing a "child" when any of the events specified in subsection (a)(1) through (9) occur and the initial report was made by phone or did not include all of the information required on the written report. This written report shall be submitted, within 7 calendar days, a written report of such after the event occurs, which and includes the following information:
- (1) ~~Child's~~ The name, age, sex, and date of admission of the "child."
 - (2) Date and nature of event the incident.

- (3) Attending physician's name, findings, and treatment, if any.
- (4) ~~Disposition~~ Current status of the ease incident.
- (c) ~~Any~~ When there is a change in the caregiver's mailing address that does not also include a change in the location of the home, the caregiver shall be reported to notify the licensing/ or approval agency and the person or agency responsible for placing a "child," by telephone, e-mail or fax within 10 working days following the occurrence.~~change.~~
- (d) When there is a change in the location of the home, the caregiver shall notify the licensing/ or approval agency and the person or agency responsible for placing a "child," by telephone, e-mail, or fax 30 days prior to the move or as soon as the information is available.
- (e) ~~When the caregiver intends to be absent from the home for 48 hours or longer the caregiver shall notify the licensing/approval agency and the child's authorized representative, in writing or by telephone and include the following information.~~
 - (1) ~~Dates of intended absence.~~
 - (2) ~~Whether the child will accompany the caregiver or remain in the home.~~
 - (3) ~~Telephone number where caregiver may be contacted.~~
 - (4) ~~Name, address, telephone number of substitute care provider.~~

Authority cited: Sections 1530, and 1530.5, 1531, Health and Safety Code; ~~and~~ Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.5, ~~1520,~~ 1530.6, 1531, ~~and~~ 1557.5, and 1596.78, Health and Safety Code; Sections 11165.6, 11165.7, 11165.9, and 11166, Penal Code; Section 361.2(j)(1)(A), Welfare and Institutions Code.

Amend Section 89370 to read:

89370 CHILDREN'S RECORDS

89370

- (a) For each "child" in the home, the caregiver shall maintain a separate, complete, and current record or file in the home for each child, which that includes a current placement agreement and Needs and Services Plan for each child, the following:
- (1) and the name of the "child," birth date, and date of placement in the home;
 - (2) If provided, a summary of the health and education information and records, including mental health information or records as described in Welfare and Institutions Code section 16010.
 - (A) The summary may be maintained in the form of a health and education passport as defined in Section 89201, subsection (h)(1), or a comparable format designed by the placing county.
 - (B) The caregiver shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, immunization records and any official grade or progress reports.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 16010 provides in part:

"(a) When a child is placed in foster care, the case plan for each child recommended pursuant to Section 358.1 shall include a summary of the health and education information or records, including mental health information or records, of the child. The summary may be maintained in the form of a health and education passport, or a comparable format designed by the child protective agency. The health and education summary shall include, but not be limited to, the names and addresses of the child's health, dental, and education providers, the child's grade level performance, the child's school record, assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement, a record of the child's immunizations and allergies, the child's known medical problems, the child's current medications, past health problems and hospitalizations, a record of the child's relevant mental health history, the child's known mental health condition and medications, and any other relevant mental health, dental, health, and education information concerning the child determined to be appropriate by the Director of Social Services. If any other provision of law imposes more stringent information requirements, then that section shall prevail."

HANDBOOK ENDS HERE

- (b) ~~The file should also contain a written consent that authorizes~~

- (3) Written authorization for the caregiver to obtain other ordinary medical and dental care in an emergency if the authorized representative person or agency responsible for placing the "child" cannot be reached.
 - (4) If provided, a written plan identifying the specific needs and services of the "child."
 - (5) If the written plan identifying the specific needs and services of the "child" is not provided at the time of placement, pre-placement information as specified in Section 89468, subsection (b). This information shall be kept on file regardless of whether the written plan is received at a later date.
 - (6) Itemized inventory list of cash resources, personal property, and valuables of a "child" as specified in Section 89226, subsections (a) and (d).
- (eb) All ~~children's~~ records for a "child" shall be available to the Department, licensing/ or approval agency to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
- (1) The Department, Licensing/ or approval agency representatives shall not remove any current emergency or health-related ~~children's~~ records for a "child" unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, the Department, a licensing/ or approval agency representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the caregiver.
 - (3) The Department, Licensing/ or approval agency representatives shall return the records to the home undamaged and in good order within three business days following the date the records were removed.
- (dc) All information and records ~~obtained from or~~ regarding ~~children~~ a "child" shall be confidential except as otherwise authorized by law.

Authority cited: Sections 1530, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; ~~and~~ Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, ~~1520, 1530.5,~~ 1531, and 1557.5, Health and Safety Code; Sections 361.2(j)(1)(A) and 16010, Welfare and Institutions Code.

Amend Section 89372 to read:

89372 PERSONAL RIGHTS

89372

- (a) The caregiver shall ensure that each "child" is accorded the personal rights specified in ~~this section~~ Welfare and Institutions Code section 16001.9. In addition, the caregiver shall ensure that each "child" is accorded the following personal rights:
- (b) ~~Each child, and his/her authorized representative, shall be personally advised, and given at admission a copy, of the rights specified in (c) below.~~
- (c) ~~Each child shall have personal rights which include but are not limited to the following:~~
- (1) ~~To be accorded safe, healthful and comfortable home accommodations, furnishings and equipment that are appropriate to his/her needs.~~
 - (A) ~~To have storage space for his/her private use.~~
 - (2) ~~To be treated with respect and to be free from physical, sexual, emotional or other abuse.~~
 - (3) ~~To have fair and equal access to all available services, placement, care, treatment, and benefits, and to be treated with respect and to be free from discrimination, intimidation or harassment based on sex, actual or perceived race, color, religion, ancestry, national origin, mental or physical disability, medical condition, ethnic group identification, gender identity, HIV status, or sexual orientation or perception of having one or more of these characteristics.~~
 - (4) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.
 - (5) ~~To receive adequate and healthy food.~~
 - (6) To be provided with and allowed to possess and use adequate clothing and personal items, in accordance with Section 89372(c)(3), which includes their own:
 - (A) To wear his/her own clothes, provided the clothes are age-appropriate as defined in Section 89201, subsection (a)(2), do not violate school standards when worn during school activities, and are in accordance with the gender identity of the "child."
 - (B) To possess and use his/her own personal items including toiletries and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate.

- (C) Belongings, including items that were a gift to the "child."
- (7) ~~To receive an allowance if living in a group home.~~
- (8) ~~To receive necessary medical, dental, vision, and mental health services.~~
- (9) ~~To be free of the administration of medication or chemical substances, unless authorized by a physician and, if required, by court order.~~
- (10) ~~To have social contacts with people outside of the foster care system, such as teachers, church members, mentors and friends, in accordance with Section 89372(e)(3).~~
- (11) ~~To contact family members, unless prohibited by court order.~~
- (12) ~~To visit and contact brothers and sisters, unless prohibited by court order.~~
- (143) To have visitors, provided the rights of others are not infringed upon, that include:
- (A) ~~Relatives, during waking hours, unless prohibited by court order, or by the child's authorized representative.~~
- (B) The Aauthorized representative for the "child."
- (C) Other visitors, unless prohibited by court order or by the ~~child's~~ authorized representative for the "child."
- (15) ~~To contact Community Care Licensing Division of the State Department of Social Services if residing in a licensed home, or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially and to be free from threats or punishments for making complaints.~~
- (A) (4) To be informed and to have his/ or her authorized representative informed, by the caregiver of the provisions of law regarding complaints, including ~~but not limited to~~ the address and telephone number of the ~~complaint, receiving unit of the licensing agency and of information regarding~~ about the ~~confidential registration confidentiality~~ of complaints.
- (165) To make and receive confidential telephone calls, and send and receive unopened mail and electronic communication, unless prohibited by court order.
- (A) Reasonable restrictions may be imposed by the ~~social worker/~~ caregiver, social worker, or probation officer ~~to~~ on calls and correspondence.
- (CB) Other reasonable restrictions may be imposed. The caregiver may:

1. Request ~~long distance cost~~ reimbursement, for the cost of long distance calls made by the "child;" from the "child" or his/ or her authorized representative;
2. ~~Be permitted to d~~Deny the making of long distance calls by the "child" upon verification that previous long distance calls have not been paid;
3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies; and
4. Restrict the ~~child's~~ telephone use of the "child" as reasonable discipline ~~in compliance with (B) above~~ except as provided in (D) below, and shall be subject to social worker or probation officer review.
5. Restrict Internet usage when appropriate.

(BC) No restrictions shall be applied to ~~those listed in (e)(12) above~~ telephone calls, mail, and electronic communication with relatives, including brothers and sisters, unless prohibited by court order.

~~(13)~~ (D) No restrictions shall be applied to telephone calls, mail, and electronic communication with ~~To contact~~ social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

~~(16)(D)~~

(6) To have access to letter writing material.

~~(17) To be free to attend religious services and activities of his/her choice and to have visits from the spiritual advisor of his/her choice.~~

~~(18)~~ To be accorded the independence appropriate to the ~~child's~~ age, maturity, and capability of the "child" consistent with the ~~child's~~ written plan identifying the specific Needs and Services Plan of the "child" or the Transitional Independent Living Plan (TILP) for the "child," if applicable.

(A) ~~To attend Independent Living Program classes and activities if he/she is 16 or older.~~

(B) ~~To maintain an emancipation bank account.~~

(C) ~~To manage personal income, consistent with his/her age and developmental level.~~

(D) ~~To work and develop job skills at an age appropriate level that is consistent with state law.~~

- (E) ~~To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with his/her age and developmental level, in accordance with Section 89372(e)(3).~~
- (19) ~~To not be locked in any room, building, or family home.~~
- (A) [Renumbered to (b)(1)]
- (208) Not to be restrained or placed in any restraining device other than as specified in Section 89475.2, Postural Supports and Protective Devices. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below.
- (A) through (F)2. [Renumbered to Section 89475.2.]
- (21) ~~To be free to attend court hearings and speak to the judge.~~
- (22) ~~To contact his/her placing social worker to review his/her own case plan if he/she is over 12 years of age and to receive information regarding out-of-home placement and case plan, including being told of changes to the plan.~~
- (239) To be accorded dignity in his/her their personal relationships with other persons in the home.
- (A) To be free from unreasonable searches of person.
- (B) ~~To be free from unreasonable searches of personal belongings.~~
- (24) ~~To have all his/her juvenile court records be confidential, consistent with existing law.~~
- (25) ~~At 16 years or older, to have access to existing information regarding available educational options, including, but not limited to, coursework necessary for vocational and postsecondary educational programs, and financial aid information for these programs.~~
- (10) To have private or personal information including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, school reports reflecting poor performance or behavior, and information relating to the biological family of the "child," maintained in confidence.
- (A) The caregiver shall disclose information about the "child" to the biological family, Juvenile Court, the minor's social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, authorized representative, and licensing or approval agency, unless such disclosure is prohibited by court order.

- (B) As needed to ensure appropriate care, supervision, or education of the "child," the caregiver shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school officials, and other persons, unless such disclosure is prohibited by court order.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 16001.9, subsection (a) provides in part:

"(a) It is the policy of the state that all children in foster care shall have the following rights:

- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.
- (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- (3) To receive adequate and healthy food, adequate clothing.
- (4) To receive medical, dental, vision, and mental health services.
- (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.
- (8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- (10) To attend religious services and activities of his or her choice.
- (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
- (12) To not be locked in any room, building, or facility premises, unless placed in a community treatment facility.
- (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.

(14) To work and develop job skills at an age-appropriate level, consistent with state law.

(15) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.

(16) To attend Independent Living Program classes and activities if he or she meets age requirements.

(17) To attend court hearings and speak to the judge.

(18) To have storage space for private use.

(19) To be involved in the development of his or her own case plan and plan for permanent placement.

(20) To review his or her own case plan and plan for permanent placement if he or she is 12 years of age or older and in a permanent placement, and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.

(21) To be free from unreasonable searches of personal belongings.

(22) To confidentiality of all juvenile court records consistent with existing law.

(23) 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.

(24) At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education."

Welfare and Institutions Code section 369.5 provides:

"(a) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication..."

"(d) Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

"(e) Nothing in this section is intended to supersede local court rules regarding a minor's right to participate in mental health decisions."

HANDBOOK ENDS HERE

(b) In ensuring the rights of a "child," the caregiver is not required to take any action that would impair the health and safety of a "child" or household members.

~~(e)(19)(A)~~

~~(1) The eCaregivers shall are not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of the children a "child" or household members so long as the children a "child" can exit from the home.~~

(c) At the time of placement, the caregiver shall ensure a "child" is verbally notified, in an age and developmentally appropriate manner, of the rights specified in this section and provided with a written copy of these rights and information regarding agencies a "child" may contact concerning violations of these rights and other complaints.

Authority cited: Sections 1530, 1530.5, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: California Constitution, Article 1, Section 13; Sections 1501, 1501.1, 1520, 1530.91, and 1531, Health and Safety Code; Sections 361.2(j) - (j)(2), 369.5, 727(a)(3), 827, and 16001.9, Welfare and Institutions Code; and Section 51 (Unruh Civil Rights Act), Civil Code; Section 12921; (California Fair Employment and Housing Act), Government Code.

Amend Section 89373 to read:

89373 TELEPHONES

89373

~~All foster family homes shall have t~~Telephone service shall be readily accessible in the home at all times, unless alternative telephone access is approved and documented by the licensing or approval agency using a Documented Alternative Plan (LIC 974) as defined in Section 89201, subsection (d)(5).

Authority cited: Sections 1530, and 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1520, ~~1524.7~~, and 1531, Health and Safety Code; Section 361.2(j)(1)(A), Welfare and Insitutions Code.

Amend Section 89374 to read:

89374 TRANSPORTATION

89374

- (a) The caregiver shall ensure that all transportation provided for children in their care is provided in persons who transport a "child" use vehicles that are in safe operating condition and that the drivers comply with all applicable laws.
- (b) The caregiver shall not allow a "child" to be transported by a person the caregiver knows or reasonably should know does not have a valid California or other state driver's license.
- (c) Unless other arrangements are specified in the written plan identifying the specific needs and services of the "child" or included in the written placement agreement between the caregiver and the placing agency, the caregiver shall ensure transportation is provided for the following situations:
 - (1) Medical appointments,
 - (2) School, and
 - (3) Extracurricular, enrichment and social activities, provided the transportation to these activities is reasonable.

HANDBOOK BEGINS HERE

When determining if the transportation to an activity for a "child" is reasonable, the caregiver may consider the location, frequency, cost for transportation, and time necessary to provide transportation

HANDBOOK ENDS HERE

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 and 1531, Health and Safety Code; Section 362.05, Welfare and Institutions Code.

Amend Section 89376 to read:

89376 FOOD SERVICE

89376

- (a) The caregiver shall provide or ensure at least three nutritious meals per day, have between-meal snacks available, and provide food as necessary, to meet any special dietary needs documented in the child's Needs and Services Plan written plan identifying the specific needs and services of the "child," unless the physician of a "child" advises otherwise.
- (1) The quantity and quality of food available to household members shall be equally available to a "child."
- (b) ~~Whenever children in placement eat at the home, they will have their meals with family members in a family setting~~ A child shall be invited to participate in all household meals.
- (c) ~~Infants under seven months~~ An infant who is unable to hold a bottle shall be held during bottle-feeding. At no time shall a bottle be propped for an infant. A bottle given to an infant able to hold his/her own bottle shall be unbreakable.
- (d) The caregiver may encourage a "child," as age and developmentally appropriate, to learn meal preparation, but shall not require a "child" to prepare meals.
- (1) A "child" may use kitchen knives and appliances to learn meal preparation.

Authority cited: Sections 1530, and 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, ~~1501.1, 1520, and~~ 1530, and 1531, Health and Safety Code; Sections 361.2(j) - (j)(2) and 362.05.

Adopt Section 89377 to read:

89377 REASONABLE AND PRUDENT PARENT STANDARD

89377

- (a) The caregiver shall be responsible for applying the Reasonable and Prudent Parent Standard as defined in Welfare and Institutions Code section 362.04 and specified in sections 362.05 and 727.

HANDBOOK BEGINS HERE

The Reasonable and Prudent Parent Standard is intended to assist caregivers in normalizing the life of a "child."

Welfare and Institutions Code section 362.04 provides in part:

"(a) For purposes of this section:

(1) "Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member.

(2) "Reasonable and prudent parent" or "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest...."

Welfare and Institutions Code section 362.05 provides in part:

"(a) Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent or create barriers to participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level."

Welfare and Institutions Code section 727 provides in part:

"(4)(A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation

or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to wards have policies consistent with this section and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the child's age, maturity, and developmental level."

HANDBOOK ENDS HERE

- (b) Application of the reasonable and prudent parent standard shall not result in the denial of the rights of a "child" as specified in Welfare and Institutions Code section 16001.9, or contradict court orders or the written plan identifying the specific needs and services of the "child."
- (c) In applying the reasonable and prudent parent standard, the caregiver shall consider:
 - (1) The age, maturity, and developmental level of a "child,"
 - (2) The nature and inherent risks of harm, and
 - (3) The best interest of a "child" based on information known by the caregiver.

HANDBOOK BEGINS HERE

The caregiver should consider information provided or known about a "child" when determining the best interest of the "child." This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, developmental level of, and court orders for, the "child." The social worker, physician, counselor, and educator of a "child" are valuable resources for obtaining this information.

HANDBOOK ENDS HERE

- (d) If the foster family home has dual licensure as a family child care home the caregiver shall not use the reasonable and prudent parent standard as specified in subsections (a) through (c) to make decisions for children in the family day care.

HANDBOOK BEGINS HERE

A Reasonable and Prudent Parent Standard decision is referenced in the following sections:

- (1) Applicant Qualifications, Section 89318, subsection (a)(4).

- (2) Responsibility for Providing Care and Supervision, Section 89378, subsections (a)(1)(A), (a)(1)(A)3.a., (a)(1)(B), (a)(1)(D), (a)(1)(F), and (b).
- (3) Activities, Section 89379, subsection (b).
- (4) Buildings and Grounds, Section 89387, subsection (d)(1).
- (5) Storage Space, Section 89387.2, subsections (b)(1) through (3).
- (6) Admission Procedures, Section 89468, subsection (b) handbook.

HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 1531, Health and Safety Code; Sections 362.04, 362.05, and 727, Welfare and Institutions Code.

Amend Section 89378 to read:

89378 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION 89378

- (a) ~~The caregiver shall provide care and supervision as necessary to meet each child's needs, and shall be available at all times unless documented in the child's Needs and Services Plan, placement agreement, or Transitional Independent Living Plan (TILP) or agreed to in advance by the licensing agency~~ the needs of a "child." At a minimum, the caregiver shall provide those services as specified in the written plan identifying the specific needs and services of the "child," placement agreement, and Transitional Independent Living Plan (TILP) if applicable.
- (b) ~~The caregiver shall provide those services as identified in each child's Needs and Services Plan and Transitional Independent Living Plan (TILP) if applicable.~~
 - (1) The caregiver may arrange for other care and supervision as follows:
 - (A) Occasional Short-term Babysitter.
 - 1. If the caregiver anticipates being absent from the home for no more than 24 hours at a time, on an occasional basis, the caregiver is permitted to arrange for an occasional short-term babysitter to provide care and supervision to a "child."
 - 2. The caregiver shall apply the reasonable and prudent parent standard specified in Welfare and Institutions Code section 362.04 and Section 89377, Reasonable and Prudent Parent Standard, in determining and selecting appropriate babysitters for occasional short-term use.
 - 3. An occasional short-term babysitter may be under 18 years of age, but shall have the maturity, experience, and ability necessary to provide adequate care and supervision to a "child."
 - a. A "child" may act as an occasional short-term babysitter, however the caregiver shall apply the reasonable and prudent parent standard as specified in Section 89377, Reasonable and Prudent Parent Standard, to determine whether that is appropriate. Under no circumstances shall a "child" be required to babysit.
 - 4. When a "child" is in the care of an occasional short-term babysitter the caregiver shall ensure that the babysitter knows how to contact the caregiver in case of an emergency.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 362.04 provides:

...

"(a)... (1) "Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member.

(2) "Reasonable and prudent parent" or "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest.

(3) "Short-term" means no more than 24 consecutive hours.

(b) Every caregiver may arrange for occasional short-term babysitting of their foster child and allow individuals to supervise the foster child for the purposes set forth in Section 362.05, or on occasions, including, but not limited to, when the foster parent has a medical or other health care appointment, grocery or other shopping, personal grooming appointments, special occasions for the foster parents, foster parent training classes, school-related meetings (such as parent-teacher conferences), business meetings, adult social gatherings, or an occasional evening out by the foster parent.

(c) Caregivers shall use a reasonable and prudent parent standard in determining and selecting appropriate babysitters for occasional short-term use.

(d) The caregiver shall endeavor to provide the babysitter with the following information before leaving the child for purposes of short-term care:

(1) Information about the child's emotional, behavioral, medical or physical conditions, if any, necessary to provide care for the child during the time the foster child is being supervised by the babysitter.

(2) Any medication that should be administered to the foster child during the time the foster child is being supervised by the babysitter.

(3) Emergency contact information that is valid during the time the foster child is being supervised by the babysitter.

(e) Babysitters selected by the caregiver to provide occasional short-term care to a foster child under the provisions of this section shall be

exempt from any department regulation requiring health screening or cardiopulmonary resuscitation certification or training."

...

HANDBOOK ENDS HERE

(B) Alternative Caregiver.

1. If the caregiver anticipates being absent from the home for longer than 24 hours, on an occasional basis, the caregiver is permitted to arrange for an alternative caregiver to provide care and supervision to a "child" unless prohibited by the social worker, probation officer, court order, or the licensing or approval agency.
2. The caregiver shall apply the reasonable and prudent parent standard specified in Welfare and Institutions Code section 362.04 and Section 89377, Reasonable and Prudent Parent Standard, in determining and selecting appropriate alternative caregivers.
 - a. At a minimum, the alternative caregiver shall meet the following requirements:
 - i. Is 18 years of age or older,
 - ii. Have a criminal record clearance and a child abuse central index clearance as specified in Welfare and Institutions Code section 1522 and Section 89319, Criminal Record Clearance Requirement.
 - iii. Have the willingness and ability to and shall comply with applicable statutes and regulations.
 - iv. Have the willingness and ability to provide care and supervision to a "child", taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications abilities and limitations, developmental level of, and court orders for a "child."
3. The care and supervision during the caregiver's absence shall occur in the caregiver's home.
4. The caregiver shall provide the alternative caregiver with the following information before leaving the home:
 - a. Information about the emotional, behavioral, medical or physical conditions of a "child," if any.

- b. Any medication that should be administered to a "child" during the time the "child" is being supervised by the alternative caregiver, consistent with physician's instructions, when available.
- c. The name and telephone number of the social worker for a "child" and the caregiver's emergency contact information.
- d. The caregiver shall provide verbal or written notification to the social worker or probation officer for a "child" prior to the caregiver's absence from the home. Notification shall include the dates the caregiver plans to be absent from the home, name of the alternative caregiver, and an emergency number where the caregiver may be reached in their absence.
- e. The caregiver shall receive prior approval from the social worker or probation officer for a "child" for any absence that exceeds 72 hours.

HANDBOOK BEGINS HERE

Providing care and supervision through the use of an alternative caregiver is intended to prevent the removal of a "child" from the home and allow them to remain in the home, thus creating stability and normalization during those infrequent instances where the caregiver will be absent from the home longer than 24 hours.

HANDBOOK ENDS HERE

(C) Respite Care.

- 1. The caregiver may use respite care as defined in Welfare and Institutions Code section 16501, subsection (b) and Division 31 Manual of Policies and Procedures Section 31-002, subsection (r).
 - a. Respite care shall not exceed 72 hours per session as specified in Welfare and Institutions Code section 16501, subsection (b) and Division 31 Manual of Policies and Procedures Section 31-002, subsection (r).
- 2. Respite care shall be provided by a licensed, approved or certified caregiver.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 16501, subsection (b) provides:

"(b) As used in this chapter, "respite care" means temporary care for periods not to exceed 72 hours. This care may be provided to the child's parents or guardians. This care shall not be limited by regulation to care over 24 hours. These services shall not be provided for the purpose of routine, ongoing child care."

Division 31, Manual of Policies and Procedures Manual Section 31-002, subsection (r)(6) provides:

"(r)(6) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care."

HANDBOOK ENDS HERE

(D) Leaving a "child" alone without adult supervision.

1. If the caregiver anticipates being absent from the home for no more than 24 hours at a time, on an occasional basis, the caregiver is permitted to leave a "child" alone without adult supervision.
2. The caregiver shall apply the reasonable and prudent parent standard as set forth in Section 89377, Reasonable and Prudent Parent Standard, to determine the appropriateness of leaving a "child" alone without adult supervision.
 - a. Before leaving a "child" alone, the caregiver shall ensure the following:
 - i. The "child" knows where the emergency numbers are posted.
 - ii. The "child" knows emergency procedures.
 - iii. The "child" knows where and how to contact the caregiver.

(E) Licensed child care facility as defined in Health and Safety Code section 1596.750.

HANDBOOK BEGINS HERE

Health and Safety Code section 1596.750 provides:

"Child day care facility" means a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes."

HANDBOOK ENDS HERE

- (F) The participation of a "child" in extracurricular, enrichment, and social activities, provided the caregiver has applied the reasonable and prudent parent standard as set forth in Welfare and Institutions Code section 362.05 and Section 89377, Reasonable and Prudent Parent Standard.
- (b) If the caregiver chooses to leave a "child" in a parked vehicle, consistent with the requirements of Vehicle Code section 15620, the caregiver shall apply the reasonable and prudent parent standard as specified in Section 89377, Reasonable and Prudent Parent Standard, to determine the appropriateness of leaving any "child" in a parked vehicle.
- (1) If the foster family home has dual licensure as a family child care home, the caregiver shall not leave a day care child alone in a vehicle as specified in Title 22, California Code of Regulations Division 12, Section 102417, subsection (k)(1).

HANDBOOK BEGINS HERE

Vehicle Code section 15620 provides in part:

"(a) A parent, legal guardian, or other person responsible for a child who is 6 years of age or younger may not leave that child inside a motor vehicle without being subject to the supervision of a person who is 12 years of age or older, under either of the following circumstances:

- (1) Where there are conditions that present a significant risk to the child's health or safety.
- (2) When the vehicle's engine is running or the vehicle's keys are in the ignition, or both..."

HANDBOOK ENDS HERE

- (c) The caregiver is responsible for ensuring care and supervision of the child(ren) of any minor parent in placement placed in the home.

~~(d)~~(1)

- (1) Direct care and supervision of the child(ren) of a minor parent is to be provided during the hours that the minor parent is unavailable or unable to provide such care and supervision.
- (2) If the home is a Whole Family Foster Home as defined in Welfare and Institutions Code section 11400, subsection (t), the caregiver shall work with the minor parent and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as set forth in Welfare and Institutions Code sections 11465, subsection (b)(2) and 16501.25, subsection (b).

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 11400, subsection (t) provides:

"...(t) 'Whole family foster home' means a new or existing family home, approved relative caregiver or nonrelative extended family member's home, the home of a nonrelated legal guardian whose guardianship was established pursuant to Section 366.26 or 360, certified family home that provides foster care for a minor parent and his or her child, and is specifically recruited and trained to assist the minor parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home."

Welfare and Institutions Code section 11465, subsection (d)(3) provides:

"... (d)(3) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan..."

Welfare and Institutions Code section 16501.25 provides:

"... (b)(2) The plan shall be designed to preserve and strengthen the teen parent family unit, as described in Section 16002.5, to assist the teen parent in meeting the goals outlined in Section 16002.5, to facilitate a supportive home environment for the teen parent and the child, and to ultimately enable the teen parent to independently provide a safe, stable, and permanent home for the child. The plan shall in no way limit the teen parent's legal right to make decisions regarding the care, custody, and control of the child.

(3) The plan shall be written for the express purpose of aiding the teen parent and the caregiver to reach agreements aimed at reducing conflict and misunderstandings. The plan shall outline, with as much specificity as is practicable, the duties, rights, and responsibilities of both the teen parent and the caregiver with regard to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the

changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

(A) Feeding.

(B) Clothing.

(C) Hygiene.

(D) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.

(E) Health care.

(F) Transportation to health care appointments, child care, and school, as appropriate.

(G) Provision of child care and babysitting.

(H) Discipline.

(I) Sleeping arrangements.

(J) Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court.

(c) Upon completion of the shared responsibility plan and any subsequent updates to the plan, a copy shall be provided to the teen parent and his or her attorney, the caregiver, the county child welfare agency or probation department and, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver."

HANDBOOK ENDS HERE

- (d) Unless restricted by the case plan adopted by the court or other court order, the caregiver shall permit and facilitate connections between the ~~foster~~ "child" and the ~~foster~~ child's family and non-relative extended family members. Nothing in this section shall be interpreted to require a ~~foster care provider~~ caregiver to take any action that would impair the health and safety of ~~children in out of home placement.~~ a "child."

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, 1507.25, ~~1520~~, 1522, 1530.6, 1531, ~~and~~ 1559.110, and 1596.750, Health and Safety Code; ~~Section 677, Title 42 United States Code~~ USC Section 677 of the Social Security Act; Sections 362.04, 362.05, 366.1, 366.21, 11400(t), 11465, and 16001.9, 16002.5, 16501(b), and 16501.25, Welfare and Institutions Code; Section 15620, Vehicle Code.

Amend Section 89379 to read:

89379 ACTIVITIES

89379

- (a) The caregiver shall provide opportunity for, and participation in, group sports, leisure time, family, special school, and daily living skill activities. A "child" shall be entitled to participate in age and developmentally appropriate extracurricular, enrichment, and social activities.

HANDBOOK BEGINS HERE

Extracurricular, enrichment, and social activities may include, but are not limited to, the following:

- (1) Sports.
- (2) School activities such as band, dances, and field trips.
- (3) Leisure time such as bike riding, socializing with friends, shopping and going to the movies.
- (4) 4-H activities.
- (5) Scouting.
- (6) Sleepover with friends.
- (7) Babysitting.
- (8) Having visitors in the home.
- (9) Use of computer equipment.
 - (A) Computer equipment made available to other children in the household should also be available to a "child" of similar age and maturity.
 - (B) The caregiver is not required to incur a cost to provide computer availability.
- (10) Use of a cell phone.
 - (A) Unless prohibited by court order or the person or agency responsible for placing the "child," a "child" may possess a cell phone.
 - (B) The caregiver may place reasonable limitations on cell phone use as specified in Section 89377, Reasonable and Prudent Parent Standard.

- (C) The caregiver is not required to purchase a cell phone for a "child" or to pay for cell phone service.

(11) Access to information regarding obtaining a California Driver's License.

HANDBOOK ENDS HERE

- ~~(b) The caregiver shall ensure direct care and supervision is provided to meet the child's needs during participation in those activities that are sponsored by third parties, except that school-sponsored activities shall be presumed to provide adequate care and supervision.~~

HANDBOOK BEGINS HERE

~~When a caregiver is determining whether a sponsor, other than a school, is providing adequate care and supervision, the caregiver should consider who the sponsor is and what supervision and safeguards are in place.~~

HANDBOOK ENDS HERE

- (b) The caregiver shall promote participation by a "child" in extracurricular, enrichment, and social activities and apply the reasonable and prudent parent standard as specified in Welfare and Institutions Code sections 362.05 and 727 and Section 89377, Reasonable and Prudent Parent Standard.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 362.05 provides in part:

"(a) Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent or create barriers to participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level."

Welfare and Institutions Code section 727 provides in part:

"(4) (A) Every child adjudged a ward of the juvenile court who is residing in a placement as defined in paragraphs (1) to (3), inclusive, shall be entitled to participate in age-

appropriate extracurricular, enrichment, and social activities. No state or local regulation or policy may prevent, or create barriers to, participation in those activities. Each state and local entity shall ensure that private agencies that provide foster care services to wards have policies consistent with this section and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver, as defined in paragraph (1) of subdivision (a) of Section 362.04, shall use a reasonable and prudent parent standard, as defined in paragraph (2) of subdivision (a) of Section 362.04, in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the child's age, maturity, and developmental level."

HANDBOOK ENDS HERE

- (c) For ~~children~~ a "child" ~~age 16 years of age~~ or older, the caregiver shall allow access to existing information regarding available vocational and postsecondary educational options as specified in Welfare and Institutions Code Section 89372(e)(25) 16001.9, subsection (a)(24) and emancipation programs. The information may include, but is not limited to, any of the following:
- (1) Admission criteria for universities, community colleges, trade or vocational schools and financial aid information for these schools.
 - (2) Informational brochures on postsecondary or vocational schools/programs.
 - (3) Campus tours.
 - (4) Internet research on postsecondary or vocational schools/programs, sources of financial aid, independent living skills program offerings, and other local resources to assist youth.
 - (5) School sponsored events promoting postsecondary or vocational schools/ or programs.
 - (6) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to a current or former ~~foster youth~~ "child" and contact information for the Student Aid Commission.
 - (7) Requirements for participation in Transitional Housing Program (THP)-Plus.

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, 1501.1, 1530.6, ~~and~~ 1531, and 1559.110(c), (d), and (e), Health and Safety Code; Sections 362.04, 362.05, 727, 11403.2(a)(2), 16001.9, and 16522(b) and (d), Welfare and Institutions Code.

Amend Section 89387 to read:

89387 BUILDINGS AND GROUNDS

89387

- (a) The caregiver shall provide bedrooms in the home which shall meet, at a minimum, the following requirements unless a ~~d~~Documented ~~a~~Alternative ~~p~~Plan (LIC 973) is approved.
- (1) No more than two children shall share a bedroom.
 - (2) Children of the opposite sex shall not share a bedroom unless each child is under five years of age.
 - (A) A minor parent may share a bedroom with the minor parent's child of the opposite sex.
 - (B) Nothing in this section shall preclude a caregiver from requesting a Documented Alternative Plan (LIC 973) permitting a "child" to be in a bedroom based on their gender identity.
 - (~~8~~3) Except for infants, children shall not share a bedroom with an adult.
 - (A) In bedrooms shared by an adults and infants, no more than two infants and ~~no more than~~ two adults shall share the room.
 - (B) A "child" who turns 18 and meets the requirements specified in Section 89201, subsection (c) is not considered an adult for purposes of this section.
 - (~~3~~4) No room commonly used for other purposes shall be used as a bedroom.
 - (A) Such rooms shall include but not be limited to halls, stairways, unfinished attics or basements, garages, storage areas and sheds or similar detached buildings.
 - (~~4~~5) No bedroom shall be used as a public or general passageway to another room.
 - (~~6~~6) Each bedroom ~~or sleeping room~~ shall have at least one operable window or door that ensures safe, direct, emergency exit to the outside. If security window bars are used, the window is considered operable only if the window bars have a safety release device that meets all state and local requirements. If the caregiver's home is in a high rise building, the caregiver is subject to the rules and regulations set forth by the State Fire Marshal.
 - (~~5~~7) The caregiver shall provide each "child" with an individual bed which is equipped with a clean, comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.

- (A) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by ~~children~~ a "child" at all times.
 - (B) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
- (j8) Bunk beds of more than two tiers shall not be used.
- (1A) Bunk beds shall have railings on both sides of the upper tier to prevent falling.
 - (2B) ~~Children~~ A "child" under ~~five~~ six years of age or ~~those who are~~ is unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.
- (79) The caregiver shall provide each infant with a safe and sturdy bassinet or crib, appropriate to the ~~child's~~ age and size: of the "child." The following shall apply to cribs:
- (A) Tiered or stacked cribs shall not be permitted.
 - (B) Crib slats shall not pose the danger of an infant being trapped.
 - (C) Crib mattresses shall be clean, comfortable and fit properly in the crib.
 - (D) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by infants at all times.
 - (E) An infant who can climb out of a crib shall be provided an age-appropriate bed.
- (610) Each bedroom shall have portable or permanent closets and drawer space to accommodate the child's clothing and personal belongings.
- (911) ~~Sections 89387 Subsections~~ (a)(1) through (a)(810) apply to all bedrooms used by all children residing in the home, including children who are members of the caregiver's family, guardianship children, children of a minor parent, and "children in placement care."
- (102) ~~Sections 89387 Subsections~~ (a)(34) and (a)(45) apply to all bedrooms used by the caregiver and all other adults residing in the home.
- (b) The home shall be clean, safe, sanitary, and in good repair at all times ~~for the safety and well-being of the children.~~
 - (c) All outdoor and indoor passageways, ~~and~~ stairways, inclines, ramps, and open porches ~~and other areas of potential hazard~~ shall be kept free of obstruction.

(d) ~~All homes that~~ A caregiver who accepts children a "child" under 10 years of age or a "child" that has a condition including one that makes the child who is developmentally, mentally, or physically disabled, or mentally handicapped, and for whom special care and supervision is required as result of his/her condition, shall ensure ~~the inaccessibility of that swimming pools, including above ground swimming pools (in ground and above ground), fixed-in-place wading pools, hot tubs, spas, fish ponds, and similar bodies of water are inaccessible.~~

(1) The caregiver shall use the reasonable and prudent parent standard as defined in Welfare and Institutions Code section 362.04, subsection (a)(2) and as specified in Section 89377, Reasonable and Prudent Parent Standard, when deciding whether a "child" should have access to fish ponds, fountains, creeks, and similar bodies of water.

HANDBOOK BEGINS HERE

Caregivers should provide supervision when a "child" is near a swimming pool and other bodies of water and are encouraged to provide age and developmentally appropriate instruction to a "child" on water safety skills, including teaching them how to swim. When applying the reasonable and prudent parent standard to allowing a "child" to have access to fish ponds, fountains, creeks, and similar bodies of water, the caregiver is encouraged to consider the distance of the body of water from the home, depth, and water flow, and the level of supervision the "child" requires.

HANDBOOK ENDS HERE

(42) Inaccessibility shall be assured by using at least one of the following safety features in subsections (A) or (B) below:

(A) The pool shall be isolated from access to a the home by an enclosure, as defined in Health and Safety Code Ssection 115921, subsection (c) and that meets the requirements of as specified in Ssection 115923 of the Health and Safety Code and does not obscure the pool from view.

1. If removable mesh pool fencing is used as the enclosure as provided in Health and Safety Code section 115922, subsection (a)(2), the caregiver shall ensure that it is installed and maintained according to the manufacturer's specifications.

HANDBOOK BEGINS HERE

~~Section 115921 of the Health and Safety Code states in pertinent part~~ section 115921, subsection (c) provides:

"(c) "'Enclosure'" means a fence, wall, or other barrier that isolates a swimming pool from access to the home."

Health and Safety Code section 115922, subsection (a)(2) provides:

"(a)(2) The pool shall incorporate removable mesh pool fencing that meets American Society for Testing Materials (ASTM) Specifications F 2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device."

~~Section 115923 of the Health and Safety Code~~ states section 115923 provides:

"An enclosure shall have all of the following characteristics:

- (a) Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
- (b) A minimum height of 60 inches.
- (c) A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
- (d) Gaps or voids, if any, do not allow passage of a sphere equal or greater than four inches in diameter.
- (e) An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over."

HANDBOOK ENDS HERE

- (B) The pool shall be equipped with an approved safety pool cover as defined in Health and Safety Code ~~§~~section 115921, subsection (d) of the Health and Safety Code. A pool safety net that meets the American Society for Testing and Materials standards is considered an approved safety pool cover. Pool covers shall be supported by flotation devices.

- 1. If a foster family home has dual licensure as a family child care home, a pool safety net shall not be permitted.

HANDBOOK BEGINS HERE

Health and Safety Code ~~§~~section 115921, subsection (d) of the Health and Safety Code states in pertinent part provides:

"(d) "'Approved safety pool cover'" means a manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91."

HANDBOOK ENDS HERE

- (C) When the ~~Department~~ licensing or approval agency determines that it is not ~~feasible~~ possible for the caregiver to comply with subsections (A) or (B) above, the residence shall be equipped with exit alarms, as defined in Health and Safety Code Section 115921, subsection (e) ~~of the Health and Safety Code~~, on those doors or windows providing direct access to the pool.
1. ~~Where it is feasible to comply in part with (A), the Department may authorize use of a combination of (A) and (C).~~
 21. All windows ~~providing in rooms that provide~~ providing in rooms that provide direct access from the home to the swimming pool or body of water shall be secured so that they cannot open more than 4 inches, ~~however, if they are sleeping rooms, they must use an exit alarm.~~

HANDBOOK BEGINS HERE

Health and Safety Code Section 115921, subsection (e) ~~provides of the Health and Safety Code states in pertinent part:~~

"Exit alarms" means devices that make audible, continuous alarm sounds when any door or window, that permits access from the residence to the pool area that is without any intervening enclosure, is opened or is left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building."

HANDBOOK ENDS HERE

- (D) ~~The caregiver may use~~ Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in subdivisions subsections (A) to (C), ~~inclusive, as determined by the building official of the jurisdiction issuing the applicable building permit, or other official documentation. Any ordinance governing child access to pools adopted by a political subdivision on or before January 1, 1997, is presumed to afford protection that is equal to or greater than that afforded by any of the devices set forth in subdivisions (A) to (C), inclusive.~~ The other means of protection must be approved in writing by the licensing or approval agency.
1. ~~The caregiver must submit to the department documentation of approval by the building official of his/her jurisdiction before accepting children described in subsection (D) above.~~
 21. If licensed or approved prior to June 1, 1995, facilities with existing pool fencing shall be exempt from the fence requirements specified in ~~Section 89387 subsection~~ subsection (d)(1)(A) until such fence is replaced or structurally altered. When the caregiver replaces or alters the fence, it shall be required to meet the fence requirements specified in ~~Section 89387 subsection~~ subsection (d)(1)(A).

- (e) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible and if the pool is less than 60 inches in height, by the use of a barricade. Any barricade, whether or not it includes the above-ground pool structure itself, shall meet the requirements of ~~Section 89387~~ subsection (d)(1)(A).
- (f) All ~~in-ground pools, and above-ground pools which~~ that cannot be emptied after each use, shall have an operative pump and filtering system.
- (g) An adult who has the ability to swim shall provide supervision at all times when ~~children~~ are "a child" is using a pool or a body of water from which rescue requires the rescuer's ability to swim.

89387.1(a)

- (h) ~~If the caregiver shall provides a yard or outdoor activity space, that is it shall be free from hazards to life and health. that endanger the health and safety of a "child."~~
- (~~h~~i) The caregiver who accepts a "child" with a disability shall make necessary specific provisions including, but not limited to, changes to the buildings and grounds as required to protect and assist the "child" and to maximize the child's potential of the "child" for self-help.
- (~~i~~j) The caregiver shall maintain at least one toilet, sink, and tub or shower ~~maintained~~ in safe, clean operating condition.
 - (1) If age and developmentally appropriate, individual privacy shall be provided to a "child" in all toilet, bath, and shower areas.
 - (2) Bathrooms shall be located inside the home.
- (j) [Renumbered to subsection (a)(8).]
- (k) The caregiver shall maintain a safe and comfortable temperature for ~~children~~ a "child" in the home at all times.
- (l) The caregiver shall ensure the safety of ~~children~~ a "child" in a home that has fireplaces, open-faced heaters, or woodstoves.
- (m) The caregiver shall provide ~~lamps or lighting~~ as necessary in all rooms and other areas to ensure ~~the~~ the comfort and safety ~~of all persons~~ in the home.
- (n) Faucets used by ~~clients~~ a "child" for personal care and grooming shall deliver hot water at a safe temperature.
- (o) Waste shall be stored, located and disposed of in a manner that will not permit the transmission of communicable disease or of odors, create a nuisance, provide a breeding place or food source for insects or rodents.

- (p) ~~All foster family homes, e~~Except a homes with ~~sprinkling a~~ sprinkler systems, a home shall have an approved, commercially manufactured and functioning smoke detector installed in the hallway(s) in each sleeping area in the home. The smoke detectors shall be audible in each bedroom or sleeping room.
- (q) [Renumbered to subsection (a)(6).]

HANDBOOK BEGINS HERE

~~The Department shall notify the caregiver of the requirements of Section 1531.4 of the Health and Safety Code, which states:~~

~~On and after January 1, 1999, no security window bars may be installed or maintained on any community care facility unless the security window bars meet current state and local requirements, as applicable, for security window bars and safely release devices.~~

HANDBOOK ENDS HERE

Authority cited: Sections 1530, 1530.5, ~~1531~~, and 115926, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1531, 1531.4, 115921, 115922(a), and 115923, Health and Safety Code; Sections 361.2(j) - (j)(1)(B) and (j)(2), 362.04, 11403, 16001.9, and 17710, Welfare and Institutions Code; Commercial Practices, 16 C.F.R. Section 1513.6.

Repeal Section 89387.1

89387.1 OUTDOOR ACTIVITY SPACE

89387.1

(a) [Renumbered to Section 89387(h).]

Authority cited: Sections 1530, 1530.5, and 1531, 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.

Amend Section 89387.2 to read:

89387.2 STORAGE SPACE

89387.2

- (a) Except as specified in subsections (b)(1) through (3), Medicines, disinfectants, cleaning solutions, poisons, firearms, and other dangerous items shall be stored where inaccessible to children. "a child."
- (1) Storage areas for poisons, ~~and~~ firearms, and other dangerous weapons shall be locked.
 - (2) In lieu of locked storage of firearms, the caregiver may use trigger locks or remove the firing pin.
 - (A) Firing pins shall be stored and locked separately from firearms.
 - (3) Ammunition shall be stored and locked separately from firearms.
- (b) The caregiver shall apply the reasonable and prudent parent standard, as specified in Section 89377, Reasonable and Prudent Parent Standard, in determining if it is age and developmentally appropriate for a "child" to have access to and use items specified in subsections (b)(1) through (3).
- (1) Household kitchen knives and appliances do not need to be locked or inaccessible to a "child" who is of sufficient age and maturity to use such items.
- ~~(b) Medicines, disinfectants, and cleaning solutions may be accessible to children consistent with the child's Needs and Services Plan or THLP if applicable.~~
- (2) Medications shall be stored where inaccessible to a "child," except as specified in Section 89475.1, Emergency Medical Assistance, Injections, and Self- Administration of Medications.
 - (3) Disinfectants and cleaning solutions shall be stored where inaccessible to a "child," except as follows:
 - (A) Before allowing a "child" to have access to or use disinfectants and cleaning solutions, the caregiver shall ensure that the "child" knows how to safely handle and use these products.
- (c) In allowing a "child" to have access to and use items specified in subsections (b)(1) through (3), the caregiver shall ensure that the safety of the "child" and others in the home is maintained.

Authority cited: Sections ~~1524~~, 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501 and 1531, Health and Safety Code; Sections 361.2(j) - (j)(2), 16001.9, Welfare and Institutions Code; and 42 USC Section 677 of the Social Security Act.

Amend Section 89388 to read:

89388 COOPERATION AND COMPLIANCE

89388

- (a) The caregiver shall maintain and ~~coöperate~~ comply with all caregiver standards.
- (b) No caregiver shall make or disseminate any false or misleading statement associated with the application for licensure/ or approval, including but not limited to information regarding the applicant, family members, family home, persons who provide, or may provide, care or supervision to a "child," or any of the services provided by the ~~home~~ caregiver.

Authority cited: Sections 1530, and 1530.5, ~~and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1520 and 1531, Health and Safety Code; Section 361.2(j)(1)(A), Welfare and Institutions Code.

Amend Section 89400 to read:

Article 4. PLACEMENT

89400 LICENSURE IS NOT AN ENTITLEMENT TO PLACEMENT 89400

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

HANDBOOK BEGINS HERE

- (1) Welfare and Institutions Code ~~Section 16507.5, subsection (b)~~ provides ~~in part~~:

"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."

HANDBOOK ENDS HERE

Authority cited: Sections 1530, and 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, ~~and 1501.1, and 1531~~, Health and Safety Code; and Section 16507.5, Welfare and Institutions Code.

Amend Section 89405 to read:

89405 TRAINING REQUIREMENTS

89405

(b~~a~~) The caregiver is required to complete training as specified in Health and Safety Code ~~Section 1529.2, subsection (b). In addition, the caregiver shall complete First Aid and CPR training as required in Section 89405(a).~~

(1) ~~The following~~ Courses, seminars, conferences, or training topics ~~that will be~~ accepted by the licensing agency to ~~fulfill~~ 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 ~~or dealing~~ assisting a "child" with learning disabilities,
- (C) Infant care and stimulation,
- (D) Parenting skills,
- (E) Complexities, demands, and special needs of children in ~~placement~~ the home,
- (F) Building self-esteem, ~~for the caregiver or the children~~ of a "child,"
- (G) Recordkeeping,
- (H) Caregiver rights, responsibilities, and grievance process, and
- (I) Licensing and placement regulations,
- (J) ~~Rights and responsibilities of foster family home providers~~

(a~~b~~) ~~Any time a child is in the home, at least one of the persons providing regular and routine care and supervision to the child shall have received~~ 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, ~~and shall be current and appropriate to the child's age and needs~~ 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.

89475(b)(1)

- (2) The caregiver shall maintain copies of unexpired first aid and CPR certificates ~~documenting the training required.~~ These certificates shall be appropriate to the age and needs of a "child."

HANDBOOK BEGINS HERE

- (2) Health and Safety Code ~~§~~sections 1529.2, subsections (b) and (c) provides 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.

"(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 over 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.

"(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."

HANDBOOK ENDS HERE

Authority cited: ~~Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001);~~ 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; Sections ~~903.7 and~~ 16001.9, Welfare and Institutions Code.

Amend Section 89410 to read:

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 ~~limitation~~ 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 ~~household~~ 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.
- (~~e~~) The caregiver shall not ~~place~~ allow a "child" who is nonambulatory children to be placed in or remain in any room approved to accommodate only children who are ambulatory children.
 - (~~1~~) ~~Children whose condition becomes nonambulatory shall not remain in rooms restricted to ambulatory children.~~
 - (~~2~~) The licensing agency ~~shall have the authority to~~ may require ~~children~~ a "child" who ~~are~~ is accommodated in an ambulatory rooms to demonstrate that they are ambulatory.

~~89228(d)~~

- (~~e~~) The licensing agency ~~shall be authorized to restrict~~ may limit care to specific children.
 - (1) If care is limited to specific children, the licensing agency shall specify the names of the children in a letter to the caregiver.
 - (2) Except where the limitation is requested by the caregiver, the caregiver shall be notified in writing of the reasons for such limitation and of the caregiver's right to appeal the decision as specified in Section 89240, subsections (c) and (d).

Authority cited: Sections 1530, and 1530.5, ~~and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, ~~1507, 1507.2~~, 1507.5, ~~1525.25, 1530.6~~, and 1531, Health and Safety Code.

Amend Section 89420 to read:

89420 FIRE CLEARANCE

89420

- (a) ~~Prior to~~ Before accepting a ~~disabled~~ "child" who is ~~non-ambulatory~~, or deciding to continue to provide services to a "child" determined after placement to ~~have a disability be non-ambulatory~~, the caregiver shall notify the licensing agency so that a fire clearance, approved by the local fire authority having jurisdiction, can be obtained.

~~HANDBOOK BEGINS HERE~~

- ~~(1) Health and Safety Code Section 13143 provides in pertinent part:~~

~~A fire clearance shall not be required if the foster family home is providing care for:~~

- ~~(A) six or fewer ambulatory children, and/or
(B) children two years of age or younger.~~

~~HANDBOOK ENDS HERE~~

- (b) ~~The licensing agency shall approve postural supports only after the appropriate fire clearance has been secured.~~

A caregiver that is licensed for a capacity of more than six children who are ambulatory or requests an increase in capacity to more than six children who are ambulatory needs to obtain an appropriate fire clearance.

Authority cited: Sections 1530, and 1530.5, ~~and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507.2, 1531, ~~1531.4, and~~ 13113, 13131, 13143, and 13143.6, Health and Safety Code.

Amend Section 89421 to read:

89421 WATER SUPPLY CLEARANCE

89421

- (a) Any home where water for human consumption is from a private source shall meet the following requirements:
- (1) ~~Prior to the home accepting its~~ Before the caregiver accepts the first placement, the caregiver shall provide evidence of an on-site inspection of the source of ~~the~~ water and a bacteriological analysis which establishes the safety of the water, conducted by the local health department, the State Department of Public Health, or a licensed commercial laboratory.
 - (2) ~~Subsequent to~~ After the caregiver accepts the first placement, the caregiver shall be required to provide additional analyses of the source of water only when the licensing agency documents the need for an analysis to assure the health and safety of ~~the~~ children.

Authority cited: Sections 1530, and 1530.5, ~~and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, ~~1520~~ and 1531, Health and Safety Code.

Amend Section 89465 to read:

89465 CAREGIVER REQUIREMENTS

89465

- (a) The licensing agency shall have the authority to require any caregiver to provide additional ~~household~~ help whenever the agency determines that additional help is required ~~for the provision of~~ to provide necessary services to children.
- (21) The following factors shall be used in determining the need for additional ~~staff~~ help:
- (A) Needs of the particular children;
 - (B) Extent of the services provided by the home;
 - (C) Physical arrangements of the particular home; and
 - (D) Any change in the considerations listed in Section 89231, subsection (eb).
- (42) The licensing agency shall specify in writing the reasons for its determination.
- (b) The caregiver, ~~including and~~ additional help, shall be in good physical and mental health; and ~~shall be physically, mentally, and occupationally capable of complying~~ able to comply with these regulations this chapter.
- (1) Good health shall be verified by a health screening, including a test for tuberculosis not more than one year old, and performed by or under the supervision of a physician.
 - (2) The report, signed by the person performing the health screening, shall indicate the following:
 - (A) The presence of any health condition that would create a hazard to the caregiver or children.
- (c) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that the physical ~~and/or~~ mental health of the caregiver, ~~including or~~ additional help, is not adequate to carry out responsibilities specified in ~~these regulations~~ this chapter.

~~HANDBOOK BEGINS HERE~~

- (1) ~~The licensing agency shall provide the caregiver a written explanation of the need for any additional report.~~
- (2) ~~The licensing agency shall specify in writing what written information is required from the caregiver.~~

~~HANDBOOK ENDS HERE~~

- (1) The licensing agency shall provide the caregiver with a written explanation of the need for any additional report.
- (2) The licensing agency shall specify in writing what written information is required from the caregiver.
- (d) All adults regularly present in the home shall submit ~~verification of~~ their test results for tuberculosis ~~that was performed not more than one year prior to~~ before placement of the first child in the home.
- (e) Occasional short-term babysitters and alternative caregivers as specified in Section 89378, Responsibility for Providing Care and Supervision, are exempt from the requirements of this section.

Authority cited: Sections 1530, and 1530.5, ~~and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507, 1507.2, ~~1530.6~~, and 1531, Health and Safety Code; Sections 361.2(j) - (j)(1)(B) and 362.04(e), Welfare and Institutions Code.

Amend Section 89468 to read:

89468 ADMISSION PROCEDURES

89468

- (a) ~~At the time of placement for each "child," the caregiver shall request from the placement worker, if it is not provided immediately, the Child's Health and Education Passport for the "child" and Needs and Services Plan a written plan identifying the specific needs and services of the "child" from the placement worker if they are not immediately provided.~~
- (b) ~~The Needs and Services Plan shall contain the following information, which includes but is not limited to:~~
- ~~(1) Name.~~
 - ~~(2) Age.~~
 - ~~(3) Physical limitations.~~
 - ~~(4) History of infections or contagious diseases.~~
 - ~~(5) History of other medical, emotional, behavioral and physical problems.~~
 - ~~(6) Capability of the child to handle his/her own cash resources.~~
 - ~~(7) Current service needs related to (3), (4), (5), and (6) above.~~
 - ~~(8) Any applicable needs appraisal or individual program plans completed by a placement agency or consultant.~~
- (b) If the caregiver does not receive the Health and Education Passport for a "child" and the written plan identifying the specific needs and services of the "child" at the time of placement, the caregiver shall ask the placement social worker the name and age of the "child" and, at a minimum, all of the following Pre-Placement Questionnaire questions:
- (1) Does the "child" have any allergies? (i.e. any medications, peanuts, strawberries, dogs, cats, etc.)
 - (2) Does the "child" have a history of infections or contagious diseases?
 - (3) Is the "child" taking any prescription medications?
 - (4) Does the "child" have physical limitations?
 - (A) Is any special care needed?
 - (5) Does the "child" have any medical conditions I should know about? (i.e. diabetes, epilepsy, etc.)

- (6) Does the "child" have any mental health conditions I should know about? (i.e. schizophrenia, bi-polar disorder, etc.)
- (7) Does the "child" have a history of suicide attempts?
- (8) Does the "child" have any behavioral problems? (i.e. drug abuse, running away, or starting fires, etc.)
- (9) Does the "child" have a history of physical or sexual abuse?
- (10) Does the "child" act out sexually?

HANDBOOK BEGINS HERE

The caregiver may apply the reasonable and prudent parent standard, as specified in Section 89377, Reasonable and Prudent Parent Standard, in deciding whether to ask additional questions about a "child" at the time of placement. These questions may include:

- (1) What grade is the "child" in?
- (2) Does the "child" have any learning disabilities?
 - (A) Is the "child" currently receiving any services for this disability?
- (3) Is the "child" taking any over the counter medications?
- (4) Can the "child" swim?
- (5) Does the "child" get along with others?
- (6) What are the current service needs of the "child"? (i.e. therapist, tutor, etc.)

HANDBOOK ENDS HERE

- (c) The caregiver may use the Pre-Placement Questionnaire, (LIC 9225), or any other written format developed by the caregiver, to obtain the information.
- (d) The caregiver shall use the pre-placement information to determine if the caregiver can meet the needs of a "child."
 - (1) If the caregiver believes that they cannot meet the needs of a "child," the caregiver shall request that the "child" not be placed in the home.

HANDBOOK BEGINS HERE

After reviewing the pre-placement information and as an alternative to requesting that a "child" not be placed in the home, the caregiver may request services that allow the caregiver to meet the needs of the "child."

HANDBOOK ENDS HERE

- (~~ee~~) ~~As soon as the Needs and Services Plan~~ When the written plan identifying the specific needs and services of the "child" and the Health and Education Passport for the "child" is received from the placement worker, the caregiver shall review the information and determine:
- (1) The caregiver's ability to meet the individual needs of ~~the~~ a "child."
 - (2) The caregiver's ability to continue meeting the needs of other children and the caregiver's family.
- (~~df~~) ~~If it is determined~~ the caregiver determines after review of the written plan identifying the specific needs and services of the "child" and the Health and Education Passport for the "child" that the home cannot meet the service needs of ~~the~~ a "child," the caregiver shall:
- (1) ~~Inform the child's authorized representative.~~ person or agency responsible for placing the "child."
 - (2) Request that the "child" be placed elsewhere.

HANDBOOK BEGINS HERE

After reviewing the written plan identifying the specific needs and services of the "child" and the Health and Education Passport for the "child," and as an alternative to requesting that a "child" not be placed in or remain in the home, the caregiver may request services that allow the caregiver to meet the needs of the "child."

HANDBOOK ENDS HERE

- (~~eg~~) The caregiver shall keep a current copy of the ~~current Needs and Services Plan,~~ written plan identifying the specific needs and services of the "child," Transitional Independent Living Plan (TILP), and the ~~h~~Health and ~~e~~Education pPassport for the "child" and comply with the ~~portion of the case plan provided by the placing social worker that pertains to care of the child~~ requirements set forth in these documents.
- (~~fh~~) The caregiver shall provide an orientation of the personal rights ~~as set forth~~ specified in Section 89372, Personal Rights to every "child," in an age- and developmentally-appropriate manner, and to ~~the child's~~ his or her authorized representative, as specified in Health and Safety Code section 1530.91.

- (1) In addition to the requirements of ~~Section 89468~~ subsection (h), when the home is licensed to provide care for 6 or more children, the caregiver shall also post a listing of the personal rights (PUB 396, Foster Youth Rights). The listing of personal rights shall be posted in an area of the home that is accessible to ~~the~~ a "child" and his or her authorize representative.

HANDBOOK BEGINS HERE

Health and Safety Code section 1530.91 provides:

"(a) Except as provided in subdivision (b) any care provider that provides foster care for children pursuant to this chapter shall provide each school age child and his or her authorized representative, as defined in regulations adopted by the department, who is placed in foster care, with an age and developmentally appropriate orientation that includes an explanation of the rights of the child, as specified in Section 16001.9 of the Welfare and Institutions Code, and addresses the child's questions and concerns.

"(b) Any facility licensed to provide foster care for six or more children pursuant to this chapter shall post a listing of rights for a "child" specified in Section 16001.9 of the Welfare and Institutions Code. The office of the State Foster Care Ombudsperson shall design posters and provide the posters to each facility subject to this subdivision. The posters shall include the telephone number of the State Foster Care Ombudsperson."

HANDBOOK ENDS HERE

Authority cited: Sections 1530, and 1530.5, and ~~1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507, 1507.2, 1520, 1530.6, 1530.91, 1531, and 1557.5, Health and Safety Code; Section 361.2(j)(1)(A), Welfare and Institutions Code.

Amend Section 89469 to read:

89469 CHILDREN'S MEDICAL ASSESSMENTS

89469

- (a) Within 30 days of accepting a "child," the caregiver shall obtain a recent written medical assessment.
- (1) A recent medical assessment shall not be more than a year old-, and
 - (2) A medical assessment for a "child" shall include the results of an examination for communicable tuberculosis (TB) and other contagious or infectious diseases.
- (b) The licensing agency ~~shall have the authority to~~ may require the caregiver to obtain a current written medical assessment, for a "child," if such an assessment is necessary to verify the appropriateness of a ~~child's placement.~~ home for the "child."

Authority cited: Sections 1530, and 1530.5, ~~and 1531~~, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507, 1507.2, 1520, 1530.6, 1531, and 1557.5, Health and Safety Code.

Amend Section 89475 to read:

89475 HEALTH RELATED SERVICES

89475

- (a) Family health care, as defined in Section 89201, shall be administered by the caregiver to a "child" as outlined in writing by the appropriate medical professional ~~in writing~~.
- (1) The caregiver shall ask the medical professional ~~shall~~ to provide adequate, and practical ~~and~~ written instructions.
- (b) ~~Any time a child is in the home, at least one of the persons providing regular and routine care and supervision to the child shall have current training in first aid and CPR. Training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, and shall be appropriate to the child's age and needs.~~
- (4) [Renumbered to Section 89405(b)(2).]
- (2b) The caregiver shall maintain first aid supplies appropriate to the needs of ~~the children in care~~ a "child."
- (c) When a "child" has a health condition that requires ~~the administration of~~ medication, the caregiver shall comply with the following:
- (1) Assist ~~children~~ a "child" with self-administration as needed.
- (A) If the physician of a "child" gives permission as specified in Section 89475.1, subsection (g), the "child" may self-administer medication or injections.
- (2) Ensure that instructions are followed as outlined by the appropriate medical professional.
- (3) Medication shall be stored in the original container with the original unaltered label.
- (4) Prescription medication must be administered as per directions to a "child" as directed on the label or as ~~advised~~ directed in writing by the physician ~~in writing~~.
- (5) Non-prescription medication must be administered to a "child" as directed on the label or as directed by the appropriate medical professional ~~and documented by the caregiver~~.
- (6) The administration of prescription PRN medication to a "child" shall ~~also~~ require caregiver documentation ~~by the caregiver~~ of the date, time, and dose of medication administered.
- (7) If ~~the~~ a "child" can not determine his/ or her own need for medication, the caregiver shall determine the need of the "child" in accordance with medical instructions.

- (8) Under no circumstances shall a "child" be required to take psychotropic medication without a court order as specified in Section 89475.1, subsection (g).

HANDBOOK BEGINS HERE

The caregiver is encouraged to document the administration of medication to a "child" using a log. A medication log can be a useful tool in determining if the "child" is receiving the correct medication. It can also assist in determining if the "child" may have a more serious problem that would require a visit to a physician. If school staff are authorized to administer PRN medication, the caregiver is encouraged to request documentation that the medication was given.

HANDBOOK ENDS HERE

- (9) The caregiver shall provide emergency medical assistance and injections to a "child" as specified in Section 89475.1, Emergency Medical Assistance, Injections, and Self-Administration of Medications.

Authority cited: Sections 1530, and 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.25, 1507.5, 1530.6 and 1531, Health and Safety Code; Sections 361.2(j) - (j)(1)(C), 369.5, and 739.5, Welfare and Institutions Code; and Section 2727(a), Business and Professions Code ~~Section 2727(a)~~.

Adopt Section 89475.1 to read:

89475.1 EMERGENCY MEDICAL ASSISTANCE, INJECTIONS, AND 89475.1
SELF-ADMINISTRATION OF MEDICATIONS

- (a) A caregiver shall ensure that persons who provide emergency medical assistance and injections to a "child" are trained as specified in Health and Safety Code section 1507.25.
- (b) Emergency medical assistance and injections for severe diabetic hypoglycemia and anaphylactic shock may be provided to a "child" as specified in Health and Safety Code section 1507.25.
- (c) Subcutaneous injections of other medications, including insulin, as prescribed by the physician of a "child," may be provided as specified in Health and Safety Code section 1507.25.
- (d) The caregiver shall ensure the date, time and dose of all injections administered to a "child," including injections self-administered by a "child," are documented by the person giving the injection as specified in Health and Safety Code section 1507.25.
- (e) The caregiver shall ensure the date, time and results of glucose testing and monitoring are documented by the person assisting with the testing as specified in Health and Safety Code section 1507.25.
- (f) Unless prohibited by court order, a "child" may self-administer medication or injections if the physician of a "child" gives permission. The caregiver shall ensure that a "child" knows how to:
 - (1) Self-administer their medication and injections,
 - (2) Document when they self-administer their medication and injections, and
 - (3) Properly store the medication so that it is not accessible to other children.
- (g) Psychotropic medication shall only be given if the Juvenile court has approved a medication request by a physician, as provided in Welfare and Institutions Code sections 369.5, subsection (a) and 739.5, subsection (a).
- (h) The caregiver shall maintain all documentation of injections and glucose testing and monitoring specified in subsections (d) and (e) in the current record or file for a "child."

HANDBOOK BEGINS HERE

Health and Safety Code section 1507.25 provides in part:

"(a)(1) Notwithstanding any other provision of law, a person described in paragraph (2), who is not a licensed health care professional, but who is trained to administer injections by

a licensed health care professional practicing within his or her scope of practice, may administer emergency medical assistance and injections for severe diabetic hypoglycemia and anaphylactic shock to a foster child in placement.

(2) The following individuals shall be authorized to administer emergency medical assistance and injections in accordance with this subdivision:

(A) A relative caregiver.

(B) A nonrelative extended family member.

(C) A foster family home parent.

(D) A small family home parent.

(E) A certified parent of a foster family agency.

(F) A substitute caregiver of a foster family home or a certified family home.

(G) A direct care staff member of a small family home or a group home.

(3) The licensed health care professional shall periodically review, correct, or update training provided pursuant to this section as he or she deems necessary and appropriate.

(b)(1) Notwithstanding any other provision of law, a person described in paragraph (2), who is not a licensed health care professional, but who is trained to administer injections by a licensed health care professional practicing within his or her scope of practice, may administer subcutaneous injections of other medications, including insulin, as prescribed by the child's physician, to a foster child in placement.

(2) The following individuals shall be authorized to give prescribed injections including insulin in accordance with this subdivision:

(A) A relative caregiver.

(B) A nonrelative extended family member.

(C) A foster family home parent.

(D) A small family home parent.

(E) A certified parent of a foster family agency.

(F) In the absence of a foster parent, a designated substitute caregiver in a foster family home or a certified family home.

(3) The licensed health care professional shall periodically review, correct, or update training provided pursuant to this section as he or she deems necessary and appropriate.

(c) For purposes of this section, administration of an insulin injection shall include all necessary supportive activities related to the preparation and administration of injection, including glucose testing and monitoring..."

Welfare and Institutions Code section 369.5, subsection (a) provides:

"(a) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication..."

Welfare and Institutions Code section 739.5, subsection (a) provides:

"(a) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication..."

HANDBOOK ENDS HERE

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: Section 1507.25, Health and Safety Code; and Section 369.5 and 739.5, Welfare and Institutions Code.

Adopt Section 89475.2 to read:

89475.2 POSTURAL SUPPORTS AND PROTECTIVE DEVICES

89475.2

(a) Except for postural supports and protective devices as provided in this section, the caregiver shall not restrain or use any restraining devices on a "child."

~~89372(e)(20)~~

~~(A) (1) Postural supports for a "child" shall be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a child's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a child from falling out of bed, a chair, etc prevent injury.~~

~~1. (A) Postural supports may include braces, spring release trays, or soft ties. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are also considered postural supports.~~

~~(C) (B) Approved postural supports shall be fastened or tied in a manner which permits quick release by the a "child."~~

~~(E) (C) Under no circumstances shall postural supports include tying, depriving, or limiting the a "child" from use of a child's hands or feet.~~

~~(F) (2) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather are used to protect the a "child" from self-injurious behavior and to provide assistance with, but not prohibit, mobility. They are not to be considered restraining devices for the purpose of this regulation section. Protective devices may be used if they are approved in advance by the licensing agency as specified below.~~

~~(E)1. (A) Protective devices may include physician-prescribed or recommended helmets, elbow guards, mittens, and Aa bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.~~

(b) The caregiver shall contact the licensing or approval agency when a "child" needs postural supports or protective devices.

(1) Before the caregiver accepts placement of a "child" who requires postural supports or protective devices, the caregiver shall seek approval from the licensing or approval agency.

- (2) If a "child" develops a condition that requires the "child" to use postural supports or protective devices after placement in the home, the caregiver shall ask the licensing or approval agency if the home can still operate under the current license or approval.

~~89372(e)(20)(B)~~

- ~~(c) All caregiver requests to use postural supports or protective devices shall be in writing to the licensing or approval agency and include a written order of from a physician indicating the need for such supports or devices. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.~~

~~89372(e)(20)~~

- ~~(F)1. (1) All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. In order to evaluate the request, the licensing or approval agency shall be authorized to require other additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request. person or agency responsible for placing the "child."~~

- ~~2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.~~

~~89372(e)(20)(D)~~

- ~~(d) The licensing or approval agency shall have the authority to may grant conditional and/or limited approvals to use postural supports or protective devices.~~

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 4646 provides:

"(a) It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, where appropriate, his or her parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan.

(c) An individual program plan shall be developed for any person who, following intake and assessment, is found to be eligible for regional center services. These plans shall be completed within 60 days of the completion of the assessment. At the time of intake, the

regional center shall inform the consumer and, where appropriate, his or her parents, legal guardian or conservator, or authorized representative, of the services available through the local area board and the protection and advocacy agency designated by the Governor pursuant to federal law, and shall provide the address and telephone numbers of those agencies.

(d) Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, where appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

(e) Regional centers shall comply with the request of a consumer, or where appropriate, the request of his or her parents, legal guardian, or conservator, that a designated representative receive written notice of all meetings to develop or revise his or her individual program plan and of all notices sent to the consumer pursuant to Section 4710. The designated representative may be a parent or family member.

(f) If a final agreement regarding the services and supports to be provided to the consumer cannot be reached at a program plan meeting, then a subsequent program plan meeting shall be convened within 15 days, or later at the request of the consumer or, when appropriate, the parents, legal guardian, conservator, or authorized representative or when agreed to by the planning team. Additional program plan meetings may be held with the agreement of the regional center representative and the consumer or, where appropriate, the parents, legal guardian, conservator, or authorized representative.

(g) An authorized representative of the regional center and the consumer or, where appropriate, his or her parents, legal guardian, or conservator, shall sign the individual program plan prior to its implementation. If the consumer or, where appropriate, his or her parents, legal guardian, or conservator, does not agree with all components of the plan, they may indicate that disagreement on the plan. Disagreement with specific plan components shall not prohibit the implementation of services and supports agreed to by the consumer or, where appropriate, his or her parents, legal guardian, or conservator. If the consumer or, where appropriate, his or her parents, legal guardian, or conservator, does not agree with the plan in whole or in part, he or she shall be sent written notice of the fair hearing rights, as required by Section 4701."

HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 16001.9, Welfare and Institutions Code.

Reference: Sections 1501, 1501.1, and 1531, Health and Safety Code; Sections 361.2(j)(1)(A), 4646, and 16001.9, Welfare and Institutions Code; and Unruh Civil Rights Act, Civil Code Section 51.

Amend Section 89510.1 to read:

Article 5. SPECIAL HEALTH CARE NEEDS

89510.1 LIMITATIONS ON CAPACITY FOR SPECIALIZED FOSTER FAMILY HOMES 89510.1

- (a) No more than two children with or without special health care needs shall reside even on a temporary basis in a specialized foster family home with the following exceptions:
- (b) A specialized foster family home shall not care for more than two children with or without special health care needs as provided in Welfare and Institutions Code section 17732.
- (1) A specialized foster family home may accept a third child with or without special health care needs provided that the licensed capacity, as determined by the licensing agency under Section 89228, Capacity Determination, is not exceeded, and all of the following conditions are met:
- (A) The county social worker, regional center caseworker, or ~~authorized representative person or agency responsible for the placement of~~ placing the third "child" determines ~~the following that:~~
1. ~~That in~~ The county or, if the child is a regional center client, the regional center catchment service area, in which the specialized foster family home is physically located, has no other:
 - a. ~~No other~~ Specialized foster family home, nonspecialized foster family home, small family home, or certified family home is available to meet the needs of care for the "child" with or without exceeding the two-child limit; and special health care needs.
 - b. ~~If the child does not have special health care needs, that no other nonspecialized foster family home, small family home or certified family home is available to meet the needs of the child.~~
- (B) ~~Each child's~~ The county social worker, regional center caseworker, or authorized representative person or agency responsible for placing each "child" determines that the specialized foster family home can meet their ~~psychological and social needs of the child.~~
1. New determinations are required each time there is an increase or turnover in children and the two-child capacity limit is exceeded.

- (C) The individualized health care plan team for each "child with special health care needs" in the specialized foster family home determines that the two-child capacity limit may be exceeded without jeopardizing the placement of the third "child" will not jeopardize their health and safety of the child.

1. New determinations are required each time there is an increase or turnover in children and the two-child capacity limit is exceeded.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 17732 provides in part:

"No more than two foster care children shall reside in a specialized foster care home with the following exceptions:

(a) A specialized foster care home may have a third child with or without special health care needs placed in that home provided that the licensed capacity, as determined by the department pursuant to paragraph (6) of subdivision (a) of Section 1502 of the Health and Safety Code is not exceeded and provided that all of the following conditions have been met:

(1) The child's placement worker has determined and documented that no other placement is available.

(2) For each child in placement and the child to be placed, the child's placement worker has determined that his or her psychological and social needs will be met by placement in the home and has documented that determination. New determinations shall be made and documented each time there is an increase or turnover in foster care children and the two-child capacity limit is exceeded.

(3) The individualized health care plan team responsible for the ongoing care of each child with special health care needs involved has determined that the two-child limit may be exceeded without jeopardizing the health and safety of that child, and has documented that determination. New determinations shall be made and documented each time there is an increase or turnover in foster care children and the two-child capacity limit is exceeded...."

HANDBOOK ENDS HERE

- ~~(b) A licensee shall not accept a foster child requiring in-home health care other than family health care, unless the child is a child with special health care needs.~~

Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530, and 1530.5 ~~and~~ 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 361.2(j)(1)(A), 17710, 17731, 17732, 17732(a) and 17736(b), Welfare and Institutions Code; and Sections 1502(a), 1507, 1507.2, 1507.5, ~~and~~ 1530.6, and 1531, Health and Safety Code.

Amend Section 89510.2 to read:

89510.2 PROHIBITION OF DUAL LICENSURE FOR SPECIALIZED FOSTER FAMILY HOMES 89510.2

- (a) A ~~fooster family home~~ caregiver licensed to operate a specialized foster family home shall not hold any day care, other residential, or health care home license for the same premises as the specialized foster family home ~~while caring for children with special health care needs.~~
- (1) ~~Any~~ foster family home caregiver ~~planning~~ who plans to care for a "child with special health care needs" ~~who~~ and holds any license as specified in (a) above shall surrender the license prior to accepting a "child with special health care needs."

Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530, and 1530.5 ~~and~~ 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 17732, Welfare and Institutions Code; and Section 1531, Health and Safety Code.

Amend Section 89565.1 to read:

89565.1 CAREGIVER REQUIREMENTS FOR SPECIALIZED FOSTER FAMILY HOMES 89565.1

- (a) ~~In addition to Section 89465,~~ The caregiver and any other person who is providing specialized in-home health care to a "child with special health care needs" as specified in Welfare and Institutions Code section 17731, subsections (c)(3) and (5) shall comply with applicable regulations in Section 89465, Caregiver Requirements and the following requirements: of this section.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 17731, subsections (c)(3) and (5) provide:

"... (c) The county plan shall meet all the requirements specified in this subdivision. The regional center shall not be required to submit a plan. However, all requirements specified in this subdivision shall be met prior to a regional center placement of a child who is not a court dependent and who has special health care needs.

...

...

(3) Foster parents shall be trained by health care professionals pursuant to the discharge plan of the facility releasing the child being placed in, or currently in, foster care. Additional training shall be provided as needed during the placement of the child and to the child's biological parent or parents when the child is being reunified with his or her family.

...

(5) Assistant caregivers, on-call assistants, respite care workers, and other personnel caring for children with special health care needs shall complete training or additional training by a health care professional in accordance with paragraph (3)..."

HANDBOOK ENDS HERE

~~(a)(1)~~

(b) Prior to Before caring for a "child with special health care needs" or when the child's needs change, the in-home health care provider caregiver and any other person, as specified in subsection (a), who provides care to a "child with special health care needs" shall complete training in specialized in-home health care provided by a health care professional as required by the child's individualized health care plan, except when:

~~(A)~~ (1) The in-home health care provider caregiver and any other person who provides care to a "child with special health care needs" is a licensed health care professional, and

- (B) (2) The child's individualized health care plan team determines that completion of specialized in-home health care training ~~for the child~~ is unnecessary based on the basis of the in-home health care provider's medical qualifications and expertise; of the caregiver and any other person who provides care to a "child with special health care needs."
- (b) ~~Any person providing care to children in a specialized foster family home shall be in good health, and shall be physically, mentally, and occupationally capable of complying with these regulations.~~
- (1) ~~Good health shall be verified by a health screening, including a test for tuberculosis performed by or under the supervision of a physician not more than one year prior to or seven days after presence in the home.~~
- (2) ~~The report, signed by the person performing the health screening, shall indicate the following:~~
- (A) ~~Physical qualifications to perform the duties to be assigned.~~
- (B) ~~The presence of any health condition that would create a hazard to the caregiver, children or staff.~~

Authority cited: Section 17730, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 362.04 and 17731(e), Welfare and Institutions Code; and Sections 1531 and 1562, Health and Safety Code.

Amend Section 89566 to read:

89566 ~~PERSONNEL~~ ADDITIONAL RECORDS FOR SPECIALIZED FOSTER 89566
FAMILY HOMES

(a) The caregiver shall ensure that the ~~personnel~~ records ~~of~~ for the caregiver and ~~all persons subject to the requirements of any other person as specified in Section 89565.1(a), Caregiver Requirements for Specialized Foster Family Homes, who provides care to a "child with special health care needs," contain the following:~~

(1) The caregiver shall have documentation verifying completion of training specified in Section 89565.1, subsection (b), or

~~(12) For any training or additional training from which the caregiver or other in home health care provider is exempt:~~

~~(A) Documentation that the child's individualized health care plan team has determined that it is not necessary for the caregiver or other in home health care provider to complete the specialized in home health care training or additional training caregiver or any other person who provides care to a "child with special health care needs" is exempt from training as specified in Section 89565.1, subsections (b)(1) and (2). Documentation shall include:~~

~~(BA) A copy of a valid license or certificate indicating that he/she the caregiver or any other person who provides care to a "child with special health care needs" is a licensed health care professional, and~~

~~(a)(1)(A)1.~~

~~(B) Documentation may be provided in different ways, including, but not limited to, a written statement from a member designated by the team that the individualized health care plan team for the "child" has been notified and has determined that the specialized in-home health care training specified in Section 89565.1, subsection (b) or additional training is unnecessary. This documentation shall be provided by a member designated by the team.~~

~~(2) For any training or additional training from which the caregiver or other in home health care provider is not exempt:~~

~~(A) Documentation, by a health care professional providing the training, that he/she has successfully completed the specialized in-home health care training specified in Section 89565.1(a)(1).~~

(b) If the caregiver of a foster family home caring for decides to have additional help to care for a "children with special health care needs," shall ensure that employee records contain the following information shall be obtained from all additional help and kept in the records for the specialized home:

(1) Employee's Full name.

- (2) Copy of the Driver's License number if the employee is to of any person who will transport foster children, a "child."
- (3) Date of employment the person started providing additional help in the home.
- (4) A statement signed by the employee that he/she is at least 18 years of age.
- (54) Home address and phone number.
- (65) Past related experience, including types of employment and former employers and where this experience was obtained.
- (76) Duties of the employee.
- (87) Termination dDate if no longer employed by the person last worked, if no longer working in the home.
- (c) The caregiver shall keep Rrecords of health screenings and tests for tuberculosis required by Sections 89565.1(b) and (b)(1) shall be Section 89465, subsection (b)(1) on file.
- (d) The caregiver shall maintain Aall personnel records shall be maintained at the home; and shall be make them available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. The licensing agency may remove Rrecords may be removed from the home if necessary for copying. Removal of records by the licensing agency shall be subject to the following requirements:
 - (1) Licensing representatives shall not remove any current emergency or health-related information for current caregivers unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any children's records from a home, a licensing representative shall prepare a list of the records to be removed, sign and date the list upon removal of the records, and leave a copy of the list with the caregiver.
 - (3) Licensing representatives shall return the children's records to the caregiver undamaged and in good order within three business days following the date the records were removed.
- (e) The caregiver shall retain Aall personnel records shall be retained that pertain to persons who provide additional help for at least three years following termination of employment after they no longer work in the home.

Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 17731, Welfare and Institutions Code; and Sections 1501, 1501.1, 1507, 1507.2, 1530.5, and 1531, Health and Safety Code.

Amend Section 89569.1 to read:

89569.1 INDIVIDUALIZED HEALTH CARE PLANS FOR SPECIALIZED FOSTER FAMILY HOMES 89569.1

- (a) The caregiver shall not accept a "child with special health care needs" unless the caregiver has obtained an individualized health care plan for the "child." The caregiver shall maintain a copy of the individualized health care plan for the "child," which shall include the following information:
- (1) The name, address, and phone number of the health care professional responsible for monitoring ~~the child's~~ ongoing health care: for the "child."
 - (2) The appropriate number of hours of on-site and off-site supervision and monitoring, ~~and the appropriate number of hours of off-site supervision and monitoring, needed that needs~~ to be provided by the ~~monitor designated in Section 89569.1(a)(1), above.~~ health care professional responsible for monitoring ongoing health care for the "child."
 - (3) Documentation by the ~~child's~~ individualized health care plan team ~~identifying for the~~ "child" that identifies the specialized in-home health care to be administered by a health care professional or responsible adult trained by a health care professional.
 - (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of the caregiver for ~~the provision of~~ providing specialized in-home health care, including any required training ~~and/~~ or additional training.
 - (6) Identification of any available and funded medical services that are to be provided to the "child" in the specialized foster family home which may include, but is not limited to, assistance from health care professionals.
 - (7) Identification of any psychological, emotional, behavioral, or medical problems that ~~will be~~ are identified in the ~~child's Needs and Services Plan~~ written plan identifying the specific needs and services of the "child," Pre-Placement Questionnaire as specified in Section 89468, Admission Procedures, or the medical assessment specified in Section 89469, Children's Medical Assessments.
- (b) The individualized health care plan for each "child" with special health care needs shall be updated at least every six months or sooner if the needs of the "child" change.
- (1) The caregiver shall maintain a copy of the updated individualized health care plan for each "child" as specified in Section 89370, Children's Records.
- (c) ~~For any child with special health care needs~~ The hospital discharge plan may be adopted by the individualized health care plan team as the ~~child's~~ individualized health care plan for the "child."

- (d) The individualized health care plan for the "child" may be combined with the ~~child's needs and services plan~~ written plan identifying the specific needs and services of the "child," Pre-Placement Questionnaire as specified in Section 89468, Admission Procedures, or regional center individual program plan from the regional center for the "child" provided that all the information required by each plan is included.

Authority cited: Section 17730, Welfare and Institutions Code; Section 1530; and 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 1531, Health and Safety Code; and Sections 361.2(j)(1)(A), 17710, 17731, 17731(c), and 17732(a), Welfare and Institutions Code.

Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530, 1530.5, and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 17710, 17731, and 17732(a), Welfare and Institutions Code and Section 1531, Health and Safety Code.

Amend Section 89572.2 to read:

89572.2 PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL
HEALTH CARE NEEDS

89572.2

(a) ~~Children~~ A "child with special health care needs" are is afforded all the personal rights specified in Section 89372, Personal Rights ~~with the following modifications.~~ Additionally, the following personal rights shall be afforded:

(1) ~~Section 89372(e)(8) shall not apply to children with special health care needs.~~ A ~~C"~~children with Sspecial Hhealth Ccare Nneeds" ~~have~~ has the right to be free of the administration of medication or chemical substances except as specifically provided in ~~a child's~~ the individualized health care plan; for the "child."

(2) ~~Section 89372(e)(19), shall not apply to children with special health care needs.~~ A "child with special health care needs" has the right to be free from any restraining/ or postural support device except as required to treat the ~~child's~~ child's specific medical symptoms of the "child" and addressed or outlined in the ~~child's~~ child's individualized health care plan; for the "child."

(A) Physical restraining devices may be used for the protection of a "child with special health care needs" during treatment and diagnostic procedures ~~such as, but not limited to, intravenous therapy or catheterization procedures.~~ The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the ~~child's~~ child's individualized health care plan; for the "child." The ~~child's~~ child's individualized health care plan for the "child" shall include all of the following:

1. The specific medical symptom(s) that require use of the restraining device.
2. An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices ~~as ineffective.~~
3. A written order by the ~~child's~~ child's physician; of the "child." The order must specify the duration and circumstances under which the restraining device is to be used.

(B) Postural supports as specified in Sections ~~89372(e)(19)(A), half bedrails)~~ 89475.2, subsections (a)(1)(A) through (C), and protective devices as specified in Section 89372(e)(19)(F) 89475.2, subsection (a)(2)(A), may be used if prescribed in the individualized health care plan; for the "child." The ~~use of a postural support or protective device and the method of application~~ shall be specified in the ~~child's~~ child's individualized health care plan for the "child" and approved in writing by the ~~child's~~ child's physician; of the "child."

Authority cited: Section 17730, Welfare and Institutions Code; Section 1530, Health and Safety Code; ~~Section 16001.9, Welfare and Institutions Code;~~ and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 361.2(j)(1)(A), 16001.9, 17730 and 17736, Welfare and Institutions Code.

Amend Section 89587.1 to read:

89587.1 ADDITIONAL BUILDINGS AND GROUNDS REQUIREMENTS 89587.1
FOR SPECIALIZED FOSTER FAMILY HOMES

- (a) Areas in the home, ~~including that include, but are not limited to,~~ bedrooms, bathrooms, toilets, dining areas, passageways, and recreational spaces used by a "child with special health care needs" shall be large enough to accommodate any medical equipment ~~needed by that~~ the "child" needs therein.
- (1) ~~A B~~bedrooms that is occupied by a children with special health care needs shall be large enough to allow ~~the~~ storage of each child's personal items and any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
- (A) The bedroom shall be large enough to permit unobstructed bedside ~~ministration of~~ assistance with medical procedures and medications.
- (b) Notwithstanding Section 89387, subsection (a)(1), a bedroom used by a "child with special health care needs" shall not be shared with another ~~minor residing child who resides~~ in the home if the child's need for medical services or the child's medical condition would be incompatible with ~~the~~ each child's use and enjoyment of the bedroom ~~by each minor~~.
- (c) When required by the ~~child's~~ individualized health care plan, for a "child," the caregiver(s) or other adult caring for the "child" shall sleep in a bedroom adjacent or in close proximity to the child's room or use a monitoring device to alert the caregiver.

Authority cited: Section 17730, Welfare and Institutions Code; Section 1530, and 1530.5, ~~and~~ 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 1531, Health and Safety Code; and Sections 361.2(j) - (j)(1)(C), and 17732, Welfare and Institutions Code.