

UPDATED INFORMATIVE DIGEST

Current Children's Residential community care regulations address connections with family in sections on personal rights accorded to children in out-of-home placement by Welfare and Institutions Code section 16001.9. Assembly Bill (AB) 1412, Chapter 640, Statutes of 2005 reinforced existing personal rights that children in placement have to contact family members, unless prohibited by court order, and have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends, by requiring that actions be taken to maintain these connections consistent with the child's best interests.

Proposed regulatory amendments would incorporate provisions of AB 1412 into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of small family home (SFH); needs and services plan sections of group home (GH), transitional housing placement program (THPP), and foster family agency (FFA); social work personnel section of FFA; and responsibility for providing care and supervision section of standalone foster family home (FFH) regulations.

Another personal right accorded to children in out-of-home placement is the right to nondiscrimination specified in Welfare and Institutions Code section 16001.9, which was recently added to sections on personal rights in Children's Residential regulations. AB 458, Chapter 331, Statutes of 2003 accorded this right and also required that all group home and foster care providers receive training in providing nondiscriminatory care. It also added Welfare and Institutions Code section 16013 and further stipulated that nondiscrimination extends to applicants wishing to become foster care providers.

Proposed regulatory amendments would incorporate AB 458 nondiscrimination training provisions into regulations for all Children's Residential facilities. Amendments have been made to the licensee duties and responsibilities section of SFH; initial certification training program approval requirements of GH; personnel requirements sections of all GH; plan of operation section of FFA; and training requirements section of standalone FFH regulations. Proposed regulatory amendments would incorporate the provider nondiscrimination provisions of AB 458 by amending the applicant qualifications sections of general licensing requirements, SFH, and standalone FFH regulations.

Current Children's Residential regulations address incidental medical services provided for by Health and Safety Code section 1507 in sections that address health related services, personnel requirements, and training requirements. The Department proposes to clarify First Aid and CPR training requirements for certified parents by amending the health related services section of SFH regulations to state that caregivers shall complete first aid and CPR training in addition to other training that supports caring for children. The Department also proposes to clarify training provided for by Health and Safety Code 1529.2 that foster family agencies must provide as well as training that must be received by certified parents and foster parents.

Current FFA regulations address certification of family homes in Article 4, Certification and Use of Homes. AB 2661, Chapter 643, Statutes of 2004 added Health and Safety Code section 1506.7, which requires a FFA to ask the owner or operator of a family home applying for certification to provide an application that discloses whether the applicant has been certified, decertified, or put on placement hold status by a FFA. This bill added Health and Safety Code section 1506.8, which provides that a FFA shall contact any FFAs which have previously certified and states or counties which have previously licensed, an applicant for reference checks on certified family home applicants. It also added Health and Safety Code section 1506.9, which states that no civil liability shall be incurred as a result of the FFA providing the department with a log of certified and decertified family homes or notifying the department of its decision to decertify a certified family home.

Proposed regulatory amendments would incorporate AB 2661 provisions by adding a definition of “placement hold” to the definitions section of FFA regulations. An Application for Certification section would be added to regulations to outline information that applicants for family home certification must provide to FFAs, information that FFAs must provide to applicants for family home certification, and reference checks that FFAs must make before an applicant is certified as a family home.

Current FFA regulations make agencies responsible for paying civil penalties for violations cited against their certified family homes. AB 2661 allowed the department to issue a citation and assess a civil penalty of \$50.00 per day each time a FFA fails to provide the department with information about certified and decertified family homes.

A Civil Penalties section would be added to FFA regulations to outline a schedule of immediate and repeat civil penalties that will apply when a FFA is cited for failing to provide the department with information about certified and decertified family homes. Immediate and daily civil penalties of \$50.00 would apply when an agency fails to provide the department with a log of certified and decertified family homes or fails to notify the department about its decision to decertify a family home, until it corrects the violation. An immediate civil penalty of \$150.00 and daily civil penalty of \$50.00 would apply when an agency repeats the same violation within 12 months.

Current FFA regulations address content of the certified family home or licensed foster family home case record and require either a face sheet or application form. Health and Safety Code section 1506.7 requires applicants to complete an application form that includes specified information, but does not provide for the use of a face sheet as an alternative to the application form.

Some of the proposed regulations were originally submitted to the Office of Regulations Development (ORD) in May 2005 and the public hearing was held in September 2005. A decision not to proceed was published in July 2006. The current package is a combined reissue of some previously proposed regulations that have been reworked and newly proposed regulations.

These regulations were considered at the public hearing held on March 12, 2008 in Sacramento, California. No oral or written testimony was received. Minor clarifying changes were made that did not require a 15-day notice.