

INITIAL STATEMENT OF REASONS

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

Section 83064(e)

Specific Purpose:

The Department is adopting this regulation to clarify that small family home licensees have the responsibility to develop a specified plan to make accessible postsecondary vocational/educational information, as specified.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to have access to available postsecondary vocational/educational options and financial aid information. This regulation is adopted to ensure that postsecondary information is made accessible to foster children 16 years of age or older.

Section 83064(e)(1) et seq.

Specific Purpose:

This regulation is adopted to clarify for licensees the type of educational/vocational information that they may make accessible for foster children 16 years of age or older that will satisfy this requirement. Licensees are not limited by the examples given by this regulation.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to be given access to available postsecondary vocational/educational options and financial aid information. This regulation is intended to give licensees direction and suggestions as to the type of information that will satisfy this requirement.

Section 83072(c)(11)

Specific Purpose:

The Department is adopting this regulation to clarify that children cared for in small family homes shall have the right to equal access to all available services, placement, care, treatment and benefits and not be subject to harassment or discrimination as specified.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. AB 458, Chapter 331, Statute of 2003 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Sections 83072(c)(11) through (28)

Specific Purpose/Factual Basis:

These sections are renumbered to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c).

Section 83072(c)(29)

Specific Purpose:

The Department is adopting this regulation to clarify that children cared for in small family homes shall have the right, if they are 16 years old or older, to have access to existing educational information regarding postsecondary and/or vocational programs.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. SB 1639, Chapter 668, Statute of 2004 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Section 84022(b)(5)

Specific Purpose:

The Department is adopting this regulation to clarify that group home licensees shall include in their plan of operation a plan to make accessible postsecondary vocational/educational information, as specified.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to have access to available postsecondary vocational/educational options and financial aid information. This regulation is adopted to ensure that postsecondary information is made accessible to foster children 16 years of age or older.

Section 84022(b)(5)(A) et seq.

Specific Purpose:

This regulation is adopted to clarify for licensees the type of educational/vocational information that they may make accessible for foster children 16 years of age or older that will satisfy this requirement. Licensees are not limited by the examples given by this regulation.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to be given access to available postsecondary vocational/educational options and financial aid information. This regulation is intended to give licensees direction and suggestions as to the type of information that will satisfy this requirement.

Section 84072(c)(16)

Specific Purpose:

The Department is adopting this regulation to clarify that children cared for in group homes shall have the right to equal access to all available services, placement, care, treatment and benefits and not be subject to harassment or discrimination as specified.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. AB 458, Chapter 331, Statute of 2003 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Sections 84072(c)(16) through (33)

Specific Purpose/Factual Basis:

These sections have been renumbered for purposes of clarity. Further, these sections are renumbered to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c).

Section 84072(c)(34)

Specific Purpose:

The Department is adopting this regulation to clarify that children cared for in group homes shall have the right, if they are 16 years old or older, to have access to existing educational information regarding postsecondary and/or vocational programs.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. SB 1639, Chapter 668, Statute of 2004 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Section 84172 Handbook

Specific Purpose/Factual Basis:

The Handbook is being amended to accurately reflect the changes in the Welfare and Institutions Code Section 16001.9 of the Welfare and Institutions Code.

Section 86022(a)(7)

Specific Purpose:

The Department is adopting this regulation to clarify that Transitional Housing Placement Program licensees shall include in their plan of operation a plan to make accessible postsecondary vocational/educational information, as specified.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to have access to available postsecondary vocational/educational options and financial aid information. This regulation is adopted to ensure that postsecondary information is made accessible to foster children 16 years of age or older.

Section 86022(a)(7)(A) et seq.

Specific Purpose:

This regulation is adopted to clarify for licensees the type of educational/vocational information that they may make accessible for foster children 16 years of age or older that will satisfy this requirement. Licensees are not limited by the examples given by this regulation.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to be given access to available postsecondary vocational/educational options and financial aid information. This regulation is intended to give licensees direction and suggestions as to the type of information that will satisfy this requirement.

Section 86072(d)(5)

Specific Purpose:

The Department is adopting this regulation to clarify that children cared for in Transitional Housing Placement Programs shall have the right to equal access to all available services, placement, care, treatment and benefits and not be subject to harassment or discrimination as specified.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. AB 458, Chapter 331, Statute of 2003 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Section 86072(d)(5) through (21) and (23)

Specific Purpose/Factual Basis:

These sections are renumbered to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c).

Section 86072(d)(22)

Specific Purpose:

The Department is adopting this regulation to clarify that children cared for in Transitional Housing Placement Programs shall have the right, if they are 16 years old or older, to have access to educational information options regarding existing postsecondary and/or vocational programs.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. SB 1639, Chapter 668, Statute of 2004 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Section 88022(a)(4)(C)1.

Specific Purpose:

The Department is adopting this regulation to clarify that Foster Family Agency licensees shall include in their plan of operation a plan to make accessible postsecondary vocational/educational information, as specified.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to have access to available postsecondary vocational/educational options and financial aid information. This regulation is adopted to ensure that postsecondary information is made accessible to foster children 16 years of age or older.

Section 88022(a)(4)(C)2. et seq.

Specific Purpose:

This regulation is adopted to clarify for licensees the type of educational/vocational information that they may make accessible for foster children 16 years of age or older that will satisfy this requirement. Licensees are not limited by the examples given by this regulation.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to be given access to available postsecondary vocational/educational options and financial aid information. This regulation is intended to give licensees direction and suggestions as to the type of information that will satisfy this requirement.

Section 89372(c)(3)

Specific Purpose:

The Department is amending this regulation to clarify that children cared for in foster family homes shall have the right to equal access to all available services, placement, care, treatment and benefits and not be subject to harassment or discrimination as specified.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. AB 458, Chapter 331, Statute of 2003 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Section 89372(c)(25)

Specific Purpose:

The Department is adopting this regulation to clarify that children cared for in foster family homes shall have the right, if they are 16 years old or older, to have access to educational information options regarding existing postsecondary and/or vocational programs.

Factual Basis:

This amendment is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with Section 16001.9 of the Welfare and Institutions Code that specifies a list of personal rights accorded to children in foster care. Prior law (AB 899, Chapter 683, Statute of 2001) mandated the Department to promulgate into regulation a list of all personal rights specified in Section 16001.9 of the Welfare and Institutions Code. SB 1639, Chapter 668, Statute of 2004 amended Section 16001.9 of the Welfare and Institutions Code by adding an additional personal right; this regulation incorporates that change.

Section 89379(c)

Specific Purpose:

The Department is adopting this regulation to clarify that foster family home caregivers shall develop a plan to make accessible postsecondary vocational/educational information for foster children 16 years old or older, as specified.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to have access to available postsecondary vocational/educational options and financial aid information. This regulation is adopted to ensure that postsecondary information is made accessible to foster children 16 years of age or older.

Section 89379(c)(1) et seq.

Specific Purpose:

This regulation is adopted to clarify the type of educational/vocational information that foster family home caregivers may make accessible for foster children 16 years of age or older that will satisfy this requirement. Caregivers are not limited by the examples given by this regulation.

Factual Basis:

This regulation is necessary to meet the “necessity” and “consistency” standard of the Administrative Procedure Act, Government Code Sections 11349 (a) and (d), respectively. This regulation is necessary for consistency with the intent of Section 16001.9(a)(23) of the Welfare and Institutions Code that gives foster children the right to be given access to available postsecondary vocational/educational options and financial aid information. This regulation is intended to give direction and suggestions as to the type of information that will satisfy this requirement.

b) Identification of Documents Upon Which Department Is Relying

Assembly Bill 458, Chapter 331, Statute of 2003

Senate Bill 1639, Chapter 668, Statute of 2003

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies but not on local school districts. There are no reimbursable state-mandated costs because these regulations only make technical and clarifying changes.

d) Statement of Alternatives Considered

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

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.