



# Foster Family Agencies INTERIM LICENSING STANDARDS

## Version 6

The enclosed brackets reflect changes made to the Interim Licensing Standards in version 6.

**Version 6 is effective February 1, 2023**, unless a subsequent version is published by the Department.

Authored/Published by: **CALIFORNIA DEPARTMENT OF SOCIAL SERVICES**

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## INTERIM LICENSING STANDARDS

### Chapter 8.8 Foster Family Agencies, Articles 9, and Subchapter 1

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The Foster Family Agency Interim Licensing Standards (ILS) builds on the current California Code of Regulations Title 22, Division 6, Chapter 1 General Licensing Requirements and [Chapter 8.8 Foster Family Agencies](#). The ILS begin with Article 9 which incorporates the new Continuum of Care Reform changes applicable to Foster Family Agencies. The ILS also include Subchapter 1: Resource Family Approval which governs the implementation of the Resource Family Approval (RFA) Program by Foster Family Agencies.

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**Article 9 – Continuum of Care Reform**

**88200**      **GENERAL**

- (a)    (1)    Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the Department may adopt written instructions to implement statutory changes as authorized by Assembly Bill (AB) 403 (Stats. 2015, ch. 773, § 123(b)), AB 1997 (Stats. 2016, ch. 612, § 131(b)), AB 404 (Stats. 2017, ch. 732, § 126(b)), and AB 1930 (Stats. 2018, ch. 910, § 54(b)).
- (2)    The written instructions described in paragraph (1) shall be known as the California Department of Social Services, Foster Family Agency Interim Licensing Standards which are contained in Article 9 through Article 9.9, inclusive, and Subchapter 1.
- (3)    The California Department of Social Services, Foster Family Agency Interim Licensing Standards may be cited as the FFA ILS. The effective dates of the FFA ILS are as follows:
- (1)    Version 1, effective 01/01/2017.
- (2)    Version 2, effective 01/06/2017.
- (3)    Version 2.1, effective 06/12/2017.
- (4)    Version 3, effective 03/23/2018.
- (5)    Version 4, effective 04/12/2019.
- (6)    Version 4.1, effective 01/13/2020.
- (7)    Version 5, effective 01/15/2021.
- (8)    Version 6, effective 02/01/2023**
- (b)    Effective January 1, 2017, a foster family agency, as defined by Health and Safety Code section 1502(a)(4), shall be governed by the interim licensing standards.
- (c)    (1)    In addition to subsection (b), a foster family agency, except where specified otherwise in this article and as stated below in subsection (g), shall be



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governed by the provisions in Title 22, California Code of Regulations, Division 6, Chapter 8.8, Foster Family Agencies.

- (2) Except for the definition of "child" as specified in California Code of Regulations, Title 22, Section 88001 and as stated below in subsection (h), references to a "child" in Chapters 1 and 8.8 shall include a nonminor dependent.
- (d) On and after January 1, 2017, a foster family agency shall no longer accept applications to certify foster homes but shall rather approve Resource Families in lieu of certifying foster homes.
- (e) A foster family agency shall approve or deny all certified family home applications received on or before December 31, 2016 in accordance with the laws applicable to certified family homes in accordance with Title 22, California Code of Regulations, Division 6, Chapter 8.8, Foster Family Agencies, unless the application is withdrawn.
  - (1) The approval or denial of a certified family home application received on or before December 31, 2016 may occur on or after January 1, 2017.
- (f) On or after January 1, 2017, a foster family agency that engages in recruiting and approving Resource Families shall also be governed by the provisions contained in Subchapter 1, Resource Family Approval.
- (g) The following sections of Title 22, California Code of Regulations, Division 6, Chapter 1, General Licensing Requirements, and Chapter 8.8, Foster Family Agencies, shall not apply to foster family agencies.
  - (1) Section 88008, Licensing of Integral Program Components.
  - (2) Section 88009, Posting of License.
  - (3) Section 88010, Limitations on License.
  - (4) Sections 88018(d)(6) and (d)(13), and 88018, Application for Licensure.
  - (5) Sections 88022 and 88022, Plan of Operation.
  - (6) Section 88023, Disaster and Mass Casualty Plan.
  - (7) Section 88063, Accountability.
  - (8) Sections 88064 and 88064, Administrator – Qualifications and Duties.

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- (9) Section 88065.2, Social Work Supervisor.
- (10) Section 88065.3, Social Work Personnel.
- (11) Section 88065.4, Social Work Supervisor/Social Worker Ratios.
- (12) Section 88065.5, Social Worker Ratios.
- (13) Section 88068.1, Intake Procedures.
- (14) Section 88068.2, Needs and Services Plan.
- (15) Section 88068.3, Modifications to Needs and Services Plan.
- (16) Section 88068.4, Removal and/or Discharge Procedures.
- (h) The following sections of Title 22, California Code of Regulations, Division 6, Chapter 1, General Licensing Requirements, and Chapter 8.8, Foster Family Agencies, shall not apply to nonminor dependents.
  - (1) Sections 88068 and 88068, Admission Agreements.
  - (2) Section 88068.1, Intake Procedures.
  - (3) Sections 88068.2 and 88068.2(a)(7) and (b) through (e), Needs and Services Plan.
  - (4) Section 88069, Children's Medical Assessment.
  - (5) Sections 88069 (a), (b) and (d), Client Medical Assessment.
  - (6) Section 88070, Client Records.
  - (7) Section 88070, Children's Case Records.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1502, 1506, 1506.1, and 1517, Health and Safety Code.

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**88201            DEFINITIONS**

In addition to California Code of Regulations, Title 22, Section 88001, with the exception of (a)(2) "Administrator," (c)(5) "Child," (c)(6) "Child with Special Health Care Needs," (f)(2) "Foster Family Agency," (n)(1) "Nontreatment Agency," (s)(3) "Social Work Personnel," (s)(4) "Suboffice," and (t)(1) "Treatment Agency," the following definitions shall apply:

- (a)    (1)    "Administrator" means the person designated by the board of directors or governing body to be responsible for the day-to day operation of the foster family agency.
- (2)    "Age or developmentally appropriate" means activities or items that are determined to be developmentally appropriate for a child or nonminor dependent, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group, as defined in Welfare and Institutions Code section 362.05(c)(2).

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Welfare and Institutions Code section 362.05 provides:

- (c)(2) The term "age or developmentally appropriate" means both of the following:
  - (A) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group.
  - (B) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

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- (b)    (Reserved)
- (c)    (1)    "Child" means a person who is under 18 years of age placed with or being considered for placement with an applicant, in a certified family home, or

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with a Resource Family by a placement agency, or a parent or guardian, with or without a court order.

(A) “Child” also means a person who is 18 to 22 years of age that meets the requirements of “child with special health care needs” under subdivision (c)(3), placed with or being considered for placement with an applicant, in a certified family home, or with a Resource Family by a placement agency with or without a court order.

(2) “Child and family team” means as defined in Welfare and Institutions Code section 16501(a)(4).

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Welfare and Institutions Code section 16501(a)(4) provides:

“‘Child and family team’ means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and his or her family, and to help achieve positive outcomes for safety, permanency, and well-being.

(A) The activities of the team shall include, but not be limited to, both of the following:

(i) Providing input into the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant.

(ii) Providing input into the placement decision made by the placing agency and the services to be provided in order to support the child or youth.

(B)(i) The child and family team process shall engage the child or youth, the child’s family, and other people important to the family or to the child or youth in meeting the objectives set forth in subparagraph (A). The child and family team shall also include representatives who provide formal supports to the child or youth and family when appropriate, including, but not limited to, all of the following:

(I) The caregiver.

(II) The placing agency caseworker.

(III) A representative from a foster family agency or short-term residential therapeutic program with which a child or youth is placed.

(IV) A county mental health representative.

(V) A representative from the regional center if the child is eligible for regional center services.

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(VI) The child or youth's Court-Appointed Special Advocate, if one has been appointed, unless the child or youth objects.

(VII) A representative of the child's or youth's tribe or Indian custodian, as applicable.

(ii) As appropriate, the child and family team also may include other formal supports, such as substance use disorder treatment professionals and educational professionals, providing services to the child or youth and family. For purposes of this definition, the child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child or youth and family. If placement into a short-term residential therapeutic program or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional. Any party to the child's case who is represented by an attorney may consult with his or her attorney regarding this process. The child or youth and his or her family may request specific persons to be included on the child and family team. Nothing shall preclude another agency serving the child or youth from convening a team in collaboration with the placing agency."

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(3) "Child with special health care needs" means the following, as defined in Welfare and Institutions Code section 17710(a):

(A) A child, or a person who is 22 years of age or younger, who is completing a publicly funded education program, who meets both of the following requirements:

1. Has a condition that can rapidly deteriorate resulting in permanent injury or death, or a medical condition that requires specialized in-home health care.
2. Has been adjudged a dependent of the court pursuant to Welfare and Institutions Code section 300, is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.

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- (4) “Child specific approval” means approval as a Resource Family to care only for a specific child or nonminor dependent based on any of the following circumstances:
- (A) The applicant when consideration of the familial or tribal relationship is of such sufficient significance that it outweighs any concerns about the applicant identified through the family evaluation
- (B) A relative applicant, or adult in the home, is granted a criminal record exemption as outlined in FFA ILS 88331.31(c)(1).
- (C) Prevailing social and cultural standards of a Tribe are applied as part of resource family approval.
- (5) “Conduct inimical” means conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, another individual or the people of the state of California.
- (6) “Continuous Quality Improvement” or “CQI” means the process of identifying, describing, and analyzing strengths and problems and then testing, implementing, learning from, and revising solutions to improve the quality of services.
- (7) “Core services and supports” has the same meaning as “core services” as described in Welfare and Institutions Code section 11463(b)(5).

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Welfare and Institutions Code section 11463 (b)(5) provides:

“Core services, made available to children and nonminor dependents either directly or secured through agreements with other agencies, which are trauma informed and culturally relevant and include:

(A) Specialty mental health services for children who meet medical necessity criteria for specialty mental health services, as provided for in Section 1830.205 or 1830.210 of Title 9, of the California Code of Regulations.

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(B) Transition support services for children, youth, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.

(C) Educational and physical, behavioral, and mental health supports, including extracurricular activities and social supports.

(D) Activities designed to support transition-age youth and nonminor dependents in achieving a successful adulthood.

(E) Services to achieve permanency, including supporting efforts to reunify or achieve adoption or guardianship and efforts to maintain or establish relationships with parents, siblings, extended family members, tribes, or others important to the child or youth, as appropriate.

(F) When serving Indian children, as defined in subdivisions (a) and (b) of Section 224.1, the core services specified in subparagraphs (A) to (E), inclusive, shall be provided to eligible children consistent with active efforts pursuant to Section 361.7.

(G) The core services specified in subparagraphs (A) to (F), inclusive, are not intended to duplicate services already available to foster children in the community, but to support access to those services and supports to the extent already available. Those services and supports may include, but are not limited to, foster youth services available through county offices of education, Indian Health Services, and school-based extracurricular activities.”

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**(8)** “Cultural humility” means the ability to maintain an interpersonal stance that is open to another individual in relation to aspects of cultural identity that is most important to that individual.

**(9)** “Culturally relevant” means program practices, services, and supports provided to children or nonminor dependents and families which incorporate or embrace their unique cultural characteristics and diverse backgrounds.

(d) (1) “Director” means the director of the Department or their designee.

(e) (Reserved)

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- (f) (1) "Foster family agency" means as defined in Health and Safety Code section 1502(a)(4).

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Health and Safety Code section 1502 (a)(4) provides:

"'Foster family agency' means any public agency or private organization, organized and operated on a nonprofit basis, engaged in any of the following:

(A) Recruiting, certifying, approving, and training of, and providing professional support to, foster parents and Resource Families.

(B) Coordinating with county placing agencies to find homes for foster children in need of care.

(C) Providing services and supports to licensed or certified foster parents, county-approved Resource Families, and children to the extent authorized by state and federal law."

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- (g) (1) "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- (2) "Gender identity" means a person's identity based on the individual's stated gender identity, without regard to whether the self-identified gender accords with the individual's physical appearance, surgical history, genitalia, legal sex, sex assigned at birth, or name and sex, as it appears in medical records, and without regard to any contrary statement by any other person, including a family member, conservator, or legal representative. An individual who lacks the present ability to communicate their gender identity shall retain the gender identity most recently expressed by that individual
- (h) (1) "Health related services" shall include, but not be limited to, medical, dental, vision, mental health, substance use disorder services, reproductive and sexual health care. This shall include abortion and contraception related



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services and gender affirming health care and gender affirming mental health care.

- (2) “Host county” means the county in which a foster family agency is located.
- (i) (1) “Inactive status” means a period of time during which a Resource Family is not eligible to provide foster care for a child or nonminor dependent and is not subject to the requirements specified in Articles 6 and 7 of Subchapter 1 or Section 88371 through Section 88372 of the FFA ILS, inclusive.
- (2) “Indian child” means an unmarried person who is under 18 years of age, or an unmarried person who is 18 years of age or over, but under 21 years of age, who is a member of an Indian Tribe, or eligible for membership in an Indian Tribe and is the biological child of a member of an Indian Tribe.
  - (A) An “Indian child” who is 18 years of age or over, or their attorney, may elect that the person not be considered an Indian child for purposes of the child custody proceeding.
- (3) “Indian child’s Tribe” means the Tribe in which an Indian child is a member or eligible for membership or, in the case of an Indian child who is a member or eligible for membership of more than one Tribe, the Tribe with which the Indian child has more significant contacts, according to WIC 224.1(e).
- (4) “Indian community” means the community in which the parent or extended family members of an Indian child reside, or with which the parent or extended family members maintain social and cultural ties, or the Indian child’s Tribe(s).
- (5) “Intensive services foster care” means as defined in Welfare and Institutions Code section 18360.

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Welfare and Institutions Code section 18360 provides in part:

“(c) ‘Intensive services foster care’ means a licensed foster family agency model or public delivery model of home-based family care for eligible children whose needs for safety, permanency, and well-being require specially trained

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resource parents and intensive professional and paraprofessional services and support in order to remain in a home-based setting, or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center.”

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- (6) “Intersectionality” means the study of overlapping or intersecting social identities and related systems of oppression, domination, or discrimination including, but not limited to, race, class, sex, gender identity, sexual orientation, religion, ethnicity, age, education, and disability.

(j)-(m) (Reserved)

- (n) (1) “Needs and services plan” means a time-limited, goal-oriented written plan that identifies the specific needs of an individual child or nonminor dependent, including those items specified in FFA ILS sections 88268.2 and 88268.21; and delineates those services necessary in order to meet the child’s or nonminor dependent’s identified needs.

- (2) “Nonbinary” is an umbrella term for people with gender identities that fall somewhere outside of the traditional conceptions of strictly either female or male. People with nonbinary gender identities may or may not identify as transgender, may or may not have been born with intersex traits, may or may not use gender-neutral pronouns, and may or may not use more specific terms to describe their genders, such as agender, genderqueer, gender fluid, Two Spirit, bigender, pangender, gender nonconforming, or gender variant.

- (3) “Nonminor dependent” means a foster child who is at least 18 years of age and not more than 21 years of age or a nonminor former dependent or ward, as defined in Welfare and Institutions Code section 11400.

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Welfare and Institutions Code section 11400(v) provides:

“‘Nonminor dependent’ means, on and after January 1, 2012, a foster child, as described in Section 675(8)(B) of Title 42 of the United States Code under the federal Social Security Act who is a current dependent child or ward of

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the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, as described in Section 450, who satisfies all of the following criteria:

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- (1) The nonminor dependent has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, or not more than 21 years of age on or after January 1, 2014, and as described in Section 10103.5.
- (2) The nonminor dependent is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1.
- (3) The nonminor dependent has a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403."

Welfare and Institutions Code section 11400(aa) provides:

"'Nonminor former dependent or ward' means, on and after January 1, 2012, either of the following:

- (1) A nonminor who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.
- (2) A nonminor who is over 18 years of age and, while a minor, was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Section 360 or 366.26, or subdivision (d), of Section 728 and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship."

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(o) (Reserved)

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- (p) (1) "Placement agency," including "placing agency," means as defined in Health and Safety Code section 1536.1.

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Health and Safety Code section 1536.1(a) provides:

"'Placement agency' means a county probation department, county welfare department, county social service department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, conservator pursuant to Part 3 (commencing with Section 1800) of Division 4 of the Probate Code, conservator pursuant to Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, and regional center for persons with developmental disabilities, that is engaged in finding homes or other places for placement of persons of any age for temporary or permanent care."

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- (2) "Pre-placement appraisal" means the document that confirms a nonminor dependent does not pose a threat to children in a home and that a certified parent or Resource Family can meet the needs of the nonminor dependent.
- (3) "Psychological safety" means a concept of feeling safe, promotes a sense of well-being, and actively works to prevent harm to a child or nonminor dependent's psychological health.
- (q) (Reserved)
- (r) (1) "Reasonable and Prudent Parent" or "Reasonable and Prudent Parent Standard" means as defined in Welfare and Institutions Code section 362.05.

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Welfare and Institutions Code section 362.05 provides:

(c)(1) “Reasonable and prudent parent” or “reasonable and prudent parent standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

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(2) “Resource Family” means an individual or family as defined in Health and Safety Code section 1517(a)(2).

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Health and Safety Code section 1517 (a)(2) provides in part:

“‘[R]esource family’ means an individual or family that has successfully met both the home environment assessment and the permanency assessment criteria, as set forth in Section 16519.5 of the Welfare and Institutions Code, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian.”

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(3) “Respite care” means temporary care for a period of time approved by a county child welfare agency or probation department and not provided for the purpose of routine, ongoing child care, as defined in Welfare and Institutions Code section 16501(b).

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Welfare and Institutions Code section 16501 (b) provides in part:

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“‘[R]espice care’ means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month pending the development of policies and regulations in consultation with county placing agencies and stakeholders. 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.”

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- (s) (1) “Seriously emotionally disturbed” means as defined in Welfare and Institutions Code section 5600.3 (a)(2).

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Welfare and Institutions Code section 5600.3 (a)(2) provides:

“For purposes of this part, ‘Seriously emotionally disturbed children or adolescents’ means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child’s age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

(A) As a result of the mental disorder, the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

(i) The child is at risk of removal from home or has already been removed from the home.

(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

(C) The child has been assessed pursuant to Article 2 (commencing with Section 56320) of Chapter 4 of Part 30 of Division 4 of Title 2 of the Education Code and determined to have an emotional disturbance, as defined in paragraph (4) of subdivision (c) of Section 300.8 of Title 34 of the Code of Federal Regulations.”

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- (2) "Sexual orientation" describes a person's emotional, romantic or sexual attraction to others which may be shaped at an early age.
- (3) "Social work personnel" means individuals who provide the services specified in FFA ILS Section 88265.3.
- (4) "Suboffice" means any additional, independently licensed office set up by the foster family agency to supplement the services provided by the administrative office.
- (5) "Summary criminal history record" means any document received directly from the Department of Justice in response to LiveScan fingerprint submissions pursuant to Welfare and Institutions Code section 16519.5, including the state and federal record of arrests and prosecutions (RAP sheet), CACI reports, and any subsequent notifications.
- (t) (1) "Transgender" means a person whose gender identity differs from the person's assigned or presumed sex at birth.
- (2) "Transitional independent living plan (TILP)" means the written plan that describes programs, services, and activities in which a child or nonminor dependent participates to prepare for the transition from foster care to independent living.
- (3) "Trauma informed" means program models, interventions, practices, services, and supports that acknowledge, seek to understand, recognize and respond to the varying direct and indirect impact and effects of all types of trauma on children, nonminor dependents, their families, and those who have contact with the child welfare system. In accordance with recognized principles of a trauma-informed approach and trauma-specific interventions, trauma-informed programs recognize the impact of trauma and implement individualized interventions to address trauma's consequences and facilitate healing.

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(u)-(z) (Reserved)

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; Section 17730, Welfare and Institutions Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b).  
Reference: Sections 1439.50, 1502, 1506, and 1517, Health and Safety Code; and Sections 5600.3 11403, 11463, and 16501, Welfare and Institutions Code , and the Gender Recognition Act SB 179 (Atkins, Ch. 853, Statutes of 2017).



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**Article 9.2—License**

**88208      LICENSING OF INTEGRAL PROGRAM COMPONENTS**

- (a) California Code of Regulations, Title 22, Section 88008 shall not apply to a foster family agency.
- (b) Notwithstanding California Code of Regulations, Title 22, Section 80008, the licensing agency shall issue a separate license to each suboffice after the suboffice has complied with the application requirements specified in Section 88218, Application for Licensure.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1509, 1530, and 1534, Health and Safety Code.

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**88209 POSTING REQUIREMENTS**

- (a) California Code of Regulations, Title 22, Section 88009 shall not apply to a foster family agency.
- (b) A current, valid license shall be posted in a prominent, publicly accessible location in the administrative office and in each suboffice of the foster family agency.
- (c) Information for the licensing agency's complaint hotline shall be posted in a prominent, publicly accessible location in the administrative office and in each suboffice of the foster family agency.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1530 and 1508, Health and Safety Code

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**88210            LIMITATIONS ON LICENSE**

- (a) California Code of Regulations, Title 22, Section 80010 shall apply to a foster family agency.
- (b) California Code of Regulations, Title 22, Section 88010 shall not apply to a foster family agency.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1508, Health and Safety Code.

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**Article 9.3—Application Procedures**

**88218      APPLICATION FOR LICENSURE**

- (a) California Code of Regulations, Title 22, Section 88018 shall not apply.
- (b) In addition to California Code of Regulations, Title 22, Section 80018, excluding Sections 80018(d)(6) and (13), the following shall apply.
- (c) As a requirement for licensure, the chief executive officer or other authorized member of the board of directors or governing body and the administrator shall attend an orientation given by the licensing agency which outlines the applicable rules and regulations for operation of a foster family agency.
- (d)
  - (1) To obtain a letter of recommendation, an applicant shall submit a copy of its program statement and information as specified in FFA ILS Section 88222, Plan of Operation, to all county placing agencies from which it anticipates receiving placements or for which services may be provided, including the host county.
  - (2) Once an applicant receives a letter of recommendation from a county placing agency, the applicant may submit its application to the licensing agency designated to serve the foster family agency proposed geographic area of service.
- (e) An applicant shall submit an application and supporting documents to the licensing agency designated to serve the foster family agency's proposed geographic area of service. The application and supporting documents shall contain the following:
  - (1) Documentation of accreditation or application for accreditation, as required by FFA ILS Section 88289(c)(2).
  - (2) A plan of operation, as specified in FFA ILS Section 88222.
    - (A) The applicant shall demonstrate in communications with the Department an understanding of and ability to meet the requirements of FFA ILS Section 88222.

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- (3) At least one letter of recommendation in support of its program from a county placing agency as required by Health and Safety Code section 1506.1(e).
  - (A) The letter of recommendation shall include a statement that the county placing agency reviewed a copy of the applicant's program statement.
  - (B) If the letter of recommendation is not from the host county, the letter of recommendation shall include the following:
    - 1. A statement from the supporting county stating that they engaged the host county and notified them of the intent to provide the letter of recommendation. The statement shall include an explanation of why a letter of recommendation was not given by the host county, a summary of any concerns raised by the host county, and a description of if and how any of those concerns were resolved.
  - (C) If the letter of recommendation is not from the host county, the applicant shall provide a statement containing the following:
    - 1. The applicant provided the host county an opportunity to review the program statement and notified the host county of the letter of recommendation received from another county.
    - 2. An explanation of why a letter of recommendation was not given by the host county, a summary of any concerns raised by the host county, and a description of if and how any of those concerns were resolved.
- (4) A list of all the county placing agencies to whom the applicant's program statement was submitted, as required by subsection (d).
- (5) Copies of documentation received by the applicant from all county placing agencies in response to the applicant's request for a letter of recommendation.

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Health and Safety Code section 1506.1(e) provides:

“(1)(A)(i) A foster family agency applicant shall submit an application to the department that includes a letter of recommendation in support of its program from a county placing agency.

(ii) The letter of recommendation shall include a statement that the county placing agency reviewed the applicant’s program statement.

(iii) If the letter of recommendation is not from the county in which the facility is located, the foster family agency applicant shall include with its application a statement that it provided the county in which the facility is located an opportunity for that county to review the program statement and notified that county that the facility has received a letter of recommendation from another county.

(B) If the application does not contain a letter of recommendation as described in subparagraph (A), then the department shall cease review of the application. Nothing in this paragraph shall constitute a denial of the application for purposes of Section 1526 or any other law.

(C) A new letter of recommendation is not required when a foster family agency moves locations.

(2) A foster family agency shall submit a copy of its program statement to all county placing agencies with which placements are coordinated or for which services are provided, including the county in which the facility is located, for optional review when the foster family agency updates its program statement.”

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- (6) A disaster and mass casualty plan, as specified in FFA ILS Section 88223.
- (7) Disclosure of a prior association as specified in Health and Safety Code section 1520(d).
- (8) Disclosure of any revocation or other disciplinary action taken, or in the process of being taken, including but not limited to a decertification, rescission, suspension, exclusion, overpayment determination in a fiscal audit, monetary penalty, rate reduction, rate suspension, or rate termination, against a license, registration, approval, or certificate held or previously held by the entities as specified in Health and Safety Code section 1520(e).

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Health and Safety Code section 1520 provides:

(d) Disclosure of the applicant's prior or present service as an administrator, general partner, corporate officer, or director of, or as a person who has held or holds a beneficial ownership of 10 percent or more in, any community care facility or in any facility licensed pursuant to Chapter 1 (commencing with Section 1200) or Chapter 2 (commencing with Section 1250).

(e) Disclosure of any revocation or other disciplinary action taken, or in the process of being taken, against a license held or previously held by the entities specified in subdivision (d).

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- (9) A written resolution from the board of directors or governing body stating that it shall operate the foster family agency program in full conformity with applicable statutes, interim licensing standards and regulations.
- (10) If the applicant is a corporation, copies of its articles of incorporation, bylaws (which must include provisions for control by a responsible governing body), annual statement filed with the Secretary of State, corporate charter (if applicable) and evidence confirming nonprofit status.
- (11) A written statement describing the manner in which the board of directors or governing body shall perform the duties specified at FFA ILS Section 88263(d).
- (12) The name, residence and mailing addresses of the administrator, a description of the administrator's background and qualifications, and documentation verifying required education.
- (13) A signature by the chief executive officer or other authorized member of the board of directors or governing body confirming written authorization by the governing body to apply for the license.

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- (f) An applicant shall not make, disseminate, participate in making, or cause to be made a false or misleading statement related to the application for licensure.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code, and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1506.1, 1520 and 1550, Health and Safety Code.



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**88219            CRIMINAL RECORD CLEARANCE**

- (a) In addition to California Code of Regulations, Title 22, Section 88019, the following shall apply:
- (1) A nonminor dependent shall not be subject to a criminal background clearance pursuant to Health and Safety Code section 1502.7.

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Health and Safety Code section 1502.7(b)(2) provides:

- "(b) The regulations shall recognize the status of nonminor dependents as legal adults. At a minimum, the regulations shall provide both of the following:
- (1) (Cont'd)
- (2) That nonminors described in subdivision (a) in a community care facility shall not be subject to criminal background clearances pursuant to Sections 1522 and 1522.1, for the purposes of facility licensing."

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NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1502.7, 1522, 1522.1, and 1531, Health and Safety Code.

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**88222      PLAN OF OPERATION**

- (a) California Code of Regulations, Title 22, Sections 80022 and 88022 shall not apply to an applicant or foster family agency.
- (b) This section shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) A foster family agency shall have and maintain on file a current, written, definitive plan of operation that meets all standards and is sufficient to ensure the foster family agency will operate in compliance with applicable laws.
- (d) The plan of operation, and related materials, shall contain the following:
  - (1) A program statement as specified in FFA ILS Section 88222.1.
  - (2) Statement of admission policies and procedures regarding acceptance of children or nonminor dependents.
  - (3) A copy of the admission agreement.
  - (4) A description of the administrative organization, including the parent organization, if applicable.
  - (5) The location, including street address and mailing address, if different, for the administrative office and each suboffice.
  - (6) A staffing plan that shall include:
    - (A) Complete job descriptions of all foster family agency positions, including the number of staff employed, and their respective work schedule, classifications, qualifications, and duties.
    - (B) Information regarding lines of authority and staff responsibilities.
    - (C) Use of translators, multilingual staff, and multicultural staff to provide services to support the program population.
    - (D) Organizational strategies to enhance the well-being, retention, and resiliency of program staff.

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- (7) (A) A description regarding how the foster family agency will engage, coordinate, and contract with community resources, including, but not limited to, Tribes, county placing agencies, and mental health providers.
- (B) Community engagement may include:
  - 1. Providing services, including core services and supports, to children, nonminor dependents, and families.
  - 2. Establishing culturally relevant and trauma informed program practices, services, and supports.
  - 3. Training, coaching, and other supports for staff and administrators.
  - 4. Recruitment and retention of Resource Families.
- (8) Policies and procedures for continuous quality improvement as specified in FFA ILS Section 88263.1.
- (9) Policies and procedures that the foster family agency shall maintain to ensure that the agency and its employees and independent contractors do not violate the terms of The Child Abuse and Neglect Reporting Act (CANRA) which include:
  - (A) A supervisor or administrator shall not impede or inhibit the reporting duties of a mandated reporter.
  - (B) A foster family agency shall not sanction, punish, or discipline any person for making a report.
  - (C) A foster family agency shall not direct an employee or independent contractor to allow their supervisor to file or process a mandated report on their behalf or require an employee to disclose their identity to the employer.
- (10) Policies and procedures for compliance with requirements of the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) and of Welfare and Institutions Code Sections 224 et. seq. for all children and nonminor

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dependents including establishing and maintaining cultural connections with an Indian child's Tribe(s), provision of tribal services, and for the application of the prevailing social and cultural standards of the Indian community.

- (11) Procedures for the development, maintenance, and implementation of removal and transition procedures for children and nonminor dependents placed with the foster family agency.
- (12) A sketch of the building to be occupied, including a floor plan which describes the capacities of the buildings for the uses intended and room dimensions.
- (13) A statement whether or not the foster family agency will handle a child's or nonminor dependent's money, personal property, and/or valuables. If money, personal property, and/or valuables will be handled, the method for safeguarding shall ensure compliance with California Code of Regulations, Title 22, Sections 80025 and 80026.
- (14) A plan for the use of delayed egress devices by certified parents and Resource Families consistent with applicable laws.

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Health and Safety Code Sections 1531.1(g) and (h) provides in part:

“(g) The facility shall develop a plan of operation approved by the State Department of Social Services that includes a description of how the facility is to be equipped with egress control devices that are consistent with regulations adopted by the State Fire Marshal pursuant to Section 13143 of the Health and Safety Code.”

“(h) The plan shall include, but shall not be limited to, all of the following:

- (1) A description of how the facility will provide training for staff regarding the use and operation of the egress control devices utilized by the facility.
- (2) A description of how the facility will ensure the protection of the residents' personal rights consistent with Sections 4502, 4503, and 4504 of the Welfare and Institutions Code.
- (3) A description of how the facility will manage the person's lack of hazard awareness and impulse control behavior.
- (4) A description of the facility's emergency evacuation procedures.”

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- (15) A description of the administrative policies and procedures to be used to implement the plan of operation. The description shall include the policies and procedures required by FFA ILS Section 88263.
- (16) For a county licensed to operate a foster family agency, a description of its conflict-of-interest mitigation plan, as set forth in Welfare and Institutions Code Section 11462.02(g).

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Welfare and Institutions Code section 11462.02(g) provides:

“Counties licensed to operate a foster family agency or short-term residential therapeutic program shall, as a condition to receiving payment, ensure that its conflict-of-interest mitigation plan, submitted to the department pursuant to subdivision (d) of Section 1506.1 and subdivision (d) of Section 1562.01 of the Health and Safety Code, addresses, but is not limited to, the following:

- (1) A decision to place children and youth in a county-operated facility when alternative appropriate placement options exist.
- (2) The reporting by county staff to the department or other agencies of observed noncompliant conditions or health and safety concerns in county-operated foster family agencies or short-term residential therapeutic programs.
- (3) The cross-reporting of reports received from mandatory child abuse and neglect reporters involving county-operated foster family agencies and short-term residential therapeutic programs.
- (4) Disclosures of fatalities and near fatalities of children placed in county-operated foster family agencies and short-term residential therapeutic programs.”

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- (17) If a foster family agency contracts with other entities, including counties, a description of its conflict-of-interest mitigation plan.
- (e) The plan of operation shall demonstrate an understanding of and ability to provide an integrated program of services and supports that is culturally relevant, trauma informed, and age and developmentally appropriate, to meet the needs of children and nonminor dependents being served.

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- (f) Any changes in the plan of operation which affect the services to children or nonminor dependents shall be subject to licensing agency approval and shall be reported as specified in FFA ILS Section 88361.
- (g) A foster family agency shall operate in accordance with the terms specified in its plan of operation.

NOTE: Authority: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 51, Civil Code; Sections 1501, 1506, 1506.1, 1506.7, 1507, 1512, 1517, 1520, 1531, and 1531.1, Health and Safety Code; Section 11174.1, Penal Code; and Section 16001.9, Welfare and Institutions Code.

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**88222.1 PROGRAM STATEMENT**

- (a) A foster family agency shall have and maintain on file a current, written, definitive program statement that meets the requirements of this section. All components of the program statement shall demonstrate an understanding and ability to provide an integrated program of services and supports that is culturally relevant, trauma informed, and age and developmentally appropriate, to meet the needs of children and nonminor dependents being served.
  - (1) A program statement that is culturally relevant will include interventions, practices, services and supports that recognize the diverse backgrounds of children, nonminor dependents, and their families.
    - (A) The program statement shall demonstrate how the interventions, practices, services and supports shall be tailored to the unique cultural characteristics of the child or nonminor dependent so that the services are relevant from the child's or nonminor dependent's perspective and appropriate to their needs without denying or delaying placement because of race, color, national origin, ethnicity, sexual orientation, or gender identity or expression.
  - (2) A program statement that is trauma informed shall include curricula, training, interventions, policies, practices, procedures, services and supports that recognize and adequately demonstrate how the program addresses each of the following:
    - (A) A child or nonminor dependent's need to feel safe, be respected, informed, connected, and hopeful regarding their own experience with trauma.
    - (B) The relationship between trauma and impacts of trauma including, but not limited to, neuro-cognitive problems, neuro-psychological issues such as depression and anxiety, and behaviors.

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- (C) The need to work in collaboration with a child or nonminor dependent, their family and friends, and human services agencies in a manner that will empower the child or nonminor dependent.
- (3) The Program Statement shall demonstrate an understanding of the responsibility and importance of collaborating with an Indian child's Tribe(s) in the application of the prevailing social and cultural standards of the Indian community , in establishing and maintaining cultural connections with an Indian child's Tribe(s), and in accessing tribal services in the case of an Indian child.
- (b) The program statement shall contain a description of the following:
  - (1) Goals of the foster family agency program.
  - (2) The age range, sex, gender, and population of persons to be served, including, but not limited to, children, nonminor dependents, persons with physical or developmental disabilities, mental health disorders, or non-ambulatory persons.
    - (A) If the foster family agency plans to serve a specific population, the program statement shall include the details for any models or interventions that will be used to tailor services to the specific population, including how the foster family agency will serve lesbian, gay, bisexual, transgender, or queer/questioning children, nonminor dependents, and families.
      - 1. The program statement shall describe how the foster family agency will engage the community, community-based organizations, or providers who currently serve that specific population.
    - (B) If the foster family agency provides vocational training to children or nonminor dependents, the program statement shall include the skills taught, goals of the training, materials provided, number of hours per day, and days per week.



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- (C) If the foster family agency intends to serve nonminor dependents, it shall include a description of programs or services to be provided consistent with assisting a nonminor dependent in preparing for the transition to independent living.
- (3) The foster family agency's ability to support:
  - (A) The differing needs of children, nonminor dependents, and families.
  - (B) To support children, nonminor dependents, and families from different backgrounds or experiences, including race, ethnicity, sexual orientation, gender identity, or a child or nonminor dependent who is gender non-conforming.
  - (C) Children, nonminor dependents, families, and in the case of an Indian child, the Indian child's Tribe(s), in identifying and accessing services and supports to heal from trauma, reduce the risk of re-traumatization, and foster well-being and resiliency. This may include but not be limited to:
    - 1. Development of coping, communication, and self-regulation skills.
    - 2. Development of independent living skills that foster self-esteem, self-advocacy, and empowerment.
    - 3. Training on how to access specialty, health and community services.
    - 4. Extracurricular activities.
    - 5. Healing practices.
    - 6. Engagement with family and loved ones.
    - 7. Maintaining connections to important people in the child's or nonminor dependent's life.
    - 8. Ensuring the provision of a positive, safe physical and emotional environment, as well as services which are strengths-based and promote positive development.

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- (4) The plan for the supervision, evaluation, and training of staff. Training shall be appropriate to meet the differing needs of children, nonminor dependents, and families served and shall include:
- (A) An employee orientation, in-service education, initial and ongoing training, the types of training to be provided, who will conduct the training, and who will be required to attend each training.
  - (B) An in-service education plan shall include the position or person who will conduct the training, including qualifications, approximate length of training, initial and annual training curricula, special training needs that will be identified and met, and specific training for the facility administrator.
  - (C) Initial and ongoing training regarding:
    - 1. Effective trauma informed services which shall include training on:
      - a. The types of trauma experienced by children and nonminor dependents and how to identify them.
      - b. Trauma triggers and how the effects of abuse, neglect and trauma may manifest itself in daily functioning.
      - c. How to provide care and supervision that is trauma informed, appropriate trauma informed interventions, and how to reduce risk of re-traumatization.
      - d. Secondary trauma for foster family agency personnel who provide services to children, nonminor dependents, certified parents, and Resource Families.
    - 2. Effective culturally relevant service and supports which may include training about sexual orientation, gender expression, gender identity, privilege, oppression, cultural humility, intersectionality, and bias for foster family agency personnel

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who provide services to children, nonminor dependents, certified parents, and Resource Families.

3. Child abuse identification, prevention, and treatment for foster family agency personnel who provide services to children, nonminor dependents, certified parents, and Resource Families.
  4. Child's or nonminor dependent's right to have a 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 for foster family agency personnel who provide services to children, nonminor dependents, certified parents, and Resource Families.
  5. The rights of children, nonminor dependents, families, and Tribes in regard to establishing and maintaining cultural connections and applying the prevailing social and cultural standards of a Tribe in the case of an Indian child.
- (5) Utilization, screening, and training of volunteers assisting the foster family agency.
  - (6) The procedures for the development, implementation, review and periodic updating of the needs and services plans for children and nonminor dependents placed with the foster family agency or served by the foster family agency to:
    - (A) Ensure consistency with the case plan as developed by the county placing agency and recommendations by the child and family team.
    - (B) Support the reasonable and prudent parent standard as defined in Section 362.05 of the Welfare and Institutions Code.

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- (C) Include procedures for collaborating with the child and family team as described in Welfare and Institutions Code section 16501(a)(4).
  - (D) Identify how children and nonminor dependents will be assessed and the frequency of assessment.
  - (E) Include evidence-based or informed screening, or assessment tools used to identify trauma history, trauma-related symptoms or problems and how that history is addressed in the child's or nonminor dependent's needs and services plan.
- (7) How the foster family agency will participate in and collaborate with the child and family team, request a child and family team meeting when required, and support the goals identified by the child and family team.
  - (8) How the foster family agency will support certified families and Resource Families in the child and family team process.
  - (9) Culturally relevant services provided to children and nonminor dependents, certified family homes and Resource Families.
    - (A) Culturally relevant services may include, but are not limited to, mentoring, educational enrichment, college and career prep, arts, recreation, cultural and ethnic studies, cultural healing practices, permanency services, self-awareness and health programming that accounts for the diverse backgrounds of the children and nonminor dependents served.
    - (B) In the case of an Indian child, culturally relevant services shall also include the importance of understanding and applying the prevailing social and cultural standards of the Indian Community to the comprehensive assessment of the family.
  - (10) The core services and supports, as set forth in Section 88278.1, to be offered to children, nonminor dependents, and their families, to include the practices that will be used to ensure all core services and supports are trauma informed and culturally relevant, as appropriate or as necessary.

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- (11) How the foster family agency will provide or coordinate additional services and supports to children, nonminor dependents, and families during placement and post-permanency.
  - (A) The name and location of each entity the foster family agency is working with, either formally via a contract or informally, to provide culturally relevant and trauma informed services and supports to children and nonminor dependents.
    - 1. A description of how the foster family agency will ensure services and supports provided pursuant to (b)(11)(A) protect the health and safety of children and nonminor dependents and maintain the confidentiality and privacy of information and documentation.
- (12) Transportation arrangements for children or nonminor dependents.
- (13) A plan for the recruitment, retention, training, supervision, and support of Resource Families to meet the needs of children or nonminor dependents, consistent with the training requirements set forth in Welfare and Institutions Code section 16519.5. The training plan shall:
  - (A) Describe the training topics, who will conduct the trainings, and the training hours required by the foster family agency.
  - (B) To the extent possible, be consistent with the training requirements set forth by the county placing agency as required by Health and Safety Code section 1506.1.
  - (C) If the foster family agency chooses to approve Resource Families, then, in addition to subparagraph (A), the training shall be consistent with the training provided to Resource Families pursuant to Welfare and Institutions Code section 16519.5 and FFA ILS Sections 88331.6 and 88372.
- (14) How the foster family agency will provide or arrange for treatment services, including accessing and making referrals for evidence-based or informed

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trauma-focused services and practices, to meet the individual needs of children or nonminor dependents placed with certified family homes or Resource Families, as specified in Welfare and Institutions Code section 11402.

- (15) A plan for training, supervision, and support for certified family homes that include the following:
- (A) Annual training of a certified parent shall include training in child abuse identification, prevention, and treatment.
  - (B) A written statement identifying the frequency of home visits by staff overseeing compliance in homes and the process for correction of problems.
  - (C) A description of how the foster family agency will convert its existing certified family homes to approved Resource Families by December 31, 2020.
- (16) (A) If the foster family agency chooses to approve Resource Families, then how the foster family agency will comply with the resource family approval standards and requirements, as specified in FFA ILS Subchapter 1, Resource Family Approval, commencing with Section 88300.
- (B) A resource family program implementation plan that includes:
- 1. An orientation for staff and families.
  - 2. A staff development process, whereby staff enhance their individual knowledge, skills, and abilities to ensure they can effectively approve, monitor, and support Resource Families.
  - 3. Recruitment and hiring of new personnel, as necessary.
  - 4. Outreach, recruitment, and support for Resource Family applicants.
  - 5. Retention and support services for certified parents converting to Resource Families.

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6. Policies and procedures for placing a Resource Family on inactive status, as specified in Section 88348.
7. Any other strategies or approaches to be utilized to successfully implement the resource family approval program, including working with licensed adoption agencies, if applicable.
- (17) A foster family agency that chooses not to approve Resource Families pursuant to Health and Safety Code section 1517 shall describe the conversion plan for its certified family homes to obtain resource family approval prior to December 31, 2020.
- (18) A detailed description of the foster family agency's policies and procedures for the following:
  - (A) Cultural humility and sensitivity.
  - (B) Complaints and grievances. Policies and procedures shall identify:
    1. How children, nonminor dependents, and authorized representatives can obtain information regarding the foster family agency's complaint and grievance policies.
    2. How children, nonminor dependents, and their authorized representatives will be informed of their right to file a complaint or grievance.
  - (C) Participation and assistance with any county or state initiatives to improve the child welfare system.
  - (D) Family visitation and other communication with children pursuant to Health and Safety Code section 1512.

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Health and Safety Code section 1512 provides:

"Each residential community care facility shall state, on its client information form or admission agreement, and on its patient's rights form, the facility's policy concerning family visits and other communication with resident clients

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and shall, except as otherwise provided in this section, promptly post notice of its visiting policy at a location in the facility that is accessible to residents and families. The requirement that a facility post notice of the facility's visiting policy does not apply to any facility serving six or fewer clients.

The community care facility's policy concerning family visits and communication shall be designed to encourage regular family involvement with the resident client and shall provide ample opportunities for family participation in activities at the facility."

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- (E) Planned activities.
- (F) House rules that may be utilized by certified family homes and Resource Families.
- (G) Food, clothing, incidentals, etc.
- (H) Personal rights.
- (I) Positive discipline policies and procedures including the type(s) of discipline that may and may not be utilized by certified parents and Resource Families, and the rationale for why a type of discipline is allowed or not allowed, including how the type of discipline is trauma informed.
- (J) Policies and procedures for collaboration with Child Welfare, Probation, County Mental Health, child and family teams, an Indian child's Tribe(s) when applicable, and outside partners to ensure effective and consistent provision of care and services that are trauma informed.
- (K) Any other policies or procedures.



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- (19) Documentation of accreditation or a copy of the application for accreditation, as required by FFA ILS Section 88289.
  - (20) Description of how the foster family agency will provide children or nonminor dependents with access to appropriate mental health services, as required by FFA ILS Section 88289.1.
  - (21) If a foster family agency chooses to operate an intensive services foster care (ISFC) program, then a description of the foster family agency's ISFC program model and how the foster family agency will comply with the requirements specified in Welfare and Institutions Code section 18360 et seq and FFA ILS Subchapter 2, Intensive Services Foster Care.
- (c) (1) Any changes in the program statement which affect the services to children or nonminor dependents shall be subject to licensing agency approval.
- (2) A foster family agency shall also submit a copy of its updated program statement and information as specified in FFA ILS Section 88222, Plan of Operation to all county placing agencies with which placements are coordinated or for which services are provided, including the county in which the facility is located, for optional review.
- (A) A foster family agency shall submit to the licensing agency a list of the county placing agencies to whom its program statement was submitted pursuant to paragraph (2).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 51, Civil Code; Sections 1506.1, 1512, and 1517, Health and Safety Code; Sections 362.05, 11402, 16501, and 16519.5, Welfare and Institutions Code.

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**88223            DISASTER AND MASS CASUALTY PLAN**

- (a) California Code of Regulations, Title 22, Section 80023 shall not apply to an applicant or foster family agency.
- (b) A foster family agency shall have and maintain on file a current, written disaster and mass casualty plan of action. The disaster and mass casualty plan of action shall be:
  - (1) Posted in a central location and near a telephone.
  - (2) Reviewed and updated annually by the administrator.
  - (3) Discussed with staff at least every six months or when updates to the plan have been made to ensure staff are informed of their duties and responsibilities under the plan.
  - (4) Available to the Department to inspect, audit, and copy upon demand during normal business hours.
- (c) The disaster and mass casualty plan shall contain the following:
  - (1) The name, cellular telephone number and email address of the administrator.
  - (2) The name, job title, cellular telephone number and email address of three foster family agency staff assigned to respond to the Department during and after a disaster or emergency.
  - (3) A description of emergency disaster response services to be provided by the foster family agency and designation of staff assignments during various types of disasters, including but not limited to, fires, floods, and earthquakes.
  - (4) Evacuation procedures that shall include a description of the following:
    - (A) The foster family agency's emergency exit locations.
    - (B) Two relocation sites which are equipped to provide safe and temporary accommodations.
    - (C) Transportation or anticipated transportation used for evacuation.

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- (5) Identification of communication protocols with the following entities during and after an emergency:
  - (A) Maintain access to local radio, television, email or texts for important and current information about disasters.
  - (B) Emergency local agencies including but not limited to the fire department, law enforcement agencies, hospitals, red cross, and other disaster authorities.
  - (C) Certified family homes, Resource Families, a child's or nonminor dependent's authorized representative, and an Indian child's Tribe(s) when applicable, to obtain a child's or nonminor dependent's location and condition.
  - (D) The Department of Social Services, Community Care Licensing.
- (6) The location of the following equipment:
  - (A) First aid kit.
  - (B) Fire alarm sounding device including but not limited to, smoke detectors.
  - (C) Fire extinguisher.
  - (D) All emergency shut-off valves for power, water, natural gas, propane and any other utilities used.
- (d) A foster family agency shall ensure certified family homes and Resource Families are informed of their duties and responsibilities under the disaster and mass casualty plan of action.
- (e) Disaster drills shall be conducted at least quarterly.
  - (1) Completion of drills shall not require travel away from the foster family agency grounds or contact with local disaster agencies.
  - (2) Documentation of a drill, including the date and time the drill was conducted, shall be maintained by the foster family agency for at least one year.
- (f) A foster family agency shall maintain a roster of all children and nonminor dependents placed with the foster family agency which shall include:

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- (1) The child's or nonminor dependent's name, date of birth, and any medical conditions.
- (2) 24-hour contact information for the child's or nonminor dependent's Resource Family.
- (3) Contact information for the child's or nonminor dependent's authorized representative, placement agency, and in the case of an Indian child, the Indian child's Tribe(s) or tribal representative.
- (g) A foster family agency shall verify a Resource Family's emergency contact information is current and updated at least every six months.
- (h) A foster family agency shall include a 24-hour emergency contact number on the foster family agency's outgoing voicemail message.

NOTE: Authority cited: Sections 1530 and 1565, Health and Safety Code. Reference: Sections 1501, 1520, and 1531, Health and Safety Code.

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**88227 INITIAL APPLICATION REVIEW**

- (a) In addition to California Code of Regulations, Title 22, Section 80027, the following shall apply.
- (b) If a foster family agency application does not contain a letter of recommendation, as required by Health and Safety Code section 1506.1(e)(1)(A), then the licensing agency shall cease review of the application.
- (c) Nothing in subsection (b) above shall constitute a denial of the application for purposes of Health and Safety Code section 1526 or any other law.

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Health and Safety Code section 1506.1(e)(1)(A) provides:

- “(i) A foster family agency applicant shall submit an application to the department that includes a letter of recommendation in support of its program from a county placing agency.
- (ii) The letter of recommendation shall include a statement that the county placing agency reviewed the applicant’s program statement.
- (iii) If the letter of recommendation is not from the county in which the facility is located, the foster family agency applicant shall include with its application a statement that it provided the county in which the facility is located an opportunity for that county to review the program statement and notified that county that the facility has received a letter of recommendation from another county.”

Health and Safety Code section 1526 provides:

“Immediately upon the denial of any application for a license or for a special permit, the state department shall notify the applicant in writing. Within 15 days after the state department mails the notice, the applicant may present his written petition for a hearing to the state department. Upon receipt by the state department of the petition in proper form, such petition shall be set for hearing. The proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department has all the powers granted therein.”

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code.

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**88235      USE OF COUNTY-APPROVED RESOURCE FAMILIES**

- (a) In addition to California Code of Regulations, Title 22, Section 88035, the following shall apply.
- (b) A foster family agency may use a county-approved resource family as provided in Health and Safety Code section 1506.5.

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Health and Safety Code section 1506.5 provides:

- (a) Foster family agencies shall not use foster family homes licensed by a county or resource families approved by a county without the approval of the licensing or approving county. When approval is granted, a written agreement between the foster family agency and the county shall specify the nature of administrative control and case management responsibility and the nature and number of the children to be served in the home.
- (b) Before a foster family agency may use a licensed foster family home it shall review and, with the exception of a new fingerprint clearance, qualify the home in accordance with Section 1506.
- (c) When approval is granted pursuant to subdivision (a), and for the duration of the agreement permitting the foster family agency use of the licensed foster family home or county-approved resource family, no child shall be placed in that home except through the foster family agency.
- (d) Nothing in this section shall transfer or eliminate the responsibility of the placing agency for the care, custody, or control of the child. Nothing in this section shall relieve a foster family agency of its responsibilities for or on behalf of a child placed with it.

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- (c) A foster family agency shall approve a county-approved **R**esource **F**amily by documenting that the **R**esource **F**amily is willing and able to meet any additional training required by the foster family agency in order to provide the appropriate level of services to the children or nonminor dependents placed with the **R**esource **F**amily.

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- (d) A foster family agency shall provide social work services to children, nonminor dependents, and Resource Families.
- (e) A foster family agency shall maintain the following records on file for all county-approved Resource Families used by the agency:
  - (1) A copy of the written agreement between the county and the foster family agency.
  - (2) A copy of the current county Resource Family Written Report.
  - (3) A copy of the documentation described in subsection (c).

Note: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506, 1506.5 and 1530, Health and Safety Code.

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**88237 CLOSURE PLANS**

- (a) In addition to California Code of Regulations, Title 22, Section 88035, the following shall apply.
- (b) A foster family agency that plans to close and forfeit their license shall provide the Department and all applicable placing agencies with a notice of intent to forfeit the license no later than 60 days before the forfeiture of the license.
- (c) The foster family agency shall notify any applicable parties that may be affected by the forfeiture of the license which may include but is not limited to approved Resource Families, applicants, regional centers, and service providers.
- (d) After providing notice of intent to forfeit licensure, the foster family agency administrator or designee shall develop a closure plan and submit it to the Department for approval.
- (e) A closure plan shall include the following:
  - (1) Effective closure date
  - (2) List of all children and nonminor dependents that will be affected by the closure including:
    - (A) Name of each child or nonminor dependent
    - (B) Each child or nonminor dependent's placement agency, placement worker's name and telephone number, and the date the placement agency was notified of closure.
    - (C) Other applicable parties notified, such as biological parents, authorized representatives, case workers, in the case of an Indian child, the Indian child's Tribe(s), and the date of notification.
  - (3) Plan for continued approval and service provision for each Resource Family through portability, including proposed timelines.
  - (4) Plan of action to help ensure that services and supports will be maintained for each child and nonminor dependent.
  - (5) A staffing plan for continued operation until time of closure.



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- (f) Throughout the closure process, the licensee shall communicate any changes to the closure plan to the Department and all notified parties as soon as the information is available.
- (g) The foster family agency shall notify the Department when the closure is complete and there are no remaining clients.

Note: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506, 1506.5 and 1530, Health and Safety Code.

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**Article 9.7 – Continuing Requirements**

**88263**      **ACCOUNTABILITY**

- (a) California Code of Regulations, Title 22, Section 88063 shall not apply.
- (b) The licensee is accountable for the general supervision of the licensed facility and the certified family homes and Resource Families, for the establishment of policies concerning operations, and for ensuring operations comply with applicable regulations, interim licensing standards, and statutes.
  - (1) The licensee shall establish internal procedures to ensure that certified family homes and Resource Families report incidents, complaints, and alleged child abuse to the foster family agency.
  - (2) The licensee shall establish internal procedures to ensure that reports specified in paragraph (1) by certified family homes and Resource Families are reported to the Department.
- (c) Upon substantiation of a complaint against a certified family home or Resource Family, the licensee shall ensure that appropriate action is taken.
  - (1) In the case of a substantiated child abuse complaint, the appropriate action may include removal of the child(ren), removal of a household member, decertification of the home, or rescission of the approval, even though there were not sufficient grounds to warrant criminal prosecution.
  - (2) In the case of some other type of substantiated complaint, the appropriate action must ensure that the certified family home or Resource Family complies with applicable statutes and regulations.
- (d) The board of directors or other governing body, including, but not limited to, an individual natural person who is a licensee, shall be active in ensuring oversight and accountability, and shall perform, at a minimum, the following duties:
  - (1) Establish and approve policies and procedures governing the operation of the foster family agency.

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- (A) The policies and procedures shall be kept and maintained in updated policy and procedure manuals that include, but are not limited to, the following topics:
    - 1. Conflicts of interest, self-dealing, segregation of duties, and less-than-arms-length transactions of members of the board, governing body, or staff.
    - 2. Internal controls, including, but not limited to, financial accounting, reconciliations, financial security measures, disbursements, petty cash, and financial record keeping.
    - 3. This paragraph shall not apply to a county licensed to operate a foster family agency.
  - (B) All policy and procedure manuals shall be available to the Department to inspect, audit, and copy upon demand during normal business hours.
- (2) Approve and monitor the foster family agency's operating budget.
  - (3) Assess and maintain the level of funds necessary to cover the costs of operating the foster family agency.
  - (4) Adopt a plan of operation and program statement for the foster family agency that will ensure services provided by the foster family agency correspond to the needs of the community.
  - (5) Employ an administrator who meets the requirements of FFA ILS Sections 88264 and 88364.
  - (6) Complete a written statement describing the duties delegated to the administrator, provide a copy of this statement to the administrator and maintain a copy in the foster family agency's files.
  - (7) Require that the chief executive officer, administrator or a designee be present at all meetings of the board of directors or governing body during which the operation or the policies of the foster family agency are discussed.

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- (8) Conduct board of directors or governing body meetings at least on a quarterly basis to review and discuss the foster family agency's operation and based upon the review, ensure that the foster family agency complies with all applicable regulations, interim licensing standards, and statutes.
  - (A) Review and discussion of the foster family agency's operation shall include the incidents concerning a child or nonminor dependent placed with the foster family agency that were reported to the Department as specified in FFA ILS Section 88361(d).
- (9) Ensure that minutes are kept for all board of directors or governing body meetings and retained as a permanent record.
- (10) Ensure that all minutes of board of directors' or governing body meetings are available to the licensing agency to inspect, audit, and copy upon demand during normal business hours. Minutes may be removed if necessary for copying. Removal of minutes shall be subject to the following requirements.
  - (A) Prior to removing any minutes, a licensing representative shall prepare a list of the minutes to be removed, sign and date the list upon removal of the minutes and leave a copy of the list with the administrator or designee.
  - (B) Licensing representatives shall return the minutes undamaged and in good order within three business days following the date the minutes were removed.
- (11) Ensure that oversight of program operations and internal controls are adequate and effective for the management of the foster family agency and provide reasonable assurance of compliance with applicable laws and regulations.
- (12) If the foster family agency is a corporate licensee, submit copies of all corporate documents to the licensing agency at the time documents are submitted to the Secretary of State.

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NOTE: Authority cited: Section 1501 and 1530 Health and Safety Code. Reference: Sections 1517(b), 1538.5 and 1550, Health and Safety Code; Sections 5210, 5231, 6320(a), Corporations Code, and AB 404, Stats. 2017, Ch. 732, Sec. 126(b).

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**88263.1      CONTINUOUS QUALITY IMPROVEMENT**

- (a) A foster family agency shall develop written policies, procedures, and practices concerning the foster family agency's continuous quality improvement (CQI).
- (b) A foster family agency's CQI shall be developed based on the overall mission, vision, and values of the foster family agency and the active inclusion and participation of all foster family agency staff, children, nonminor dependents, families, community resources, and local Tribes.
- (c) A foster family agency's CQI shall:
  - (1) Adopt specific outcomes, indicators, and practice standards, including outcomes associated with trauma informed and culturally relevant services.
  - (2) Include collecting qualitative and quantitative data and information related to identified outcomes, indicators, and practice standards. This may include, but is not limited to, the following:
    - (A) Feedback from children, nonminor dependents, families, and all foster family agency staff.
    - (B) Data about all foster family agency staff, including training, workload, and performance.
    - (C) Peer-review panel with a foster family agency that serves a similar population.
      - 1. Peer review panel may be formed based on served populations, foster family agency size, location, or any other criteria that can serve the purpose of the peer-review panel.
  - (3) Include review, analysis, and interpretation of collected qualitative and quantitative data.
  - (4) Utilize data review, analyses, and interpretations to inform and improve policies, practices, and programs.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88264 ADMINISTRATOR-QUALIFICATIONS AND DUTIES**

- (a) California Code of Regulations, Title 22, Sections 80064 and 88064 shall not apply to an applicant or foster family agency.
- (b) The following shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) The administrator shall have the following qualifications:
  - (1) Attainment of at least 18 years of age.
  - (2) Knowledge of the requirements for providing the type of care and supervision needed by the child or nonminor dependent, including ability to communicate with the child or nonminor dependent.
  - (3) Knowledge of and ability to comply with applicable law, regulation, and interim licensing standards.
  - (4) Ability to maintain or supervise the maintenance of financial and other records.
  - (5) Ability to direct the work of others, when applicable.
  - (6) Ability to establish the foster family agency's policy, program, and budget.
  - (7) Ability to recruit, employ, train, and evaluate qualified staff, and to terminate employment of staff, if applicable to the foster family agency.
- (d) A foster family agency shall make provisions for continuing operation and exercising the administrator's responsibilities during any absence of the administrator.
- (e) The licensee, if an individual, or any member of the board or governing body of the licensee, shall be permitted to be the administrator provided that they meet the qualifications specified in this section and complies with all federal laws, state laws, regulations and internal procedures regarding governance of the licensee, including, but not limited to, those related to conflicts of interest.
- (f) All foster family agencies shall have an administrator who shall meet one of the following requirements:
  - (1) A master's degree or higher from an accredited or state approved graduate school-in social work or social welfare, marriage, family, and child counseling,



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counseling psychology, social psychology or equivalent education and experience as determined by the licensing agency. In addition, the administrator shall have demonstrated ability and leadership through a minimum of three years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.

- (2) A bachelor's degree in a behavioral science from an accredited college or university. In addition, the administrator shall have demonstrated ability and leadership through a minimum of five years of experience in the field of child or family services, two years of which have been in an administrative or managerial position.
- (g) Foster family agency administrators hired before October 30, 1993, who do not meet the education and experience requirements shall remain qualified, provided they have no break exceeding three consecutive years in employment as a foster family agency administrator.
- (h) The administrator shall be responsible for the day to day operation of the foster family agency, including the following duties:
  - (1) Designating a staff person to perform the duties of the administrator in his/her absence from the facility who has the following qualifications.
    - (A) Knowledge of the foster family agency operations.
    - (B) Training in programs provided by the foster family agency.
    - (C) Designation as the authorized person to correct deficiencies that constitute immediate threats to the health and safety of children in the foster family agency certified family homes.
  - (2) Appointing and dismissing staff.
  - (3) Ensuring attendance at each board or governing body meeting by the chief executive officer, administrator, or designee.
  - (4) Mailing copies of all alleged child abuse or neglect, substantiated complaint, licensing, and incident reports to the board or governing body.

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- (5) Coordinating and implementing a program for staff development of all foster family agency staff.
- (6) Ensuring the maintenance of a file of all foster family agency incident investigation reports and Department complaint investigation reports, including the foster family agency action taken.
- (7) Ensuring that incident and complaint investigation reports are kept confidential as required by Health and Safety Code Section 1538(b) and applicable confidentiality laws.
- (i) The administrator may serve in another personnel capacity provided they meet the applicable qualifications of both positions, discloses any conflict of interest to the board or other governing body, obtains board or governing body approval to act in both capacities, and complies with all applicable laws and regulations governing conflicts of interest.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1538, Health and Safety Code.

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**88265.2 SOCIAL WORK SUPERVISOR**

- (a) California Code of Regulations, Title 22, Section 88065.2 shall not apply to an applicant or foster family agency.
- (b) The following shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) Each social work supervisor in a foster family agency shall be responsible for, but not limited to, the following duties:
  - (1) Orientation and training of new social work personnel.
  - (2) Review and oversight of social work personnel casework.
  - (3) Ensure that assigned social work personnel perform their duties in compliance with applicable laws, regulations, policies, and procedures.
- (d) Social work supervisors shall meet the following education and experience requirements:
  - (1) A master's degree or higher from an accredited or state-approved graduate school in social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology, social psychology, clinical psychology, educational psychology, education with an emphasis on counseling, or an area that qualifies for licensure as a Licensed Professional Clinical Counselor, as specified in Sections 4999.32 and 4999.33 of the Business and Professions Code.
  - (2) In addition to the degree specifications in subsection (d)(1), all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 2017:
    - (A) At least three semester units of field practice at the master's degree level, or six months' full-time equivalent experience in a public or private social service agency setting.
    - (B) At least nine semester units of coursework related to children and families or within the first year of employment, experience in working with children and families as a major responsibility of the position.

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- (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or training in cultural competency and working with minority populations within the first six months of employment as a condition of employment.
- (D) At least three semester units in child welfare, or two years of experience in a public or private child welfare social services setting.
- (3) Experience as follows:
  - (A) Three years of full-time social work or casework employment in the field of family or child welfare services; or
  - (B) Two years of full-time social work or casework employment in a licensed foster family or adoption agency.
- (e) Social work supervisors who do not meet the master's degree or higher requirements specified in subsection (d)(1) above may be granted an exception provided they complete the coursework and field practice or experience requirements specified in subsection (d)(2) above.
- (1) Exceptions granted by the Department prior to January 1, 2017, shall remain in effect.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code.

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**88265.3 SOCIAL WORK PERSONNEL**

- (a) California Code of Regulations, Title 22, Section 88065.3 shall not apply to an applicant or foster family agency.
- (b) The following shall apply to an applicant or foster family agency on or after January 1, 2017.
- (c) Social work personnel shall be employed to provide the social services of the foster family agency.
- (d) Social work personnel shall meet the following education and experience requirements:
  - (1) A master's degree or higher from an accredited or state approved graduate school that includes, but is not limited to, social work or social welfare, marriage, family, and child counseling, child psychology, child development, counseling psychology, social psychology, clinical psychology, educational psychology, education with an emphasis on counseling, or an area that qualifies for licensure as a Licensed Professional Clinical Counselor, as specified in Sections 4999.32 and 4999.33 of the Business and Professions Code.
  - (2) In addition to the degree specifications in subsection (d)(1), all of the following coursework and field practice or experience shall be required of all new hires effective January 1, 1993:
    - (A) At least three semester units of field practice at the master's degree level, or six months' full-time equivalent experience in a public or private social service agency setting.
    - (B) At least nine semester units of coursework related to children and families, or, within the first year of employment, experience in working with children and families as a major responsibility of the position under the supervision of a supervising social worker.
    - (C) At least three semester units in working with minority populations; six months of experience in working with minority populations; or training

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- in cultural competency and working with minority populations within the first six months of employment as a condition of employment.
- (D) At least three semester units in child welfare, or at least six months of experience in a public or private child welfare social services setting.
- (e) Social work personnel who do not meet the master's degree or higher requirements specified in subsection (d)(1) above may apply for an exception provided they complete the coursework and field practice or experience requirements specified in subsection (d)(2) above.
- (1) Exceptions granted by the Department prior to January 1, 2017, shall remain in effect.
- (f) Documentation of the required education and experience requirements shall be maintained in the personnel file.
- (g) Social work personnel shall be responsible for the following:
- (1) Orientations of potential Resource Family applicants.
- (2) Evaluation and assessment of the application of the potential certified family homes and Resource Families.
- (3) Evaluation and assessment of a child or nonminor dependent for placement and continued placement in a certified family home, licensed foster family home, or Resource Family.
- (4) Placement of the child or nonminor dependent in the certified family home, licensed foster family home, or Resource Family.
- (5) Development and updating of the child's or nonminor dependent's needs and services plan, including identifying individuals who are important to the child or nonminor dependent as required by Welfare and Institutions Code section 366.1(g), and in the case of an Indian child, identifying the Indian child's Tribe(s).
- (6) Supervision of the placement of the child or nonminor dependent including direct contact with the child or nonminor dependent and the certified parent, foster family home licensee, and Resource Families.

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- (7) Provision of support services to certified parents, foster family home licensees, and Resource Families assigned to the social worker.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code; Sections 366.1 and 366.21, Welfare and Institutions Code.

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**88265.4      SOCIAL WORK SUPERVISOR/SOCIAL WORKER RATIOS**

- (a) California Code of Regulations, Title 22, Section 88065.4 shall not apply to a foster family agency.
- (b) The foster family agency shall employ one full-time social work supervisor for every eight social workers or fraction thereof per licensed location.
- (c) A social work supervisor may function as a social worker only when fewer than eight social workers are supervised in a foster family agency and shall be allowed to carry three cases in place of supervising one social worker.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1506.5, 1530, and 1531, Health and Safety Code.



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**88265.5**      **SOCIAL WORKER RATIOS**

- (a) California Code of Regulations, Title 22, Section 88065.5 shall not apply to a foster family agency.
- (b) A foster family agency shall employ one full-time social worker for every 18 children or nonminor dependents, or fraction thereof, in placement.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1506.3, 1530 and 1531, Health and Safety Code.

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**88265.6      NONSOCIAL WORK PERSONNEL PERFORMING SOCIAL WORK**  
**DUTIES**

- (a) In order to complete the social work duties described in this section, nonsocial work personnel shall meet the following education and experience requirements:
  - (1) A bachelor's degree from an accredited or state approved school in social work, psychology, or a similar field.
  - (2) The experience and core competencies necessary to competently complete tasks detailed in subsection (d).
- (b) If a nonsocial work personnel does not meet the education requirements of subsection (a), they may apply to the department for an exception if they meet the following requirements:
  - (1) At least nine semester units of coursework related to children and families, or 18 months experience in working with children and families.
  - (2) At least three semester units in working with minority populations; six months of experience in working with minority populations; or six months in-service training in working with minority populations within the first year of employment as a condition of employment.
  - (3) At least three semester units in child welfare, or two years experience in a public or private child welfare social services setting.
- (c) Documentation of the required education and experience requirements, or of an exception approved by the department and the exception terms, shall be maintained in the personnel file.
- (d) Nonsocial work personnel that meet the requirements of this section are able to complete the following social work duties:
  - (1) Complete orientation for applicants or Resource Families, as required by FFA ILS Section 88331.6 (b)(1).
  - (2) Completion of the Resource Family home health and safety assessment, as specified in FFA ILS section 88331.2 (a)(2).
    - (A) The assessment must be reviewed and approved by a Social Worker

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that meets the requirements of FFA ILS Section 88265.3.

- (3) This subsection does not prohibit the nonsocial work personnel from completing additional tasks in the scope of their work as an employee of the foster family agency.

NOTE: Authority Cited: Section 1530, Health and Safety Code. Reference: Sections 1506 and 1530, Health and Safety Code; Sections 366.1 and 366.21, Welfare and Institutions Code.

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**88268      ADMISSION AGREEMENTS FOR NONMINOR DEPENDENTS**

- (a) California Code of Regulations, Title 22, Sections 80068 and 88068 shall not apply to nonminor dependents.
- (b) As part of the intake procedures specified in FFA ILS Section 88268.11, a foster family agency shall complete and maintain a current admission agreement for each nonminor dependent and the certified parent or Resource Family with whom a nonminor dependent is placed.
  - (1) The agreement shall be signed and dated by the nonminor dependent, the nonminor dependent's authorized representative if applicable, the certified parent(s) or Resource Family, and the administrator or social work personnel prior to the placement of a nonminor dependent in a home.
  - (2) The foster family agency shall provide a copy of the agreement to the nonminor dependent and the certified parent(s) or Resource Family and shall retain the original agreement as specified in FFA ILS Section 88270.1.
- (c) Whenever circumstances covered in the admission agreement change, a foster family agency shall make modifications to the current agreement. Any modifications to the agreement shall be completed as specified in subsection (b).

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1501 and 1531, Health and Safety Code.

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**88268.1 INTAKE PROCEDURES**

- (a) California Code of Regulations, Title 22, Section 88068.1 shall not apply to a foster family agency.
- (b) A foster family agency shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.
- (c) The following requirements shall be met within 30 calendar days of a child's placement in the home.
  - (1) A copy of the child's case plan and the information specified in FFA ILS Section 88270 and California Code of Regulations, Title 22, Sections 80070 and 88070, shall be obtained from the placement agency.
    - (A) If the information is not provided by a placement agency, the foster family agency shall make telephone and written requests for the information to the child's placement agency, authorized representative, or both, and shall record and retain details of those requests in the child's records.
  - (2) When the information is received, social work personnel shall complete a needs and services plan as specified in FFA ILS Section 88268.2.
  - (3) The information specified in Subsections (c)(1) and (2) above shall be reviewed by the social work personnel to determine whether the foster family agency can provide the services necessary to meet the child's needs.
  - (4) If the child is accepted for placement, the following requirements shall be met:
    - (A) A foster family agency agreement shall be signed by the authorized representative(s) and the foster family agency as specified in California Code of Regulations, Title 22, Section 80068(c).
    - (B) The foster family agency shall develop an admission agreement that shall be dated and signed by the certified parent(s) or foster family home licensee(s) and the foster family agency as specified in California Code of Regulations, Title 22, Section 88068(a)(1).
    - (C) The foster family agency shall provide the child and their authorized

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representative with an orientation, in an age or developmentally appropriate manner, that includes an explanation of the child's rights, as specified in FFA ILS Section 88487.8 and in Welfare and Institutions Code section 16001.9 and addresses the child's questions and concerns.

- (D) The foster family agency shall provide the child and their authorized representative with a written copy of the child's rights, as specified in FFA ILS Section 88487.8 and in Welfare and Institutions Code section 16001.9 and information regarding agencies a child or nonminor dependent may contact concerning violations of these rights.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88268.11 INTAKE PROCEDURES FOR NONMINOR DEPENDENTS**

- (a) (1) California Code of Regulations, Title 22, Sections 88068.1 and 88069 and FFA ILS Section 88268.1 shall not apply to nonminor dependents.
- (2) California Code of Regulations, Title 22, Section 80069, except for subsections (a), (b) and (d), shall apply.
- (b) A foster family agency shall develop, maintain, and implement intake procedures that meet the requirements specified in this section.
- (c) Prior to the placement of a nonminor dependent in a home, the administrator or social work personnel shall, jointly with the placement agency and the certified parent(s) or Resource Family, prepare a pre-placement appraisal for the nonminor dependent.
  - (1) The appraisal shall include:
    - (A) Confirmation that the nonminor dependent does not pose a threat to children in the home.
    - (B) The ability of the certified parent(s) or Resource Family to meet the needs of the nonminor dependent.

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The pre-placement appraisal may include the following additional information about a nonminor dependent:

- (1) Overall health and health history, including any dietary limitations, currently prescribed medications, and major illnesses, accidents, hospitalizations, or surgeries.
- (2) Physical and developmental disabilities.
- (3) Mental health and mental conditions.
- (4) Social factors, including likes, dislikes, interests, and activities.
- (5) Cultural factors, such as race, ethnicity, sexual orientation, gender expression, and gender identity.

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- (d) Prior to, or within 30 calendar days of placement of a nonminor dependent with the foster family agency for placement in a home, the administrator or social work personnel shall obtain a written medical assessment of the nonminor dependent. The assessment shall be performed by a licensed physician or the physician's designee, who is also a licensed professional; the assessment shall not be more than one year old when obtained; and shall meet requirements as specified in California Code of Regulations, Title 22, Section 80069 (c).
- (1) If a current medical assessment cannot be obtained, the administrator or social work personnel shall ensure that a current medical assessment is completed within 30 days of placement of the nonminor dependent.
- (A) If the medical assessment cannot be completed within 30 days of placement of the nonminor dependent, the administrator or social work personnel shall obtain a medical appointment date for the nonminor dependent within 30 days of placement.
- (e) Within 30 calendar days of the placement of a nonminor dependent in a home, an administrator or social work personnel shall obtain and request intake information and related documents about the nonminor dependent.
- (1) The following intake information shall be obtained from the placement agency:
- (A) Name, address, and telephone number of the nonminor dependent's:
1. Placement worker and placement agency.
  2. Authorized representative and persons to be contacted in an emergency when the nonminor dependent's authorized representative cannot be contacted.
  3. In the case of a nonminor dependent who is considered an Indian child, contact information for the Indian child's Tribe(s) or tribal representative.
  4. Physician and dentist, and other medical and mental health providers, if any.



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- 5.** Current employer, if applicable, with address of employment.
    - (B) Medical and dental insurance coverage information, including the agency or person responsible for medical and dental costs.
    - (C) Names of all persons who are prohibited by court order from contacting or visiting the nonminor dependent.
  - (2) The following intake information shall be requested from the placement agency:
    - (A) The case plan.
      - 1. The foster family agency shall document all attempts to obtain the case plan and the date when the case plan is received by the county placing agency in the nonminor dependent's needs and services plan.
    - (B) The transitional independent living plan.
    - (C) The health and education passport.
  - (3) A foster family agency shall use the intake information to prepare a needs and services plan for a nonminor dependent, as specified in FFA ILS Section 88268.21.
- (f) An administrator or social work personnel shall complete an admission agreement for a nonminor dependent as specified in FFA ILS Section 88268.
- (g) The administrator or social work staff shall ensure that intake documents are signed as necessary.
  - (1) The admission agreement shall be signed as specified in FFA ILS Section 88268.
  - (2) The needs and services plan shall be signed as specified in FFA ILS Section 88268.21.
  - (3) The policies and procedures for removal or transition from the foster family agency shall be signed as specified in FFA ILS Section 88268.4.
- (h) Within 30 calendar days of the placement of a nonminor dependent in a home, the administrator or social work personnel shall provide a nonminor dependent and a

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certified parent or Resource Family with copies of the following documents:

- (1) Copies of the following documents shall be provided to both the nonminor dependent and the certified parent or Resource Family:
  - (A) The transitional independent living plan, the needs and services plan specified, and any modifications to these plans.
  - (B) Admission agreement and any modifications to this agreement.
  - (C) The medical assessment specified in subsection (d).
- (2) Copies of the following documents shall be provided to the nonminor dependent:
  - (A) Personal rights as specified in FFA ILS Section 88487.8.
  - (B) Removal or transition policies and procedures for the foster family agency as specified in FFA ILS Section 88268.4.
- (3) Copies of the following documents shall be provided to the certified parent or Resource Family:
  - (A) The pre-placement appraisal specified in subsection (c).
  - (B) The foster family agency agreement with the certified parent or Resource Family.
- (i) If, at any time after a nonminor dependent is placed with a foster family agency, the administrator or social work personnel determines that the foster family agency cannot continue to meet the needs of the nonminor dependent, the transition procedures specified in FFA ILS Section 88268.4 apply.
- (j) A foster family agency shall retain information and related documents in the records for a nonminor dependent as specified in FFA ILS Section 88270.1.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501, 1501.1, 1530.91, and 1531, Health and Safety Code.

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**88268.2      NEEDS AND SERVICES PLAN**

- (a) (1) California Code of Regulations, Title 22, Section 80068.2 shall not apply to a foster family agency.
- (2) In addition to California Code of Regulations, Title 22, Section 88068.2, the following shall apply.
- (b) A foster family agency shall develop and maintain a needs and services plan for a child as specified in this section.
- (c) The needs and services plan shall be trauma informed, culturally relevant, and age and developmentally appropriate and shall:
  - (1) Identify the applicable services and supports a child requires, including core services, supports, physical and mental health, substance abuse services, education, reunification, permanency, and transition services.
  - (2) Integrate recommendations from the child and family team.
  - (3) Include a family reunification or permanency plan that is consistent with the case plan prepared by the county placing agency, if provided, and meets the needs of a child and their family.
    - (A) The reunification or permanency plan shall include the visitation needs identified in the needs and services plan.
  - (4) Include the daily activities in which a child is scheduled to participate, including school, work, and extracurricular activities.
- (d) If a foster family agency or Resource Family has concerns about meeting the needs of a child, or a child is at risk of a placement disruption, the foster family agency shall communicate the concerns to the placement agency and request a child and family team meeting.
  - (1) The foster family agency shall document the communication to the placement agency, including the request for a child and family team meeting.
- (e) The training needs identified by the needs and services plan shall be age or developmentally appropriate and address the following:
  - (1) Development of a child's life, social, work, financial, or practical skills.

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- (2) Activities designed to prepare a child for a successful adulthood or to prepare a nonminor dependent for the transition to independent living.
- (f) In the case of an Indian child, the Indian child's Tribe(s) shall be included in the development of the needs and services plan, which shall identify applicable services and supports to be provided in partnership with the Tribe(s).
- (g)
  - (1) A foster family agency shall document in the child's needs and services when the case plan is received from the county placing agency.
  - (2) If the case plan is not received from the county placing agency, then the foster family agency shall document the attempts made to obtain the case plan in the child's needs and services plan.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1501 and 1531, Health and Safety Code; and Section 366.1, 366.21, and 16001.9, Welfare and Institutions Code.

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**88268.21      NEEDS AND SERVICES PLAN FOR NONMINOR DEPENDENTS**

- (a) (1) California Code of Regulations, Title 22, Section 80068.2 shall not apply to nonminor dependents.
- (2) Except as specified in this section, California Code of Regulations, Title 22, Section 88068.2 and FFA ILS Section 88268.2 shall not apply to nonminor dependents.
- (b) A foster family agency shall prepare and maintain a needs and services plan for a nonminor dependent pursuant to this section.
- (c) An administrator or social work personnel shall prepare a needs and services plan for a nonminor dependent that is consistent with the transitional independent living plan for the nonminor dependent.
  - (1) A nonminor dependent and the certified parent or Resource Family shall be permitted to participate in the development of the needs and services plan.
  - (2) The needs and services plan shall be completed within 30 calendar days of the date a nonminor dependent is placed in a home.
- (d) A needs and services plan shall contain the following information:
  - (1) The information specified in California Code of Regulations, Title 22, Section 88068.2(a)(1) through (a)(6), (a)(8), and (a)(9).
  - (2) Transition plan for the nonminor dependent as specified in FFA ILS Section 88268.4.
  - (3) The information specified in FFA ILS Section 88268.2(c), (d), (e), and (f).
- (e) If a foster family agency or Resource Family has concerns about meeting the needs of a nonminor dependent, or a nonminor dependent is at risk of a placement disruption, the foster family agency shall communicate the concerns to the placement agency and request a child and family team meeting.
  - (1) The foster family agency shall document the communication to the placement agency, including the request for a child and family team meeting.

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- (f) A needs and services plan shall be signed by a nonminor dependent, the placement agency, and an administrator or social work staff within 30 calendar days of the placement of the nonminor dependent in a home.
  - (1) Any modifications to the plan, as specified in FFA ILS Section 88268.3, shall be signed by a nonminor dependent, an administrator or social work staff, and the placement agency.
  - (2) A copy of the needs and services plan shall be provided to a nonminor dependent as specified in FFA ILS Section 88268.11.
- (g) The original signed needs and services plan shall be maintained in the records for a nonminor dependent as specified in FFA ILS Section 88270.1.
- (h) Unless restricted by a needs and services plan, transitional independent living plan, or court order, a foster family agency shall assist a certified parent(s) or Resource Family in encouraging a nonminor dependent to seek, select, and maintain permanent connections between the nonminor dependent and their relatives, NREFMs, and other caring and committed adults. Nothing in this section shall be interpreted to require a foster family agency to take any action that would impair the health and safety of a nonminor dependent.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code; AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1501, 1530, and 1531, Health and Safety Code; and Sections 16001.9, 16501.1, and 18358.15, Welfare and Institutions Code.

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**88268.3      MODIFICATIONS TO THE NEEDS AND SERVICES PLAN**

- (a) California Code of Regulations, Title 22, Section 80068.3 shall not apply to foster family agencies.
- (b) In addition to California Code of Regulations, Title 22, Section 88068.3 the following shall apply.
- (c) A needs and services plan shall document a child's or nonminor dependent's progress toward the family reunification or permanency plan.
- (d) A foster family agency shall consider the recommendations of a child and family team when determining any modifications to a needs and services plan.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88268.4      REMOVAL PROCEDURES**

- (a) California Code of Regulations, Title 22, Section 88068.4 shall not apply to a foster family agency.
- (b) A foster family agency shall develop, maintain, and implement written policies and procedures for the removal of a child or nonminor dependent from a home, including the following:
  - (1) The policies and procedures shall include a transition plan that is trauma informed and with well-defined permanency goals.
    - (A) In the case of an Indian child, the Indian child's Tribe(s) shall be included in the development of the transition plan.
  - (2) A child, as age and developmentally appropriate, their authorized representative, and a nonminor dependent shall receive copies of the policies and procedures.
  - (3) A copy of the policies and procedures shall be signed by a child's authorized representative or a nonminor dependent and shall be maintained in the child's or nonminor dependent's case record.
  - (4) How it will be explained to a child or nonminor dependent in a manner that is trauma informed and age and developmentally appropriate.
- (c) A foster family agency shall ensure that a child, as age and developmentally appropriate, their authorized representative, a nonminor dependent, and the child and family team are offered the opportunity to participate in the development of removal procedures for the child or nonminor dependent.
- (d) If a foster family agency determines that it cannot continue to meet the needs of a child or nonminor dependent, then the foster family agency shall provide written notification to the authorized representative that the child or nonminor dependent shall be relocated. The written notice shall:
  - (1) State the reason for the relocation of the child or nonminor dependent, including specific facts about any circumstance or event that resulted in the pending relocation of the child or nonminor dependent.



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- (2) Request that the child or nonminor dependent be placed elsewhere.
- (e) A foster family agency shall not prevent the removal of a child or nonminor dependent from a home by an authorized person which includes, but is not limited to, the following:
  - (1) Removal by law enforcement when a child or nonminor dependent is arrested.
  - (2) Removal is necessary when the health and safety of a child or nonminor dependent or others in the home is endangered by the continued presence of the child or nonminor dependent in the home.
  - (3) Removal for emergency medical or mental health care.
  - (4) Relocation by a child's or nonminor dependent's authorized representative.
- (f) When a nonminor dependent is removed from a foster family agency, the foster family agency shall distribute the nonminor dependent's records as specified in FFA ILS Section 88270.1.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88269.7      CONTENT OF A CERTIFIED FAMILY HOME CASE RECORD**

- (a) In addition to California Code of Regulations, Title 22, Section 88069.7, the following shall apply.
- (b) A foster family agency shall securely retain all case records for at least three years following the decertification of a certified family home.
  - (1) If there was an administrative action by the licensing agency against a certified family home or individual who is associated to the home, the time period to maintain the file shall begin on the date that a final decision and order is issued by the Department.
- (c) All case records shall be maintained at the foster family agency and shall be available to the licensing agency for review.
  - (1) The foster family agency shall be permitted to retain such records in an administrative office provided that they are readily available to the licensing agency at the facility site as specified in California Code of Regulations, Title 22, Section 88069.7(e).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88270 CHILDREN'S CASE RECORDS**

- (a) In addition to California Code of Regulations, Title 22, Section 88070, the following information regarding a child shall be obtained and maintained in the child's case record by a foster family agency:
- (1) Documentation of all mental health services received by a child, to include the services received, name of the mental health entity, and dates the services were provided.
  - (2) Documentation of any inability to ensure access to mental health services to the child and the reason why the services were not provided, including the lack of availability of providers, inability to obtain services timely, or the child refuses to participate.
  - (3) Removal procedures as specified in FFA ILS Section 88268.4.
  - (4) A copy of the current court order, or written authorization of the child's parent or guardian, for each psychotropic medication prescribed to the child.
    - (A) Written authorization of the child's parent or guardian may only be documented in lieu of a court order if the child is not a dependent or ward of the court, or it is documented in the child's record that the county placing agency has verified a court order is not required.
    - (B) This section shall not apply when the child's record contains documentation from the child's Public Health Nurse or the county placing agency who has verified a court order is not required, if the child is prescribed a psychotropic medication that will be used for a purpose other than as specified in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.
    - (C) This section shall not apply when the child's record contains documentation from the child's prescribing physician that the psychotropic medication has been provided in an emergency situation, as described in California Rules of Court, rule 5.640.
  - (5) The original signed form LIC 613B: Personal Rights—Children's Residential

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Facilities or an equivalent form.

- (b) A child's case record shall be confidential and shall be available only to the licensing agency, placement agency staff, foster family agency personnel that need access to the information to perform their duties.

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Welfare and Institutions Code sections 369.5(d) and 739.5(d) provide:

“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.”

California Rule of Court, rule 5.640 provides, in relevant part:

- “(i) Emergency treatment
- (1) Psychotropic medications may be administered without court authorization in an emergency. An emergency occurs when:
  - (A) A physician finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and
  - (B) The purpose of the medication is:
    - (i) To protect the life of the child or others, or
    - (ii) To prevent serious harm to the child or others, or
    - (iii) To treat current or imminent substantial suffering; and
  - (C) It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.
- (2) Court authorization shall be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.”

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code; Sections 369.5 and 739.5, Welfare and Institutions Code.

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**88270.1 NONMINOR DEPENDENTS' CASE RECORDS**

- (a) California Code of Regulations, Title 22, Sections 80070 and 88070, and FFA ILS Section 88270 shall not apply to nonminor dependents' case records.
- (b) A foster family agency shall maintain a separate, complete, and current record in the administrative office or suboffice for each nonminor dependent placed with the foster family agency.
  - (1) A nonminor dependent shall have access to their records in a manner that ensures the confidentiality of other records maintained by the foster family agency.
  - (2) The following information and related documents shall be included in a nonminor dependent's records:
    - (A) The name of the nonminor dependent, birth date, gender, date of placement with the foster family agency, and date of placement in a home.
    - (B) Intake information about the nonminor dependent as specified in FFA ILS Section 88268.11(e)(1).
    - (C) The case plan and health and education passport.
    - (D) The original signed foster family agency admission agreement for the nonminor dependent and any modifications to this agreement as specified in FFA ILS Section 88268.
    - (E) The original signed foster family agency agreement with the certified parent(s) or Resource Family with whom the nonminor dependent is placed.
    - (F) The pre-placement appraisal and written medical assessment, including ambulatory status, for the nonminor dependent as specified in FFA ILS Section 88268.11.
    - (G) The original signed needs and services plan as specified in FFA ILS Section 88268.21, the transitional independent living plan for the nonminor dependent, and any modifications to these plans.

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- (H) The original signed form LIC 613B: Personal Rights – Children’s Residential Facilities or an equivalent form.
  - (I) The original signed removal policies and procedures for the foster family agency as specified in FFA ILS Section 88268.4.
    - 1. If the nonminor dependent is relocated from the foster family agency, then the written notice of relocation as specified in FFA ILS Section 88268.4.
  - (J) Documentation of all mental health services received by a nonminor, to include the services received, name of the mental health entity, and dates the services were provided.
  - (K) Documentation of any inability to provide mental health services and the reason why the services were not provided, such as lack of availability of providers or inability to obtain services timely.
- (c) The records for a nonminor dependent specified in subsection (b) shall be available to the licensing 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 licensing agency representative may not remove any current emergency or health-related records for a nonminor dependent unless the same information is readily available in another document or format.
  - (2) Prior to removing any records, the licensing 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 administrator or designee.
  - (3) The licensing agency representative shall return the records to the foster family agency undamaged and in good order within three business days following the date the records were removed.
- (d) When a nonminor dependent is removed from a foster family agency, the foster family agency shall distribute the nonminor dependent’s records as follows:

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- (1) The nonminor dependent's primary placing agency shall receive originals and any copies of all records.
- (2) The nonminor dependent's authorized representative, if applicable, shall receive copies of all records.
- (3) The nonminor dependent shall receive copies of all records.
- (e) A foster family agency shall retain copies of a nonminor dependent's records for at least three years after the nonminor dependent was removed from the foster family agency.
- (f) A nonminor dependent's case record shall be confidential and shall be available only to the nonminor dependent, the licensing agency, placement agency staff, and foster family agency staff that need access to the information to perform their duties.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16010, Welfare and Institutions Code.

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**88271      FOSTER FAMILY AGENCY WEB APPLICATION**

- (a) A foster family agency shall ensure that for each Certified Family Home or Resource Family all elements of the Foster Family Agency Web Application (FFA WebApp) are completed and remain up to date with any changes. These elements include, but are not limited to, the following:
  - (1) Home name, address, phone number, and, if available, email.
  - (2) Date of certification or approval, and as applicable, the date that a Certified Family Home converted to an approved Resource Family.
  - (3) The determined capacity of each Certified Family Home or Resource Family, which shall remain updated with any changes to capacity.
- (b) A foster family agency shall ensure that each adult that resides in or is associated with a Certified Family Home or Resource Family is correctly associated with the home in the FFA WebApp.
  - (1) Any adults no longer associated with a particular Certified Family Home or Resource Family shall be disassociated. If an adult is no longer associated with any Certified Family Home or Resource Family, they shall also be disassociated from the foster family agency.
- (c) A foster family agency shall update the FFA WebApp when a Resource Family is placed on inactive status and when a Resource Family ends inactive status.

NOTE: Authority cited: Sections 1501 and 1530, Health and Safety Code. Reference: Sections 1501 and 1530, Health and Safety Code



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**88278.1 CORE SERVICES AND SUPPORTS**

- (a) A foster family agency shall provide core services and supports to children and nonminor dependents that are trauma informed, culturally relevant, and age or developmentally appropriate, and include the following:
  - (1) Medi-Cal specialty mental health services for children and nonminor dependents who meet medical necessity criteria for specialty mental health services pursuant to Welfare and Institutions Code section 11463.
  - (2) Transition support services for children, nonminor dependents, and families upon initial entry and placement changes and for families who assume permanency through reunification, adoption, or guardianship.
  - (3) Educational and physical, behavioral, and mental health supports, including extracurricular activities and social supports.
  - (4) Activities designed to support children and nonminor dependents in achieving a successful adulthood.
  - (5) Services to achieve permanency, including supporting efforts to reunify or achieve adoption or guardianship and efforts to maintain or establish relationships with parents, siblings, extended family members, an Indian child's Tribe(s), or others important to the child or nonminor dependent, as appropriate.
- (b) Core services and supports shall be provided directly, secured through agreements with other agencies, or both.
  - (1) A foster family agency shall ensure all core services secured through agreements with other agencies are trauma informed and culturally relevant.
  - (2) Documentation of agreements with other agencies shall be maintained by a foster family agency and available upon request by the licensing agency.
- (c) In the case of an Indian child, the foster family agency shall apply the prevailing social and cultural standards in collaboration with the Tribe, as defined by FFA ILS Section 88301(p)(3), in providing core services and supports.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code; Section 11463 of the Welfare and Institutions Code.

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**Article 9.8—Physical Environment**

**88287 ADMINISTRATIVE OFFICE AND SUBOFFICE**

- (a) In addition to California Code of Regulations, Title 22, Section 88087, the following shall apply.
- (b) The administrative office and each suboffice shall provide an environment that is affirming and respectful of all cultures.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**Article 9.9—National Accreditation and Mental Health**

**88289      NATIONAL ACCREDITATION**

- (a) A foster family agency shall obtain national accreditation from an entity identified by the department and ensure compliance necessary to maintain accreditation.
- (b)
  - (1) The following provisions apply to a foster family agency licensed before January 1, 2017:
    - (A) The foster family agency shall have until December 31, 2018 to obtain national accreditation.
    - (B) On January 1, 2017, the licensed foster family agency shall submit documentation of accreditation or a copy of its application for accreditation to the licensing agency as part of an updated program statement.
    - (C) The foster family agency shall provide documentation to the licensing agency reporting its accreditation status as of July 1, 2017, January 1, 2018, and July 1, 2018.
  - (2) The licensing agency may extend the date by which a foster family agency that has been vendored as a service provider by a regional center shall comply with paragraph (1), as specified in Health and Safety Code section 1506.1(b)(6).

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Health and Safety Code section 1506.1(b) provides in part:

“(6) The department may extend the date by which to comply with paragraph (2), as applicable, for up to one year upon the request of a foster family agency that has been vendored as a service provider by a regional center for persons with development disabilities. In determining whether to extend the date, the department shall consult with any county placement agency that places children with the foster family agency, the vendorizing regional center, and the State Department of Developmental Services.”

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- (c) The following provisions apply to a foster family agency licensed on or after January 1, 2017:
  - (1) The foster family agency shall have up to 24 months from the date of licensure to obtain accreditation.
  - (2) The foster family agency applicant shall submit documentation of accreditation or a copy of its application for accreditation with its application for licensure.
  - (3) The foster family agency shall provide documentation to the licensing agency reporting its accreditation status at 12 months and at 18 months after the date of licensure.
- (d) The licensing agency may request additional information from a foster family agency regarding its accreditation status.
- (e) A foster family agency shall provide a copy of its final accreditation summary report to the licensing agency within 30 days of its release date.
- (f) If a corrective action is required by the accrediting entity in response to the final accreditation summary report, or at any other time following accreditation, a foster family agency shall provide documentation of its corrected action to the licensing agency within 30 days of its completion date.
- (g) If a foster family agency is placed on probationary, suspended or revoked accreditation status, the foster family agency shall notify the licensing agency within 10 business days of receiving notification from the accrediting entity.

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Health and Safety Code section 1506.1(b) provides in part:

“(5) The department may revoke a foster family agency’s license pursuant to Article 5 (commencing with Section 1550) for failure to obtain accreditation within the timeframes specified in this subdivision.”

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB

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404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1506.1, Health and Safety Code; and Section 11463, Welfare and Institutions Code.

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**88289.1 MENTAL HEALTH SERVICES**

- (a) A foster family agency shall ensure children and nonminor dependents have access to mental health services, consistent with the child or nonminor dependent's case plan provided by the county placing agency, or any other assessment or documentation identifying a mental health need.
  - (1) Mental health services include, but are not limited to:
    - (A) Medi-Cal specialty mental health services for a child and nonminor dependents who meets medical necessity criteria for specialty mental health services under the Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment program, as provided for in Section 1830.205 or 1830.210 of Title 9, of the California Code of Regulations.
    - (B) Non-specialty mental health services provided under Medi-Cal.
  - (2) Mental health services may be assessed through a Medi-Cal managed care plan, fee for service provider, or county mental health plan, when deemed medically necessary.
- (b) A foster family agency may directly provide specialty mental health services only with a current Medi-Cal certification as an organizational provider of a county mental health plan.
- (c) A foster family agency that has not obtained a Medi-Cal certification shall provide children and nonminor dependents access to appropriate mental health services.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1506.1, Health and Safety Code; and Section 11463, Welfare and Institutions Code.

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**SUBCHAPTER 1: RESOURCE FAMILY APPROVAL**

**Article 1—General Requirements and Definitions**

**88300**      **GENERAL**

- (a) The provisions set forth in this subchapter shall have the same force and effect as regulations and shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) pursuant to Welfare and Institutions Code section 16519.5(f)(1)(A).
- (b) Foster family agencies, as defined in FFA ILS Section 88201(f)(2), that approve Resource Families shall be governed by the provisions in this subchapter.
- (c) Unless otherwise specified in this subchapter, Resource Families, as defined in FFA ILS Section 88201(r)(2), approved by a foster family agency, applicants for resource family approval and individuals associated to an applicant or Resource Family shall be governed solely by the applicable provisions in this subchapter.
- (d) Unless otherwise specified in this subchapter and as stated below in subsection (e), the provisions of California Code of Regulations, Title 22, Chapter 1, General Licensing Requirements, and Chapter 8.8, Foster Family Agencies, shall apply to foster family agencies that approve Resource Families.
- (e) Unless otherwise specified, references to a “certified family home” in Chapter 8.8 shall include a Resource Family.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1502, 1530 and 1531, Health and Safety Code.



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**88301        DEFINITIONS**

In addition to California Code of Regulations, Title 22, Section 80001, with the exception of (a)(6), (c)(2), (c)(6), (c)(18), (c)(19), (d)(5), (i)(1), (n)(2), (p)(2), (r)(2), and (s)(7), Section 88001, with the exception of (c)(5), (c)(6), (f)(1), (h)(1), (i)(1), (i)(2), and (s)(2), and Section 88201, the following definitions shall apply whenever the terms are used in this subchapter.

- (a)    (1)    “Adoption Assistance Program” or “AAP” means a program of financial or medical assistance to facilitate the adoption of children or nonminor dependents who otherwise would remain in long-term foster care, as described in Welfare and Institutions Code section 16115 through 16125.
- (2)    “Adoptive parent” means a person who has obtained an order of adoption of a minor child or, in the case of an adult adoption, an adult.
- (3)    “Allegation” means information which asserts or indicates that a Resource Family may not have met or may not be meeting the requirements of one or more of the interim licensing standards or any applicable laws.
- (4)    “Alternative caregiver” means as defined in Welfare and Institutions Code section 16501.02.

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Welfare and Institutions Code section 16501.02(a) provides:

“(1) ‘Alternative care’ means care and supervision of more than 24 consecutive hours, but no more than 72 consecutive hours unless the foster child’s social worker or probation officer provides prior approval.

(2) ‘Alternative caregiver’ means a person who is at least 18 years of age and provides alternative care for a foster child in either his or her home or the home of the caregiver.”

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- (5)    “Applicant” means an individual or individuals who have submitted an application to a foster family agency for Resource Family Approval.
  - (6)    “Application” means the form used to apply for Resource Family Approval.
  - (7)    “Approved Relative Caregiver Funding Program” or “ARC Program” means the program, as defined in Welfare and Institutions Code section 11461.3,

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which provides the approved relative caregiver of a dependent child or nonminor dependent who is not eligible for federal AFDC-FC, a monthly payment equal to the Home Based Foster Care Level of Care basic rate at the child's or nonminor dependent's assessed level of care.

- (8) "Associated individual" means a person who is required to obtain or has obtained a criminal record clearance or exemption pursuant to Welfare and Institutions Code section 16519.5 in order to reside or be regularly present in the home of an applicant or Resource Family.
- (9) "Authorized representative" means a person or entity authorized by law to act on behalf of a child or nonminor dependent. The person or entity may include, but not be limited to, a parent or attorney of a child or nonminor dependent, Court Appointed Special Advocate (CASA), legal guardian, conservator, or public placement agency.
- (b) (1) "Birth parent" means a biological parent or, in the case of a person previously adopted, an adoptive parent.
- (c) (1) "Capacity" means the number of children and nonminor dependents for whom a Resource Family is approved to provide care and supervision.
- (2) "Case management visit" means a visit between a foster family agency social work personnel, Resource Family, or other individual residing in the home to provide support or consultation to the family or to discuss concerns, deficiencies, or other issues.
- (3) "Child Abuse Central Index" or "CACI" means the statewide, multi-jurisdictional, centralized index of child abuse investigation reports maintained by the California Department of Justice. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental or emotional abuse or severe neglect. Each child protection agency (police, sheriff, county welfare and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it

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investigates, unless an incident is determined to be inconclusive or unfounded.

- (4) "Complainant" means a person who makes an allegation or provides information to the Department concerning a Resource Family which is considered to be a complaint.
- (5) "Complaint" means one or more allegations, as defined in paragraph (a)(3) above, made concerning a Resource Family.
- (6) "Comprehensive assessment" means an evaluation of an applicant using the home environment and permanency assessments and any other factors set forth in the interim licensing standards for the purpose of determining the applicant's suitability as a Resource Family.
- (7) "Conviction" means a plea or verdict of guilty or a conviction following a plea of nolo contendere, notwithstanding a subsequent order pursuant to Penal Code sections 1203.4 and 1203.4 (a) permitting the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
- (8) "Corrective Action Plan" or "CAP" means a plan developed by a foster family agency which describes how a Resource Family is not conforming to the requirements of an applicable statute, regulation, or the interim licensing standards and the steps the Resource Family and the foster family agency will take to ensure that the Resource Family corrects identified deficiencies within a specified time.
- (9) "County" means a county child welfare agency or probation department that approves Resource Families.
- (10) "Criminal Record Clearance" means a determination by the department that all prerequisites have been met and an individual does not have a conviction, other than an infraction, meaning a fingerprint-based search of state and federal criminal history information has been completed in accordance with section 1522 of the Health and Safety Code.

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- (11) “Current foster family agency” means a licensed foster family agency by which a Resource Family is currently approved.
- (d) (1) “Deficiency” means any failure to conform to any applicable statute, regulation, or interim licensing standard.
- (2) “Department” means the California Department of Social Services.
- (3) “Digital signature” means as defined in Government Code section 16.5(d).

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Government Code section 16.5(d) provides:

“‘Digital signature’ means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. For purposes of this section, a digital signature is a type of ‘electronic signature’ as defined in subdivision (h) of Section 1633.2 of the Civil Code.”

Civil Code section 1633.2(h) provides:

“‘Electronic signature’ means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. For purposes of this title, a ‘digital signature’ as defined in subdivision (d) of Section 16.5 of the Government Code is a type of electronic signature.”

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- (4) “Documented Alternative Plan” or “DAP” means a written plan, pursuant to FFA ILS Section 88347, submitted by a foster family agency on behalf of an applicant or Resource Family and approved by the Department describing an applicant’s or Resource Family’s use of an acceptable alternative to a specific non-safety home environment requirement.
- (e) (1) “Excluded individual” means a person who is prohibited from residence, presence, or contact with children or nonminor dependents in the home of a Resource Family as a result of an order by the Department or an administrative action.

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- (2) “Extended family member” means, in the case of an Indian child, an individual defined by the law or custom of the Indian child’s Tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent pursuant to 25 USC 1903 (2).
- (f) (1) “Family Evaluation” also known as a psychosocial assessment, means a component of the permanency assessment, which includes interviews of an applicant or Resource Family, to evaluate their family system-dynamics and strengths, and areas where more support or resources may be needed for more effective and quality parenting skills.
- (2) “Family health care” means health care which does not require the skills of qualified technical or professional personnel and is provided to a child or nonminor dependent by a Resource Family in accordance with FFA ILS Section 88487.15.
- (3) “Foster care” means 24-hour out-of-home care provided to children or nonminor dependents whose families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting.
- (4) “Foster Family Agency Web Application” or “FFA WebApp” means a California Department of Social Services website, where a foster family agency shall enter approved, rescinded and edited information about their Resource Families or edited information about their certified family homes.
- (g) (1) “General neglect” means as defined in Penal Code section 11165.2(b).

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Penal Code section 11165.2(b) provides:

“‘General neglect’ means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.”

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- (h) (1) “Health care practitioner” means the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code and who provide specialized in-home health care prescribed by a physician for a child with special health care needs: Physician, Physician Assistant, Nurse Practitioner, Public Health Nurse, Registered Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist, and Respiratory Therapist.
- (2) “Health professional” means any of the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code: Physician, Physician Assistant, Nurse Practitioner, or Public Health Nurse.
- (3) “Home environment assessment” means a component of the Resource Family Approval process which requires an applicant to meet standards that include, but are not limited to, a background check, health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home, and capacity determination.
- (i) (1) “Inactive status” means a period of time during which a Resource Family is not eligible to provide foster care for a child or nonminor dependent and is not subject to the requirements specified in Articles 6 and 7 of Subchapter 1 or Section 88371 through Section 88372, inclusive.
- (2) “Individualized health care plan” means a written plan developed by an individualized health care plan team and approved by the team physician, or other health care practitioner designated by the physician to serve on the team, for the provision of specialized in-home health care to a child with special health care needs as specified in Welfare and Institutions Code section 17731.
- (3) “Individualized health care plan team” means those persons who develop an individualized health care plan for a child with special health care needs, including the primary care physician for a child or other health care

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practitioner chosen by the physician to serve on the team, the county social worker or regional center caseworker for the child, and any health care practitioner chosen to monitor the specialized in-home health care provided to a child pursuant to the individualized health care plan, as defined in Welfare and Institutions Code section 17710.

- (4) “Infant” means a child, as defined by FFA ILS Section 88201(c)(1), under two years of age.
- (j) (Reserved)
- (k) (1) “Kinship Guardianship Assistance Payment Program” or “Kin-GAP” means a program of financial assistance or medical assistance (Medi-Cal) to facilitate the achievement of permanency for children or nonminor dependents in foster care through legal guardianship by a relative caregiver as defined in Welfare and Institutions Code sections 11362 and 11391.
- (l)-(m) (Reserved)
- (n) (1) “Nonrelative extended family member” or “NREFM” means an adult who has an established familial relationship with a relative of a child or nonminor dependent, or a familial or mentoring relationship with a child or nonminor dependent, as defined in Welfare and Institutions Code section 362.7.

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Welfare and Institutions Code section 362.7 provides in part:

“‘[N]onrelative extended family member’ is defined as an adult caregiver who has an established familial relationship with a relative of the child, as defined in paragraph (2) of subdivision (c) of Section 361.3, or a familial or mentoring relationship with the child. The county welfare department shall verify the existence of a relationship through interviews with the parent and child or with one or more third parties. The parties may include relatives of the child, teachers, medical professionals, clergy, neighbors, and family friends.”

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- (o) (1) "Occasional short-term babysitter" means a person who cares for a child in or out of a Resource Family's home on an occasional basis for no more than 24 hours at a time.
- (p) (1) "Permanency assessment" means a component of the Resource Family Approval process which requires an applicant to meet standards that include, but are not limited to, pre-approval training, family evaluation, and any other activities that relate to a Resource Family's ability to achieve permanency with a child or nonminor dependent.
- (2) "Portability" means the process by which:
  - (A) A Resource Family currently approved by a licensed foster family agency may transfer their approval to a County pursuant to Welfare and Institutions Code section 16519.58 and Section 5.1-01 of the Resource Family Approval Written Directives; or
  - (B) A Resource Family currently approved by a licensed foster family agency may be approved by a subsequent licensed foster family agency pursuant to Health and Safety Code section 1517.5(a) and Article 2.1 of the FFA ILS; or
  - (C) A Resource Family currently approved by a County may be approved by a subsequent foster family agency pursuant to Health and Safety Code section 1517.5(b) and Article 2.1 of the FFA ILS.
- (3) "Prevailing social and cultural standards" means the prevailing social and cultural standards of a Tribe, which can only be determined by a Tribe and applied in collaboration with a Tribe.
  - (A) Collaboration with a Tribe includes, but is not limited to, invitation of a representative of an Indian child's Tribe(s) to participate in all aspects of the Resource Family Approval process involving the application of prevailing social and cultural standards, as specified in the FFA ILS.



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The current list of designated tribal contacts for the Indian Child Welfare Act is found in the [Federal Register](#), and a searchable database is available from the [U.S. Department of the Interior, Indian Affairs](#).

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- (4) "Psychotropic medication(s)" are those medications as defined in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.

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Welfare and Institutions Code sections 369.5 and 739.5 provide:

"(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."

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- (q) (Reserved)
- (r) (1) "Relative" means an adult who is related to a child or nonminor dependent by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand" or the spouse of any of these persons even if the marriage was terminated by death or dissolution, as defined in Welfare and Institutions Code section 11400.

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Welfare and Institutions Code section 11400 provides in part:

“‘Relative’ means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” or the spouse of any of these persons even if the marriage was terminated by death or dissolution.”

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- (2) “Rescind” means an administrative action by the Department to revoke a criminal record clearance, or the approval of a Resource Family, or action taken by the foster family agency to revoke the approval of a Resource Family.
- (3) “Reside” means physical presence in the home of an applicant or Resource Family for 30 days or longer or the point at which presence in the home is not for a temporary or transitory purpose, whichever occurs first.
- (4) “Resource Family Approval” or “approval” means that an applicant or Resource Family successfully meets the home environment assessment and permanency assessment standards adopted pursuant to Welfare and Institutions Code section 16519.5.
- (5) “Resource Family Approval Program” or “program” means the single process for approving families for foster care, legal guardianship, and adoption.
- (6) “Resource Family Approval Written Directives” means the written processes, standards, and requirements issued by the Department to implement the Resource Family Approval Program by counties.
- (7) “Resource Parent” means an individual who is approved as a Resource Family.

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- (8) "Risk assessment" means the consideration of factors regarding an applicant that include, but are not limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence history.
- (s) (1) "Self-administer" means the act of a child or nonminor dependent giving themselves medication or injections.
- (2) "Severe neglect" means as defined in Penal Code section 11165.2(a).

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Penal Code section 11165.2(a) provides:

"Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by Section 11165.3, including the intentional failure to provide adequate food, clothing, shelter, or medical care."

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- (3) "Sibling" means two or more children or nonminor dependents related by blood, adoption, or affinity through a common legal or biological parent as defined in Welfare and Institutions Code sections 362.1 and 16002.
- (4) "Sibling group" means two or more children or nonminor dependents who are related to each other as full, half, or stepsiblings as defined in Welfare and Institutions Code section 361.5.
- (5) "Simplified criminal record exemption" means an exemption granted on the Department's own motion, as authorized in Health and Safety Code section 1522(g)(2)(D), if an individual's criminal history meets specific criteria.
- (6) "Smoking" means as defined in subdivision (c) of Section 22950.5 of the Business and Professions Code.

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Business and Professions Code section 22950.5 provides in part:

“(c) ‘Smoking’ means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. ‘Smoking’ includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.”

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- (7) “Specialized in-home health care” means those services identified by a child’s primary physician as appropriately administered by a Specialized Resource Family.
- (8) “Specialized Resource Family” means a Resource Family who has been trained by a health care practitioner to provide specialized in-home health care to children with special health care needs.
- (9) “Specialized Resource Parent” means an individual who is approved as a Specialized Resource Family.
- (10) “Subsequent foster family agency” means a licensed foster family agency to which a Resource Family has submitted a portability application for resource family approval pursuant to Health and Safety Code section 1517.5.
- (11) “Substantiated” means that an investigation concluded that based on a preponderance of the evidence, meaning that it is more likely than not, an allegation in a complaint occurred.
- (12) “Surrender” means a voluntary relinquishment of Resource Family Approval by a Resource Family or Resource Parent.
- (t) (1) “Tobacco product” means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

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Business and Professions Code section 22950.5 provides in part:

“(d) (1) ‘Tobacco product’ means any of the following:

(A) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.

(B) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

(C) Any component, part, or accessory of a tobacco product, whether or not sold separately.

(2) “Tobacco product” does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such an approved purpose.”

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**(2) “Tribally Approved Home” means a home licensed or approved by an Indian child’s Tribe that is not subject to the requirements of WIC 16519.5 under WIC 224.1(r).**

- (u) (1) “Unfounded” means that an investigation concluded that an allegation in the complaint is false, could not have happened, or is without any reasonable basis.
- (2) “Unsubstantiated” means that an investigation concluded that an allegation in a complaint is not substantiated or unfounded.
- (v) (Reserved)
- (w) (1) “Withdrawal” means a voluntary decision by an applicant to stop the application and assessment process.
- (2) “Written Report” means a summary, analysis, and determination of an applicant’s suitability to foster, adopt, and provide legal guardianship of a

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child or nonminor dependent based on all the information gathered through the application and comprehensive assessment processes.

(x) - (z) (Reserved)

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety

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**88302            DEFINITIONS- FORMS**

- (a) The following forms, which are incorporated by reference, apply to this subchapter and shall be used by a foster family agency:
- (1) LIC 01A: Resource Family Application
  - (2) LIC 508D: Out-of-State Disclosure and Criminal Record Statement
  - (3) LIC 198B: Resource Family Out-Of-State Child Abuse/Neglect Report Request
  - (4) LIC 03: Resource Family Home Health and Safety Assessment Checklist
  - (5) LIC 301E: Reference Request – Exemption
  - (6) RFA 07: Resource Family Health Questionnaire
  - (7) RFA 10: Resource Family Approval- Portability Application
- (b) In addition to subsection (a), the following forms or an equivalent form containing the same information may be used by a foster family agency:
- (1) RFA 02: Resource Family Background Checklist and Out-of-State Child Abuse Registry Checklist
  - (2) RFA 04: Resource Family Risk Assessment
  - (3) RFA 05: Resource Family Approval Written Report
  - (4) LIC 01C: Resource Family Application – Confidential
  - (5) LIC 05A: Resource Family Approval Certificate
  - (6) RFA 06: Resource Family Approval Update Report
  - (7) RFA 809: Resource Family Visit Record
  - (8) RFA 809C: Resource Family Visit – Corrective Action Plan
- (c) A foster family agency may use digital signatures when collecting forms and documents in which a signature is required for the purpose of Resource Family Approval.
- (1) If a foster family agency intends to use digital signatures, the foster family agency shall ensure that the technological safeguards and requirements provided in Government Code section 16.5, and Civil Code section 1633.1 through 1633.17 are observed.

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- (2) All forms containing a digital signature shall be maintained in the Resource Family's case record.
- (3) If an applicant or Resource Family requests not to use electronic signatures, a paper copy option shall be made available.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety



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**Article 2—Resource Family Approval Foster Family Agency Requirements**

**88330 IDENTIFICATION OF RESOURCE FAMILIES**

- (a) California Code of Regulations, Title 22, Section 88030 shall not apply to an applicant or Resource Family.
- (b) A licensed foster family agency shall accept applications, evaluate applicants for approval or denial, or rescind the approval of a Resource Family, on a nondiscriminatory basis without regard to age, sex, race, ethnicity, religion, color, political affiliation, national origin, disability, marital status, gender identity, gender expression, actual or perceived sexual orientation, medical condition, genetic information, citizenship, primary language, immigration status, or ancestry.
- (c) Each Resource Family shall be provided with form LIC 05A: Resource Family Approval Certificate or an equivalent certificate, properly completed and signed by the administrator of the foster family agency or their designee pursuant to FFA ILS Section 88331.8.
- (d) A Resource Family shall conform to the applicable provisions of this subchapter.
- (e) Tribally Specified Homes are designated as a preferred placement option for an Indian child by the Indian child's Tribe. A Tribally Specified Home must be either a Tribally Approved Home or approved pursuant to the Resource Family Approval standards.
  - (1) In the case of an Indian child for whom the Indian child's Tribe is not exercising its right to approve a home, the foster family agency shall apply the prevailing social and cultural standards in collaboration with the Tribe, as defined by FFA ILS Section 88301(p)(3). to Resource Family Approval for that Indian child, as required by subdivision (f) of Section 361.31 and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).
    - (A) A foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person

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assessments of the home or meetings with the family or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.

1. A foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.

(B) If a tribal representative is unable to participate, a foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.

(C) A foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety

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**88331      APPLICATION FOR RESOURCE FAMILY APPROVAL**

- (a) California Code of Regulations, Title 22, Section 88031 shall not apply to an applicant or Resource Family.
- (b) A licensed foster family agency shall complete a comprehensive assessment for each applicant as specified in FFA ILS Section 88331.1 and a Written Report as specified in FFA ILS Section 88331.7.
- (c) Prior to conducting any component of a comprehensive assessment pursuant to FFA ILS Section 88331.1, a foster family agency shall require an applicant to complete, sign, and submit form LIC 01A: Resource Family Application to the foster family agency.
  - (1) In addition to form LIC 01A, a foster family agency may use supplemental forms to obtain additional information that may be needed to help determine an applicant's ability to be approved as a Resource Family.
- (d) A foster family agency shall require an applicant to provide the supporting documentation specified in FFA ILS Section 88431.2(a)(1)(A) through (G) with the application.
- (e) As deemed necessary by a foster family agency, the foster family agency may require an applicant to complete a health screening by a health professional to verify the applicant is in good physical health.
- (f) A foster family agency shall not charge an applicant an application processing fee.
- (g) A foster family agency shall discuss and address questions regarding the following with an applicant:
  - (1) Benefits associated with foster care, Adoption Assistance Program (AAP), Kin-GAP, Approved Relative Caregiver (ARC) funding, and any other assistance that may apply.
  - (2) Personal Rights of children and nonminor dependents in foster care, as specified in FFA ILS Section 88487.8 and if applicable, FFA ILS Section 88572.2, including how to access additional information and resources that address these personal rights.

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- (3) Access to health, mental health, and dental care through Medi-Cal, in home supportive services, and developmental or other services based on the needs of a child or nonminor dependent in the care of a Resource Family.
- (4) The reasonable and prudent parent standard, as specified in FFA ILS Section 88487.12.
- (5) If the applicant's spouse, domestic partner, or significant other who resides with the applicant did not apply for Resource Family Approval, then the impact on the individual's ability to file a petition for adoption.
- (h) A foster family agency shall advise an applicant or Resource Family that if they move to a new home location, the applicant or Resource Family is required to notify the foster family agency 30 calendar days prior to moving or as soon as the information is available and that the applicant or Resource Family will be subject to an approval update as required by FFA ILS Section 88371.
- (i)
  - (1) A foster family agency shall cease any further review of an application as follows:
    - (A) An individual has had a previous application denial by the Department or a County within the preceding year.
    - (B) An individual has had a previous rescission, revocation, exemption denial, or exemption rescission by the Department or a County within the preceding two years.
    - (C) An individual was excluded for life from Resource Family homes or facilities licensed by the Department, unless the excluded individual has been reinstated pursuant to Government Code section 11522, Welfare and Institutions Code section 16519.6(g), or Health and Safety Code sections 1569.53, 1558(h), 1569.58(h), or 1596.8897(h).
  - (2) The cessation of review shall not constitute a denial of the application for purposes of this section or any other law.
  - (3) Notwithstanding paragraph (1), an FFA may continue to review an application if it has determined that the applicant is not an excluded individual and the

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reasons for the previous denial, rescission, or revocation were due to circumstances or conditions which the applicant shows have either been corrected or are no longer in existence.

- (j) If an applicant withdraws their application pursuant to FFA ILS Section 88431.2, a foster family agency shall maintain documentation of the withdrawal in the Resource Family's case record that includes the following information:
  - (1) Date of withdrawal
  - (2) Copy of the No Longer Interested (NLI) form (BCIA 8302) sent to the California Department of Justice, or the date of the NLI notice sent through the Applicant Agency Justice Connection (AAJC), terminating subsequent arrest notifications pursuant to Penal Code section 11105.2(d).
- (k) If the applicant resubmits their previous application, the foster family agency shall verify that the information remains current and updated, and require the applicant to sign the application again as confirmation.
  - (1) A foster family agency may use information submitted by the applicant prior to withdrawal to resume the Resource Family Approval process.
  - (2) As deemed necessary, the foster family agency may require the applicant to resubmit documents or complete application requirements that were submitted or completed prior to withdrawal.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety

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#### **88331.1 COMPREHENSIVE ASSESSMENT**

- (a) A foster family agency shall conduct a comprehensive assessment of an applicant that includes the following:
  - (1) A home environment assessment pursuant to FFA ILS Section 88331.2.
  - (2) A permanency assessment pursuant to FFA ILS Section 88331.4.
- (b) A foster family agency may use tools, including questionnaires and forms, to complete a comprehensive assessment.
- (c) As deemed appropriate and necessary by a foster family agency, the foster family agency may require an applicant to complete additional activities to help determine an applicant's ability to be approved as a Resource Family.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88331.2 HOME ENVIRONMENT ASSESSMENT**

- (a) A foster family agency shall conduct a home environment assessment that includes all of the following:
- (1) A background check pursuant to FFA ILS Section 88331.3.
  - (2) A health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the applicant's home using form LIC 03: Resource Family Home Health and Safety Assessment Checklist to determine compliance with Article 6 and, if applicable, FFA ILS Section 88587.1.
    - (A) The health and safety assessment of the home and grounds shall include the following:
      1. The type of residence, such as a single-family home, apartment, or duplex.
      2. The available living space.
      3. The number of bedrooms and bathrooms.
      4. Any other relevant information, such as the presence of weapons, animals, pools or other bodies of water.
- (b) In the case of an Indian child, the foster family agency shall apply the prevailing social and cultural standards in collaboration with the Tribe, as defined by FFA ILS Section 88301(p)(3), when conducting the Home Environment Assessment.
- (1) The foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments or meetings with the applicant or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.
  - (2) The foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.

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- (A) If a tribal representative is unable to participate, the foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.
- (3) The foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.
- (4) The foster family agency shall document on the LIC 03 any prevailing social and cultural standards that were applied to the Home Health and Safety Assessment.

  - (A) Any prevailing social and cultural standards described on the LIC 03 shall be specific to the approval for a specific Indian child and shall not be applied to any other approval.
  - (B) The foster family agency shall obtain a signature from a tribal representative on the LIC 03 to verify the application of prevailing social and cultural standards, as defined by FFA ILS Section 88301(p)(3), and provide the Tribe with a copy of the LIC 03.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.



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**88331.3 BACKGROUND CHECK**

- (a) A foster family agency shall conduct a background check for an applicant and all adults residing or regularly present in the home of an applicant or Resource Family.
- (b) A background check shall include all of the following:
  - (1) A review of an individual's state and federal criminal record information, pursuant to Welfare and Institutions Code section 16519.5, to determine whether a criminal record clearance or exemption may be granted.
    - (A) A foster family agency shall obtain a completed form LIC 508D: Out-Of-State Disclosure and Criminal Record Statement from an applicant and any adults residing or regularly present in the home.
  - (2) Consideration of all substantiated allegations of child abuse and severe neglect listed on the Child Abuse Central Index (CACI), pursuant to Health and Safety Code section 1522.1, to determine whether the individual poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual.
    - (A) Consideration of the allegations described in paragraph (2) shall include a review of the investigation report and file prepared by the child protective agency.
    - (B) If the applicant or any adult residing in the home has lived in another state within five years before the applicant has applied for Resource Family Approval, then an out-of-state child abuse and neglect registry check shall be conducted using form LIC 198B: Out-of-State Child Abuse/Neglect Report Request or an equivalent form from a responding State if that State requires its own state-specific form and will not complete the LIC 198B.
  - (3) A Megan's Law registered sex offender check.
  - (4) A California Department of Motor Vehicles check on an applicant and any adults residing or regularly present in the home who may frequently transport a child or nonminor dependent.

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- (A) If an individual described in paragraph (4) does not have a California driver's license and provides a driver's license issued from a state other than California, the foster family agency shall, in addition to the California Department of Motor Vehicles check, attempt to obtain an equivalent check from that state. However, if a foster family agency is unable to obtain the record, they shall document the information in the Resource Family file in lieu of the driving record.
- (5) A check for prior licensing-related administrative actions contained in the Administrative Action Records System (AARS) database maintained by the Department.
- (6) A check for prior licensing history and criminal record exemption denial or recession actions contained in the Licensing Information System (LIS) database maintained by the Department.
- (7) A check for prior Resource Family-related administrative actions contained in the Administrative Action Records System (AARS) and Notice of Action (NOA) databases maintained by the Department.
- (c) (1) A foster family agency shall request that the Department review the information specified in (b)(1) and (2) and issue a criminal record clearance, exemption, or denial for each applicant and all adults residing or regularly present in the home of an applicant or Resource Family.
  - (A) In the case of an Indian child, the foster family agency shall apply the prevailing social and cultural standards in collaboration with the Tribe, as defined in FFA ILS Section 88301(p)(3) when submitting evidence to the Department demonstrating rehabilitation and good character of the individual pursuant to FFA ILS Section 88331.31. The foster family agency shall invite a representative of the Indian child's Tribe to submit any relevant information regarding rehabilitation and good character. The foster family agency shall not share any confidential information, including criminal record information, with the Tribe.

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- (2) A foster family agency shall review the information specified in subsection (b)(3) and (4).
- (3) A foster family agency shall request that the Department conduct the checks specified in subsections (b)(5), (6), and (7), and the foster family agency shall review the results.
- (d) (1) Before approving an applicant, a foster family agency shall conduct a reference check as required by Health and Safety Code section 1517.2.
- (2) Documentation of reference checks shall be maintained in the Resource Family case record.

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Health and Safety Code section 1517.2 provides:

- “(b)(1) Before approving a resource family, a foster family agency shall conduct a reference check of the applicant by contacting all of the following:
- (A) Any foster family agencies that have certified the applicant.
  - (B) Any state or county licensing offices that have licensed the applicant as a foster family home.
  - (C) Any counties that have approved the applicant as a relative or nonrelative extended family member.
  - (D) Any foster family agencies or counties that have approved the applicant as a resource family.
  - (E) Any state licensing offices that have licensed the applicant as a community care facility, child day care center, or family child care home.
  - (F) Any Indian tribe or tribal agency that has approved or licensed an applicant in any of the categories described in subparagraphs (A) to (E), inclusive.
- ...
- (c) The department, a county, or a foster family agency may request information from, or divulge information to, the department, a county, or a foster family agency regarding a prospective resource family for the purpose of conducting, and as necessary to conduct, a reference check to determine whether it is safe and appropriate to approve an applicant to be a resource family.”

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- (e) Prior to initial presence in a Resource Family's home, an individual described in subsection (a) shall obtain a criminal record clearance, or criminal record exemption pursuant to FFA ILS Section 88331.31. A violation of this section may result in rescission of approval or other administrative action.
- (1) If an individual's criminal record indicates an arrest for an offense specified in Health and Safety Code section 1522(e), the Department may not grant the individual a clearance or exemption until an investigation by the Department has been completed.
  - (2) If an individual's criminal record indicates an arrest for an offense not specified in Health and Safety Code section 1522(e), the Department shall consider the information pursuant to Family Code section 8712 and may conduct an investigation as described in paragraph (1) to ensure compliance with Resource Family Approval standards.
  - (3) A Department investigation of the facts regarding an individual's arrests, CACI entries, or convictions may lead to a denial of a criminal record exemption, denial or rescission of Resource Family Approval or other administrative action.
  - (4) If the Department finds that an individual has been convicted of a crime other than an infraction, the application shall be denied, or approval shall be rescinded, as applicable, unless the Department grants a criminal record exemption pursuant to FFA ILS Section 88331.31.
  - (5) If the Department finds that an individual is awaiting trial, or has an active warrant for an arrest, then the Department may cease processing the criminal record information and close the case provided that closure of the case does not pose an imminent risk to a child or nonminor dependent in placement. If the Department chooses to close the case, the individual may resubmit fingerprints when criminal proceedings have concluded. For purposes of this subsection, cease processing and case closure shall not constitute a denial of a clearance or a request for a criminal record exemption.

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- (6) The Department shall verify that a subsequent arrest notification (rap back) service, as specified in Penal Code section 11105.2, is in place for each applicant and all adults residing or regularly present in the home of an applicant or a Resource Family.
- (7) Any action which the Department is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Penal Code sections 1203.4 and 1203.4a permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this section, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.
- (f) The Department is authorized to obtain any arrest, conviction records, or reports from any court or law enforcement agency as necessary to perform its duties as provided in Health and Safety Code section 1522(e).
- (g) A foster family agency is authorized to obtain any arrest or conviction records or reports from any law enforcement agency pursuant to Health and Safety Code section 1517(g).
- (h) The following individuals are exempt from the requirement of a background check:
  - (1) A medical professional, who holds a valid license or certification from the governing California medical care regulatory entity and who is not employed, retained, or contracted by the Resource Family, if all of the following apply:
    - (A) The criminal record of the individual has been cleared as a condition of licensure or certification by the individual's California medical care regulatory entity.

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- (B) The individual is providing time-limited specialized clinical care or services.
  - (C) The individual is providing care or services within the applicable scope of practice.
  - (D) The individual is not a licensed, certified, or approved caregiver or an employee of the Resource Family.
- (2) A third-party repairperson, or similar retained contractor, if all of the following apply:
  - (A) The individual is hired for a defined, time-limited job.
  - (B) The individual is not left alone with a child or nonminor dependent.
  - (C) When a child or nonminor dependent is present in the room in which the repairperson or contractor is working, a Resource Family parent who has a criminal record clearance or exemption is also present.
- (3) Employees of a licensed home health agency and other members of licensed hospice interdisciplinary teams who have a contract for a child or nonminor dependent in the home, and are in the home at the request of the child's or nonminor dependent's authorized representative.
  - (A) The exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.
- (4) Clergy and other spiritual caregivers who are performing services in common areas of the home, or who are advising a child or nonminor dependent at the request of, or with the permission of, the child or nonminor dependent or their authorized representative.
  - (A) This exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.
- (5) Members of fraternal, service and similar organizations who conduct group activities for a child or nonminor dependent, if all of the following apply:

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- (A) Members are not left alone with a child or nonminor dependent.
  - (B) Members do not take a child or nonminor dependent from the home.
  - (C) The same group does not conduct such activities more often than once a month.
- (6) Adult friends and family of the Resource Family who come into the home to visit, for a length of time no longer than 30 calendar days, provided they are not left alone with a child or nonminor dependent. However, the Resource Family, acting as a reasonable and prudent parent, may allow their adult friends and family to provide short-term care to the foster child and act as an appropriate occasional short-term babysitter for the child.
- (7) A parent or guardian of a dependent child who comes into the Resource Family home, for the purpose of complying with a court-ordered visitation schedule, provided they are not left alone with a child or nonminor dependent not subject to the court ordered visitation schedule.
- (8) Parents of friends of a child or nonminor dependent when a child or nonminor dependent is visiting the friend's home and the friend, Resource Family, or both are also present. However, the Resource Family, acting as a reasonable and prudent parent, may allow the parent of the foster child's friend to act as an appropriate short-term babysitter for the child without the friend being present.
- (9) Occasional short-term babysitters.
- (10) Individuals who come into the home for the purpose of facilitating an extracurricular, enrichment, cultural, or social activity as described in Section 88487.14, provided they are not left alone with a child or nonminor dependent.
- (i) Nothing in this section shall prevent a foster family agency from requiring a background check for any individual specified in subsection (h), provided that the individual has contact that may pose a risk to the health and safety of a child or nonminor dependent placed with an applicant or Resource Family.
- (j) A nonminor dependent shall not be subject to a background check for purposes of

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Resource Family Approval.

- (k) A foster family agency shall notify the Department when an individual is no longer associated with the foster family agency and shall submit a NLI form (BCIA 8302), or submit an electronic notification through the AAJC, to the California Department of Justice to terminate the subsequent arrest notification (rap back) service for an associated individual at the following times:
- (1) When an applicant withdraws their application prior to the approval or denial of the application.
  - (2) When the foster family agency denies an application or rescinds approval.
  - (3) When a Resource Family surrenders approval.
  - (4) When an individual no longer resides or is regularly present in a Resource Family's home.
  - (5) If the Department orders a foster family agency to deny an application, rescinds approval, or excludes an individual, and the time for appeal has lapsed, or there was an appeal of the denial, rescission, or exclusion and the administrative action is final, or there has been a final determination in the administrative action and the time for reconsideration or rehearing has lapsed.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.



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**88331.31 CRIMINAL RECORD EXEMPTION**

- (a) (1) The Department shall notify a foster family agency to act immediately to remove from the home or bar from entering the home any person described in subsection (a) of FFA ILS Section 88331.3, while the department considers granting or denying an exemption, as follows:
  - (A) Any person who has been convicted of, or is awaiting trial for, a sex offense against a minor.
  - (B) Any person who has been convicted of a felony.
  - (C) Any person who has been convicted of an offense specified in Sections 243.4, 273a, 273d, 273g, or 368 of the Penal Code or any other crime specified in Health and Safety Code section 1522(c)(3).
- (2) Upon notification, the foster family agency shall ensure a Resource Family complies with the notice. If the individual who is the subject of the notice is the Resource Family, the Resource Family's spouse or a dependent adult, the foster family agency shall notify the Department.
- (b) Criminal record exemptions may be granted by the Department using the exemption criteria specified in Health and Safety Code section 1522(g).
- (c) The Department may not grant a criminal record exemption for an individual whose criminal record indicates a conviction for any offense specified in Health and Safety Code section 1522(g)(2)(A)(i)-(ii), unless 10 years have passed since the conviction and provided there is no felony conviction for a crime specified in Health and Safety Code section 1522(g)(2)(A)(iii).
  - (1) For relative applicants seeking placement of a specific child or children with whom the applicant is related, the Department may grant a criminal record exemption to the applicant, or an adult residing in the relative applicant's home, pursuant to subsection (h), notwithstanding a conviction for a crime specified in Health and Safety Code section 1522(g)(2)(A)(i)-(iii), provided there has been no felony conviction within the last five years for child abuse

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or neglect, spousal abuse, rape, sexual assault, homicide, or other crimes against a child, including child pornography.

(A) Any criminal record exemption granted pursuant to this paragraph shall only be valid for purposes of a child specific Resource Family approval and may not be transferred to any other setting.

- (2) The Department shall, in writing, separately notify the individual, and the foster family agency, when the individual has been convicted of a crime for which an exemption may not be granted.
- (A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption may not be granted, including the crime, date, and location of the conviction, and shall include a copy of the complete summary criminal history record received from the California Department of Justice.
- (B) For purposes of this subsection, "spousal abuse," as referenced in Health and Safety Code section 1522(g)(2)(A)(iii)(I), means the abuse of an individual to whom the perpetrator is legally married or registered as a domestic partner.
- (d) The Department shall grant a simplified criminal record exemption based solely on criminal record information collected pursuant to FFA ILS Section 88331.3, without an exemption request as described in subsections (f) through (j), if the Department determines that the individual has a criminal conviction and meets all of the following criteria:
- (1) The individual does not have a misdemeanor conviction within the last three years.
  - (2) The individual does not have a felony conviction within the last five years.
  - (3) The individual has not been convicted of a crime described in Health and Safety Code section 1522(g)(2)(A) or (g)(2)(B).
  - (4) The individual's criminal history does not indicate a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent.

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- (e) At the Department's discretion, an individual who is otherwise eligible for a simplified criminal record exemption, pursuant to subsection (d), may be required to request an exemption as described in subsections (f) through (j), if the Department determines such action is necessary to protect the health and safety of a child and nonminor dependent.
- (f) If any criminal record information collected pursuant to FFA ILS Section 88331.3 indicates an individual has been convicted of a crime described in Health and Safety Code section 1522(g)(2)(B), the Department shall, in writing, separately notify the individual and the foster family agency of the following:
  - (1) The individual must be granted an exemption in order to reside or be regularly present in the home.
  - (2) The authority and criteria for the granting of a criminal record exemption.
    - (A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption is needed, including the crime, date, and location of the conviction, and shall include a copy of the complete summary criminal history record received from the California Department of Justice.
  - (3) The individual, the applicant or Resource Family, or foster family agency acting on the individual's behalf, has the right to request a criminal record exemption.
  - (4) The individual shall be excluded for a period of two years in accordance with paragraph (q) if a criminal record exemption is denied, unless otherwise ordered by the Department.
- (g) If an individual, an applicant or Resource Family, or a foster family agency acting on the individual's behalf, chooses to request an exemption, then the person making the request shall submit the following documents to the Department within forty-five (45) calendar days of the date on the exemption needed notice provided by the Department:

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- (1) A copy of the form LIC 508D: Out of State Disclosure and Criminal Record Statement prepared and signed by the individual.
  - (2) A statement prepared and signed by the individual describing any and all convictions within or outside the state, including approximate dates, what happened, and how and where it happened. The statement shall describe the actions the individual has taken since the conviction to demonstrate they have been rehabilitated and are presently of good character.
    - (A) The individual need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7, or any conviction related to human trafficking for which relief has been granted pursuant to Penal Code section 1203.49.
  - (3) Documentation relevant to the conviction(s), including, but not limited to, minute orders, court dockets, transcripts, or other court records, county probation department letters or records, parole records, or California Department of Corrections and Rehabilitation records.
  - (4) Verification of trainings, classes, courses, treatment, or counseling, or other documentation relevant to rehabilitation.
  - (5) Three signed, original, and current character references utilizing form LIC 301E which includes the reference's contact telephone number and mailing address.
    - (A) An individual listed as a reference on form LIC 01A: Resource Family Application may be the same individual providing a character reference for a criminal record exemption request.
    - (B) If an individual submits fewer than three character references, the Department may approve an exemption provided sufficient evidence of rehabilitation exists, as provided in subsection (i).
- (h) The Department may grant a criminal record exemption for a crime listed in Health and Safety Code section 1522(g)(2)(B) if all of the following occurs:

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- (1) The individual requests an exemption, or the applicant or Resource Family, or the foster family agency requests an exemption on the individual's behalf, pursuant to subsection (g).
  - (2) The individual, the applicant or Resource Family, or the foster family agency presents substantial and convincing evidence satisfactory to the Department that the individual has been rehabilitated and presently is of such good character as to justify the granting of an exemption.
  - (3) The individual was not convicted of a crime listed in Health and Safety Code section 1522(g)(2)(A) for which the individual is not eligible to be granted a criminal record exemption.
- (i) The following factors may be considered to support a determination that an individual has been rehabilitated and is presently of good character:
- (1) The nature of the crime or conduct did not involve acts of violence or physical harm to another person.
  - (2) A substantial period of time has elapsed since the crime was committed or since the conduct occurred.
  - (3) The number of offenses does not indicate a longstanding pattern of criminal conduct.
  - (4) The circumstances surrounding the commission of the crime or conduct indicate that repetition is not likely.
  - (5) The individual has engaged in positive activities since the conviction or conduct that would indicate changed behavior, which may include, but not be limited to, employment, education, participation in counseling or treatment.
  - (6) Granting by the Governor of a full and unconditional pardon.
  - (7) Character references indicate present good character.
    - (A) A character reference that demonstrates a knowledge and understanding of the individual's criminal background and an awareness of the individual's changed behavior and rehabilitation shall

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be given more weight than those that do not demonstrate such knowledge, understanding, and awareness.

- (8) A certificate of rehabilitation from a superior court or tribal court.
- (9) Evidence of honesty and truthfulness as revealed in the application documents, interviews, and conversations between the individual and the Department.
- (j) The following factors may be considered to support a determination, but are not conclusive evidence, that an individual requiring a criminal record exemption has not been rehabilitated or is not presently of good character:
  - (1) False or misleading statements on forms, letters, other documents, or in conversations between the individual or others and the County, in order to obtain or maintain approval or to obtain or maintain a criminal record exemption. This includes the individual's knowing failure to fully disclose their criminal history or child abuse or neglect history when required to do so in application documents or interviews.
  - (2) The individual is currently on criminal probation.
  - (3) The individual's statements or testimony denies or minimizes guilt or attempts to impeach a conviction.
  - (4) The individual has not sought counseling, treatment, or aftercare for an alcohol or substance abuse problem.
  - (5) The individual has not paid full restitution or interest to a victim or only paid it when faced with jail or another consequence.
  - (6) The individual's statements or testimony fails to accept full responsibility for criminal conduct that resulted in a conviction, or the individual fails to express remorse for the conduct that is the subject of an allegation at issue.
  - (7) The individual has a recent conviction within the last five years for fraud or theft from a government program within the Department's jurisdiction.
- (k) The Department may grant a criminal record exemption that places conditions on an individual's exemption approval or presence in the home of a Resource Family.

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- (l) The Department may deny an individual's criminal record exemption if any of the following occurs:
  - (1) The individual, the applicant or Resource Family, or the foster family agency acting on the individual's behalf, fails to provide the documents specified in subsection (g) within 45 calendar days of the date on the exemption needed notice provided by the Department.
  - (2) The individual, the applicant or Resource Family, or the foster family agency acting on the individual's behalf, fails to cooperate in the exemption process.
  - (3) The Department determines the individual is not of good character or has not been rehabilitated.
- (m) The Department may rescind an individual's criminal record exemption if any of the following occurs:
  - (1) The exemption was granted in error.
  - (2) The exemption does not comply with current exemption laws or regulations.
  - (3) The conviction for which an exemption was granted subsequently becomes nonexemptible by law.
  - (4) Evidence obtained after the exemption was granted shows that the individual engaged in conduct that is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, any of the following:
    - (A) Violation of any applicable law or regulation.
    - (B) Any conduct by the individual indicating the individual may pose a risk to the health and safety of any child or nonminor dependent who is or may be placed with a Resource Family.
    - (C) Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the County, even if it occurred before the exemption was granted.
    - (D) The individual is convicted of a subsequent crime.

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- (n) (1) If the Department denies a criminal record exemption or rescinds an exemption, the Department shall provide the individual with a notice of the denial or rescission that conforms to the notice requirements of Section 12-05(b) of the Resource Family Approval Written Directives and includes the following:
  - (A) The authority to deny a criminal record exemption or to rescind an exemption.
  - (B) The specific criminal conviction(s) for which the exemption was denied.
  - (C) The right to appeal the Department's decision pursuant to Health and Safety Code section 1517(c)(6).
- (2) The Department shall provide the foster family agency with notice of the exemption denial or rescission.
- (o) If an individual, or an applicant or Resource Family on behalf of the individual, appeals the Department's decision to deny a criminal record exemption or to rescind an exemption, the Department shall provide the individual with due process as specified in FFA ILS Section 88346.
- (p) A foster family agency shall take the following actions if a criminal record exemption is denied or rescinded:
  - (1) For an applicant, denial of the application.
  - (2) For a Resource Family, rescission of the approval.
  - (3) For an adult who resides or is regularly present in the home, if the individual will continue to reside or be regularly present in the home, then denial of the application or rescission of the approval.
  - (4) If applicable, conduct a visit to the home to verify that an adult who had a criminal record exemption denied or rescinded is no longer residing or present in the home.
- (q) (1) If an exemption has been denied or an exemption is rescinded, the individual shall be excluded for a period of two years unless the individual has been



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convicted of a crime for which no exemption may be granted pursuant to subsection (c).

(A) The Department shall have authority to not impose the exclusion in accordance with Health and Safety Code section 1558.1(e).

(B) Exclusion or removal of an individual pursuant to this paragraph shall not be considered an order of exclusion for purposes of Health and Section Code section 1558 or any other applicable law.

(2) If an exemption has been denied or an exemption has been rescinded based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life.

(A) Notwithstanding paragraph (2), an application may be processed pursuant to FFA ILS Section 88331(i)(3) if there was no lifetime exclusion decision and order issued by the Department.

(r) The Department shall maintain written documentation containing the reasons for granting, denying, or rescinding a criminal record exemption.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88331.4 PERMANENCY ASSESSMENT**

- (a) A foster family agency shall conduct a permanency assessment that includes all of the following:
  - (1) Verification that an applicant completed pre-approval training as specified in FFA ILS Section 88331.6.
  - (2) A family evaluation of an applicant as specified in FFA ILS Section 88331.5.
  - (3) Verification of the completion of any other activities related to an applicant's ability to achieve permanency with a child or nonminor dependent.
- (b) In the case of an Indian child, a foster family agency shall apply the prevailing social and cultural standards in collaboration with the Tribe, as defined by FFA ILS Section 88301(p)(3), when conducting the Permanency Assessment.
  - (1) The foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments or meetings with the applicant or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.
  - (2) The foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.
    - (A) If a tribal representative is unable to participate, the foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.
  - (3) The foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88331.5 FAMILY EVALUATION**

- (a) A foster family agency shall conduct interviews as follows:
- (1) A minimum of two face-to-face interviews with an applicant.
- (A) If there is more than one applicant, then one individual interview of each applicant and one joint interview of all applicants shall occur.
- (B) If an applicant refuses to participate in any interview, a foster family agency shall deny the application.
- (C) One of the required interviews shall take place in the home of an applicant and shall include observation of the family environment, and if applicable, any parent-child interaction.

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Flexibility with the applicant's schedule should be considered when scheduling the interviews. Interviews could occur prior to or after a child and family team meeting, monthly caseworker visit, during the home health and safety assessment, or other convenient times or locations for the family.

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- (2) (A) A minimum of one separate face-to-face interview of all adults, children, nonminor dependents, and adoptive, biological, and guardianship children, residing in the home of an applicant to ascertain:
1. Parenting skills of the applicant(s).
  2. Strengths and weaknesses of the applicant(s).
- (B) Interviews with adults residing in the home shall include discussion of the individual's background check results.
- (C) If social work personnel are unable to meet with an adult face-to-face, then the interview may be conducted via web-based, audio-video communications.

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- (D) If an adult residing in the home is unable to participate in an interview due to a compelling circumstance, a foster family agency shall determine if the interview is necessary to assess the applicant's ability to be approved as a Resource Family.
- (3) Additional interviews of an applicant or other individuals as deemed necessary by the foster family agency.
- (b) At a minimum, the following information shall be gathered during the family evaluation of an applicant:
  - (1) Motivation to become a Resource Family, including the relationship to a specific child or nonminor dependent considered for placement with the applicant.
  - (2) Childhood upbringing and experiences.
  - (3) Adult experiences and personal characteristics.
  - (4) A risk assessment, which shall include:
    - (A) Past and current alcohol and other substance use and abuse history.
    - (B) Physical, emotional, and sexual abuse, neglect and family domestic violence history.
    - (C) Past and current physical and mental health.
  - (5) Current relationships.
    - (A) Co-parenting roles.
    - (B) If the applicant's spouse, domestic partner, or significant other who resides with the applicant did not apply for Resource Family Approval, then the reasons for the individual application shall be discussed.
  - (6) Parenting experiences, practices and discipline methods.
    - (A) Discussion of how the applicant will promote a normal, healthy, balanced, and supported childhood experience and treat a child or nonminor dependent as part of the family, to the extent possible.
    - (B) Ability to parent a child or nonminor dependent from different backgrounds or experiences including race, ethnicity, sexual

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orientation, gender identity, or a child or nonminor dependent who is gender non-conforming.

(C) In the case of an Indian child, willingness to collaborate with the child's Tribe(s) to maintain the child's connection to the Tribe(s).

(D) In the case of an Indian child, willingness to provide opportunities to the Indian child to attend cultural events that are in line with the prevailing social and cultural standards of the child's Tribe(s).

- (7) Discussion of the background check results.
- (8) Discussion of any services needed by the applicant to meet their Resource Family responsibilities.
- (9) Employment.
- (10) Financial situation.
  - (A) Ability to ensure the stability and financial security of the family.
    - 1. In the case of a relative or NREFM, or extended family member in the case of an Indian child, the requirement to demonstrate financial stability may be waived on a case-by-case basis.
    - 2. There are no minimum income requirements for Resource Family approval.
  - (B) Understanding of legal and financial responsibilities when caring for a child or nonminor dependent.
- (11) Knowledge or ability to demonstrate an understanding of the following:
  - (A) The safety, permanence, protection, and well-being needs of children and nonminor dependents who have been victims of child abuse and neglect.
  - (B) The needs and development of children and nonminor dependents.
  - (C) Effective parenting skills or knowledge about parenting.
  - (D) A Resource Family's role and capacity to work cooperatively with the foster family agency, birth parents, extended family, Tribe(s), and

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other service providers in implementing the child's needs and services plan.

- (E) The rights of children and nonminor dependents in care and a Resource Family's responsibility to safeguard those rights.
  - (F) In the case of an Indian child, ability to help maintain the Indian child's connection with the Tribe(s), such as by visitation and participation in cultural events and ceremonies.
- (12) An ability and willingness to do the following:
- (A) Meet the needs of children and nonminor dependents.
  - (B) Make use of support resources offered by the foster family agency or by a support structure in place, or both.
  - (C) Prepare a child for adulthood or to prepare a nonminor dependent for the transition to independent living.
  - (D) Honor the natural connections of a child or nonminor dependent.
  - (E) Support permanency plans for a child or nonminor dependent, including reunification, and help prepare a child or nonminor dependent for permanence, or provide permanency.

(c) In the case of an Indian child, the FFA shall invite a tribal representative to participate during the interviews outlined in FFA ILS Section 88331.5(a) and evaluation outlined in FFA ILS Section 88331.5(b).

(1) The foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments of the home or meetings with the family, or if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.

(2) The foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.

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- (A) If a tribal representative is unable to participate, the foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.
- (3) The foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.
- (d) When evaluating information that shows an applicant has a history of conduct that may pose a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual, a foster family agency shall consider the factors specified in FFA ILS Section 88331.31 (i) and (j), if applicable, and any other relevant information.
- (e) If a county provides a foster family agency information contained in the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) databases regarding an applicant, the foster family agency may review the information to develop topics to discuss with an applicant during a family evaluation.
  - (1) The foster family agency shall comply with the confidentiality and other requirements regarding the information provided by the County as set forth in Welfare and Institutions Code section 827.
  - (2) Information reviewed by a foster family agency pursuant to this subsection shall be limited to the following:
    - (A) Substantiated allegations of child abuse or neglect.
    - (B) Unfounded or inconclusive allegations of child abuse or neglect.
    - (C) Information as determined by the County to be pertinent to conducting a family evaluation.
  - (3) For purposes of paragraph (2), “substantiated,” “inconclusive,” and “unfounded” mean as defined in Penal Code section 11165.12.

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Penal Code section 11165.12 provides:

“As used in this article, the following definitions shall control:

(a) ‘Unfounded report’ means a report that is determined by the investigator who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6.

(b) ‘Substantiated report’ means a report that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred. A substantiated report shall not include a report where the investigator who conducted the investigation found the report to be false, inherently improbable, to involve an accidental injury, or to not constitute child abuse or neglect as defined in Section 11165.6.

(c) ‘Inconclusive report’ means a report that is determined by the investigator who conducted the investigation not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6, has occurred.”

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.



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**88331.6      PRE-APPROVAL TRAINING**

- (a) A foster family agency shall require an applicant to complete a minimum of 12 hours of pre-approval training prior to Resource Family Approval.
- (b) Pre-approval training shall address the following topics:
  - (1) A Resource Family orientation which includes the requirements set forth in Articles 6 and 7 of FFA ILS Subchapter 1.
  - (2) The courses specified in Welfare and Institutions Code section 16519.5(g)(13).
  - (3) Knowledge and skills relating to the reasonable and prudent parent standard, as specified in Health and Safety Code section 1522.44.
  - (4) Options for permanency.
  - (5) Birth parent relationships and safety issues regarding contact.
  - (6) The importance of a Resource Family's role in education, educational protections specific to children and nonminor dependents, and the rights and obligations of a Resource Family to access and maintain educational and health information as specified in Welfare and Institutions Code section 16519.7.
  - (7) The role of a Resource Family as a mandated reporter, including training on child abuse and neglect identification, and abuse and neglect reporting, as defined in Penal Code section 11166.
    - (A) As part of the training described in paragraph (7), a foster family agency shall provide a copy of Penal code sections 11165.7, 11166, 11166.05 and 11167.
    - (B) Once training has been completed, a foster family agency shall require an applicant to submit a signed statement provided by the foster family agency, verifying that the applicant has knowledge of a Resource Family's child abuse and neglect reporting responsibilities pursuant to Penal Code section 11166, and confidentiality rights under subdivision (d) of section 11167, and agrees to comply with those provisions.

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- (c) A foster family agency may require an applicant to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent.
- (1) In the case of an Indian child, the foster family agency, in collaboration with the child's Tribe, may determine if any additional training is necessary in order for an applicant to meet the needs of the Indian child.
- (d) A foster family agency shall provide an applicant with pre-approval training or shall require that an applicant complete pre-approval training provided by qualified sources that may include colleges, hospitals, foster parent associations, adult schools, certified foster parent instructors, and online sources.
- (1) When a foster family agency does not provide the pre-approval training, the foster family agency shall provide an applicant with information as to where the training is available.
- (2) Upon request of an applicant, a foster family agency shall make efforts to assist the applicant with accessing training.

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In order to assist an applicant with completing training requirements, a foster family agency could offer one on one training in the home or provide child care or transportation stipends.

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- (e) A foster family agency shall ensure that an applicant submits documentation verifying completion of pre-approval training as required by this section and the foster family agency. The documentation shall include the following information:
- (1) The name or topic of the training.
- (2) The name of the individual who completed the training.
- (3) The date the training was completed.
- (4) The number of training hours completed.

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- (f) Nothing in this section shall preclude a foster family agency from requiring Resource Family training in excess of the requirements in this section.

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[California mandated reporter information](http://www.mandatedreporterca.com) and resources, including free online training, can be found at [www.mandatedreporterca.com](http://www.mandatedreporterca.com).

Welfare and Institutions Code section 16519.5 (g)(13) states in pertinent part:

“The training shall include, but not be limited to, all of the following courses:

(A) An overview of the child protective and probation systems.

(B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.

(F) The rights of a child in foster care, and the Resource Family’s responsibility to safeguard those rights, including the right 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.

(G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school.

(I) Permanence, well-being, and education needs of children.

(J) Child and adolescent development, including sexual orientation, gender identity, and expression.

(K) The role of Resource Families, including working cooperatively with the child welfare or probation agency, the child’s family, and other service providers implementing the case plan.

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(L) The role of a Resource Family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.

(M) A Resource Family's responsibility to act as a reasonable and prudent parent, as described in subdivision (c) of Section 1522.44 of the Health and Safety Code, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

(N) An overview of the specialized training identified in subdivision (h).

(O) The information described in subdivision (i) of Section 16521.5. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5."

(P) Information on providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking. For purposes of this subparagraph, "information" may include, but is not limited to, informational pamphlets addressing the identification of victims of commercial sexual exploitation and child labor trafficking and the provision of existing resources, including crisis hotline numbers, survivor and caregiver supports, and contact information for law enforcement entities.

Welfare and Institutions Code section 16519.7 provides:

"The training requirements of subparagraph (l) of paragraph (13) of subdivision (g) of Section 16519.5 shall include training on the importance of the caregiver's role in education, educational protections specific to foster youth under state and federal law, and the rights and obligations of caregivers to access and maintain educational and health information, including the requirements under Sections 49069.3, 49076, and 56055 of the Education Code and Section 16010 of this code."

Welfare and Institutions Code section 16521.5 provides in part:

"(i) The curriculum created pursuant to subdivision (h) shall include, but not be limited to, all of the following:

(1) The rights of youth and nonminor dependents in foster care to sexual and reproductive health care and information, to confidentiality of sensitive health information, and the reasonable and prudent parent standard.

(2) How to document sensitive health information, including, but not limited to, sexual and reproductive health issues, in a case plan.

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(3) The duties and responsibilities of the assigned case management worker and the foster care provider in ensuring youth and nonminor dependents in foster care can obtain sexual and reproductive health services and information.

(4) Guidance about how to engage and talk with youth and nonminor dependents about healthy sexual development and reproductive and sexual health in a manner that is medically accurate, developmentally and age-appropriate, trauma-informed, and strengths-based.

(5) Information about current contraception methods and how to select and provide appropriate referral resources and materials for information and service delivery.”

Health and Safety Code section 1522.44 provides in part:

“(c) A licensed and certified foster parent or facility staff member, as described in subdivision (b), shall receive training related to the reasonable and prudent parent standard that is consistent with Section 671(a)(24) of Title 42 of the United States Code. This training shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.”

Welfare and Institutions Code section 16519.5 (h) provides:

“In addition to any training required by this section, a county may require a Resource Family or applicant to receive relevant specialized training for the purpose of preparing the Resource Family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

(1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children and children who have been victims of child labor trafficking.

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#### HANDBOOK CONTINUES

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- (2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.
- (3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.
- (4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership and connection to the tribal community and traditions.
- (5) Understanding how to use best practices for providing care and supervision to nonminor dependents.
- (6) Understanding how to use best practices for providing care and supervision to children with special health care needs.
- (7) Understanding the different permanency options and the services and benefits associated with the options.”

A foster family agency may assist an applicant with completing training requirements, such as offering one on one training in the home or providing child care or transportation stipends.

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#### HANDBOOK ENDS HERE

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code; Section 16519.5, Welfare and Institutions Code.

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**88331.7 WRITTEN REPORT**

- (a) A foster family agency shall complete form RFA-05 Resource Family Written Report or an equivalent report of the comprehensive assessment of an applicant.
- (b) If a foster family agency assigns the components of the comprehensive assessment, as set forth in FFA ILS Section 88331.1, to different social work personnel, the foster family agency shall ensure a social worker or social work supervisor reviews all components of the comprehensive assessment prior to approving a Written Report.
- (c) A Written Report shall include, but not be limited to, the following:
  - (1) Identifying information of an applicant, any adopted, biological, or guardianship children residing in the home, and any adults residing or regularly present in the home.
  - (2) A description of the physical features of the home, as specified in FFA ILS Section 88331.2(a)(2)(A).
    - (A) Any identified concerns regarding an animal that may adversely impact the health and safety of a child or nonminor dependent shall be evaluated and resolved with an applicant prior to approval.
  - (3) An evaluation and determination of whether an applicant's home is safe and in compliance with the requirements contained in FFA ILS Section 88331.2, Article 6, and if applicable, FFA ILS Section 88587.1, including any Documented Alternative Plan(s) pursuant to FFA ILS Section 88347.
  - (4) An evaluation of the results of a background check of an applicant and all adults residing or regularly present in the home, including any criminal record exemptions granted, as specified in FFA ILS Sections 88331.3 and 88331.31.
  - (5) A summary of all interviews of applicant(s), children, nonminor dependents, adoptive, biological, and guardianship children, adults residing in the home, and other individuals.
    - (A) If an adult residing in the home is unable to participate in an interview due to a compelling circumstance, document the reasons and the

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foster family agency's determination regarding whether the interview is necessary to assess the applicant's ability to be approved as a Resource Family.

- (6) An evaluation of the information obtained during the family evaluation of an applicant, including a risk assessment, as specified in FFA ILS Section 88331.5.
  - (A) If an applicant's spouse, domestic partner, or significant other who resides with the applicant did not apply for Resource Family Approval, then the evaluation shall include the impact, if any, this has on the applicant's ability to be approved as a Resource Family.
- (7) Verification that an applicant completed pre-approval training as specified in FFA ILS Section 88331.6.
  - (A) The Written Report shall state the number of training hours completed, any specialized training received, and an evaluation of any feedback provided by a trainer.
- (8) A statement verifying whether an applicant has provided the supporting documentation specified in FFA ILS Section 88431.2(a)(1)(A) through (G).
- (9) A determination of an applicant's commitment and capability to meet the needs of a child or nonminor dependent including, but not be limited to, the following:
  - (A) Strengths and weaknesses of the applicant.
  - (B) Whether the applicant would only prefer to adopt, become a legal guardian, or provide foster care.
  - (C) Understanding of the needs, safety, permanence, and well-being of children or nonminor dependents, including those who have been victims of abuse or neglect.
- (10) A capacity determination, as specified in FFA ILS Section 88362, and the reasons supporting the determination.



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- (11) A summary of an applicant's understanding of the legal and financial responsibilities for providing care to a child or nonminor dependent.
- (12) A statement that an applicant has been provided with the information specified in FFA ILS Section 88331(g).
- (13) Any concerns regarding an applicant.
  - (A) Describe any historical or current events contributing to the concern and the frequency and duration of the concern.
  - (B) Attempts by the foster family agency or applicant(s) to resolve or mitigate the concern.
  - (C) The foster family agency's determination of whether the concern has been resolved and the impact the concern has on the applicant's ability to meet the qualifications of a Resource Family.
- (14) The characteristics of a child or nonminor dependent an applicant may best serve.
- (15) If the foster family agency has determined the applicant may be approved only for a specific child or nonminor dependent, then an evaluation of the reasons as specified in subsection (f).
  - (A) The name of the specified child or nonminor dependent shall be listed on form LIC 01A: Resource Family Application.
- (16) Any resources, services, or training which would assist an applicant in meeting the needs of a child or nonminor dependent.
- (17) A statement that the application is approved or denied and the reasons for that determination.
- (18) In the case of an Indian child:
  - (A) A summary of the prevailing social and cultural standards of the Tribe, as defined by FFA ILS Section 88301(p)(3), and the application of these standards throughout the comprehensive assessment.
  - (B) All contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was

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contacted. The foster family agency shall include dates that a tribal representative participated in any assessment or evaluation of an applicant.

(C) A summary of any concerns or disagreements between the foster family agency and an Indian child's Tribe(s), as well as the steps taken to resolve any disagreements.

- (d) A foster family agency may evaluate character references provided pursuant to FFA ILS Section 88431.2(a)(4) in the Written Report.
- (e) A foster family agency may approve an application that places conditions on the approval, provided each applicant meets all of the standards for approval. Any conditions shall be specified in writing on form LIC 05A: Resource Family Approval Certificate or an equivalent certificate pursuant to FFA ILS Section 88331.8(a)(1)(F).
- (f) A foster family agency may approve an applicant to care for a specific child or nonminor dependent in circumstances when consideration of the familial or tribal relationship is of such sufficient significance that it outweighs any concerns about the applicant identified through the family evaluation required by FFA ILS Section 88331.5.
  - (1) In the case of an Indian child, the foster family agency shall apply the prevailing social and cultural standards in collaboration with the Tribe, as defined by FFA ILS Section 88301(p)(3), to the approval for the specific Indian child.
  - (2) The applicant shall meet all Resource Family Approval standards described in the interim licensing standards.
  - (3) The identified concerns or issues about the applicant shall not be of such significance that it may impact the health, safety, or well-being of the specified child or nonminor dependent.
  - (4) Approval for a specific child or nonminor dependent does not guarantee initial or continued placement of the specified child or nonminor dependent with a Resource Family.

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- (5) Prior to approving an applicant for a specific child or nonminor dependent, a foster family agency shall advise the applicant that, as a condition of approval, the Resource Family may not accept the placement of any other child or nonminor dependent unless one of the following occurs:
- (A) An approval update is completed pursuant to FFA ILS Section 88371.
  - (B) A child or nonminor dependent is placed with a Resource Family on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45.
    - 1. A foster family agency shall initiate an approval update pursuant to FFA ILS Section 88371 within five business days of an emergency placement.
- (6) Any conditions, including that the approval is for a specific child or nonminor dependent, shall be specified in writing on form LIC 05A: Resource Family Approval Certificate or an equivalent certificate pursuant to FFA ILS Section 88331.8(a)(1)(F) and (G).
- (g) In the case of an Indian child, the foster family agency shall contact and collaborate with the child's Tribe when completing an approval to ensure the approval of the Resource Family continues to meet the prevailing social and cultural standards of the Indian community, as defined by FFA ILS Section 88301(p)(3).
- (1) A foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments of the home or meetings with the family or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.
- (2) A foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.

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- (A) If a tribal representative is unable to participate, a foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.
- (3) A foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.
- (h) A Written Report shall contain the following:
- (1) A signature from the assigned RFA program staff
  - (2) A signature from the assigned RFA program staff supervisor
  - (3) An applicant's signature acknowledging receipt of the Written Report
    - (A) If an applicant is unwilling to sign the Written Report, RFA program staff shall document the refusal in the signature space.
  - (4) In the case of an Indian child, a signature from a tribal representative acknowledging receipt of the Written Report.
    - (A) If after seven days, no signature from a tribal representative can be obtained, receipt of the Written Report can be verified electronically or by certified mail.
    - (B) RFA program staff shall document the attempts to obtain the signature in the signature space.
- (i) A foster family agency shall distribute a copy of a Written Report as follows:
- (1) To an applicant or Resource Family.
  - (2) To the Resource Family case record maintained by the foster family agency.
  - (3) In the case of an Indian child, to the Indian child's Tribe(s).
- (j) A Written Report for a Resource Family that meets the requirements of FFA ILS Section 88331.7(c), and any updates to the Written Report, shall be considered sufficient for meeting the requirements of a written assessment of an adoptive applicant pursuant to California Code of Regulations, Title 22, Section 35180.
- (k) A Written Report for a Resource Family that meets the requirements of FFA ILS Section 88331.7(c), and any updates to the Written Report, may not be used as a

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substitute for the assessment of an applicant proceeding with any adoption other than the adoption of a foster child or nonminor dependent.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88331.8      RESOURCE FAMILY APPROVAL CERTIFICATE**

- (a) If a foster family agency approves an application, as documented in the Written Report, or updates an approval pursuant to FFA ILS Section 88371 or 88371.1, or changes the capacity pursuant to Section 88362, then the foster family agency shall complete form LIC 05A: Resource Family Approval Certificate or an equivalent certificate.
  - (1) The certificate shall contain the following:
    - (A) The name of the foster family agency.
    - (B) The full name(s) of the Resource Family and address of the home.
    - (C) The date of approval.
    - (D) The reason for an update and the date of completion.
    - (E) The capacity for which the Resource Family is approved.
    - (F) If applicable, that there are conditions placed on the approval pursuant to Section 88331.7(e).
    - (G) If applicable, that the approval is for a specific child or nonminor dependent pursuant to Section 88331.7(f).
  - (2) The certificate may not contain the name of a child or nonminor dependent when the approval is for a specific child or nonminor dependent pursuant to Section 88331.7(f).
- (b) A foster family agency shall distribute a copy of the LIC 05A: Resource Family Approval Certificate or an equivalent certificate as follows:
  - (1) To a Resource Family.
  - (2) To the Resource Family case record maintained by the foster family agency.
- (c) A LIC 05A: Resource Family Approval Certificate or an equivalent certificate is not transferable to any other person.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**Article 2.1— Resource Family Approval Foster Family Agency Requirements  
for Portability**

**88335 IDENTIFICATION OF RESOURCE FAMILIES: PORTABILITY**

- (a) FFA ILS Section 88330 shall apply to portability.

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**88336      APPLICATION FOR RESOURCE FAMILY APPROVAL: PORTABILITY**

- (a) California Code of Regulations, Title 22, Section 88031 shall not apply to portability.
- (b) FFA ILS Section 88331 (e), (f), (g), (h), and (i) shall apply to portability.
- (c) A Resource Family approved by a foster family agency or County may be approved by a subsequent foster family agency pursuant to Health and Safety Code section 1517.5 and this article.
- (d) Upon receipt of a completed form RFA 10: Resource Family Approval- Portability Application, a subsequent foster family agency shall comply with the following requirements:
  - (1) Complete Section II of form RFA 10: Resource Family Approval- Portability Application.
  - (2) Provide a copy of the completed RFA 10: Resource Family Approval – Portability Application to the current foster family agency or County. The provision of this form shall constitute the subsequent foster family agency’s request for a copy of the Resource Family case record or file, including but not limited to the written report and any updates.
  - (3) If a child or nonminor dependent is currently placed in the home, notify the placement agency of the Resource Family’s intent to be approved by the subsequent foster family agency.
    - (A) In the case of an Indian child, notify the Tribe of the Resource Family’s intent to transfer their Resource Family Approval.
  - (4) Conduct a background check of the applicant and all adults residing or regularly present in the home as specified in FFA ILS Section 88331.3.
  - (5)
    - (A) Conduct a reference check pursuant to Health and Safety Code section 1517.2.
    - (B) Documentation of reference checks shall be maintained in the Resource Family case record.
  - (6) Require an applicant to provide the supporting documentation specified in FFA ILS Section 88431.2(a)(1)(A) through (G) prior to approval, unless the



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supporting documentation is present in the applicant's Resource Family case record or file received from the current foster family agency or County.

- (7) Complete an update to an applicant's existing Written Report pursuant to FFA ILS Section 88336.1.
- (e) If a subsequent foster family agency approves the portability application, as documented in the update, the subsequent foster family agency shall complete the following:
  - (1) Complete form LIC 05A: Resource Family Approval Certificate, or an equivalent certificate that complies with the requirements of FFA ILS Section 88331.8.
    - (A) A copy of the LIC 05A: Resource Family Approval Certificate or an equivalent certificate shall be provided to the prior foster family agency or County.
    - (B) A copy of the LIC 05A: Resource Family Approval Certificate or an equivalent certificate shall be provided to the placement agency if a child or nonminor dependent is currently placed with the Resource Family.
- (f) (1) The current foster family agency shall complete all of the following within 20 business days of the current foster family agency's receipt of the form RFA 10: Resource Family Approval- Portability Application from a subsequent foster family agency when a Resource Family seeks approval by the subsequent foster family agency pursuant to this article and Health and Safety Code section 1517.5.
  - (A) Complete and sign Section III of form RFA 10 – Resource Family Approval – Portability Application. Return the completed form to the subsequent foster family agency.
  - (B) Provide the subsequent foster family agency with a copy of all records contained in the Resource Family's case record as specified in FFA

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ILS Section 88369.7, except the following documents shall not be shared.

1. Summary criminal history records, including CACI matches, received directly from the California Department of Justice in response to LiveScan fingerprint submissions.
2. Copies of any unfounded complaint investigation reports.
3. Content from a confidential juvenile case file, including but not limited to data from the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES), that was provided by a county to the current foster family agency pursuant to Welfare and Institutions Code section 827(a)(5).

(C) If there is a child or nonminor dependent currently placed in the home, notify the child's or nonminor dependent's social worker of the Resource Family's intent to be approved by a subsequent foster family agency.

- (2) The LIC 05A: Resource Family Approval Certificate issued by a current foster family agency shall be forfeited by operation of law upon approval as a Resource Family by a subsequent foster family agency in accordance with this article and Health and Safety Code section 1517.5.
- (3) The current foster family agency shall immediately send the NLI form (BCIA 8302), or submit an electronic notification through the AAJC, to the California Department of Justice for all adults residing or regularly present in the home after the foster family agency receives a copy of the LIC 05A: Resource Family Approval Certificate or equivalent from the subsequent foster family agency verifying the Resource Family's subsequent approval.

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- (4) A foster family agency shall securely retain all case records for at least three years following the date of forfeiture of the approval, as specified in FFA ILS Section 88369.7.

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#### HANDBOOK BEGINS HERE

The requirements for a County when a Resource Family is seeking approval from a subsequent foster family agency are specified in Section 5.1-02 of the Resource Family Approval Written Directives.

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#### HANDBOOK ENDS HERE

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- (g) (1) A foster family agency shall forward the following to a County within 20 business days of receipt of a completed form RFA 10: Resource Family Approval- Portability Application when a Resource Family seeks to transfer their Resource Family approval to the County pursuant to Section 5.1-01 of the Resource Family Approval Written Directives and Welfare and Institutions Code section 16519.58.
- (A) Complete and sign Section III of form RFA 10 – Resource Family Approval – Portability Application. Return the completed form to the County.
- (B) Provide the County with a copy of the documents contained in the Resource Family's case record as specified in FFA ILS Section 88369.7, except the following documents shall not be shared.
1. Summary criminal history records, including CACI matches, received directly from the California Department of Justice in response to LiveScan fingerprint submissions.
  2. Copies of any unfounded complaint investigation reports.
  3. Content from a confidential juvenile case file, including but not limited to data from the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System

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(CWS-CARES), that was provided by a county to the current foster family agency pursuant to Welfare and Institutions Code section 827(a)(5).

- (C) If there is a child or nonminor dependent currently placed in the home, notify the child's or nonminor dependent's social worker of the Resource Family's intent to be approved by a subsequent foster family agency.
- (2) The LIC 05A: Resource Family Approval Certificate issued by a foster family agency shall be forfeited by operation of law upon the transfer of approval to a County in accordance with Welfare and Institutions Code section 16519.58 and Section 5.1-01 of the Resource Family Approval Written Directives.
- (3) The current foster family agency shall immediately send the NLI form (BCIA 8302), or submit an electronic notification through the AAJC, to the California Department of Justice for all adults residing or regularly present in the home after the foster family agency receives a copy of the LIC 05A: Resource Family Approval Certificate or equivalent from the county verifying the Resource Family's subsequent approval.
- (4) A foster family agency shall securely retain all case records for at least three years following the date of forfeiture of the approval, as specified in FFA ILS Section 88369.7.

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### HANDBOOK BEGINS HERE

The requirements for a County and Resource Family when a Resource Family seeks to transfer their approval to the County are specified in Section 5.1-01 of the Resource Family Approval Written Directives.

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### HANDBOOK ENDS HERE

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1517.5, 1530 and 1531, Health and Safety Code.

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**88336.1      UPDATE TO AN EXISTING WRITTEN REPORT: PORTABILITY**

- (a) A subsequent foster family agency shall complete an update to an applicant's existing Written Report, which was completed by a current foster family agency or County, pursuant to this section.
- (b) During an update to an applicant's existing Written Report, a subsequent foster family agency shall:
  - (1) Evaluate all information provided by the current foster family agency or County, including the information provided on Section III of form RFA 10: Resource Family Approval- Portability Application and all records in the Resource Family's case record or file.
  - (2) Ask the applicant to verify all personal information contained in the Written Report, and any updates to the Written Report, is current and updated.
  - (3) Conduct a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home using form LIC 03: Resource Family Home Health and Safety Assessment Checklist to ensure compliance with Article 6 and, if applicable, FFA ILS Sections 88587.1 and 88787.1.
  - (4) Evaluate the results of a background check of the applicant and all adults residing or regularly present in the home, including any criminal record exemptions granted, as specified in FFA ILS Sections 88331.3 and 88331.31.
  - (5) Address any significant changes to the family evaluation, including but not limited to, the following:
    - (A) A change in the number of people residing in the home, including the following:
      - 1. Any additional individuals in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child, nonminor dependent, or other person.
      - 2. Any adult who plans to reside or be regularly present in the home or move out of the home.

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- (B) A change in marital or domestic partnership status or a change in a relationship with a significant other.
  - (C) A change in the physical or mental health of a Resource Parent, a child or nonminor dependent, or any other residents in the home.
  - (D) A move to a new home location.
  - (E) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
  - (F) A change in employment or financial situation.
  - (G) A change in any information evaluated in the risk assessment as specified in FFA ILS Section 88331.5(b)(4).
- (6) Interview all individuals residing in the home.
- (A) If an individual is unavailable or refuses to be interviewed, document the reasons why, and determine whether the interview is necessary to complete the approval update.
- (7) Determine the capacity in accordance with FFA ILS Section 88362.
- (A) The capacity determination specified in FFA ILS Section 88362(b) shall include a review of the applicant's capacity, as approved by the current foster family agency or County.
- (8) Review the applicant's current Resource Family annual and other training and identify any training that is overdue.
- (A) If training is overdue, the approval update may not be finalized until the applicant completes annual and other required training as specified in FFA ILS Section 88372.
- (9) Review current DAP(s), and if a DAP continues to be necessary, then submit a written request for a DAP(s) to the Department pursuant to FFA ILS Section 88347.
- (10) Identify any concerns regarding an applicant.
- (A) Describe any historical or current events contributing to the concern and the frequency and duration of the concern.

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- (B) Attempts by the foster family agency or applicant(s) to resolve or mitigate the concern.
  - (C) The foster family agency's determination of whether the concern has been resolved and the impact the concern has on the applicant's ability to be approved.
- (11) Identify any resources, services, or training that would assist an applicant in meeting the needs of a child or nonminor dependent.
  - (12) Determine whether an applicant shall complete additional activities necessary to evaluate their portability application.
  - (13) Determine whether the portability application is approved or denied and the reasons for the determination.

(c) In the case of an Indian child, a foster family agency shall contact and collaborate with the child's Tribe(s) when completing an approval update to ensure the approval of the Resource Family continues to meet the prevailing social and cultural standards of the Indian community, as defined by FFA ILS Section 88301(p)(3).

(1) A foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments of the home or meetings with the family or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.

(2) A foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.

(A) If a tribal representative is unable to participate, a foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.

(3) A foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.

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- (d) A subsequent foster family agency may approve a portability application that places conditions on the approval, provided each applicant meets all of the standards for approval. Any conditions shall be specified in writing on form LIC 05A: Resource Family Approval Certificate or an equivalent certificate.
- (e) A subsequent foster family agency shall document the update to the existing Written Report pursuant to subsection (b).

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#### HANDBOOK BEGINS HERE

The RFA 05: Written Report could be used to document the update to an existing Written Report; only applicable sections would need to be completed.

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#### HANDBOOK ENDS HERE

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- (f) A subsequent foster family agency shall distribute a copy of the update to the existing Written Report as follows:
  - (1) To an applicant or Resource Family.
  - (2) To the Resource Family case record maintained by the subsequent foster family agency.
  - (3) To the current foster family agency or County, if the application is denied.
  - (4) To the current placement agency if there is a child or nonminor dependent placed with the Resource Family.
  - (5) In the case of an Indian child, a copy of the approval update shall be shared with the Tribe.
- (g) An update to the existing Written Report that documents the approval of an application and meets the requirements of this section shall be considered sufficient for meeting the requirements of a written assessment of an adoptive applicant pursuant to California Code of Regulations, Title 22, Section 35180.
- (h) A Resource Family maintains its approval status with its current foster family agency or County unless any of the following occur:



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- (1) Approval is rescinded by the current foster family agency, County or Department;
- (2) The Resource Family chooses to surrender their approval;
- (3) The approval is forfeited by operation of law; or
- (4) The Resource Family is approved by a subsequent foster family agency in accordance with this article or County in accordance with Resource Family Approval Written Directive section 5.1-01.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1517.5, 1530 and 1531, Health and Safety Code.

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**Article 3—Administrative and Enforcement Provisions**

**88344      INSPECTION AUTHORITY OF THE DEPARTMENT**

- (a) California Code of Regulations, Title 22, Section 88044(b) shall not apply to an applicant or Resource Family.
- (b) The Department may inspect the home of a Resource Family in compliance with Health and Safety Code section 1517.
- (c) The Department may inspect the home of a Resource Family on inactive status in accordance with Health and Safety Code section 1517.4.
- (d) The Department shall have the authority to observe the physical condition of a child or nonminor dependent, including conditions that could indicate abuse, neglect, or inappropriate placement, and to have a licensed medical professional physically examine the child or nonminor dependent, without the prior consent of a Resource Family.
- (e) The Department shall have the authority to interview a child or nonminor dependent in private, without the prior consent of a Resource Family.
  - (1) A Resource Family shall ensure that provisions are made for private interviews with a child or nonminor dependent.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1517.4, 1530 and 1531, Health and Safety Code.

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**88345                      EVALUATION INSPECTIONS**

- (a) With the exception of California Code of Regulations, Title 22, Section 88045(d), Section 88045 shall apply.
- (b) A foster family agency shall inform a Resource Family at the time of approval of the Department's authority to conduct inspections of the home of the Resource Family as specified in Health and Safety Code section 1517.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1530 and 1531, Health and Safety Code.

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**88346      DENIALS, RESCISSIONS AND OTHER ACTIONS**

- (a) California Code of Regulations, Title 22, Section 88044.5 shall not apply to an applicant or Resource Family.
- (b) A Resource Family maintains their approval status unless approval is rescinded by a foster family agency, the Department orders the foster family agency to rescind the approval, or the approval is forfeited pursuant to FFA ILS Section 88346.1.
  - (1) If the Department determines that a Resource Family is out of compliance with applicable laws or the interim licensing standards, the Department may require a foster family agency to rescind the approval of the Resource Family or take other administrative action.
  - (2) If the Department orders a foster family agency to deny an application or rescind the approval of a Resource Family, or the Department denies a request for a criminal record exemption, rescinds an exemption, or excludes an individual from presence in any Resource Family home, the Department shall provide the applicable individual with due process as set forth in subsection (c).
- (c) Due process conducted pursuant to Chapter 3 (commencing with section 1517) of Division 2 of the Health and Safety Code, shall be conducted in accordance with the procedures for Resource Families specified in the Resource Family Approval Written Directives sections 12-01, 12-08, 12-12(b), and 12-16 through 12-22.
  - (1) The procedures set forth in the Administrative Procedure Act (Chapter 4 (commencing with Section 11370) of Part 1 of Division 3 of Title 2 of the Government Code) shall apply.
  - (2) Sections in Article 12 of the Resource Family Approval Written Directives applicable to proceedings before the State Hearings Division shall not apply to Resource Families, applicants, or individuals described in this subchapter.
  - (3) If a Resource Family that is the subject of an administrative action did not complete the approval process or is not currently approved by a foster family agency at the time a proposed decision is issued by an administrative law

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judge, then the administrative law judge shall not order that an approval is granted but shall include proposed orders that ensure the requirements for approval are met prior to approval, including but not limited to, completion of the comprehensive assessment described in Section 88331.1 or the Update of Resource Family Approval described in Section 88371, as applicable.

- (d) A foster family agency may deny an application or rescind the approval of a Resource Family, the Department may order a foster family agency to deny an application or rescind the approval of a Resource Family, and the Department may exclude an individual from presence in any Resource Family home for any of the following reasons:
- (1) Violation of any applicable law or the interim licensing standards.
  - (2) Aiding, abetting, or permitting the violation of any applicable law or the interim licensing standards.
  - (3) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, another individual, or the people of the state of California.
  - (4) The conviction of an applicant, Resource Parent, or associated individual, at any time before or during their approval, of a crime as defined in Health and Safety Code section 1522.
  - (5) Engaging in acts of financial malfeasance, including but not limited to, improper use or embezzlement of the money or property of a child or nonminor dependent or fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.
  - (6) Failure to meet application requirements.
  - (7) Failure to meet Resource Family qualifications.
  - (8) Inability to provide adequate references.
  - (9) Failure or refusal to participate in interviews as specified in FFA ILS Section 88331.5(a).

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- (10) Failure to complete pre-approval or annual training, cardiopulmonary resuscitation (CPR) and first aid training, specialized training, or other training required by the foster family agency.
  - (11) Failure to receive a criminal record clearance or exemption.
  - (12) Failure to meet the home environment assessment standards.
  - (13) Family evaluation results or other information indicates an inability to act as a reasonable and prudent parent or to provide or failure to ensure care and supervision of a child or nonminor dependent.
  - (14) Failure to cooperate or comply as specified in FFA ILS Section 88487.18.
  - (15) False or misleading statements made to a foster family agency or the Department to obtain or maintain a Resource Family Approval.
  - (16) Conduct that would indicate the individual is not of reputable or responsible character.
- (e) A foster family agency shall not deny an application based on any of the following:
- (1) An applicant's reliance on the funding described in Welfare and Institutions Code section 16519.5(l) to meet additional household expenses incurred due to the placement of a child or nonminor dependent.
  - (2) An applicant's preference to provide a specific level of permanency, including adoption, or guardianship, or in the case of a relative, placement with a fit and willing relative.
  - (3) An applicant's age, sex, race, religion, color, political affiliation, national origin, disability, marital status, gender identity, gender expression, actual or perceived sexual orientation, medical condition, genetic information, citizenship, primary language, immigration status, or ancestry.
  - (4) A substantiated, inconclusive, or unfounded allegation of general neglect, or an inconclusive or unfounded allegation of child abuse or severe neglect, contained in the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) databases, unless the county child

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welfare agency or probation department provides the individual with an opportunity to dispute the substantiated disposition, pursuant to CDSS Manual of Policies and Procedures section 31-020 or 31-021, or Welfare and Institutions Code section 300 et seq., and the substantiated disposition is upheld.

- (A) For purposes of this paragraph, “substantiated,” “inconclusive,” and “unfounded” mean as defined in Penal Code section 11165.12.

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Penal Code section 11165.12 provides:

“As used in this article, the following definitions shall control:

(a) ‘Unfounded report’ means a report that is determined by the investigator who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6.

(b) ‘Substantiated report’ means a report that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred. A substantiated report shall not include a report where the investigator who conducted the investigation found the report to be false, inherently improbable, to involve an accidental injury, or to not constitute child abuse or neglect as defined in Section 11165.6.

(c) ‘Inconclusive report’ means a report that is determined by the investigator who conducted the investigation not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6, has occurred.”

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- (f) A foster family agency shall attempt to resolve areas of concern, if possible, prior to denying an application or rescinding approval.

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- (1) An attempt to resolve areas of concern shall include identifying if additional supports or services are needed to support the applicant or Resource Family in meeting the requirements of approval.
- (2) In the case of an Indian child, the foster family agency shall contact and collaborate with the child's Tribe before any decision to deny an application or rescind approval to resolve areas of concern and ensure the application of the prevailing social and cultural standards of the Indian community are not factors in the denial or rescission.

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When concerns have been raised and a child or nonminor dependent is placed with an applicant or Resource Family, a foster family agency should notify the child's or nonminor dependent's social worker or probation officer so that a child and family team meeting can be convened.

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- (g) If an individual has had an application for approval denied or a Resource Family approval rescinded, the individual shall be temporarily excluded as provided in Health and Safety Code section 1558.1.
- (1) An individual shall not be excluded as provided in this Section if the Department does not have current evidence that the individual poses a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent, and the application denial or rescission of approval is based solely upon the following:
  - (A) Failure to cooperate with the application process or approval update as described in FFA ILS Section 88487.18.
  - (B) Failure to meet the good physical health requirements set forth in FFA ILS Section 88431.1.
  - (C) Failure to pass the home health and safety assessment set forth in FFA ILS Section 88331.2.



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- (D) An exemption denial or exemption rescission of an individual other than the applicant or Resource Family who was the subject of the application denial or rescission of approval.
  - (E) A combination of the above.
  - (F) As otherwise ordered by the Department.
- (2) An order to not impose an exclusion as provided in this Section shall only apply to the extent it does not conflict with a different exclusion order issued by the Department.
- (3) If a matter involves both a denial and rescission, the longer term of exclusion shall apply.
- (4) The period of exclusion shall run from the effective date of the denial or rescission as specified in Health and Safety Code section 1517(a)(7).
- (5) Exclusion or removal of an individual pursuant to this subsection shall not be considered an order of exclusion for purposes of Health and Safety Code section 1558, section 16519.6 of the Welfare and Institutions Code, or any other applicable law.
- (h) A foster family agency shall document the surrender of approval by a Resource Family in the case record for the Resource Family upon receipt of the surrender.
- (i) While an administrative action for denial, rescission, or exclusion is pending, the Resource Family, applicant, or individual who is the subject of the action shall notify the Department in writing of any change in mailing address, until the hearing process has been completed or terminated.
- (j) Pursuant to Health and Safety Code sections 1517(e) and 1553, the Department may institute or continue a disciplinary proceeding against a Resource Family notwithstanding withdrawal, inactive status, or surrender, expiration, or forfeiture of approval.

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NOTE: Authority cited: Section 1501, 1517, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88346.1      CONDITIONS FOR FORFEITURE OF RESOURCE FAMILY APPROVAL**

- (a) A resource family approval shall be forfeited by operation of law when any of the following occurs:
- (1) A Resource Family surrenders the approval to the foster family agency.
  - (2) The sole Resource Parent dies.
  - (3) A Resource Family abandons the approved home. The Resource Family abandons the home when:
    - (A) A foster family agency is unable to determine the Resource Family's whereabouts after the foster family agency has attempted to contact the Resource Family in all of the following ways:
      1. Visited the home and requested information of the Resource Family's whereabouts from an adult at the home, if an adult can be contacted.
      2. Made at least one phone call per day to the Resource Family's last telephone number of record for five consecutive business days, and the Resource Family failed to respond.
      3. Sent a certified letter to the Resource Family's last mailing address of record requesting that the Resource Family contact the foster family agency within seven calendar days, and the Resource Family failed to respond and received an undeliverable or unclaimed response notice.
  - (4) A Resource Family fails to cooperate with an approval update. A Resource Family's approval shall not be forfeited prior to the provision of written notice by the foster family agency, as described in FFA ILS Section 88371(j).
  - (5) A Resource family is approved by a subsequent foster family agency in accordance with FFA ILS Article 2.1 or County in accordance with Resource Family Approval Written Directive section 5.1-01.
  - (6) A Resource Family is approved by another foster family agency or a County as specified in Health and Safety Code section 1506.6(c).

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Health and Safety Code section 1506.6 provides:

“(c) (1) A licensed foster family home shall forfeit its license, pursuant to subdivision (b) of Section 1524, concurrent with resource family approval by a foster family agency or a county.

(2) A certified family home shall forfeit its certificate of approval concurrent with resource family approval by a foster family agency, pursuant to subdivision (f) of Section 1517, or a county.

(3) A resource family approved pursuant to Section 1517 shall forfeit its approval concurrent with resource family approval by another foster family agency or a county.”

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**HANDBOOK ENDS HERE**

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1506.6, 1517, 1530 and 1531, Health and Safety Code.

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**88346.2      APPLICABILITY OF INTERIM LICENSING STANDARDS**

- (a) The review of an application or request for a criminal record exemption shall be governed by the law and interim licensing standards in effect at the time of a decision to grant or deny the application or criminal record exemption request, or if an administrative action is filed by the Department, the law and Written Directives in effect at the time of a decision and order.
- (b) The review of a Resource Family's compliance with requirements shall be governed by the interim licensing standards in effect at the time of the condition, deficiency, incident, or allegation at issue.
- (c) Nothing in this section shall supersede any provision of federal or state law or any regulation adopted pursuant to federal or state law.

NOTE: Authority cited: Section 1501 and 1530, Health and Safety Code; and AB 1930, Stats. 2018, Ch. 1910, Sec. 54(b). Reference: Sections 1517, 1522, 1526 and 1550, Health and Safety Code.

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**88347            DOCUMENTED ALTERNATIVE PLAN**

- (a) The Department may approve a Documented Alternative Plan (DAP) for any non-safety home environment standard set forth in FFA ILS Section 88362(a)(1), Section 88487.1(c)(1) or Section 88487.1 (c)(2).
  - (1) A DAP issued regarding FFA ILS Section 88487.1(c)(1) may be approved for a specific child or nonminor dependent in care.
  - (2) A DAP issued regarding FFA ILS Section 88487.1(c)(2) may be approved for a specific child or nonminor dependent to share a bedroom with a Resource Parent or an adult in the home due to needs documented in the child's or nonminor dependent's needs and services plan, which may include but is not limited to, medical conditions or disabilities requiring close supervision.
- (b) A foster family agency shall submit a written request for a DAP to the Department on behalf of an applicant or Resource Family with documentation supporting the request. The request shall demonstrate the following:
  - (1) That the DAP provides an alternative plan that meets the same standards in terms of safety, sanitation, and personal rights of each child or nonminor dependent in the home.
  - (2) How the DAP would not be detrimental to the health and safety of any child or nonminor dependent in care.
  - (3) That the DAP would be in the best interests of all children and nonminor dependents.
  - (4) The DAP has been discussed and agreed upon between an applicant or Resource Family, the placement agency, and the foster family agency.
    - (A) If the foster family agency is unable to discuss the DAP with the placement agency, document the attempts made to contact the placement agency.
  - (5) The length of time the DAP will be required.

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- (c) The Department shall determine whether a requested DAP meets the requirements specified in subsection (b).
- (d) The Department shall notify a foster family agency, in writing, whether a requested DAP has been approved or denied within 14 calendar days of receipt of the request.
  - (1) If a child or nonminor dependent is placed with an applicant or Resource Family on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, or with an applicant for a compelling reason pursuant to Welfare and Institutions Code section 16519.5(e), then the Department shall notify a foster family agency, in writing, whether a requested DAP has been approved or denied within seven calendar days of receipt of the request.
- (e) A foster family agency shall retain the Department's written approval or denial of a requested DAP in the Resource Family case record and provide a copy of an approved DAP to an applicant or Resource Family.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88348            INACTIVE STATUS**

- (a) A foster family agency shall place a Resource Family on inactive status upon written or verbal notification by the Resource Family that includes the following information:
  - (1) The date inactive status will begin.
  - (2) The reason(s) for the request to be placed on inactive status, which may include, but is not limited to:
    - (A) Birth of a child.
    - (B) Adoption of a child.
    - (C) Medical condition or surgery.
    - (D) Job loss.
    - (E) Relocation.
    - (F) Death of a family member.
  - (3) An anticipated date inactive status will end.
- (b) A foster family agency may not place a Resource Family on inactive status if a child or nonminor dependent is placed in the home.
- (c) A foster family agency shall advise a Resource Family that to end inactive status, the Resource Family is required to provide 30 calendar days written or verbal notice and that the Resource Family shall be subject to an update pursuant to FFA ILS Section 88371.
  - (1) Within 30 calendar days of the written notice provided by a Resource Family, a foster family agency shall update the Resource Family's approval pursuant to FFA ILS Section 88371.
  - (2) A Resource Family may provide care to a child or nonminor dependent when an update is completed as specified in paragraph (1).
- (d) If a child or nonminor dependent is placed with a relative or NREFM on an emergency basis per Welfare and Institutions Code section 309 or 361.45, or for a compelling reason per Welfare and Institutions Code section 16519.5(e), and the relative or NREFM is a Resource Family on inactive status, a foster family agency shall initiate a home health and safety assessment pursuant to FFA ILS Section



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88331.2, and a background check of any new adult residing or regularly present in the home pursuant to FFA ILS Section 88331.3, within five calendar days of the emergency placement and complete an update pursuant to FFA ILS Section 88371 within 30 calendar days of the emergency placement.

- (1) Notwithstanding subsection (d), if completion of the update is delayed due to a pending criminal record exemption, then a foster family agency shall complete the update within five calendar days of receipt of approval or denial of the exemption.
- (e) A period of inactive status may not exceed two years.
- (f) If there are conditions placed on a Resource Family's approval, the conditions shall be suspended during a period of inactive status.
- (g) A foster family agency shall conduct an unannounced inspection of a Resource Family on inactive status under the following circumstances:
  - (1) In order to verify that a person who has been ordered out of the home of the Resource Family by the Department is no longer at the home.
  - (2) To ensure unauthorized care and supervision is not being provided to a child or nonminor dependent.
- (h) A foster family agency shall inform a Resource Family of the Department's authority to inspect the home of the Resource Family, or institute or continue an administrative action against a Resource Family or any individual residing or regularly present in the home of the Resource Family, during a period of inactive status, as specified in Health and Safety Code section 1517.4.

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**HANDBOOK BEGINS HERE**

Health and Safety Code section 1517.4 provides in part:

“(c) Nothing in this section or in Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code limits the authority of the department to enter and inspect the home of a resource family on inactive status in order to investigate a complaint or incident or to ensure unauthorized care and supervision is not being provided to a child.

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**HANDBOOK CONTINUES**

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(e) This section does not limit the authority of the department to institute or continue an administrative action against a resource family or any individual residing or regularly present in the home of a resource family during a period of inactive status.”

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#### HANDBOOK ENDS HERE

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- (i) A foster family agency shall update the FFA WebApp when a Resource Family is placed on inactive status and when a Resource Family ends inactive status, in accordance with FFA ILS Section 88271.

NOTE: Authority cited: Section 1501, 1517.4, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517.4, 1530 and 1531, Health and Safety Code; Sections 309, 361.45, and 16519.5, Welfare and Institutions Code.

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**Article 4—Continuing Requirements for Foster Family Agencies**

**88360      CONFIDENTIALITY**

- (a) A foster family agency shall maintain the confidentiality of all information and records obtained from or related to an applicant or Resource Family in accordance with applicable laws and interim licensing standards.
- (b) A foster family agency shall comply with its confidentiality policies, procedures, and guidelines. The location of the foster family agency's confidentiality policies, procedures, and guidelines shall be made known to all employees, agents, and independent contractors. A foster family agency shall require its employees, agents, and independent contractors to comply with the confidentiality policies, procedures, guidelines and the provisions of this section.
- (c) All documents identified in FFA ILS Section 88369.7, and any other information the foster family agency deems necessary, shall be maintained in a confidential case record.
  - (1) Information in a Written Report:
    - (A) May be included in any social study prepared for the court to assist the juvenile court in determining whether placement with a relative is appropriate pursuant to Welfare and Institutions Code section 361.3.
      - 1.** Information that is otherwise confidential and not specifically required by Welfare and Institutions Code section 361.3 shall not be included in the social study.
    - (B) Shall be released as otherwise required by law.
  - (2) A Written Report may be shared with a placement agency for the purpose of determining whether to place a child or nonminor dependent with a Resource Family.
    - (A) In the case of an Indian child, the Written Report may be shared with the **T**ribe for placement purposes and to ensure the application of the prevailing social and cultural standards of the Indian community.

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- (3) A Written Report may be shared with the Department, a county adoption agency, or a licensed adoption agency for the purpose of permanency planning, pre-adoptive placement, and adoptive matching.
- (d) Unless otherwise specified in FFA ILS Section 88369.7, a foster family agency, the Department, or a County may share confidential information and documents containing confidential information with a subsequent foster family agency, County, or the Department for purposes of the Resource Family Approval Program, including portability, or for authorized purposes related to placement of children with Resource Families.

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This section allows foster family agencies to share the Written Report, which includes the foster family agency's evaluation of an individual's background check results. However, any criminal offender record information documents (CORI) received directly from the California Department of Justice (DOJ), including subsequent arrest notifications, are confidential and access is strictly regulated by statute. For purposes of the Resource Family Approval Program, foster family agencies are only authorized to share the DOJ CORI with the subject of the document pursuant to Penal Code section 11105(t) and 11105.2.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code; Section 361.3, Welfare and Institutions Code.

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**88361      REPORTING REQUIREMENTS**

- (a) In addition to California Code of Regulations, Title 22, Section 88061, the following shall apply.
- (b) A foster family agency shall furnish to the Department reports as required by the Department, including, but not limited to, the reports specified in this section.
- (c) A foster family agency shall submit data and information to the Department, pursuant to Health and Safety Code section 1517(b)(3)(I), within 30 calendar days' notice by the Department.

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Health and Safety Code section 1517(b)(3)(I) provides:

“Submitting information and data that the department determines is necessary to study, monitor, and prepare the report specified in paragraph (6) of subdivision (f) of Section 16519.5 of the Welfare and Institutions Code.”

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- (d) A foster family agency shall make a report to the Department when any of the following events occur:
  - (1) Death, serious bodily injury, or risk of death or serious bodily injury to a child or nonminor dependent or other individual residing in the home.
  - (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6, or any suspected physical, sexual, or emotional abuse of a child or nonminor dependent.

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Penal Code 11165.6 provides, in part, as follows:

“‘[C]hild abuse or neglect’ includes physical injury or death 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

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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."

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- (3) Any injury to or illness of a child or nonminor dependent that requires emergency medical or mental health treatment or hospitalization.
- (4) Any incident that threatens the physical or emotional health or safety of the child or nonminor dependent.
  - (A) Report suicide threats or attempts regardless of injury or treatment.
  - (B) A pregnancy, or termination of a pregnancy does not, in and of itself, constitute an unusual incident unless it meets the criteria specified for mandated reporting in Penal Code section 11166 (a).
- (5) Any unusual absence of a child or, for a nonminor dependent, any prolonged absence that is unplanned, or failure of the nonminor dependent to return to the home that lasts more than 72 hours.
  - (A) Report temporary absences if a personal history or the needs and services plan indicate that the child or nonminor dependent may be in jeopardy when absent beyond the approved time.
- (6) Communicable disease outbreak in the home.
  - (A) For purposes of this Section, "communicable disease outbreak" means an epidemic or outbreak of illness or disease as determined by a local, state or federal health authority.
- (7) Poisonings.
- (8) Catastrophes, including natural disasters.
- (9) Fires or explosions that occur in or on the premises of the home.
- (10) Complaints made concerning a Resource Family, which asserts or indicates

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that a Resource Family may not have met or may not be meeting one or more requirements of the interim licensing standards or any applicable law.

- (11) If a Resource Family becomes licensed to operate a family day care home, as defined in Health and Safety Code section 1596.78.
  - (12) If a Resource Family operates a licensed family day care home, and a foster family agency identifies any deficiency that may pose a risk to the health and safety of children.
  - (13) A Resource Parent or an adult who resides in or is regularly present in the home, and has a criminal record clearance or exemption, is arrested or has a subsequent arrest.
- (e) A foster family agency shall make the report specified in subsection (d) to the Department by telephone, email, or fax within 24 hours or by the next business day following the event.
- (1) The report specified in subsection (d) shall include the following information, if available:
    - (A) The name, address, and telephone number of the Resource Family and any other adults involved.
    - (B) The name, age, sex, and date of placement of the child or nonminor dependent.
    - (C) The name, address, and telephone number of the foster family agency or other personnel involved.
    - (D) Date and nature of the incident.
    - (E) Whether a Suspected Child Abuse Report was required and filed.
    - (F) Attending physician's name, findings, and treatment, if any.
    - (G) Current status of the incident.
  - (2) If the report specified in subsection (d) was made by telephone or did not include all of the information specified in paragraph (1), then a foster family agency shall submit a written report containing the information to the Department within seven calendar days following the event.

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- (f) If the analysis of the incident reported takes longer than seven working days, a foster family agency shall send an interim written report to the Department within seven calendar days and follow-up with the final written report within ten calendar days of concluding the analysis.
- (g) A foster family agency shall report to the Department any changes to the Resource Family's, applicant's or associated individual's mailing address and any change in the mailing and residence address of the foster family agency administrator or chief executive officer, if applicable. The report shall be made by telephone, email, or fax within ten business days following the change.
  - (1) The report regarding the Resource Family, applicant or associated individual shall include the name, old address, and new address of the Resource Family, applicant, or associated individual and date of the change.
- (h) A foster family agency shall report as follows to the authorized representative and placement agency for a child or nonminor dependent:
  - (1) Report the following events within 24 hours or by the next business day:
    - (A) The items specified in FFA ILS Sections 88361(d)(1) through (12).
    - (B) The removal of a child or nonminor dependent from a Resource Family under emergency circumstances, which may include:
      - 1. Removal by a law enforcement officer when a child or nonminor dependent is arrested.
      - 2. Removal for emergency medical or mental health care.
    - (C) A determination that the foster family agency cannot meet the needs of a child or nonminor dependent and that the child or nonminor dependent must be relocated to another placement setting.
  - (2) Report the following within seven days:
    - (A) The determination that a child or nonminor dependent must be relocated to another Resource Family.
    - (B) Information that a child or nonminor dependent is not enrolled in or regularly attending school.



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- (3) Report any changes to the Resource Family's mailing address within ten business days following the change.
  - (A) The report shall include the name, old address, and new address of the Resource Family and date of the change.
- (i) A foster family agency shall notify the authorized representative and placement agency for a child or a nonminor dependent by telephone, e-mail, or fax within 30 calendar days prior to a Resource Family moving home locations or as soon as the information is available.
- (j) A foster family agency shall provide to the Department a log of Resource Families that were approved, placed on or taken off inactive status, had an approval rescinded, or surrendered approval during the month by the tenth day of the following month.
  - (1) During the month, the foster family agency shall notify the Department within one business day of determining it necessary to rescind approval due to any of the following reasons:
    - (A) Violation of any applicable law or the interim licensing standards.
    - (B) Aiding, abetting, or permitting the violation of any applicable law or the interim licensing standards.
    - (C) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent, or other individual.
    - (D) The conviction of a Resource Family of a crime as defined in Health and Safety Code section 1522.
    - (E) Engaging in acts of financial malfeasance, including but not limited to, improper use or embezzlement of the money or property of a child or nonminor dependent or fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.
  - (2) The report specified in paragraph (1) shall be made by the foster family agency through the FFA WebApp.

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The [FFA WebApp](https://www.cclid.dss.ca.gov/FFA/Login.aspx) can be accessed at the following link:  
<https://www.cclid.dss.ca.gov/FFA/Login.aspx>.

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- (k) A foster family agency shall notify the local health officer, as defined in Title 17, California Code of Regulations, Section 2500, regarding the items specified in FFA ILS Sections 88361(d)(6) through (8).
- (1) A foster family agency shall report to the local health officer all outbreaks or suspected outbreaks involving two or more children or nonminor dependents of any communicable disease listed in Title 17, California Code of Regulations, section 2500(j).

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California Code of Regulations, Title 17, Division 1, Chapter 4, Section 2500(j), lists the following reportable communicable diseases as of March 2020:

- Anaplasmosis
- ◆ Anthrax
- + Babesiosis
- ◆ Botulism (Infant, Food borne, Wound, Other)
- ◆ Brucellosis
- + Campylobacteriosis
- + Candida auris, colonization or infection
- Chancroid
- + Chickenpox (Varicella) (outbreaks, hospitalizations and deaths)
- ◆ Cholera
- ◆ Ciguatera Fish Poisoning
- + Chikungunya virus infection
- Coccidioidomycosis
- ◆ Coronavirus disease 2019 (COVID-19)
- Creutzfeldt-Jakob Disease (CJD) and other Transmissible Spongiform Encephalopathies (TSE)

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- + Cryptosporidiosis
- Cyclosporiasis
- Cysticercosis or taeniasis
- + Dengue virus infection
- ◆ Diphtheria
- ◆ Domoic Acid Poisoning (Amnesic Shellfish Poisoning)
- Erlichiosis
- + Encephalitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic
- + Escherichia coli: including E. coli O157
- ◆ Flavivirus infection of undetermined species
- + • Foodborne Disease
- Giardiasis
- Gonococcal Infections
- + Haemophilus influenzae, Invasive Disease
- + Hantavirus Infections
- ◆ Hemolytic Uremic Syndrome
- + Hepatitis A, acute infection
- Hepatitis B (specify acute, chronic, or perinatal)
- Hepatitis C (specify acute, chronic, or perinatal)
- Hepatitis D (Delta) (specify acute case or chronic)
- Hepatitis E, acute infection
- + Human Immunodeficiency Virus (HIV) infection, acute infection
- Human Immunodeficiency Virus (HIV) infection, any stage
- Human Immunodeficiency Virus (HIV) infection, progression to stage 3 (AIDS)
- Influenza-associated deaths in laboratory-confirmed cases less than 18 years of age
- ◆ Influenza due to novel strains (human)
- Legionellosis
- Leprosy (Hansen Disease)
- Leptospirosis
- + Listeriosis
- Lyme Disease
- + Malaria
- ◆ Measles (Rubeola)
- + Meningitis, Specify Etiology: Viral, Bacterial, Fungal, Parasitic
- ◆ Meningococcal Infections

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- ◆ Middle East Respiratory Syndrome (MERS)
- ◆ Monkeypox or orthopox virus infection
- Mumps
- ◆ Novel coronavirus infections
- ◆ Novel virus infection with pandemic potential
- ◆ Paralytic Shellfish Poisoning
- + Paratyphoid Fever
- + Pertussis (Whooping Cough)
- ◆ Plague, Human or Animal
- + Poliovirus Infection
- + Psittacosis
- + Q Fever
- ◆ Rabies, Human or Animal
- + Relapsing Fever
- Respiratory syncytial virus-associated deaths in laboratory-confirmed cases less than five years of age
- Rickettsial Diseases, including Typhus and Typhus-like Illnesses
- Rocky Mountain Spotted Fever
- Rubella (German Measles)
- Rubella Syndrome, Congenital
- + Salmonellosis (Other than Typhoid Fever)
- ◆ Scombroid Fish Poisoning
- ◆ Shiga toxin (detected in feces)
- + Shigellosis
- ◆ Smallpox (Variola)
- + Syphilis (all stages, including congenital)
- Tetanus
- + Trichinosis
- + Tuberculosis
- ◆ Tularemia
- + Typhoid Fever, Cases and Carriers
- + Vibrio Infections
- ◆ Viral Hemorrhagic Fevers (e.g., Crimean-Congo, Ebola, Lassa and Marburg viruses)
- + West Nile virus infection
- + Yellow Fever
- + Yersiniosis
- + Zika virus infection

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- ◆ Occurrence of any unusual disease
- ◆ Outbreaks of any disease (including diseases not listed in Section 2500). Specify if institutional and/or open community.

The above symbols have the following meaning:

- (◆) - To be reported immediately by telephone.
- (+) - To be reported by mailing a report, telephoning, or electronically transmitting a report within one (1) working day of identification of the case or suspected case.
- (●) - To be reported immediately by telephone, when two (2) or more cases or suspected cases of Food borne disease from separate households are suspected to have the same source of illness, they should be reported immediately by telephone.
- (No diamond or cross symbol) - to be reported within seven (7) calendar days by mail, telephone, or electronic report from the time of identification.

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- (l) A foster family agency shall report immediately to the local fire authority any poisonings, fires, or explosions in or on the premises of a Resource Family's home.
  - (1) In areas not having organized fire services, the foster family agency shall report to the State Fire Marshal within 24 hours after the incident occurs.
- (m) A foster family agency shall send, by certified mail, copies of substantiated complaints to the persons designated in each child's or nonminor dependent's placement agreement, as required by Health and Safety Code section 1538.5(b).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1530 and 1531, Health and Safety Code; Section 11165.6, Penal Code.

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- (2) The number of children or nonminor dependents, in addition to any adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home, for whom the applicant or Resource Family is capable of providing care and supervision to and that the home can accommodate.
- (3) Any other household members who live in the home and their individual needs.
- (4) Circumstances in the family environment that may affect the ability of an applicant or Resource Family to provide care and supervision to a child or nonminor dependent.
- (5) Physical features of a home, including all of the following:
  - (A) The available living space.
  - (B) The number of bedrooms and bathrooms.
  - (C) The sleeping arrangements of family members and other individuals residing in the home.
  - (D) Number of children or nonminor dependents who may share a bedroom as specified in FFA ILS Section 88487.1(c)(1).
- (c) A foster family agency may increase or decrease the capacity of a Resource Family when there is a change in any of the factors specified in subsection (b).
  - (1) If a foster family agency increases or decreases the capacity of a Resource Family, then the foster family agency shall complete form LIC 05A: Resource Family Approval Certificate or an equivalent certificate as specified in FFA ILS Section 88331.8.
- (d) If a foster family agency approves a capacity that is less than that requested by an applicant or Resource Family, the foster family agency shall provide written notification to the applicant or Resource Family that specifies the reasons for the limitation.

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- (e) A foster family agency shall ensure that the determined capacity of each Resource Family is entered in the FFA WebApp, and remains updated with any changes to capacity, in accordance with FFA ILS Section 88271.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety



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**88362.1      BEDROOM SHARING ARRANGEMENTS**

- (a) (1) A foster family agency shall consider the following factors to determine whether a bedroom sharing arrangement ensures compatibility with a child or nonminor dependent:
  - (A) The age of the children and/or nonminor dependents, including the degree of age difference between them.
  - (B) The needs of a minor or nonminor dependent parent and their child.
  - (C) The developmental levels and needs of the children and/or nonminor dependents.
  - (D) The privacy needs of the children and/or nonminor dependents and the plans to meet those needs.
  - (E) The history of the children and/or nonminor dependents, including previous sleeping arrangements and any information that may indicate an incompatibility, if known.
  - (F) Any history or suspicion of sexual abuse or sexual exploitation.
  - (G) The supervision plan within the home.
  - (H) The sleeping patterns of the children and/or nonminor dependents and if they may be disruptive to one another.
- (2) If a child or nonminor dependent is sharing a bedroom with an adopted, biological, or guardianship child of a Resource Family, then paragraph (1) shall apply.
- (b) Within 7 days of permitting any bedroom sharing arrangement involving a child or nonminor dependent, a foster family agency shall:
  - (1) Consult with the child or nonminor dependent about sharing a bedroom if it is age or developmentally appropriate.
  - (2) Consult with the child or nonminor dependent, in an age or developmentally appropriate manner, regarding the child's or nonminor dependent's sexual orientation and gender identity and what information the child or nonminor dependent wishes to disclose and to whom.

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- (A) The foster family agency shall not disclose information about the child's or nonminor dependent's sexual orientation and/or gender identity against the child's or nonminor dependent's wishes, unless compelled to do so by law or court order.
- (3) Consult with the Resource Family about the proposed bedroom sharing arrangement.
  - (A) The foster family agency shall discuss with the Resource Family the factors considered in making the determination as specified in subsection (a).
- (c)
  - (1) A foster family agency shall document the following related to a bedroom sharing arrangement:
    - (A) The bedroom sharing arrangement ensures the health and safety of each child and/or nonminor dependent.
    - (B) The children and/or nonminor dependents are compatible, including the adopted, biological, and guardianship children of the Resource Family who will be sharing the room.
    - (C) The bedroom sharing arrangement has been discussed and agreed upon between the Resource Family and foster family agency.
  - (2) The documentation specified in paragraph (1) shall be maintained in the child's or nonminor dependent's case file and a copy shall be provided to the child's or nonminor dependent's social worker or probation officer.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b).

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**88364 ADMINISTRATOR – QUALIFICATIONS AND DUTIES**

- (a) In addition to FFA ILS Section 88264, the following sections shall apply.
- (b) An administrator shall ensure that social work personnel have the education and experience necessary to competently participate in the assessment and evaluation of an applicant or Resource Family.
- (c) An administrator shall ensure social work personnel are trained in accordance with the training plan specified in FFA ILS Section 88222.1.
- (d) An administrator shall ensure social work personnel participating in the assessment and evaluation of an applicant or Resource Family meet core competency requirements, including having necessary knowledge and skills.
  - (1) For purposes of this subsection, “knowledge” includes an understanding of the following:
    - (A) The child protective and probation systems.
    - (B) The Resource Family Approval assessment and approval process.
    - (C) The contents of the interim licensing standards.
    - (D) The personal rights of children and nonminor dependents in foster care and how to ensure those rights are afforded to children and nonminor dependents.
    - (E) Child and family confidentiality principles.
    - (F) Techniques for interviewing children, nonminor dependents, and adults.
    - (G) Developmental stages of childhood and effects of trauma on development, as well as the impact of poverty on the lives of families and children.
    - (H) The priorities of safety, permanency, and well-being for children in foster care.
    - (I) The impact of trauma, grief, and loss on a child involved in the child welfare system and its impact on placement and permanency goals.

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- (J) Understanding the historical trauma, cumulative trauma, and ongoing trauma in the case of an Indian child.
  - (K) The impact of mental health and substance abuse on children, nonminor dependents, and families.
  - (L) Permanency timelines and the role caregivers play in supporting timely permanency.
  - (M) That teaming or collaboration assists in developing solutions that are individualized to the family and their culture, community, and in the case of an Indian child, the Indian child's Tribe(s). In the case of an Indian child, an understanding of the responsibility and importance of collaborating with the Indian child's Tribe to ensure the application of the prevailing social and cultural standards of the Indian Community.
  - (N) The practice of cultural humility and how this approach improves family engagement, shows respect for families, and ensures assessments incorporate a family's unique culture.
  - (O) Ongoing training and services prepare caregivers to meet the needs of children and nonminor dependents and assists families with forming lifelong relationships.
  - (P) Resource Family Approval prepares families to better meet the needs of vulnerable children in the foster care system and assists with a seamless transition to permanency.
  - (Q) The impact of personal biases when working with children and families.
- (2) For purposes of this subsection, "skills" include the ability to do the following:
- (A) Explain the Resource Family Approval requirements to applicants and Resource Families.
  - (B) Correctly apply the interim licensing standards and applicable laws.
  - (C) Conduct a home environment assessment and permanency assessment, and prepare a Written Report.

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- (D) Incorporate an assessment of an applicant's mental health and substance abuse into the risk assessment.
  - (E) Interview children, nonminor dependents, and adults using a variety of interviewing techniques.
  - (F) Conduct visits for assessment purposes in a way that engages Resource Families to build rapport and establish trust.
  - (G) Assess a variety of information including, but not limited to, historical, social, and economic factors pertaining to individuals.
  - (H) Summarize, evaluate, and make a final determination of an applicant in the Written Report.
  - (I) Utilize teaming or collaborative strategies to engage Resource Families.
  - (J) Ability to assess and identify children and nonminor dependents who have been abused, neglected, or maltreated.
  - (K) Recognize how personal beliefs, values, norms, and world views can affect the dynamics of case planning and outcomes.
  - (L) Present self in a manner that is respectful, culturally humble, professional, and adapts well to meet both community and cultural needs of children and families.
  - (M) Collaborate with families to achieve mutual goals, build upon family strengths, and ensure quality comprehensive Written Reports are developed.
- (e) An administrator shall provide social work personnel with a copy of the interim licensing standards.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506, Health and Safety Code.

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**88365.2 SOCIAL WORK SUPERVISOR**

- (a) In addition to FFA ILS Section 88265.2, the following shall apply.
- (b) A social work supervisor shall meet the core competency requirements, including having necessary knowledge and skills, as specified in FFA ILS Section 88364(d).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506, Health and Safety Code.

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**88365.3 SOCIAL WORK PERSONNEL**

- (a) In addition to FFA ILS Section 88265.3, the following shall apply.
- (b) Social work personnel shall be responsible for the following:
  - (1) Evaluation and assessment of an applicant, which shall include, but not be limited to, conducting a home health and safety assessment, family evaluation, and completing a Written Report.
  - (2) Evaluation and assessment of a Resource Family, which shall include, but not be limited to, updating the approval of a Resource Family in accordance with FFA ILS Section 88371.
- (c) Social work personnel shall meet the core competency requirements, including having necessary knowledge and skills, as specified in FFA ILS Section 88364(d).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506, Health and Safety Code.

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**88369.7**      **CONTENT OF RESOURCE FAMILY CASE RECORD**

- (a) California Code of Regulations, Title 22, Section 88069.7 shall not apply to Resource Families.
- (b) A foster family agency shall securely maintain a case record for an applicant and Resource Family.
- (c) A Resource Family case record shall include the following records:
  - (1) A copy of the application and supporting documentation, as required by FFA ILS Section 88331.
  - (2) Documentation pertaining to the comprehensive assessment, as required by FFA ILS Section 88331.1, which includes the following:
    - (A) Home health and safety assessment pursuant to FFA ILS Section 88331.2.
    - (B) Background checks pursuant to FFA ILS Section 88331.3.
    - (C) Family evaluation pursuant to FFA ILS Section 88331.5.
    - (D) Pre-approval training pursuant to FFA ILS Section 88331.6.
    - (E) Reference check.
  - (3) Verification of completion of additional activities required by FFA ILS Section 88331.4(a)(3).
  - (4) Documentation pertaining to any approval updates.
  - (5) Verification, including supporting documentation, of cardiopulmonary resuscitation (CPR) and first aid training, annual training, specialized training, ISFC training, or other training required by the foster family agency.
  - (6) Verifications of required information, including a signed statement acknowledging the child abuse and neglect reporting responsibilities of Penal Code section 11164 et seq.
  - (7) A copy of the Resource Family Approval Certificate and the Written Report.
  - (8) A record of each child or nonminor dependent placed with the Resource Family and the dates the child or nonminor dependent was in care.



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- (9) A copy of any complaint investigation report and the action taken by a foster family agency or the Department.
- (10) A copy of documentation regarding any action, including the decisions reached, taken against a Resource Family by a foster family agency or Department.
- (11) A copy of all documented alternative plans, pursuant to FFA ILS Section 88347, and corrective action plans, pursuant to FFA ILS Section 88373.
- (12) Documentation acknowledging the receipt of a Resource Family's surrender or withdrawal.
- (13) A copy of all Resource Family visit records prepared by the foster family agency, pursuant to Section 88370.
- (14) A copy of any serious incident report and the action taken by a foster family agency or the Department to address concerns, as applicable.
- (d) A Resource Family case record shall be confidential and shall be available only to the Department, placement agency staff, and foster family agency personnel that need access to the information to perform their duties.
  - (1) This requirement does not relieve a foster family agency of the responsibility for transmitting copies of substantiated complaints to specified parties.
- (e) All case records shall be available to the Department to inspect, audit, and copy upon demand during normal business hours.
  - (1) Records may be removed if necessary for copying.
  - (2) Removal of records shall be subject to the following requirements:
    - (A) Department representatives shall not remove any current emergency or health-related information for children or nonminor dependents unless the same information is otherwise readily available in another document or format.
    - (B) Prior to removing any records, a Department representative shall prepare a list of the records to be removed, sign and date the list upon

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removal of the records, and leave a copy of the list with the administrator or designee.

- (C) Department representatives shall return the records undamaged and in good order within three business days following the date the records were removed.
- (f) A foster family agency shall securely retain all case records for at least three years following the date of forfeiture, surrender or rescission of the approval of a Resource Family. If there was an administrative action related to a denial, rescission, or exclusion, the time period to maintain the file shall begin on the date that a final decision and order is issued.
- (g) All case records shall be maintained at the foster family agency and shall be available to the licensing agency for review.
  - (1) The foster family agency shall be permitted to retain such records in an administrative office provided that they are readily available to the licensing agency at the facility site as specified in subsection (e).

NOTE: Authority cited: Section 1530, Health and Safety Code and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1506.7, 1522, 1522.1 and 1531, Health and Safety Code; Section 11164, Penal Code.

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**88370            MONITORING RESOURCE FAMILIES**

- (a) A foster family agency shall monitor Resource Families through the following:
  - (1) Conducting case management visits, as defined in FFA ILS Section 88301(c)(2), to the homes of Resource Families periodically and as necessary to ensure Resource Families conform to applicable laws, the interim licensing standards, and any exclusion orders, and to verify that only individuals with a criminal record clearance or exemption reside or are regularly present in the home.
  - (2) Conducting approval updates as required by FFA ILS Section 88371.
  - (3) Developing corrective action plans and requiring Resource Families to comply with corrective action plans to correct identified deficiencies as required by FFA ILS Section 88373.
- (b) (1) A foster family agency shall document each case management visit to the home of a Resource Family, pursuant to subsection (a)(1). Documentation of the case management visit shall have the following:
  - (A) The date and time of the visit.
  - (B) The location of the visit.
  - (C) The individuals present during the visit.
  - (D) A summary of the visit describing any concerns identified by the Resource Family and how the foster family agency will resolve these concerns including any resources or services that will be provided to support the Resource Family.
  - (E) Name and contact information of the social work personnel who conducted the visit.
- (2) The documentation specified in paragraph (1) shall be maintained in the Resource Family's case record and a copy shall be provided to the Resource Family.

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- (c) A foster family agency shall ensure that any employee or independent contractor of the foster family agency, who identifies a condition that may adversely impact the health and safety of a child or nonminor dependent, takes appropriate actions and reports their observations to the foster family agency.
  - (1) A foster family agency shall ensure that its employees and independent contractors comply with the Child Abuse and Neglect Reporting Act (CANRA) (Penal Code section 11164 et seq.).
    - (A) A supervisor or administrator shall not impede or inhibit the reporting duties of a mandated reporter.
    - (B) A foster family agency shall not sanction, punish, or discipline any person for making a report.
    - (C) A foster family agency shall not direct an employee or independent contractor to allow their supervisor to file or process a mandated report on their behalf or require an employee or independent contractor to disclose their identity to the employer.
- (d) The review of a Resource Family's compliance with the requirements to maintain approval shall be governed by the law and interim licensing standards in effect at the time of the condition, deficiency, incident, or allegation at issue. Nothing in this subsection shall supersede any provision of federal or state law or any regulations adopted pursuant to federal or state law.
- (e) In the case of an Indian child, the foster family agency shall apply the prevailing social and cultural standards in collaboration with the Tribe, as defined by FFA ILS Section 88301(p)(3), when conducting any monitoring of the Resource Family.
  - (1) The foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments of the home or meetings with the family or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.

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- (2) A foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, methods of contact, and the name of the tribal representative who was contacted.
- (A) If a tribal representative is unable to participate, the foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.
- (3) The foster family shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88371            UPDATE OF A RESOURCE FAMILY APPROVAL**

- (a) At least once every 24 months, a foster family agency shall update the approval of a Resource Family no sooner than 60 calendar days prior to the 24-month due date and shall be completed no later than 30 calendar days after the 24-month due date. The 24-month due date shall be either:
  - (1) 24 months from the approval date, if an update has not occurred; or
  - (2) 24 months from the date an update was completed.
- (b) A foster family agency shall complete an update for a Resource Family, as specified in subsection (e), when any of the following occur:
  - (1) A significant change has occurred in the Resource Family's circumstances, as determined by the foster family agency.
    - (A) A foster family agency shall begin the approval update within 30 calendar days of the foster family agency's knowledge of the change.
  - (2) Relocation to a new home.
    - (A) A foster family agency shall begin the approval update within 30 calendar days of being notified that a Resource Family has moved.
  - (3) A Resource Family who is approved only for a specific child or nonminor dependent requests to care for additional children or nonminor dependents.
  - (4) A placement is made on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, or for a compelling reason pursuant to Welfare and Institutions Code section 16519.5(e), when the placement is made with a Resource Family approved for only a specific child or nonminor dependent.
    - (A) A foster family agency shall initiate the approval update within five business days.
- (c) A foster family agency shall complete an update for a Resource Family, as specified in FFA ILS Section 88371.1, in order to add or remove a Resource Parent.
- (d) In the case of an Indian child, a foster family agency shall contact and collaborate with the child's Tribe(s) when completing an approval update to ensure the approval

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of the Resource Family continues to meet the prevailing social and cultural standards of the Indian community, as defined by FFA ILS Section 88301(p)(3).

(1) A foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments of the home or meetings with the family or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.

(2) A foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.

(A) If a tribal representative is unable to participate, a foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.

(3) A foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.

(e) During an update of a Resource Family's approval, a foster family agency shall:

(1) Ask the Resource Family to verify that all personal information in the Written Report, and any updates to the Written Report, is current and updated.

(2) Conduct a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home using form LIC 03: Resource Family Home Health and Safety Assessment Checklist to ensure compliance with Article 6 and, if applicable, FFA ILS Section 88587.1.

(3) Confirm with the Department that a subsequent arrest notification (rap back) service is in place for all adults residing or regularly present in the home.

(A) If there are new adults residing or regularly present in the home, a background check, as specified in FFA ILS Section 88331.3, shall be completed for each new adult.

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- (4) Address any significant changes to the family evaluation, including, but not limited to, the following:
  - (A) A change in the number of people residing in the home, including the following:
    - 1. Any additional individuals in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person.
    - 2. Any adult who plans to reside or be regularly present in the home or move out of the home.
  - (B) A change in marital or domestic partnership status or a change in a relationship with a significant other.
  - (C) A change in the physical or mental health of a Resource Parent, a child or nonminor dependent, or any other residents in the home.
  - (D) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
  - (E) A change in employment or financial situation.
  - (F) A change in any information evaluated in the risk assessment as specified in FFA ILS Section 88331.5(b)(4).
- (5) Interview all individuals residing in the home.
  - (A) If an individual is unavailable or refuses to be interviewed, document the reasons, and determine if the interview is necessary to assess the Resource Family's continued ability to be approved as a Resource Family.
- (6) Review the Resource Family's current capacity and increase or decrease the capacity if necessary in accordance with FFA ILS Section 88362.
- (7) Review the Resource Family's current annual and other training to identify any training that is overdue.
  - (A) If training is overdue, a foster family agency shall develop a corrective action plan.



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- (8) Review current DAP(s) and evaluate the need for continued approval of the DAP(s).
- (9) Determine whether a Resource Family shall complete additional activities to maintain their approval.
- (10) For a move to a new home location, a foster family agency shall ensure a Resource Family submits documents verifying that the Resource Family owns or rents the home in which the Resource Family resides, or written permission to reside at the residence by the owner of the home.
- (f) If any deficiencies are identified, a foster family agency shall document the deficiencies and develop a corrective action plan with the Resource Family as specified in FFA ILS Section 88373.
- (g) A foster family agency shall complete form RFA 06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the completed form to a Resource Family. The completed form shall contain the following:
  - (1) A signature from the assigned RFA program staff
  - (2) A signature from the assigned RFA program staff supervisor
  - (3) A signature from the Resource Family acknowledging receipt of the completed form.
    - (A) If a Resource Family is unwilling to sign the form, RFA program staff shall document the refusal in the signature space.
  - (4) In the case of an Indian child, a signature from a tribal representative acknowledging receipt.
    - (A) If after seven days no signature from a tribal representative can be obtained, receipt of the form can be verified electronically or by certified mail.
    - (B) RFA program staff shall document the attempts to obtain the signature in the signature space.
- (h) A foster family agency shall complete form LIC 05A: Resource Family Approval Certificate or an equivalent certificate as specified in FFA ILS Section 88331.8.

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- (1) The due date, to complete the next update, shall be 24 months from the date the update is completed.
- (i) For purposes of this section, a Resource Family maintains their approval unless approval is rescinded by a foster family agency or the Department, the Resource Family chooses to surrender the approval, or the approval is forfeited by operation of law.
- (j) (1) When a Resource Family fails to cooperate in the update process pursuant to subsection (a), a foster family agency shall provide the Resource Family, and the placement worker or probation officer if a child or nonminor dependent is placed in the home, with written notice that includes the following:
  - (A) A description of all outstanding items necessary to complete the approval update.
  - (B) The time period in which to complete the outstanding items.
  - (C) That pursuant to Health and Safety Code section 1524.01(e), the approval shall be forfeited by operation of law if the Resource Family fails to cooperate with the approval update within 30 days of the date of the written notice from the foster family agency.
- (2) The foster family agency shall document proof of service of the written notice in the Resource Family's file.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1524.01, 1530 and 1531, Health and Safety Code.

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**88371.1      APPROVAL UPDATE DUE TO ADDITION OR REMOVAL OF A  
RESOURCE PARENT**

- (a) An individual who resides in the home of a Resource Family may submit an application in order to be added to the approval certificate as a Resource Parent. The application and assessment process shall include the following:
- (1) The individual shall:
    - (A) Comply with the applicant qualifications specified in FFA ILS Section 88431.1
    - (B) Comply with the application requirements specified in paragraphs (1), (2), (4), (5), (6), (7) and (8) of FFA ILS Section 88431.2(a).
    - (C) Except for FFA ILS Section 88431.2(a)(1)(F) provide the supporting documentation specified in FFA ILS Section 88431.2(a)(1).
  - (2) The foster family agency shall complete an update to the Resource Family's approval to include the items specified in FFA ILS Section 88371 (e) and (g).
  - (3) If any deficiencies are identified, a foster family agency shall document the deficiencies and develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.
  - (4) A foster family agency shall complete form RFA 06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the form to the Resource Family upon completion.
    - (A) For purposes of this section, a Resource Family maintains their approval, even in the event the new application is denied, unless approval is rescinded by a foster family agency or the Department, or the Resource Family chooses to surrender the approval.
  - (5) If the foster family agency approves the application, then the foster family agency shall complete form LIC 05A: Resource Family Approval Certificate or an equivalent certificate as specified in FFA ILS Section 88331.8.

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- (A) The due date, to complete the next update, shall be 24 months from the date the update is completed.
- (b) If a Resource Parent no longer wishes to be an approved parent of a particular Resource Family, but does not want to surrender their approval, the Resource Parent may request to be separately approved, so that each Resource Parent may have their own approval.
  - (1) The request shall be submitted in writing to the foster family agency.
  - (2) The foster family agency shall complete an approval update for each Resource Parent to include the items specified in FFA ILS Section 88371 (e) and (g).
  - (3) The foster family agency shall ensure each Resource Parent submits documents verifying that the Resource Parent owns or rents the home in which the Resource Parent resides or has written permission to reside at the residence by the owner of the home.
  - (4) If any deficiencies are identified, the foster family agency shall document the deficiencies and develop a corrective action plan for the Resource Parent to correct the identified deficiencies or take other actions as necessary.
    - (A) If the Resource Parent operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, the foster family agency shall notify the Department.
  - (5) The foster family agency shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form for each Resource Parent and shall provide a copy of the form to the Resource Parent upon completion.
  - (6) The foster family agency shall complete form LIC 05A: Resource Family Approval Certificate or an equivalent certificate as specified in FFA ILS Section 88331.8, for each Resource Parent.
    - (A) The due date, to complete the next update, shall be 24 months from the date the update is completed.

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- (c) If a Resource Parent no longer wishes to be approved, the Resource Parent may surrender their approval.
- (1) The surrender shall be submitted verbally or in writing to the foster family agency.
    - (A) The foster family agency shall document the surrender of approval by a Resource Parent in the Resource Family's file.
  - (2) The foster family agency shall complete an approval update for the remaining Resource Parent to include the items specified in FFA ILS Section 88371 (e) and (g).
  - (3) If any deficiencies are identified, a foster family agency shall document the deficiencies and develop a corrective action plan for the Resource Family as specified in FFA ILS Section 88373.
  - (4) A foster family agency shall complete form RFA 06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the form to the Resource Family upon completion.
    - (A) For purposes of this section, a Resource Family maintains their approval unless approval is rescinded by a foster family agency or the Department, or the Resource Family chooses to surrender the approval.
  - (5) The foster family agency shall complete form LIC 05A: Resource Family Approval Certificate or an equivalent certificate as specified in FFA ILS Section 88331.8.
    - (A) The due date, to complete the next update, shall be 24 months from the date the update is completed.
- (d) In the case of an Indian child, a foster family agency shall contact and collaborate with the child's Tribe(s) when completing an approval update to ensure the approval of the Resource Family continues to meet the prevailing social and cultural standards of the Indian community, as defined by FFA ILS Section 88301(p)(3).

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- (1) A foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments of the home or meetings with the family or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.
- (2) A foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.
  - (A) If a tribal representative is unable to participate, a foster family agency shall document the invitation and the reason a tribal representative was unable to participate, if known.
- (3) A foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88372      ANNUAL AND OTHER TRAINING**

- (a) A foster family agency shall ensure that a Resource Parent submits copies of the certificates verifying completion of cardiopulmonary resuscitation (CPR) and first aid training, or equivalent certification, no later than 90 days following Resource Family approval as specified in FFA ILS Section 88431.3(b).
  - (1) A foster family agency shall verify that a Resource Parent maintains current certificates for cardiopulmonary resuscitation (CPR) and first aid training, or equivalent certification as specified in FFA ILS Section 88431.3(b).
- (b) A foster family agency shall require a Resource Parent to complete a minimum of eight hours of annual training, due every 12 months on the anniversary of the approval date. Annual training shall be provided by qualified sources that may include those listed in FFA ILS Section 88331.6(d) and shall include one or more of the courses specific in Welfare and Institutions Code section 16519.5(g)(13).
  - (1) If there is a child or nonminor dependent placed in the home, a portion of the annual training shall support the case plan, goals, and needs of the child.
- (c) Annual training may include, but not be limited to, the following topics:
  - (1) Trauma informed care and attachment.
  - (2) Core Practice Model.
  - (3) Crisis intervention.
  - (4) Behavior management.
  - (5) Supporting children and nonminor dependents in school.
  - (6) Effects of drug and alcohol abuse on children and nonminor dependents.
  - (7) Effects of domestic violence on children and nonminor dependents.
  - (8) Assisting with self-administration of psychotropic medications.
  - (9) Emancipation and independent living.
- (d) A foster family agency may require a Resource Parent to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent in care.

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- (1) In the case of an Indian child, the foster family agency, in collaboration with the child's Tribe, may determine if any additional training is necessary in order for an applicant to meet the needs of the Indian child.
- (e) A foster family agency shall ensure that a Resource Parent submits documentation verifying completion of annual training and any other training as required by this section and the foster family agency. The documentation shall include the following information:
- (1) The name or topic of the training.
  - (2) The name of the Resource Parent who completed the training.
  - (3) The date the training was completed.
  - (4) The number of training hours completed.
- (f) Nothing in this section shall preclude a foster family agency from requiring Resource Family training in excess of the requirements in this section.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.



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**88373**      **CORRECTIVE ACTION PLAN**

- (a) If a foster family agency determines that a Resource Family is not conforming to an applicable statute, regulation, or the interim licensing standards, and that the identified deficiency may be corrected, then the foster family agency shall issue a written corrective action plan using form RFA 809C: Resource Family Visit-Corrective Action Plan or an equivalent form.
  - (1) If the Resource Family operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, a foster family agency shall notify the Department as specified in FFA ILS Section 88361.
- (b) A Resource Family or person designated by the Resource Family shall meet with a foster family agency to discuss any deficiency.
  - (1) The foster family agency shall request and consider the Resource Family's feedback to develop a plan to correct each deficiency.
- (c) A written corrective action plan shall include the following information:
  - (1) The statute, regulation, or interim licensing standard that applies.
  - (2) A description of the nature of the deficiency that states the manner in which the Resource Family failed to conform to a specified statute, regulation, or interim licensing standard.
  - (3) A plan to correct each deficiency.
  - (4) A date by which each deficiency shall be corrected.
    - (A) In determining the date for correcting a deficiency, a foster family agency shall consider the following factors:
      - 1. The potential hazard presented by the deficiency.
      - 2. The number of children and nonminor dependents affected.
      - 3. The availability of equipment necessary to correct the deficiency.
      - 4. The estimated time necessary for the delivery and installation of necessary equipment.

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- (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of a corrective action plan, unless a foster family agency determines that the deficiency cannot be completely corrected in 30 calendar days.
    - 1. If the date for correcting a deficiency is more than 30 calendar days following service of a corrective action plan, the corrective action plan shall specify which actions must be taken within 30 calendar days.
    - 2. A foster family agency may require correction of a deficiency within 24 hours or less if there is an immediate threat to the health or safety of children or nonminor dependents.
- (5) The address and telephone number of the foster family agency administrative office or suboffice responsible for reviewing corrective action plans for the geographic area in which the home is located and the name and telephone number of the social work supervisor.
- (6) A date for a follow-up visit to determine compliance with the corrective action plan.
- (d) A foster family agency shall provide a corrective action plan to a Resource Family as follows:
  - (1) The corrective action plan shall be given to the Resource Family upon completion of the visit.
  - (2) If the Resource Family is not at home, the corrective action plan shall be given to the person designated by the Resource Family upon completion of the visit and mailed to the Resource Family.
  - (3) If the Resource Family or the person designated by the Resource Family refuses to accept or acknowledge receipt of the corrective action plan, the foster family agency shall mail the corrective action plan to the Resource Family.

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- (e) If a Resource Family disagrees with a corrective action plan, the Resource Family has the right to request a review.
- (1) A Resource Family shall submit a written request for a review of the corrective action plan to the social work supervisor listed on the corrective action plan within ten calendar days from the date the Resource Family received the corrective action plan.
  - (2) If the social work supervisor determines that a corrective action plan was not issued in accordance with applicable statutes, regulations, or interim licensing standards, or that other circumstances existed, the social work supervisor may amend or dismiss the corrective action plan.
  - (3) The social work supervisor may extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for an extension.
- (f) In the case of an Indian child, the foster family agency shall invite the child's Tribe(s) to collaborate in the development of a corrective action plan.
- (1) The foster family agency shall collaborate with a tribal representative to schedule mutually agreed upon dates and times for any in-person assessments of the home or meetings with the family or, if a tribal representative is unable to be present face-to-face, arrange a telephonic or video conference with a tribal representative.
  - (2) The foster family agency shall document all contacts and attempted contacts with the Tribe including the dates, method of contact, and the name of the tribal representative who was contacted.
    - (A) If a tribal representative is unable to participate, the foster family agency shall document the invitation, and the reason a tribal representative was unable to participate, if known.
  - (3) The foster family agency shall inform the Tribe of the outcomes, verbally or in writing, of any interview or meeting that a tribal representative was unable to participate in.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88375 POSTURAL SUPPORTS AND PROTECTIVE DEVICES**

- (a) A foster family agency shall submit a written notice to the licensing agency on behalf of a Resource Family regarding a child's use of postural supports or protective devices for a child or nonminor dependent.
- (1) The written notice shall include a written order from a physician indicating the need for such supports or devices.
- (2) The licensing agency may require 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 person or agency responsible for placing a child or nonminor dependent.

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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

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conservator, or authorized representative, of the services available through the state council 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 when appropriate, the request of his or her parents, legal guardian, conservator, or authorized representative, 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, when appropriate, his or her parent, legal guardian, conservator, or authorized representative shall sign the individual program plan prior to its implementation. If the consumer or, when appropriate, his or her parent, legal guardian, conservator, or authorized representative, does not agree with all components of the plan, he or she 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, when appropriate, his or her parent, legal guardian, conservator, or authorized representative. If the consumer or, when appropriate, his or her parent, legal guardian, conservator, or authorized representative, 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.

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(h)(1) A regional center shall communicate in the consumer's native language, or, when appropriate, the native language of his or her family, legal guardian, conservator, or authorized representative, during the planning process for the individual program plan, including during the program plan meeting, and including providing alternative communication services, as required by Sections 11135 to 11139.7, inclusive, of the Government Code and implementing regulations.

(2) A regional center shall provide alternative communication services, including providing a copy of the individual program plan in the native language of the consumer or his or her family, legal guardian, conservator, or authorized representative, or both, as required by Sections 11135 to 11139.7, inclusive, of the Government Code and implementing regulations.

(3) The native language of the consumer or his or her family, legal guardian, conservator, or authorized representative, or both, shall be documented in the individual program plan.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**ARTICLE 5 –RESOURCE FAMILY APPROVAL APPLICANT REQUIREMENTS**

**88431.1 APPLICANT QUALIFICATIONS**

- (a) An applicant shall be at least 18 years of age.
- (b) An applicant shall be in good physical and mental health.
  - (1) Verification of good physical health of each applicant shall include form RFA 07: Resource Family Health Questionnaire, or a health screening performed by a health professional issued not more than one year prior to the date of the application.
  - (2) Good mental health may include, but not be limited to, information that shows the applicant has not engaged in conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual.
- (c) An applicant may apply to be a Resource Family regardless of their immigration status.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.



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**88431.2      APPLICATION FOR RESOURCE FAMILY APPROVAL**

- (a) An applicant shall comply with the requirements specified in this section and the following requirements:
- (1) Submit a completed application on form LIC 01A: Resource Family Application and, prior to approval, provide the following supporting documentation to a foster family agency:
    - (A) Proof of identity.
    - (B) Consent for the foster family agency to obtain a California Department of Motor Vehicles report, and equivalent report from any other state that issued the individual's driver's license, of each applicant and all adults residing or regularly present in the home who may frequently transport children or nonminor dependents.
    - (C) Form RFA 07: Resource Family Health Questionnaire, or a health screening by a health professional that was issued not more than one year prior to the date of application.
      1. As deemed appropriate and necessary by a foster family agency, an applicant may be required to complete a health screening by a health professional to verify the applicant is in good health.
    - (D) If employed, verification of current employment.
    - (E) Verification of the applicant's current income and disclosure of expenses.
    - (F) Documents verifying that the applicant owns or rents the home in which the applicant resides or has written permission to reside at the residence by the owner of the home.
    - (G) History of the applicant's prior or present status as an approved relative or NREFM, or extended family member in the case of an Indian child, a certified family home, or an employee, volunteer, or licensee of a community care facility.

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- (2) Consent to release all requested evaluative reports and records, including physical and mental health reports and records.
  - (A) Confidential information and documents containing confidential information may be shared by a foster family agency or the Department pursuant to FFA ILS Section 88360(d).
- (3) Allow a home health and safety assessment pursuant to FFA ILS Section 88331.2, to determine whether there are conditions in the home that affect the health, safety, and well-being of a child or nonminor dependent.
- (4) Provide the names and contact information for two individuals who can attest to the applicant's character and ability to provide a safe environment for a child or nonminor dependent.
  - (A) If an applicant is unable to provide two references, then the applicant shall document the reasons.
- (5) Consent for a foster family agency to conduct a background check pursuant to FFA ILS Section 88331.3, including completing and submitting form LIC 508D: Out-Of-State Disclosure and Criminal Record Statement and, if applicable, form LIC 198B: Out-of-State Child Abuse/Neglect Report Request or an equivalent form from a responding State if that State will not complete the LIC 198B.
- (6) Participate in a family evaluation, pursuant to FFA ILS Section 88331.5.
- (7) Complete pre-approval training as specified in FFA ILS Section 88431.3 and as required by the foster family agency.
  - (A) Applicants shall complete cardiopulmonary resuscitation (CPR) and first aid training, or demonstrate equivalent certification, no later than 90 days following approval as a Resource Family as specified in FFA ILS Section 88431.3(b).
- (8) Complete any other activities, as determined by a foster family agency, related to an applicant's ability to achieve permanency with a child or

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nonminor dependent or to help determine the applicant's ability to be approved as a Resource Family.

- (b) An applicant shall not willfully or knowingly make or disseminate any false or misleading statements in connection with an application. This includes, but is not limited to, information regarding an applicant, family members, and adults residing or regularly present in the home.
- (c) If an applicant moves to a new home location, the applicant shall notify the foster family agency 30 calendar days prior to moving or as soon as the information is available.
- (d) Prior to approval or denial of an application, an applicant shall have the right to withdraw the application, verbally or in writing.
  - (1) The applicant may resubmit their previous application within 12 months of the date of withdrawal.
- (e) An applicant or any individual requesting a criminal record clearance or exemption shall notify a foster family agency and the Department in writing within five business days of any change in mailing address or telephone number.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88431.3 PRE-APPROVAL, ANNUAL AND OTHER TRAINING REQUIREMENTS**

- (a) An applicant shall complete a minimum of 12 hours of pre-approval training in the topics specified in FFA ILS Section 88331.6(b).
- (b) A Resource Parent shall submit copies of certificates verifying completion of cardiopulmonary resuscitation (CPR) and first aid training to a foster family agency no later than 90 days following Resource Family Approval.
  - (1) A Resource Parent may demonstrate equivalent certification with a certificate of completion for Basic Life Support (BLS), Pediatric Advanced Life Support (PALS), or a higher standard of training that certifies CPR. The certification must be currently active.
  - (2) Prior to expiration of the certificates specified in subsection (b) or (b)(1), a Resource Parent shall obtain training in CPR and first aid, or an equivalent certification as described in subsection (b)(1), and submit copies of the certificates verifying completion of the training to a foster family agency.
  - (3) CPR and first aid training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, 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.
  - (4) A Resource Parent who has active and unrestricted licensure as a health care professional, issued by the Department of Consumer Affairs or the Emergency Medical Services Authority, is exempt from completing the first aid training requirement as described in subsection (b) with proof of active and unrestricted licensure until the date the licensure expires.

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Hands-on or online training for cardiopulmonary resuscitation (CPR) and first aid training is permissible. However, it is recommended that any online training that has a skills competency component, e.g. First Aid and CPR, include a hands-on practice

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component. The hands-on practice component would increase the confidence level of the participant and consequently augment a Resource Parent's ability to perform their job duties. The hands-on practice component should be provided and overseen by an on-site instructor and age-appropriate.

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- (c) Within 12 months of approval, a Resource Family must complete a training on best practices for providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking.
  - (1) The training shall be survivor informed, culturally relevant and appropriate, and address issues relating to stigma.
  - (2) The training shall address all of the following topics: recognizing indicators of commercial sexual exploitation, harm reduction, trauma informed care, and perspectives of individuals or families who have experiences with commercial sexual exploitation. The training shall also provide available county and state resources and other resources such as crisis hotline numbers, survivor and caregiver supports, and contact information for law enforcement entities.
  - (3) After completing this training, a Resource Family shall not be required to attend any additional training related to children who have been commercially sexually exploited or who have been victims of child labor trafficking, except as required pursuant to FFA ILS Section 88431.3 (f).
  - (4) This training may be completed by any available means, including in person, virtually, or by recorded means.
- (d) A Resource Parent shall complete a minimum of eight hours of annual training, as specified in FFA ILS Section 88372.
- (e) A foster family agency shall ensure that an applicant submits documentation verifying completion of pre-approval training and any other training as required by

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this section and the foster family agency. The documentation shall include the following information:

- (1) The name or topic of the training.
  - (2) The name of the individual who completed the training.
  - (3) The date the training was completed.
  - (4) The number of training hours completed.
- (f) Nothing in this section shall preclude a foster family agency from requiring Resource Family training in excess of the requirements in this section.

NOTE: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1530 and 1531, Health and Safety Code; Section 16519.5, Welfare and Institutions Code.

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**Article 5.1—Resource Family Approval Applicant Requirements: Portability**

**88441.1      APPLICANT QUALIFICATIONS: PORTABILITY**

- (a) FFA ILS Section 88431.1 shall apply to portability.

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**88441.2 APPLICATION FOR RESOURCE FAMILY APPROVAL: PORTABILITY**

- (a) A Resource Family approved by a foster family agency or County may be approved by a subsequent foster family agency pursuant to Health and Safety Code section 1517.5 and Article 2.1. An applicant shall comply with the following requirements.
  - (1) Complete and sign Section I of form RFA 10: Resource Family Approval-Portability Application and provide a copy of this completed form to the subsequent foster family agency.
  - (2) Provide any supporting documentation specified in FFA ILS Section 88431.2(a)(1)(A) through (G) that is not present in the applicant's Resource Family case record or file.
  - (3) Consent to allow the subsequent foster family agency to conduct a background check, pursuant to FFA ILS Section 88331.3, including completing and submitting the following forms:
    - (A) Form LIC 508D: Out-Of-State Disclosure and Criminal Record Statement;
    - (B) Form LIC 198B: Out-of-State Child Abuse/Neglect Report Request or an equivalent form from a responding State if that State will not complete the LIC 198B, if applicable; and
    - (C) Any other forms required by the subsequent foster family agency.
  - (4) Cooperate with the subsequent foster family agency in completing an update to the applicant's existing Resource Family Written Report as specified in FFA ILS Section 88336.1.
- (b) A portability applicant maintains their approval status with their current foster family agency or County, unless any of the following occur:
  - (1) Approval is rescinded by the current foster family agency, County or Department;
  - (2) The Resource Family chooses to surrender their approval;
  - (3) The approval is forfeited by operation of law; or



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- (4) The applicant is approved by a subsequent foster family agency in accordance with Article 2.1.

(c) A Resource Family may submit RFA 10: Resource Family Approval-Portability Application while on inactive status.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1517, 1517.5, 1530 and 1531, Health and Safety Code.

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**Article 6—Continuing Requirements for Resource Families**

**88487.1 HOME AND GROUNDS**

- (a) The home and grounds of a Resource Family shall meet the requirements specified in this section and the following requirements:
- (1) The home shall be clean, safe, sanitary, and in good repair.
  - (2) Except for a home with a sprinkler system, a home shall have an approved, commercially manufactured, and functioning carbon monoxide detector and smoke alarm or smoke detector installed in the hallway of each sleeping area in the home. A detector and alarm shall be audible in each bedroom.
    - (A) A carbon monoxide detector shall meet the standards set forth in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12 of the Health and Safety Code.
    - (B) A smoke alarm or smoke detector shall meet the standards set forth in Section 13113.7 of the Health and Safety Code.
  - (3) All outdoor and indoor passageways, stairways, inclines, ramps, and open porches in and on the grounds of the home shall be free of obstruction.
  - (4) At least one toilet, sink, and tub or shower shall be maintained in a safe, clean, and operating condition.
    - (A) Faucets to be used by a child or nonminor dependent for personal care and grooming shall deliver water that is safe and sanitary and hot water at a safe temperature.
    - (B) If age or developmentally appropriate, individual privacy shall be provided to a child or nonminor dependent in all toilet, bath, and shower areas.
  - (5) Fireplaces, freestanding stoves, and space heaters shall be maintained and used in a manner that ensures safe operation.
  - (6) A safe and comfortable temperature shall be maintained in the home.

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- (7) There shall be lighting as necessary in all rooms and other areas of the home and grounds to ensure comfort and safety.
- (8) All water used in the home shall be safe and sanitary.
- (b) A bedroom for a child or nonminor dependent shall meet the following requirements:
  - (1) Each bedroom used by a child or nonminor dependent shall have at least one operable window or door that ensures a safe, direct, emergency exit to the outside.
    - (A) A window with security bars shall have a safety release device that meets all state and local requirements.
    - (B) If the home of a Resource Family is in a high-rise building, the Resource Family is subject to the rules and regulations set forth by the State Fire Marshal.
  - (2) A room that is commonly used for other purposes may not be used as a bedroom for a child or nonminor dependent. Such rooms shall include but not be limited to, halls, stairways, public passageways, unfinished attics or basements, garages, storage areas, sheds, or similar detached buildings.
    - (A) A room commonly used for other purposes that is converted to a bedroom may be used as a bedroom for a child or nonminor dependent if it does not pose a violation of personal rights or a hazard to health and safety. If a foster family agency suspects that there is a hazard to health and safety, a Resource Family may be required to have the converted bedroom inspected by a local building inspector.
  - (3) A child or nonminor dependent shall be provided with an individual bed which is equipped with a clean and comfortable mattress and 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 at all times.

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- (4) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
- (5) The following shall apply to a bunk bed for a child or nonminor dependent:
  - (A) Bunk beds shall have railings on both sides of the upper tier to prevent falling.
  - (B) A child under six years of age or who is unable to climb into or out of the upper tier unassisted shall not be permitted to use the upper tier.
  - (C) Bunk beds of more than two tiers shall not be used.
- (6) Each infant, or child requiring a crib, shall be provided with an individual, safe, and sturdy bassinet or crib as appropriate to the age and size of the infant or child. The following shall apply to cribs:
  - (A) Tiered or stacked cribs, or cribs with drop sides, shall not be used.
  - (B) Crib slats shall not pose the danger of an infant or child being trapped.
  - (C) A crib mattress shall be clean, comfortable, and fit properly in the crib.
  - (D) Linen shall include a fitted sheet that fits tightly on a crib mattress and overlaps the underside of the mattress so it cannot be dislodged.
  - (E) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
  - (F) A bassinet or crib shall be free from all loose articles and objects.
  - (G) Objects may not hang above or be attached to any side of a bassinet or crib, including crib bumpers.
  - (H) An infant or child who can climb out of a crib shall be provided with an age-appropriate bed.
- (7) Each bedroom shall have portable or permanent storage space to accommodate a child's or nonminor dependent's clothing and personal belongings.
- (c) A bedroom sharing arrangement involving a child or nonminor dependent shall meet the following requirements:

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- (1) No more than four children or nonminor dependents, or one child and one nonminor dependent, may share a bedroom.
    - (A) A child or nonminor dependent may share a bedroom with an adopted, biological, or guardianship child of a Resource Family provided that the total number of individuals in the bedroom does not exceed four.
  - (2) A child or nonminor dependent may not share a bedroom with a Resource Parent or any adult in the home.
  - (3) Children of different genders may share a bedroom under any of the following circumstances:
    - (A) Each child is under eight years of age.
    - (B) The children are siblings.
    - (C) A minor parent may share a bedroom with their child.
    - (D) A foster family agency is permitting a child to share a bedroom consistent with the child's gender identity regardless of the gender or sex listed on their court or child welfare documents.
  - (4) A child and nonminor dependent may share a bedroom under any of the following circumstances:
    - (A) The child and nonminor dependent are siblings.
    - (B) The child and nonminor dependent have been sharing a bedroom prior to the nonminor dependent turning 18 and remain compatible.
    - (C) A nonminor dependent parent may share a bedroom with their child.
    - (D) The child is 16 years of age or older.
  - (5) A child and nonminor dependent of different sexes shall not share a bedroom unless a foster family agency is permitting a child or nonminor dependent to share a bedroom consistent with the child's or nonminor dependent's gender identity regardless of the gender or sex listed on their court or child welfare documents.
- (d) Notwithstanding paragraph (2) of subsection (c), no more than two infants may share a bedroom with a Resource Family.

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- (e) A Resource Family may request a documented alternative plan (DAP) pursuant to FFA ILS Section 88347 that authorizes alternative ways the Resource Family may comply with subsections (c)(1) or (c)(2).
- (f) A Resource Family who intends to accept a child or nonminor dependent with a developmental, mental, or physical disability shall make necessary modifications to the home and grounds to provide protection and assistance and to maximize the potential of a child or nonminor dependent for self-sufficiency.
- (g) A Resource Family shall not smoke, or permit any individual to smoke inside the home, and, when a child or nonminor dependent is present, on the outdoor grounds of the home.
- (h) A Resource Family shall maintain first aid supplies appropriate to the needs of a child or nonminor dependent.
  - (1) A Resource Family shall ensure that a nonminor dependent, as developmentally appropriate, has access to the first aid supplies.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.2 OUTDOOR ACTIVITY SPACE**

- (a) If a Resource Family provides a yard or outdoor activity space, the Resource Family shall comply with the following requirements:
  - (1) A yard or outdoor activity space shall be free from hazards that may endanger the health and safety of a child or a nonminor dependent.
- (b) A Resource Family shall apply the reasonable and prudent parent standard, as set forth in FFA ILS Section 88487.12, when deciding whether a child should have access to fishponds, fountains, creeks, and similar bodies of water.
- (c) A Resource Family shall ensure that swimming pools, fixed-in-place wading pools, hot tubs, spas, or similar bodies of water are inaccessible, as specified in subsection (d), if they accept placement of any of the following individuals:
  - (1) A child under ten years of age.
  - (2) A child who is developmentally, mentally, or physically disabled.
  - (3) A nonminor dependent who is developmentally, mentally, or physically disabled.
  - (4) A minor or nonminor dependent parent's child who is under ten years of age or developmentally, mentally, or physically disabled.
- (d) A Resource Family shall ensure the inaccessibility of swimming pools, fixed in-place wading pools, hot tubs, spas, or similar bodies of water, as required by subsection (c), by using at least one of the following options:
  - (1) The pool shall be isolated from access to the home by an enclosure, as defined in Health and Safety Code section 115921, and as specified in Health and Safety Code section 115923 and does not obscure the pool from view.
    - (A) If removable mesh pool fencing is used as the enclosure as provided in Health and Safety Code section 115922(a)(2), an applicant or a Resource Family shall ensure that it is installed and maintained according to the manufacturer's specifications.
  - (2) The pool shall be equipped with an approved safety pool cover.

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- (A) A pool safety cover that meets the American Society for Testing and Materials specifications (F 1346-91) is considered an approved safety pool cover.
- (3) (A) Only when a foster family agency determines that a Resource Family is unable to physically comply with paragraph (1) and is also unable to physically comply with paragraph (2), the home shall be equipped with exit alarms on doors and windows that provide direct access to the pool. The alarms shall meet the following requirements:
  - 1. Produces an audible warning when the door or window is opened.
  - 2. Sounds continuously for a minimum of 30 seconds within seven seconds after the door is opened.
  - 3. Meets the requirements of UL 2017 General Purpose Signaling Devices and Systems, Section 77.
  - 4. Have a minimum sound pressure rating of 85 dBA at 10 feet and the sound of the alarm should be distinctive from other household sounds, such as smoke alarms, telephones, and doorbells.
  - 5. Automatically resets under all conditions.
  - 6. Equipped with manual means, such as touchpads or switches, to temporarily deactivate the alarm for a single opening of the door from either direction. Such deactivation shall last for no more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches above the threshold of the door.
- (B) A foster family agency shall document the factors considered in making the determination that it is not physically possible for the Resource Family to comply with paragraph (1) and also not physically possible for the Resource Family to comply with paragraph (2).



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- (4) A Resource Family may use other means of protection, if the degree of protection afforded is equal to or greater than any of the devices described in paragraphs (1) through (3). The other means of protection shall be approved in writing by the Department.
- (5) 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. If an above-ground pool is less than 60 inches in height, the pool shall also be made inaccessible by the use of an enclosure. Any enclosure, whether or not it includes the above-ground pool structure itself, shall meet the requirements of subsection (d)(1).
- (e) A Resource Family shall ensure that an adult who is able to swim provides continual supervision when a child or individual specified in subsection (c) is using or near a pool or other body of water.
- (f) All pools that cannot be emptied after each use shall have an operative pump and filtering system.
- (g) All pools shall be kept clean and maintained to ensure they are free from objects that may pose a risk to the safety of a child.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.3      STORAGE AREA REQUIREMENTS**

- (a) Except as specified in subsections (d) and (e), a Resource Family shall store medicines, disinfectants, and cleaning solutions where they are inaccessible to a child or nonminor dependent.
- (b) A Resource Family shall store poisons and other dangerous items in a locked storage area.
- (c) Except as specified in paragraph (1), a Resource Family shall store firearms and other dangerous weapons in a locked container, as defined in Penal Code section 16850, which may include, but not be limited to, a lock box or gun safe.
  - (1) In lieu of locked storage of firearms, a Resource Family may use locking devices, as defined in Penal Code section 16860, which may include but not be limited to, trigger locks, cable locks, or other firearm safety devices, as defined in Penal Code section 16540.
  - (2) Ammunition shall be stored in a locked container separate from firearms.

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Penal Code section 16850 provides:

“As used in this part, ‘locked container’ means a secure container that is fully enclosed and locked by a padlock, keylock, combination lock, or similar locking device. The term ‘locked container’ does not include the utility or glove compartment of a motor vehicle.”

Penal Code section 16860 provides:

“As used in Sections 16850, 25105, and 25205, ‘locking device’ means a device that is designed to prevent a firearm from functioning and, when applied to the firearm, renders the firearm inoperable.”

Penal Code section 16540 provides:

“As used in this part, ‘firearm safety device’ means a device other than a gun safe that locks and is designed to prevent children and unauthorized users from firing a firearm. The device may be installed on a firearm, be incorporated into the design of the firearm, or prevent access to the firearm.”

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- (d) A Resource Family shall apply the reasonable and prudent parent standard, as specified in FFA ILS Section 88487.12, in determining if it is age or developmentally appropriate for a child to have access to and use the following items:
  - (1) Household kitchen knives and appliances for use in meal preparation.
  - (2) Medications necessary for self-administration by the child or nonminor dependent.
  - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (e) A Resource Family shall permit a nonminor dependent, as developmentally appropriate, to have access to the following items:
  - (1) Household kitchen knives and appliances for use in meal preparation.
  - (2) Medications necessary for self-administration by the nonminor dependent.
  - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (f) In allowing a child or a nonminor dependent to access and use the items specified in subsections (d) and (e), a Resource Family shall ensure that the safety of a child, a nonminor dependent, and others in the home is maintained.
- (g) A Resource Family shall store and dispose of waste in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.5      EMERGENCY PROCEDURES**

- (a) A Resource Family shall provide two telephone numbers and, if available, two email addresses as 24-hour contact information to the foster family agency, including contact information for alternative caregivers.
- (b) A Resource Family shall place emergency telephone numbers, including 24-hour contact information, in a prominent location in the home.
- (c) A Resource Family shall ensure that an occasional short-term babysitter and an alternative caregiver know where the emergency telephone numbers are located.
- (d) At the time of placement of a child or nonminor dependent with a Resource Family, and every six months after placement, the Resource Family shall discuss and practice emergency procedures for the home with the child or nonminor dependent as age or developmentally appropriate.
- (e) A Resource Family shall review the emergency procedures with an occasional short-term babysitter or an alternative caregiver.
- (f) A Resource Family shall maintain a hard copy emergency binder in the home. If desired, other methods for keeping information may be used in addition to the hard copy binder, such as information electronically stored in a portable device that can be transported in an emergency. The binder shall contain the following:
  - (1) A child's or nonminor dependent's information including, the child's or nonminor dependent's name, date of birth, and any medical conditions.
  - (2) A child's or nonminor dependent's current healthcare information, and mental health care as applicable, provider names and contact information, including 24-hour contact information.
  - (3) Contact information for the child's or nonminor dependent's authorized representative and placement agency, as applicable.
  - (4) 24-hour contact information for the foster family agency.
  - (5) Contact information for the local Children's Residential Regional Office, as applicable.

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(6) In the case of an Indian child, contact information for the Indian child's Tribe(s) or tribal representative.

- (g) In the event of a state or local emergency or natural disaster, a Resource Family shall follow guidance or instructions of any responsible state or local official or agency, as necessary to protect the health and safety of a child or nonminor dependent in care.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.6      REPORTING REQUIREMENTS**

- (a) A Resource Family shall make a report to a foster family agency when any of the following events occur:
- (1) Death, serious bodily injury, or risk of death or serious bodily injury to a child, nonminor dependent, or other individual residing in the home.
  - (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6, or any suspected physical, sexual, or emotional abuse of a child or a nonminor dependent.
  - (3) Any injury to or illness of a child or a nonminor dependent that requires emergency medical or mental health treatment or hospitalization.
  - (4) Any incident that involves a child or a nonminor dependent and threatens the physical or emotional health or safety of the child, nonminor dependent, or any individual in the home.
    - (A) Report suicide threats or attempts regardless of injury or treatment.
  - (5) Any unusual absence of a child or, for a nonminor dependent, any prolonged absence that is unplanned or failure of the nonminor dependent to return to the home that lasts more than 72 hours.
    - (A) Report temporary absences if a personal history or the needs and services plan indicate that a child or nonminor dependent may be in jeopardy when absent beyond the approved time.
  - (6) Removal of a child or a nonminor dependent from the home under emergency circumstances, which may include:
    - (A) Removal by a law enforcement officer when a child or nonminor dependent is arrested.
    - (B) Removal for emergency medical or mental health care.
  - (7) Relocation by the authorized representative for a child or nonminor dependent.
  - (8) Communicable disease outbreak as reported to a Resource Family by a health professional or by the local health authority.

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- (9) Poisonings, which shall also be reported immediately to the local fire authority.
    - (A) If a Resource Family is located in an area that does not have organized fire services, the Resource Family shall make a report to the State Fire Marshal within 24 hours after the poisoning occurs.
  - (10) Catastrophes, including natural disasters.
  - (11) Fires or explosions that occur in or on the premises of the home.
  - (12) If a Resource Family becomes licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
  - (13) All changes in the composition of a Resource Family household, including, but not limited to, the following:
    - (A) Any additional individuals residing or regularly present in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child, nonminor dependent, or other person.
    - (B) Any adult moving in or out of the home.
    - (C) Except for a nonminor dependent, anyone who resides or is regularly present in the home who reaches their 18th birthday.
  - (14) A change in marital status.
  - (15) A significant change in the physical or mental health of a child, nonminor dependent or any other residents in the home, including the Resource Family.
  - (16) A Resource Parent, or an adult who resides in or is regularly present in the home and has a criminal record clearance or exemption, is arrested or has a subsequent arrest.
- (b) A Resource Family shall make the report specified in subsection (a) to a foster family agency by telephone, e-mail, or fax within 24 hours or by the next business day following the event.
- (1) The report specified in subsection (a) shall include the following information, if available:

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- (A) The name, age, sex, and date of placement of the child or nonminor dependent.
  - (B) Date and nature of the incident.
  - (C) Whether a Suspected Child Abuse Report was required and filed.
  - (D) Attending physician's name, findings, and treatment, if any.
  - (E) Current status of the incident.
- (2) If the report specified in subsection (a) was made by telephone or did not include all of the information specified in paragraph (1) of subsection (b), then a Resource Family shall submit a written report containing the information to a foster family agency within seven calendar days following the event.
- (c) A Resource Family shall notify a foster family agency of any changes to the Resource Family's mailing address. The notification shall occur by telephone, e-mail, or fax within ten business days following the change.
- (d) A Resource Family shall notify a foster family agency by telephone, e-mail, or fax within 30 calendar days prior to moving home locations or as soon as the information is available.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.



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**88487.7 RECORDS REQUIREMENTS**

- (a) A Resource Family shall maintain separate, complete, and current records in the home for a child. A child's case record shall include the following:
- (1) The name of the child, birth date, and date of placement with the Resource Family.
  - (2) A summary of the child's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
  - (3) The Resource Family shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, the child's immunization records and any official grade or progress reports.
  - (4) Written authorization for the Resource Family to obtain medical and dental care in an emergency if authorization by the placement agency cannot be obtained.
  - (5) The needs and services plan for the child.
  - (6) An itemized inventory list of the child's cash resources, personal property, and valuables.
  - (7) A copy of the personal rights accorded to a child.
  - (8) Written instructions by the physician of a child regarding the provision of family health care as described in FFA ILS Sections 88487.15 and 88487.16.
  - (9) Documentation of the date, time, and dose of any prescription medications and injections given to a child and the results of any glucose testing or monitoring for a child as described in FFA ILS Sections 88487.15 and 88487.16.
  - (10) A copy of the current court order, or written authorization of the child's parent or guardian, provided by the foster family agency, for each psychotropic medication prescribed to the child while in a Resource Family home.
  - (11) A separate log for each psychotropic medication prescribed to a child documenting all of the following:

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- (A) The name of the medication.
  - (B) The date of the prescription.
  - (C) The quantity of medication and number of refills initially prescribed.
  - (D) When applicable, any additional refills prescribed.
  - (E) The prescribed dosage and directions for use as specified in writing by the physician prescribing the medication, including any changes directed by the physician.
  - (F) The date and time of each dose taken by the child.
  - (G) Documentation of each refusal.
    - 1. Documentation shall include the name of the medication refused, date and time of the refusal, the reason for the refusal, who was notified of the refusal, and any observed results of the refusal.
  - (H) Resource Family initials for each time a psychotropic medication is taken by a child, as an indication that they supervised the child self-administering their psychotropic medication.
    - 1. Initials shall not be pre-filled on the log.
- (b) A Resource Family shall maintain separate, complete, and current records in the home for a nonminor dependent. A nonminor dependent's case record shall include the following:
- (1) The name of the nonminor dependent, birth date, and date of placement with the Resource Family.
  - (2) A summary of the nonminor dependent's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
  - (3) The pre-placement appraisal as described in FFA ILS Section 88268.11.
  - (4) The transitional independent living plan.

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- (5) If the cash resources, personal property, and valuables of the nonminor dependent are entrusted to the Resource Family, then an itemized inventory list of these items.
  - (6) A copy of the personal rights accorded to a nonminor dependent.
  - (7) Written instructions by the physician of a nonminor dependent regarding the provision of family health care as described in FFA ILS Sections 88487.15 and 88487.16.
  - (8) Documentation of the date, time, and dose of any prescription medications and injections given to a nonminor dependent and the results of any glucose testing or monitoring for a nonminor dependent as described in FFA ILS Sections 88487.15 and 88487.16.
- (c) A nonminor dependent shall have access to their records in a manner that ensures the confidentiality of other records maintained in the home.
- (d) A Resource Family is not responsible for obtaining and maintaining a nonminor dependent's health and educational information, but may assist the nonminor dependent with any recordkeeping that the nonminor dependent requests of the Resource Family. This health and education information may include, but not be limited to, the following:
- (1) School records.
  - (2) Immunization records.
  - (3) Medical records.
- (e) Upon the request of a nonminor dependent, a Resource Family shall assist the nonminor dependent in obtaining and keeping their own records. These records may include, but not be limited to, the following:
- (1) A certified birth certificate.
  - (2) A Social Security card.
  - (3) A California or other state identification card or driver's license.

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- (4) A proof of citizenship or residency status; or for an alien, evidence of an approved petition for special immigrant juvenile status pursuant to Title 8, C.F.R. Section 204.11.
  - (5) Proof of tribal membership or tribal enrollment.
  - (6) Death certificates of parents, if applicable.
  - (7) A proof of county dependency status for education aid applications.
  - (8) Written information concerning the nonminor dependent's dependency or delinquency case including: information about the nonminor dependent's family history; the nonminor dependent's placement history; the names, telephone numbers, and addresses of siblings and other relatives; and the procedures for inspecting the documents described under Welfare and Institutions Code section 827.
- (f) All records for a child, as specified in subsection (a), or a nonminor dependent, as specified in subsection (b), shall be available to a foster family agency or the Department 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 foster family agency or the Department representative shall not remove any current emergency or health-related records for a child or nonminor dependent unless the same information is otherwise readily available in another document or format.
  - (2) Prior to removing any records, the foster family agency or the Department 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 Resource Family.
  - (3) The foster family agency or the Department representative shall return the records to the home undamaged and in good order within three business days following the date the records were removed.

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- (g) If a child or nonminor dependent is removed or discharged from a home, a Resource Family shall distribute the child's or nonminor dependent's records as follows:
  - (1) The child's or nonminor dependent's placement agency shall receive originals and any copies of all records.
  - (2) The child's or nonminor dependent's authorized representative, if applicable, shall receive copies of all records.
  - (3) The nonminor dependent shall receive copies of all records.
- (h) A Resource Family shall maintain all information and records regarding a child or nonminor dependent in a confidential manner and not disclose any confidential information except as otherwise authorized by law.
- (i) A Resource Family shall maintain copies of current certificates verifying completion of cardio-pulmonary resuscitation (CPR) and first aid training.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code; Sections 369.5 and 739.5, Welfare and Institutions Code.

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**88487.8      PERSONAL RIGHTS**

- (a) A Resource Family shall ensure that each child and nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9.
- (b) In addition to subsection (a), a Resource Family shall ensure that each child is accorded the following personal rights:
  - (1) To be informed of and exercise their personal rights without harassment or retaliation.
  - (2) To live in a safe, healthy, and comfortable home where they are treated with respect. If the child is an Indian child, to live in a home that upholds the prevailing social and cultural standards of the child's Indian community, including, but not limited to, family, social, and political ties.
  - (3) To be free from corporal or unusual punishment; exploitation; infliction of pain; humiliation; intimidation; ridicule; coercion; threat; physical, sexual, emotional, mental, or other abuse; or other actions of a punitive nature including interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, medication, or aids to physical functioning.
  - (4) To make and receive confidential telephone calls and send and receive unopened mail and electronic communication, unless prohibited by court order.
    - (A) Unless prohibited by court order, a child may acquire, possess, and use their own cellular telephone.
      - 1. Reasonable restrictions on the use of a cellular telephone may be imposed by a Resource Family, if approved by the social worker or probation officer for a child.
  - (5) To be accorded dignity in their personal relationships with other persons in the home.
  - (6) To be free from unreasonable searches of person and personal property.

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- (7) Not to be restrained or placed in any restraining device other than as specified in FFA ILS Section 88487.17, Postural Supports and Protective Devices, and not to be locked in any portion of the Resource Family home.
- (8) To work and develop job skills at an age-appropriate level, consistent with state law.
- (9) To be free to accept or decline a Resource Family's request to babysit the Resource Family's children, including adopted, biological, foster, and guardianship children.
- (10) To be provided with and allowed to acquire, possess, and use adequate personal items, which includes their own:
  - (A) Clothes, provided the clothes are age-appropriate, do not violate school standards when worn during school activities, respect the child's culture, ethnicity, and gender identity and expression, and are in accordance with Welfare and Institutions Code section 16001.9(a)(3).
  - (B) Toiletries and personal hygiene products, including enclosed razors used for shaving, as age or developmentally appropriate.
    - 1. Toiletries and personal hygiene products for a child's skin and hair shall be appropriate for the child's cultural, religious, ethnic or racial background, and gender identity and expression.
  - (C) Belongings, including items that were a gift to the child.
- (11) To receive an age-appropriate allowance.
- (12) Provided the rights of others are not infringed upon, to have visitors that include:
  - (A) Relatives, unless prohibited by court order.
  - (B) The authorized representative for the child.
  - (C) Other visitors, unless prohibited by court order or by the authorized representative for the child.

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- (13) To have social contacts with people outside of the foster care system, including but not limited to, teachers, coaches, religious or spiritual community members, mentors, friends, and if applicable, tribal members and members of the Indian community consistent with the prevailing social and cultural standards of the Indian child's Tribe.
- (14) To be free to attend religious services, activities, and ceremonies of their choice, including, but not limited to, engaging in traditional Native American religious practices, and to have visits from the spiritual advisor of their choice. Attendance at religious services, activities, and ceremonies in or outside of the home, shall be on a completely voluntary basis.
- (15) To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child's age, maturity, developmental level, sexual orientation, and gender identity and expression.
- (16) To be provided contact information for the California Department of Social Services Community Care Licensing Division and the State Foster Care Ombudsperson, and to contact these offices immediately upon request regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (17) To be accorded the independence appropriate to the age, maturity, and capability of the child consistent with the child's needs and services plan or the transitional independent living plan (TILP), if applicable.
- (18) To confidentiality of medical and mental health records, including, but not limited to, HIV status, substance use disorder history and treatment, and sexual and reproductive health care, consistent with existing law. And to have private or personal information, including, but not limited to, any history of abuse, educational records, and information relating to the biological family of the child, maintained in confidence.



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- (A) A Resource Family shall disclose information about the child to a foster family agency, the Department, the Juvenile Court, and the child's biological family, social worker, placement worker, probation officer, Tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
- (B) As needed to ensure appropriate care, supervision, or education of the child, a Resource Family 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.
- (19) To access and receive health-related services, as defined in FFA ILS Section 88201(h)(1), with reasonable promptness that meets the needs of the child.
- (20) To participate in decisions regarding health-related services and treatment, including but not limited to, the following:
  - (A) Choosing, whenever feasible and in accordance with applicable law, their own health care provider, if they are 12 years or older and payment for the service is authorized under applicable federal Medicaid law or other approved insurance.
  - (B) Communicating with their health care provider regarding any treatment concerns or needs.
  - (C) Requesting a second opinion before being required to undergo invasive medical, dental, or psychiatric treatment.
- (21) To personally consent to or decline medical services related to the following, without the consent or knowledge of any adult, including but not limited to, a parent, guardian, licensee, social worker, probation officer, judge or authorized representative:
  - (A) The prevention, diagnosis or treatment of pregnancy, including but not limited to: female or male birth control or protection, pregnancy testing, and prenatal care, at any age.
  - (B) Abortion, at any age.

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Underlined text with yellow highlights - Reflect changes made to the Interim Licensing Standards in Version 6.

- (C) Sexual assault or rape, at any age.
- (D) The prevention, testing for, and treatment of, sexually transmitted diseases, at 12 years of age or older.
- (E) Mental health services, at 12 years of age or older.
- (22) To obtain, possess and use contraception as well as medications for the prevention or treatment of pregnancy, including but not limited to: prenatal vitamins, birth control medication, emergency contraception, long-acting reversible contraceptives, condoms, and barrier methods.
- (23) To obtain, possess, and use contraception as well as medications for the prevention or treatment of sexually transmitted diseases at 12 years of age or older.
- (24) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections.
- (25) Except in an emergency, to be free of the administration of medication or chemical substances, and to be free of all psychotropic medications unless prescribed by a physician, and in the case of children, authorized by a judge, as specified in FFA ILS Section 88487.15(c).
- (26) To have a placement that utilizes trauma-informed and evidence-based de-escalation and intervention techniques.
  - (A) Law enforcement intervention shall only be requested when there is an imminent threat to the life or safety of the child or another person or as a last resort after other diversion and de-escalation techniques have been utilized and only upon approval of a staff supervisor.
  - (B) Law enforcement intervention shall not be used as a threat or in retaliation against the child.
- (27) To have caregivers who have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care.

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(28) To be referred to by the youth's preferred name and gender pronouns.

(29) To maintain privacy regarding sexual orientation and gender identity and expression, unless the youth permits the information to be disclosed, or disclosure is required to protect their health and safety, or disclosure is compelled by law or a court order.

(30) To attend school.

(31) To have recognition of the child's political affiliation with an Indian Tribe or Alaskan village, including a determination of the child's membership or citizenship in an Indian Tribe or Alaskan village; to receive assistance in becoming a member of an Indian Tribe or Alaskan village in which the child is eligible for membership or citizenship; to receive all benefits and privileges that flow from membership or citizenship in an Indian Tribe or Alaskan village; and to be free from discrimination based on the child's political affiliation with an Indian Tribe or Alaskan village.

(c) In addition to subsections (a) and (b), a Resource Family shall ensure that each nonminor dependent is accorded the following personal rights:

(1) To have the independence appropriate to the status of a legal adult, consistent with the needs and services plan or the transitional independent living plan for the nonminor dependent.

(2) To access information regarding available educational, training, and employment options of the nonminor dependent's choosing.

(3) To select, obtain, prepare, and store food of the nonminor dependent's choosing.

(4) To leave or depart the home at any time at the nonminor dependent's discretion.

(5) To acquire, possess, maintain, and use personal vehicle for transportation.

(6) To acquire, possess, and use a personal cellular telephone.

(d) In ensuring the rights of a child or a nonminor dependent, a Resource Family is not required to take any action that would impair the health and safety of a child, a

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nonminor dependent, or others in the home consistent with Welfare and Institutions Code section 16001.9(c).

- (1) A Resource Family is not prohibited from taking the following actions for the protection of a child, a nonminor dependent, or others in the home:
  - (A) Establishing house rules, that may include rules regarding visitation, that shall apply to all visitors; curfew; dating; completing homework; laundry and cleaning bedrooms and other areas; and use of entertainment equipment and cellular telephones.
  - (B) Locking exterior doors and windows as long as a child or a nonminor dependent can enter or exit the home.

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**HANDBOOK BEGINS HERE**

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

“This section does not require, and shall not be interpreted to require, a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.”

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**HANDBOOK ENDS HERE**

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- (e) At the following times, a Resource Family shall ensure a child or a nonminor dependent is verbally notified, in an age or developmentally appropriate manner and in their primary language, of their rights, as specified in this section and in Welfare and Institutions Code section 16001.9, and provided with a written copy of these rights and information regarding agencies a child or a nonminor dependent may contact concerning violation of these rights:
  - (1) Upon placement in the home.
  - (2) Upon the request of a child or a nonminor dependent.
  - (3) Each time new rights have been added to Welfare and Institutions Code section 16001.9 or this section.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.9      TELEPHONES**

- (a) A Resource Family shall have cellular telephone, Internet telephone, or landline telephone service in the home at all times.
- (b) Telephone service shall be accessible to a child or a nonminor dependent in the home at all times.
- (c) A Resource Family is not required to purchase a cellular telephone for a child or nonminor dependent or pay for a child's or nonminor dependent's personal cellular telephone service fees.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.10     TRANSPORTATION**

- (a) A Resource Family shall ensure that a child or a nonminor dependent is provided with transportation for the following situations:
  - (1) Health-related services.
  - (2) School.
  - (3) Extracurricular, enrichment, cultural and social activities, provided the transportation to these activities is reasonable.
- (b) When determining if the transportation to an activity for a child or nonminor dependent is reasonable, a Resource Family may consider the location, frequency, cost for transportation, and time necessary to provide transportation.
- (c) A Resource Family shall ensure that all individuals who transport a child or a nonminor dependent use motor vehicles that are in safe operating condition.
- (d) A Resource Family shall not allow a child or nonminor dependent to be transported by an individual the Resource Family knows or reasonably should know does not have a valid California or other state driver's license.
- (e)
  - (1) A Resource Family shall ensure that a child is properly restrained in an appropriate child passenger restraint system based on the child's age, weight, and size while being transported in a motor vehicle in accordance with applicable laws.
  - (2) A Resource Family shall ensure that a nonminor dependent is properly restrained by a safety belt while being transported in a motor vehicle in accordance with applicable laws.
- (f) A Resource Family shall not smoke, or permit any individual to smoke in a motor vehicle that is regularly used for providing transportation to a child or nonminor dependent, regardless of whether the child or nonminor dependent is present. This prohibition applies when the motor vehicle is moving or at rest.
- (g) Transportation shall be provided in accordance with any other arrangements specified in the needs and services plan or transitional independent living plan for a child or nonminor dependent.

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- (h) A Resource Family shall ensure that a nonminor dependent is provided with transportation under the following additional conditions:
- (1) Except for the transportation described in subsection (a), transportation shall be provided by arrangement between a Resource Family and the nonminor dependent.
  - (2) Notwithstanding subsection (c) or (d), a nonminor dependent shall be permitted to arrange for their transportation.
  - (3) A nonminor dependent may, but is not required to, provide transportation to others.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.



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**88487.11 FOOD AND NUTRITION**

- (a) A Resource Family shall provide or ensure nutritious meals, snacks, and beverages and meet any special dietary needs or practices, as documented in the needs and services plan for a child or nonminor dependent, as reported by the child or nonminor dependent, or as recommended by the physician of a child or nonminor dependent.
  - (1) The quantity and quality of food available to household members shall be equally available to a child or nonminor dependent.
- (b) A Resource Family shall invite a child or nonminor dependent to participate in all household meals.
- (c) A Resource Family shall ensure that a child or nonminor dependent is provided with the following:
  - (1) Age-appropriate food, snacks, and beverages.
  - (2) At least three meals per day.
- (d) A Resource Family shall ensure that an infant, who is unable to hold a bottle, is held during bottle-feeding. A bottle given to an infant able to hold their own bottle shall be unbreakable. A bottle shall not be propped up for an infant.
- (e) A Resource Family may encourage a child, as age or developmentally appropriate, to learn meal preparation, but shall not require a child to prepare meals.
- (f) A Resource Family shall ensure that a nonminor dependent is provided with access to food, snacks, and beverages under the following additional conditions:
  - (1) As agreed upon with a Resource Family, a nonminor dependent shall be permitted to plan meals, grocery shop, and store and prepare food.
  - (2) A nonminor dependent shall have access to all meal preparation areas, appliances, and utensils for meal preparation.
  - (3) A nonminor dependent may prepare meals.
  - (4) A Resource Family may not require a nonminor dependent to prepare meals.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.12 REASONABLE AND PRUDENT PARENT STANDARD**

- (a) A Resource Family shall be responsible for applying the reasonable and prudent parent standard as specified in this section and as defined in Welfare and Institutions Code section 362.05 when:
- (1) Determining day-to-day activities that are age appropriate and meet the needs of the child.
  - (2) Determining whether to allow a child to participate in age and developmentally appropriate extracurricular or social activities.
  - (3) Selecting an occasional short-term babysitter or alternative caregiver.
  - (4) Except for circumstances that involve a child, or the determination and selection of an occasional short-term babysitter as specified in FFA ILS Section 88487.13, the reasonable and prudent parent standard does not apply to a nonminor dependent.
- (b) Applying the reasonable and prudent parent standard shall not result in denying the rights of a child as specified in Welfare and Institutions Code section 16001.9, FFA ILS Section 88487.8, or, if applicable, FFA ILS Section 88572.2 or contradict court orders or the needs and services plan for the child.
- (c) In applying the reasonable and prudent parent standard, a Resource Family shall consider the following:
- (1) The age, maturity, and developmental level of a child.
  - (2) The nature and inherent risks of harm of the activity.
  - (3) The best interests of a child based on information known by the Resource Family.
  - (4) The behavioral history of a child and the child's ability to safely participate in the activity.
  - (5) The importance of encouraging a child's emotional and developmental growth.
    - (A) Emotional and developmental growth may include, but not be limited to, the following:

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1. The child's level of understanding about healthy relationships.
  2. The child's level of understanding about sexuality and body development.
  3. Feelings about spirituality.
  4. Other stages of maturity experienced during adolescence.
- (6) The importance of providing a child with a sense of normalcy in the most family-like living experience possible.
- (d) A Resource Family shall consider information provided or known about a child when determining the best interests of a child. This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, sexual orientation, gender identity, developmental level of, and court orders for the child.
- (1) A Resource Family may contact the child's social worker, physician, counselor, or educator to obtain the information described in subsection (c).

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.13      RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**

- (a) A Resource Family shall provide care and supervision that meets the needs of a child or nonminor dependent and ensures health, safety, and well-being.
  - (1) If a Resource Family provides care for a minor or nonminor dependent parent and their child, the Resource Family shall work with the minor or nonminor dependent parent, the foster family agency, and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as described in Welfare and Institutions Code sections 11465(d)(3) and 16501.25(b).
- (b) A Resource Family shall provide care and supervision in accordance with the needs and services plan of a child or nonminor dependent, the placement agreement, and transitional independent living plan, if applicable.
- (c) A Resource Family may arrange for other care and supervision of a child as follows:
  - (1) An occasional short-term babysitter.
    - (A) If a Resource Family anticipates being absent from the home for less than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an occasional short-term babysitter to provide care and supervision to a child in the Resource Family's or occasional short-term babysitter's home.
      - 1. If an occasional short-term babysitter will provide care and supervision in their home, a Resource Family shall use the reasonable and prudent parent standard to determine that the occasional short-term babysitter's home is safe and appropriate for the child and the child's personal rights will be respected.
    - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in FFA ILS Section 88487.12, in determining and selecting an appropriate babysitter for occasional short-term use, including determining whether it is appropriate for a child or nonminor dependent to act as an occasional short-term babysitter.

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1. A child or nonminor dependent shall not be required to babysit.
- (C) 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.
- (D) When a child is in the care of an occasional short-term babysitter, a Resource Family shall ensure that the babysitter knows how to contact the Resource Family in case of an emergency.

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#### HANDBOOK BEGINS HERE

An occasional short-term babysitter is exempt from the requirement of a background check as specified in Section 88331.3(h).

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#### HANDBOOK ENDS HERE

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- (2) An alternative caregiver.
  - (A) If a Resource Family anticipates being absent from the home for longer than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an alternative caregiver to provide care and supervision to a child unless prohibited by the child's social worker or probation officer, court order, or the foster family agency.
  - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in **FFA ILS Section** 88487.12, in determining and selecting an appropriate alternative caregiver.
  - (C) An alternative caregiver shall meet the following requirements:
    1. Be 18 or older.
    2. Have the willingness and ability to and shall comply with applicable laws and Article 6 of Subchapter 1.
    3. 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

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and limitations, developmental level of, and court orders for a child.

- (D) The care and supervision during a Resource Family's absence shall occur in the Resource Family's home or an alternative caregiver's home.
  - 1. If an alternative caregiver will provide care and supervision in their home, a Resource Family shall apply the reasonable and prudent parent standard to determine that the alternative caregiver's home is safe and appropriate for the child and the child's personal rights will be respected.
- (E) Prior to a Resource Family's absence from the home, the Resource Family shall provide verbal or written notification to the foster family agency and social worker or probation officer for a child as follows:
  - 1. The dates the Resource Family plans to be absent from the home.
  - 2. The name, telephone number, and address, if applicable, of the alternative caregiver.
  - 3. An emergency telephone number where the Resource Family can be contacted during their absence.
- (F) A Resource Family shall obtain prior approval from the foster family agency and social worker or probation officer for a child for any absence that exceeds 72 hours.
- (G) Before entrusting a child to an alternative caregiver, a Resource Family shall provide the alternative caregiver with the following:
  - 1. Information about the emotional, behavioral, medical, or physical conditions of a child, if any.
  - 2. Any medication for which an alternative caregiver must assist a child with self-administration or as permitted by Health and

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Safety Code section 1507.25(b)(1), consistent with instructions from the child's physician.

3. The name and telephone number of the social worker or probation officer for a child and the Resource Family's 24-hour emergency contact information.

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#### HANDBOOK BEGINS HERE

Effective January 1, 2019, a criminal record clearance or exemption is no longer a requirement to be an alternative caregiver. However, if an alternative caregiver is an adult who is residing or regularly present in the home of a Resource Family, then the alternative caregiver would be required to complete a background check pursuant to Section 88331.3.

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#### HANDBOOK ENDS HERE

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- (3) Respite care.
  - (A) A Resource Family may use respite care approved by a county child welfare agency or probation department.
  - (B) A respite caregiver shall be an approved relative or NREFM, a licensed foster family home, a certified family home, or a Resource Family.
  - (C) Respite care shall not be provided for the purpose of routine, ongoing child care.
- (4) Leaving a Child Alone.
  - (A) If a Resource Family anticipates being absent from the home on an occasional basis, the Resource Family may leave a child over age 10 in the home without adult supervision, but shall not leave a child unsupervised overnight.
  - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in FFA ILS Section 88487.12, to determine the appropriateness of leaving a child over age 10 in the home without adult supervision.



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- (C) Before leaving a child alone, a Resource Family shall ensure that the child knows the following:
  - 1. Where emergency numbers are posted.
  - 2. Emergency procedures.
  - 3. Where and how to contact the Resource Family.
- (5) Licensed and license-exempt child care.
  - (A) A Resource Family may arrange for a child to be cared for by a licensed child day care facility, as defined in Health and Safety Code section 1596.750, or a licensed family day care home, as defined in Health and Safety Code section 1596.78.
  - (B) A Resource Family may arrange for a child to be cared for by any of the following programs exempt from licensure pursuant to Health and Safety Code section 1596.792:
    - 1. An individual providing care for only the children of the Resource Family in addition to the individual's own children, per Health and Safety Code 1596.792(d).
    - 2. Any cooperative arrangement between parents for the care of their children when no payment is involved as described in Health and Safety Code section 1596.792(e).
    - 3. Any arrangement for the receiving and care of children by a relative as described in Health and Safety Code section 1596.792(f) if contact with that relative is approved by the child's social worker or probation officer.
    - 4. A public recreation program as described in Health and Safety Code section 1596.792(g).
    - 5. Extended day care programs operated by public or private schools as described in Health and Safety Code section 1596.792(h).

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6. Any child day care program that offers temporary child care services to parents as described in Health and Safety Code section 1596.792(k).
  7. Any program that provides activities for children of an instructional nature in a classroom-like setting as described in Health and Safety Code section 1596.792(l).
- (d) A Resource Family may permit a child to participate in extracurricular, enrichment, cultural and social activities as specified in FFA ILS Section 88487.14.
- (e) A Resource Family who chooses to leave a child in a parked vehicle shall do the following:
- (1) Comply with the requirements of Vehicle Code section 15620.
  - (2) Apply the reasonable and prudent parent standard, as specified in FFA ILS Section 88487.12, to determine whether it is appropriate to leave the child in a parked vehicle.
- (f) A Resource Family is responsible for ensuring care and supervision of the children of a minor parent placed in the home.
- (1) A Resource Family shall provide direct care and supervision of the children of a minor parent during the hours that the minor parent is unavailable or unable to provide care and supervision.
- (g) Unless restricted by a child's needs and services plan or court order, a Resource Family shall permit and facilitate connections between a child and their relatives and NREFMs and other caring and committed adults including, in the case of an Indian child, an Indian child's Tribe(s).
- (1) In permitting and facilitating the connections described in subsection (g), a Resource Family is not required to take any action that would impair the health and safety of a child.
- (h) A Resource Family shall provide care and supervision to a nonminor dependent as follows:

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- (1) A Resource Family shall provide care and supervision in accordance with a nonminor dependent's needs and services plan and transitional independent living plan.
- (2) A Resource Family shall assist a nonminor dependent with developing the skills necessary for self-sufficiency, including the following:
  - (A) Financial literacy.
  - (B) Nutrition and healthy food choices, grocery shopping, and meal preparation.
  - (C) Identifying a suitable home and home maintenance.
  - (D) Child care.
  - (E) Automotive maintenance.
  - (F) Educational and career development.
  - (G) Obtaining medical, dental, vision, and mental health care.
  - (H) Access to community resources.
  - (I) Developing and reaching goals.
  - (J) Self-care, including laundry.
  - (K) Drug and alcohol abuse awareness and prevention.
  - (L) Safe sex and reproductive health information.
- (3) A Resource Family may arrange for other care and supervision of a nonminor dependent as follows:
  - (A) If a Resource Family anticipates being absent from the home, the Resource Family is permitted to leave a nonminor dependent in the home alone and may leave a nonminor dependent in the home without adult supervision.
    1. In making a decision to leave a nonminor dependent home alone, a Resource Family shall maintain the health and safety of the nonminor dependent.

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2. A Resource Family shall consider the maturity, experience, and ability of a nonminor dependent when leaving the nonminor dependent in the home alone.
  3. Before leaving a nonminor dependent in the home alone, a Resource Family shall ensure that the nonminor dependent knows the following:
    - a. The location of emergency telephone numbers.
    - b. Emergency procedures.
    - c. Where and how to contact the Resource Family.
- (B) A Resource Family may leave a nonminor dependent in the home alone for more than 72 hours if the following occur:
1. The Resource Family shall provide verbal or written notification to the placement agency for the nonminor dependent that includes the following:
    - a. The dates the Resource Family plans to be absent from the home.
    - b. An emergency telephone number where the Resource Family can be reached in their absence.
  2. The Resource Family shall obtain prior approval from the placement agency for the nonminor dependent before leaving the nonminor dependent alone in the home for more than 72 hours.
- (C) A Resource Family is responsible for ensuring that a nonminor dependent parent provides care and supervision for the nonminor dependent's children.
1. A Resource Family shall provide direct care and supervision of the children of a nonminor dependent parent during the hours that the nonminor dependent parent is unavailable or unable to provide care and supervision.

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- (i) Unless restricted by a needs and services plan, Transitional Independent Living Plan, or court order, a Resource Family shall encourage a nonminor dependent to seek, select, and maintain permanent connections between the nonminor dependent and their relatives and **NREFMs** and other caring and committed adults including, in the case of an Indian child, an Indian child's Tribe(s).
- (1) In encouraging the nonminor dependent's connections described in subsection (i), a Resource Family is not required to take any action that would impair the health and safety of a nonminor dependent.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.14    EXTRACURRICULAR, ENRICHMENT, CULTURAL, AND SOCIAL**  
**ACTIVITIES**

- (a) A Resource Family shall permit and promote a child's participation in age and developmentally appropriate extracurricular, enrichment, cultural, and social activities, as specified in Welfare and Institutions Code sections 362.05, 727, and 16001.9.
  - (1) A Resource Family shall permit a child to participate in the activity in a manner that affirms their gender identity or gender expression.
- (b) A Resource Family shall apply the reasonable and prudent parent standard, as specified in FFA ILS Section 88487.12, in determining whether to permit a child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.
- (c) A child or a nonminor dependent shall be entitled to participate in extracurricular, enrichment, cultural, and social activities that may include, but not be limited to, the following:
  - (1) Sports
  - (2) School or after-school activities, including band, dances, and field trips.
  - (3) Leisure time, including bike riding, socializing with friends, shopping, and going to the movies.
  - (4) Community events, including concerts, dances, plays, and celebrations of special events.
  - (5) Dating.
  - (6) Overnight activities lasting one or more nights, including sleepovers with friends.
  - (7) Babysitting.
  - (8) Having visitors in the home.
  - (9) Use of computer equipment or similar electronic devices, if available.

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- (A) Computer equipment and similar electronic devices made available to other children in the household shall be available to a child of similar age and maturity.
  - (B) A Resource Family is not required to incur a cost to provide access to a computer or similar electronic device.
- (10) Use of a cellular telephone, if available.
- (11) Religious services, activities, and ceremonies.**
- (d) For a child age 16 or older or a nonminor dependent, a Resource Family shall provide access to information regarding available vocational and postsecondary educational options. The information may include, but not be limited to, the following:
  - (1) Admission criteria for universities, community colleges, trade or vocational schools.
  - (2) Informational brochures and Internet research on postsecondary or vocational schools or programs, independent living skills programs, employment-related programs, and other local resources to assist youth.
  - (3) Campus tours.
  - (4) Community or school-sponsored events promoting postsecondary or vocational schools or programs, internships, volunteerism, or employment.
  - (5) 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 child and contact information for the Student Aid Commission.
  - (6) Career options, requirements, and salary information for trade, vocational, or professional careers.

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A Resource Family may access the following information in providing assistance to a child or nonminor dependent interested in attending college:

- (1) Application for admission.
  - (A) An [application for California community colleges](#) can be found online at [cccapply.org](#).
  - (B) An [application for California State Universities](#) can be found online at [calstate.edu/apply](#).
  - (C) An [application for Universities of California](#) can be found online at [admission.universityofcalifornia.edu](#).
- (2) Contact with a Foster Youth Success Initiative (FYSI) Liaison.
  - (A) [FYSI liaisons](#) at all California community colleges can be found online at [cccco.edu/About-Us/Chancellors-Office/Divisions/Educational-Services-and-Support/Student-Service/What-we-do/Foster-Youth-Success-Initiatives](#).
- (3) Financial aid.
  - (A) A [Free Application for Federal Student Aid \(FAFSA\)](#) can be found online at: [studentaid.gov](#).
  - (B) [The California Community Colleges Promise Grant \(CCPG\) waives enrollment fees for eligible California residents. More information is available at cccapply.org.](#)
  - (C) An application for the [Chafee Education and Training Voucher](#) grant program for foster youth can be found online at [chafee.csac.ca.gov](#).
- (4) Participation in Extended Opportunity Programs and Services (EOPS) and Disability Support Programs and Services (DSPS).
- (5) Placement in college courses.
- (6) College orientation and course planning.
- (7) Enrollment.
- (8) Payment of fees.
- (9) Access to miscellaneous higher education resources.
  - (A) General [college planning information](#) can be found online at [studentaid.gov](#).
  - (B) A listing of [California community colleges](#) can be found online at [cccco.edu/Students/Find-a-College](#).
  - (C) [Information about academic support](#), such as Guardian or Renaissance Scholar programs available to foster youth attending college, can be found online at [cacollegepathways.org/campus-support](#).

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**88487.15 HEALTH RELATED SERVICES**

- (a) Family health care shall be provided by a Resource Family to a child, and as requested by a nonminor dependent, in accordance with the written instructions from the health professional for the child or nonminor dependent.
  - (1) The Resource Family shall ask the health professional to provide adequate and practical written instructions.
- (b) When a child or nonminor dependent has a health condition that requires medication, including injections, a Resource Family shall comply with the following:
  - (1) Assist a child with self-administration of the medication as directed on the label or in writing by the physician of the child.
    - (A) If the physician of a child gives permission, as specified in FFA ILS Section 88487.16(f), then the child may self-administer medications, including injections.
  - (2) Assist a nonminor dependent with self-administration of the medication, if requested by the nonminor dependent, as directed on the label or in writing by the physician of the nonminor dependent.
  - (3) Ensure that instructions are followed as outlined by the appropriate health professional.
  - (4) Store medication in the original container with the original unaltered label.
  - (5) Document the date, time, and dose of any prescription medication given to a child or nonminor dependent.
  - (6) If a child or nonminor dependent cannot determine their own need for medication, a Resource Family shall determine the need of the child or nonminor dependent in accordance with written medical instructions.
- (c) Psychotropic medication shall only be used in accordance with the written directions of the physician prescribing the medication and in accordance with authorization requirements specified in Sections 369.5(a)(1) and 739.5(a)(1) of the Welfare and Institutions Code and FFA ILS Section 88270(a)(4).

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- (1) Psychotropic medications may be administered without court authorization in an emergency. Emergency procedures are specified in [California Rules of Court, rule 5.640](#).

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Welfare and Institutions Code section 369.5(a)(1) provides:

“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(a)(1) provides:

“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.”

California Rule of Court, rule 5.640 provides, in relevant part:

- “(i) Emergency treatment  
(1) Psychotropic medications may be administered without court authorization in an emergency. An emergency occurs when:

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- (A) A physician finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and
- (B) The purpose of the medication is:
  - (i) To protect the life of the child or others, or
  - (ii) To prevent serious harm to the child or others, or
  - (iii) To treat current or imminent substantial suffering; and
- (C) It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.
- (2) Court authorization shall be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.”

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- (d) A Resource Family shall allow children and nonminor dependents to participate in and personally consent to health related services in accordance with FFA ILS Section 88487.8.
- (e) A Resource Family shall maintain documentation of all known prescription medications given to a child or nonminor dependent in the case record for a child or nonminor dependent as specified in FFA ILS Section 88487.7.

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A Resource Family is encouraged to document the administration of medication to a child or nonminor dependent using form LIC 622A Medication Administration Record or LIC 622B Psychotropic Medication Administration Record or an equivalent log. A medication log can be a useful tool in determining if a 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 medication, the Resource Family is encouraged to request documentation that the medication was given.

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NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001); and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.25, 1507.5,

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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.

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**88487.16    EMERGENCY MEDICAL ASSISTANCE, INJECTIONS, AND SELF-  
ADMINISTRATION OF MEDICATIONS**

- (a) A Resource Family or designated substitute caregiver may provide emergency medical assistance to a child or nonminor dependent and give injections to a child or nonminor dependent for severe diabetic hypoglycemia and anaphylactic shock.
- (b) A Resource Family or designated substitute caregiver may give prescribed injections, including insulin, to a child or nonminor dependent as prescribed by the physician of the child or nonminor dependent.
- (c) Prior to administering any medical assistance or injections authorized by this section, a Resource Family and designated substitute caregiver shall obtain training from a health professional within their scope of practice.
- (d) A Resource Family shall ensure that the date, time and dose of all injections given to a child or nonminor dependent, including injections self-administered by a child, are documented by the person giving the injection or assisting with the self-administration of the injection.
- (e) A Resource Family shall ensure the date, time, and results of glucose testing and monitoring for a child or nonminor dependent are documented by the person assisting with the testing.
- (f) Unless prohibited by court order, a child or nonminor dependent may self-administer medication or injections.
  - (1) In order for a child to self-administer medication or injections, the child's physician must give permission.
  - (2) A Resource Family shall ensure that a child or nonminor dependent knows how to do all of the following:
    - (A) Self-administer their medication and injections.
    - (B) Document when they self-administer their medication and injections.
    - (C) Properly store the medication so that it is not accessible to other children or nonminor dependents.

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- (g) A Resource Family shall maintain documentation of all injections given pursuant to subsection (d) and the results of all glucose testing and monitoring pursuant to subsection (e) in the case record for a child or nonminor dependent as specified in FFA ILS Section 88487.7.

NOTE: Authority cited: Sections 1530, and 1530.5, Health and Safety Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001); and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1507.25, Health and Safety Code.

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**88487.17 POSTURAL SUPPORTS AND PROTECTIVE DEVICES**

- (a) Except for postural supports and protective devices as provided in this section, a Resource Family shall not restrain or use any restraining devices on a child.
  - (1) Postural supports for a child shall be limited to appliances or devices used to achieve proper body position and balance, to improve mobility and independent functioning, or to prevent injury.
    - (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.
    - (B) Approved postural supports shall be fastened or tied in a manner which permits quick release by a child.
    - (C) Under no circumstances shall postural supports include tying, depriving, or limiting a child from use of hands or feet.
  - (2) Protective devices are used to protect a child from self-injurious behavior and to provide assistance with, but not prohibit, mobility. They are not considered restraining devices for the purpose of this section.
    - (A) Protective devices may include physician-prescribed or recommended helmets, elbow guards, mittens, and a bed rail that extends half the length of the bed. Bed rails that extend the entire length of the bed are prohibited.
- (b) When a child needs postural supports or protective devices, a Resource Family shall notify a foster family agency to submit a notice to the licensing agency as specified in FFA ILS Section 88375.

NOTE: Authority cited: Sections 1530 and 1530.5, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). 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.



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**88487.18 COOPERATION AND COMPLIANCE**

- (a) A Resource Family shall not willfully or knowingly make or disseminate any false or misleading statements in regard to Resource Family Approval or operation of the home. This includes, but is not limited to, information regarding a Resource Family, family members, adults residing or regularly present in the home, persons who currently provide or may provide care or supervision to a child or nonminor dependent, a reportable incident as set forth in FFA ILS Section 88487.6, or any of the services provided to a child or nonminor dependent.
- (b) A Resource Family shall comply and maintain compliance with all applicable laws and interim licensing standards.
- (c) A Resource Family shall cooperate with a foster family agency, Department, or service providers in completing the requirements, qualifications, or training specified in the interim licensing standards or as directed by the foster family agency.

NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Sections 1530 and 1531, Health and Safety Code.

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**Article 7—Requirements for Specialized Resource Families**

**88510.1 LIMITATIONS ON CAPACITY FOR SPECIALIZED RESOURCE FAMILIES**

- (a) A Specialized Resource Family shall not care for more than two children or nonminor dependents with or without special health care needs except as provided in subsection (b).
- (b) A Specialized Resource Family may accept additional children or nonminor dependents with or without special health care needs provided the approved capacity is not exceeded and all of the following conditions are met:
  - (1) The placement agency determines the following:
    - (A) The county or regional center service area in which the Specialized Resource Family's home is located has no other specialized foster care home as defined in Welfare and Institutions Code section 17710, foster family home, Resource Family, small family home, or certified family home available to care for the child or nonminor dependent.
    - (B) The Specialized Resource Family can meet the psychological and social needs of all children or nonminor dependents in care.
    - (C) The individualized health care plan team for each child or nonminor dependent with special health care needs placed with the Specialized Resource Family has considered the number of adopted, biological, guardianship, and foster children living in the home and has determined that placement of additional children or nonminor dependents will not jeopardize their health and safety.
- (c) The capacity of a Specialized Resource Family home, including adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home, shall not exceed six children, as specified in FFA ILS Section 88362 (a).

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NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530 and 1530.5, 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, and 17736(b), Welfare and Institutions Code; and Sections 1502(a), 1507, 1507.2, 1507.5, 1530.6, and 1531, Health and Safety Code.

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**88510.2      PROHIBITION OF LICENSURE FOR SPECIALIZED RESOURCE  
FAMILIES**

- (a) A Specialized Resource Family shall not be licensed to operate a family child care home or residential facility at the same premises as the home of the Specialized Resource Family.
- (1) A Resource Family who plans to care for a child with special health care needs and holds any license specified in subsection (a) shall surrender the license prior to becoming a Specialized Resource Family and accepting a child with special health care needs.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Sections 1530 and 1530.5, 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.

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**88565.1 CONTINUING REQUIREMENTS FOR SPECIALIZED RESOURCE  
FAMILIES**

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- (a) Except as otherwise specified, a Specialized Resource Family shall comply with the provisions of this article and Article 6.
  - (1) A Specialized Resource Family shall ensure that any person who provides specialized in-home health care to a child with special health care needs complies with the applicable provisions of this article and Article 6.
- (b) Before accepting a child with special health care needs or when a child's needs change, a Specialized Resource Family, and any person who provides care to the child, shall complete training provided by a health care practitioner as required by the child's individualized health care plan and as specified in Welfare and Institutions Code section 17731(c)(3) and (5), except as follows:
  - (1) The Specialized Resource Family is a health care practitioner, and
  - (2) The child's individualized health care plan team determines that completion of specialized in-home health care training is unnecessary based on the medical qualifications and expertise of the Specialized Resource Family.

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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.

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(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) ..."

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- (c) Within 30 calendar days of accepting a child with special health care needs, a Specialized Resource Family shall obtain a written medical assessment of the child.
  - (1) A medical assessment shall meet the following requirements:
    - (A) A medical assessment may not be more than one year old.
    - (B) A medical assessment of a child with special health care needs shall include the results of an assessment for communicable tuberculosis (TB) and other contagious or infectious diseases.

NOTE: 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, Welfare and Institutions Code; and Sections 1531 and 1562, Health and Safety Code.

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**88566      ADDITIONAL RECORDS FOR SPECIALIZED RESOURCE FAMILIES**

- (a) A Specialized Resource Family shall maintain documentation verifying completion of the training or exemption from the training as specified in FFA ILS Section 88565.1(b) for each Specialized Resource Parent and any person who provides care to a child with special health care needs.
  - (1) Exemption documentation shall include the following:
    - (A) A copy of a valid license or certificate indicating that the Specialized Resource Family is a health care practitioner.
    - (B) A written statement that the individualized health care plan team for a child with special health care needs has determined that specialized in-home health care training is unnecessary.
- (b) If a Specialized Resource Family needs additional help to care for a child with special health care needs, the Resource Family shall obtain the following information from all persons who will provide care to the child and maintain the information in the Resource Family's records:
  - (1) Full name.
  - (2) Copy of the driver's license of any person who will transport the child.
  - (3) Date the person started providing additional help in the home.
  - (4) Home address and telephone number.
  - (5) Past related experience and where this experience was obtained.
  - (6) Duties.
  - (7) Date the person last worked, if no longer working in the home.
- (c) A Specialized Resource Family shall maintain records of health screenings or assessments for tuberculosis for any person who provides care to a child with special health care needs.
- (d) A Specialized Resource Family shall maintain a copy of the individualized health care plan, and any updates to the plan, for a child with special health care needs.
- (e) A Specialized Resource Family shall maintain all records in the home and shall make the records available to a foster family agency and the Department to inspect, audit,

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and copy upon demand during normal business hours. The foster family agency or Department may remove records from the home if necessary for copying. Removal of records by the foster family agency or Department shall be subject to the following requirements:

- (1) The foster family agency or Department representatives shall not remove any current emergency or health-related information for a Specialized Resource Family or a child with special health care needs unless the information is readily available in another document or format.
  - (2) Prior to removing any records from a home, the foster family agency or Department 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 Specialized Resource Family.
  - (3) The foster family agency or Department representatives shall return the children's records to the Specialized Resource Family undamaged and in good order within three business days following the date the records were removed.
- (f) A Specialized Resource Family shall retain all records that pertain to persons who provide additional help for at least three years after they helped in the home.

NOTE: 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.



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**88569.1      INDIVIDUALIZED HEALTH CARE PLANS FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS**

- (a) A Specialized Resource Family shall not accept a child with special health care needs unless the Resource Family has obtained an individualized health care plan for the child.
- (b) An individualized health care plan shall include the following information:
  - (1) The name, address, and telephone number of the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
  - (2) The appropriate number of hours of on-site and off-site supervision and monitoring that needs to be provided by the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
  - (3) Documentation by the individualized health care plan team for a child with special health care needs that identifies the specialized in-home health care to be administered by a health care practitioner or responsible adult trained by a health care practitioner.
  - (4) Arrangements for in-home health support services if required.
  - (5) Specific responsibilities of a Specialized Resource Family for providing specialized in-home health care, including any required training or additional training.
  - (6) Identification of any available and funded medical services that are to be provided to a child with special health care needs in the home of a Specialized Resource Family which may include, but is not limited to, assistance from health care practitioners.
  - (7) Identification of any psychological, emotional, behavioral, or medical problems that are identified in the needs and services plan for the child with special health care needs or the medical assessment as specified in Section 88565.1(c).

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- (c) The individualized health care plan for a child with special health care needs may be combined with the needs and services plan for the child or the individual program plan from the regional center for a child provided that all of the information required by each plan is included.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530 and 1530.5, 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.

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**88572.2      PERSONAL RIGHTS FOR CHILDREN WITH SPECIAL HEALTH CARE  
                  NEEDS**

- (a) A Specialized Resource Family shall afford a child with special health care needs all of the personal rights specified in FFA ILS Section 88487.8 and the following additional personal rights:
- (1) A child with special health care needs has the right to be free of the administration of medication or chemical substances except as specifically provided in the individualized health care plan for a child.
  - (2) 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 specific medical symptoms of a child and addressed or outlined in the 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. 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 individualized health care plan for a child. The individualized health care plan for a 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.
      3. A written order by the physician of a child. The order must specify the duration and circumstances under which the restraining device is to be used.
    - (B) Postural supports may be used if prescribed in the individualized health care plan for a child with special health care needs. The method

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of application shall be specified in the individualized health care plan and approved in writing by the physician for the child.

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

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**88587.1      ADDITIONAL HOME AND GROUNDS REQUIREMENTS FOR  
SPECIALIZED RESOURCE FAMILIES**

- (a) Areas in the home of a Specialized Resource Family 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 that the child needs.
  - (1) A bedroom that is occupied by a child with special health care needs shall be large enough to permit the following:
    - (A) Storage of the child's personal items.
    - (B) Storage of any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
    - (C) Unobstructed bedside access for the provision of specialized in-home health care.
- (b)
  - (1) FFA ILS Section 88487.1(c)(1) shall not apply to Specialized Resource Families.
  - (2) A bedroom occupied by a child with special health care needs shall not be shared with another child or nonminor dependent who resides in the home of a Specialized Resource Family if the child's need for medical services or medical condition would be incompatible with another child's or nonminor dependent's use and enjoyment of the bedroom.
- (c) When required by the individualized health care plan for a child with special health care needs, a Specialized Resource Family 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 Resource Family.

NOTE: Authority cited: Section 17730, Welfare and Institutions Code; Section 1530 and 1530.5, 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.

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**SUBCHAPTER 2: INTENSIVE SERVICES FOSTER CARE**

**Article 1—General Requirements and Definitions**

**88600**      **GENERAL**

- (a) The provisions set forth in this subchapter shall have the same force and effect as regulations and shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) pursuant to Welfare and Institutions Code section 16519.5(f)(1)(A).
- (b) Unless otherwise specified in this subchapter, the provisions of Title 22, California Code of Regulations, Chapter 1, General Licensing Requirements, and Chapter 8.8, Foster Family Agencies, shall apply to foster family agencies that operate an Intensive Services Foster Care (ISFC) program and approve ISFC Resource Families.
- (c) Foster family agency and Resource Families that care for ISFC eligible children or nonminor dependents who also have Specialized Healthcare Needs must also adhere to Article 7.
- (d) Foster family agencies, as defined in FFA ILS Section 88201(f)(2), that operate an Intensive Services Foster Care program shall be governed by the provisions in this subchapter.

Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Section 18360, Welfare and Institutions Code.

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**88601            DEFINITIONS**

In addition to California Code of Regulations, Title 22, Section 88001, the following definitions shall apply whenever the terms are used in this subchapter.

(a)-(b) (Reserved)

(c)     “Client Support Staff” means as defined in Welfare and Institutions Code 18360(a) and meets the requirements set forth in FFA ILS Section 88665.6.

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Welfare and Institutions Code 18360 provides:

(a) “Client support staff” means professional and paraprofessional staff or contractors who meet the experience and education requirements of paragraphs (2), (3), and (4) of subdivision (c) of Section 18360.10, and are operating within the scope of practice of their license or certification, to provide support and services to the eligible child and other individuals, as approved by the placing agency and informed by the child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501, or the individualized health care plan team, as defined in subdivision (d) of Section 17710.

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(d)-(h) (Reserved)

(i)     **(1)**     “Intensive Services Foster Care” (ISFC) means as defined in Welfare and Institutions Code 18360(d).

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Welfare and Institutions Code 18360 provides:

**(c)** “Intensive services foster care” means a licensed foster family agency model or public delivery model of home-based family care for eligible children whose needs for safety, permanency, and well-being require specially trained resource parents and intensive professional and paraprofessional services and support in order to remain in a home-based setting, or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center.

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- (2) “ISFC eligible child or nonminor dependent” means a child or nonminor dependent who has intensive needs, including, but not limited to, medical, therapeutic, or behavioral needs.
- (3) “ISFC Resource Family” means a Resource Family, as defined by HSC 1517(a)(2), that has also met the requirements of this subchapter and has been approved by a foster family agency operating an intensive services foster care program

(j)-(z) (Reserved)

NOTE: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1517, Health and Safety Code; and Section 18360, Welfare and Institutions Code.



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**Article 2 – Intensive Services Foster Care FFA Requirements**

**88622.1 FFA PROGRAM STATEMENT**

- (a) In addition to all requirements of FFA ILS sections 88222 and 88222.1, a foster family agency that operates an ISFC Program shall have a program statement that meets the requirements of this section.
- (b) The Program Statement shall describe the services that will be provided to ISFC Resource Families and how necessary services will be determined in line with ISFC eligible child's or nonminor dependent's needs. The program statement shall include how any potential needs detailed in an ISFC eligible child's or nonminor dependent's needs and services plan would be met.
- (c) The Program Statement shall identify how the needs of each ISFC eligible child or nonminor dependent are to be determined, and how often the needs of each ISFC eligible child or nonminor dependent will be reevaluated in order to ensure proper supports are in place and keep the ISFC eligible child's or nonminor dependent's needs and services plan up to date.
  - (1) This shall include how the Child and Family team will be involved in determining and remaining up to date with each ISFC eligible child's or nonminor dependent's needs.
- (d) The program statement shall describe how a foster family agency will determine what training a Resource Family needs in order to meet the needs of ISFC eligible children and nonminor dependents in their care, and how training will remain up to date and responsive to the changing needs of ISFC eligible children and nonminor dependents in care.
- (e) The Program Statement shall identify a comprehensive plan to recruit and retain ISFC Resource Families as described in FFA ILS Section 88630.
- (f) The Program Statement shall identify any unique therapies, treatments, and supports that are available to ISFC Resource Families. Such unique supports may

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include therapy animals, specialized programming, or other resources that are available as part of the program.

Note: Authority cited: Section 1501, 1530, and 1531 Health and Safety Code. Reference: Section 1506.1, Health and Safety Code; Sections 18358.20, and 18360, Welfare and Institutions Code.

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**88630 IDENTIFICATION OF ISFC HOMES**

- (a) In addition to all requirements of FFA ILS sections 88330, 88331.1, and 88331.8, a foster family agency that operates an ISFC Program shall have a process to provide for the identification and targeted selection of ISFC Resource Families that meets the requirements of this section.
- (b) A foster family agency shall develop a comprehensive plan for the recruitment of ISFC Resource Families. The FFA shall develop a recruitment plan as part of the Program Statement, as described in FFA ILS Section 88622.1.
- (c) As part of the comprehensive assessment, as described in FFA ILS section 88331.1, a foster family agency shall ensure:
  - (1) Resource Family is willing and able to care for ISFC eligible children or nonminor dependents, and for any specific ISFC eligible child or nonminor dependent being considered for placement.
  - (2) Resource Family has access to necessary supports to care for ISFC eligible children or nonminor dependents, both from the foster family agency and external natural supports.
- (d) A foster family agency shall ensure that each ISFC Resource Family shall rent, lease, or own their own home.
  - (1) Unless approval is granted by the Department, a foster family agency shall not have an interest in the property occupied by an ISFC Resource Family.
- (e) Unless approval is granted pursuant to this subdivision, a foster family agency operating an ISFC program shall not have an interest in the property occupied by an ISFC Resource Family.
  - (1) A foster family agency must submit a written request to the Department to approve any public-private housing arrangements developed by the foster family agency to address the unique needs of an ISFC Resource Family and ISFC eligible child or nonminor dependent. The review shall ensure that the arrangement does not jeopardize the interests of the ISFC Resource Family and ISFC eligible child or nonminor dependent.

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- (f) Prior to placement of an ISFC eligible child or nonminor dependent, the foster family agency shall ensure that all requirements of this subchapter are met. If a child or nonminor dependent placed with the ISFC Resource Family is identified as ISFC eligible, a Resource Family shall come into compliance with all requirements within 120 days of the identification.

Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Sections 18358.20, 18360.10 and 18360.35, Welfare and Institutions Code.

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**88631.6      TRAINING REQUIREMENTS**

- (a) A foster family agency shall provide an applicant with pre-approval and ongoing training as required by FFA ILS section 88372, or shall require that an applicant complete such training provided by qualified sources that may include colleges, hospitals, foster parent associations, adult schools, certified foster parent instructors, and online sources.
- (b) When a foster family agency does not provide training, the foster family agency shall provide an applicant with information as to where the training is available.
- (c) Upon request of an applicant, a foster family agency shall make efforts to assist the applicant with accessing training.
- (d) A foster family agency shall ensure that training is customized to each ISFC Resource Family in order to ensure they receive the training necessary to meet the needs of specific ISFC eligible children or nonminor dependents in their care.
- (e) An FFA shall ensure all documentation of a Resource Family's completion of training that is required by FFA ILS section 88731.3, is included in the Resource Family Case Record pursuant to FFA ILS section 88369.7.

Note: Authority cited: Sections 1501, 1530, and 1531 Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Sections 17731, 18360 and 18360.10, Welfare and Institutions Code.

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**88665.6**      **STAFF REQUIREMENTS**

- (a) A foster family agency shall provide the professional and paraprofessional staff necessary to provide all required services and supports, pursuant to Welfare and Institutions Code section 18360.10.
- (b) Client support staff shall meet the requirements set forth in Welfare and Institutions Code Section 18360.10.
  - (1) Pursuant to Welfare and Institutions Code Section 18360.10 (c)(2)(B), client support staff shall have at least one of the following:
    - (A) A minimum of a bachelor's degree and six months of experience in working with children who have serious emotional or behavioral needs, or children who have special needs, including, but not limited to, intensive medical needs;
    - (B) A minimum of an associate's degree and one year of experience in working with children who have serious emotional or behavioral needs, or children who have special needs, including, but not limited to, intensive medical needs;
    - (C) The educational requirements in this section may be waived for client support staff who have at least two years of experience working with children who have serious emotional or behavioral needs, or children who have special needs, including, but not limited to, intensive medical needs, and who have specific skills to meet the needs of a target population, including cultural and linguistic needs.
  - (2) Client support staff shall receive at least 40 hours of training prior to placement of an ISFC eligible child or nonminor dependent being placed with an ISFC Resource Family home that the staff is assigned to support. Training shall include working with children or nonminor dependents who have experienced trauma, behavior de-escalation techniques, CPR and first aid, and implementing individual needs and services plans for children or

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nonminor dependents who have intensive medical, emotional, or behavioral needs.

- (3) Client support staff shall receive at least 20 hours of training within the first 12 months after becoming an ISFC client support staff.
- (c) The foster family agency shall recruit, train, and supervise qualified in-home support counselors to be available to ISFC Resource Families, as required by Welfare and Institutions Code section 18358.20 (d).
- (d) Social Work staff shall meet requirements as listed in FFA ILS Section 88265.3.
- (e) If an ISFC eligible child is a child with special health care needs, as defined in FFA ILS Section 88201 (c)(3), support professionals may be employed as staff or contractors operating within the scope of practice of their license or certification to implement the child's individual needs and services plan and individualized health care plan, as approved by the county placing agency and informed by the child and family team

Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Sections 17710, and 18360.10, Welfare and Institutions Code.

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**88678.1 ISFC SERVICES AND SUPPORTS**

- (a) In addition to requirements of FFA ILS Section 88278.1, the following shall apply to an ISFC Resource Family.
- (b) A foster family agency shall make available the services and supports in this section as part of the ISFC program. These services and supports shall either be provided directly by the foster family agency or be made available through an agreement with an outside service provider.
- (c) The foster family agency shall provide for 24/7 emergency social work response provided by social workers who meet requirements set forth in FFA ILS Section 88665.6.
- (d) The foster family agency shall provide support staff that meet requirements specified in FFA ILS Section 88665.6, to be available to ISFC Resource Families. Support staff shall provide services necessary to implement the ISFC eligible child's or nonminor dependent's individual needs and services plan.
- (e) This Section does not prohibit a foster family agency from providing any additional services and supports necessary for Resource Families and ISFC eligible children and nonminor dependents in care.

Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Sections 18360.10 and 18358.20, Welfare and Institutions Code.



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**Article 3 – Intensive Services Foster Care Resource Family Requirements**

**88710.1 CAPACITY LIMITATIONS FOR ISFC RESOURCE FAMILIES**

- (a) FFA ILS Section 88362 shall not apply to ISFC Resource Families.
- (b) A foster family agency shall ensure that the capacity be no more than the total number of children and nonminor dependents that the ISFC Resource Family can properly care for as determined by the foster family agency, and meets the requirements the below:
  - (1) The capacity plus any adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home shall not exceed six.
  - (2) No more than three children or nonminor dependents may be placed with an ISFC Resource Family.
  - (3) No more than two ISFC eligible children or nonminor dependents may be placed with an ISFC Resource Family.
  - (4) More than two ISFC eligible children or nonminor dependents, or more than three children or nonminor dependents, may be placed with an ISFC Resource Family in compelling circumstances, which include the following:
    - (A) In order to accommodate a preexisting relationship.
    - (B) In order to place a sibling group together when at least one sibling is an ISFC eligible child or nonminor dependent currently placed, or previously placed, with the ISFC Resource Family.
    - (C) In order to accommodate the extraordinary needs of a specific child or nonminor dependent that the ISFC Resource Family has a unique ability to meet.
    - (D) A shortage of ISFC Resource Families shall not constitute compelling circumstances under this section.

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- (5) If there are currently children or nonminor dependents placed with an ISFC Resource Family, in order to place any additional children or nonminor dependents under conditions described in FFA ILS Section 88710.1 (b)(4), the following conditions shall be met regardless of any child's or nonminor dependent's ISFC eligibility:
- (A) A written assessment of the risk and compatibility of placing an additional child or nonminor dependent with the children or nonminor dependents currently placed, and the ability of the ISFC Resource Family to provide care and support for all the children and nonminor dependents. This written assessment shall be provided to each county placing agency that has children placed or proposed to be placed with the Resource Family.
1. If placing additional children would result in the placement of more than three children, or more than two ISFC eligible children in accordance with subsection (b)(3), the written assessment of risk and compatibility shall also be provided to the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all county placing agencies with children or nonminor dependents placed or proposed to be placed with the ISFC Resource Family. Placement of a child pursuant to this section shall be subject to approval of the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all of the county placing agencies with children placed or proposed to be placed in the home.
  2. If a non-eligible child placed with the ISFC Resource Family becomes eligible, resulting in more than two ISFC eligible children, continued placement of that child is authorized

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subject the approval of the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all county placing agencies with children or nonminor dependents placed or proposed to be placed with the ISFC Resource Family, who shall be provided an updated written assessment of risk and compatibility.

- (B) The needs and services plan of each child or nonminor dependent placed or proposed to be placed with the ISFC Resource Family shall specify the plan to ensure continuation of timely support and services for each child or nonminor dependent. The needs and services plan for each child or nonminor dependent shall be provided to the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all county placing agencies for each child or nonminor dependent.
  - (C) Information from any child and family team meetings that have been conducted for each child or nonminor dependent placed in the home, or proposed to be placed in the home, that may be relevant to the placement must be considered.
  - (D) The total number of ISFC eligible children or nonminor dependents placed with the ISFC Resource Family shall not exceed three unless all ISFC eligible children or nonminor dependents are related.
- (c) When determining the capacity of an ISFC Resource Family, a foster family agency shall consider the following factors:
- (1) An ISFC Resource Family's ability to comply with applicable laws and interim licensing standards.
  - (2) The number of children or nonminor dependents, in addition to any adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home, for whom the ISFC Resource

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Family is capable of providing care and supervision to and that the home can accommodate.

- (3) Any other household members who live in the home and their individual needs.
- (4) Circumstances in the family environment that may affect the ability of an ISFC Resource Family to provide care and supervision to a child or nonminor dependent.
- (5) Physical features of a home, including all of the following:
  - (A) The available living space.
  - (B) The number of bedrooms and bathrooms.
  - (C) The sleeping arrangements of family members and other individuals residing in the home.
  - (D) Number of children or nonminor dependents who may share a bedroom as specified in FFA ILS Section 88487.1(c)(1).
- (d) A foster family agency may increase or decrease the capacity of an ISFC Resource Family when there is a change in any of the factors specified in subsection (c), continuing to meet requirements set forth in subsection (b).
  - (1) If a foster family agency increases or decreases the capacity of an ISFC Resource Family, then the foster family agency shall complete form LIC 05A: Resource Family Approval Certificate or an equivalent certificate as specified in FFA ILS Section 88331.8.
- (e) If a foster family agency approves a capacity that is less than that requested by an ISFC Resource Family, the foster family agency shall provide written notification to the ISFC Resource Family that specifies the reasons for the limitation.

Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Sections 16519.5 and 18360.15, Welfare and Institutions Code.

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**88731.3 ISFC RESOURCE FAMILY TRAINING REQUIREMENTS**

- (a) In addition to provisions set forth in FFA ILS section 88431.3, an ISFC Resource Family shall complete the following training requirements.
- (b) In addition to 12 hours of pre-approval training as required by FFA ILS section 88331.6, an ISFC Resource Family shall complete an additional 28 hours of preplacement training, to complete a total of 40 hours of training prior to placement of an ISFC eligible child or nonminor dependent. This training shall be particular to child or nonminor dependent to be placed with the Resource Family.
  - (1) In a two-parent ISFC Resource Family, placement may be made after one parent has completed preplacement training if the second parent has completed at least 20 hours of preplacement training and completes the remaining 20 hours within 12 months of placement.
  - (2) To the extent possible, preplacement training may be tailored to the needs of each ISFC Resource Family and to the child or nonminor dependent populations the ISFC Resource Family intends to serve.
- (c) Within 12 months of initial placement or identification of an ISFC eligible child or nonminor dependent, the ISFC Resource Family shall complete an additional 12 hours of ongoing training.
  - (1) In a two-parent ISFC Resource Family, only one parent must complete the additional 12 hours of ongoing training. This does not prevent a second Resource Parent from completing additional ongoing training.
  - (2) This additional training shall be specific to the needs of the child placed with the ISFC Resource Family.
- (d) Each ISFC Resource Parent shall complete 12 hours of annual training, due every 12 months on the anniversary of the date of Resource Family approval.
  - (1) Annual training as required by FFA ILS section 88372 may be counted towards annual training required by this section.
- (e) If placement, or identification, of an ISFC eligible child or nonminor dependent is made pursuant to the LOC rate protocol in order to meet the urgent placement

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needs of a child or nonminor dependent, preplacement training must be completed within 120 days of placement or identification.

- (1) In a two-parent ISFC Resource Family, at least one Resource Parent must complete all required preplacement training within 120 days, the other Resource Parent must complete all preplacement training within 12 months of placement or identification.
- (f) An ISFC Resource Parent who is a health professional may satisfy training required by this Section with training required for their continued licensure as a health professional, on an hour-by-hour basis.
- (g) Training, for the purposes of pre-approval, ongoing and annual training, should be individualized to each ISFC Resource Family and each child or nonminor dependent to be placed, in order to provide proper care. Training topics may include, but shall not be limited to the following:
  - (1) Supports and services provided by the foster family agency, and how to access any additional necessary supports
  - (2) Medical training specific to care for the needs of ISFC eligible children or nonminor dependents, which may include, but is not limited to, the following:
    - (A) Use of a breathing tube or ventilator
    - (B) Use of a catheter
    - (C) Injections and intravenous medication
    - (D) Any necessary direct use or support of medical equipment
  - (3) Information relating to working with children who have experienced trauma
  - (4) How to address behavioral needs of children and nonminor dependents including behavior de-escalation techniques
  - (5) Healthy attachment and attachment issues
- (h) A Resource Family shall submit records of training to be utilized for the purposes of satisfying training requirements of this section to the foster family agency.

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Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Section 18360.10, Welfare and Institutions Code.

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**88766                      RECORDS REQUIREMENTS**

- (a) In addition to FFA ILS Section 88487.7, the following shall apply to an ISFC Resource Family.
- (b) The ISFC Resource Family shall maintain and follow each ISFC eligible child's or nonminor dependent's individual needs and services plan.
  - (1) The ISFC Resource Family shall participate in regularly updating the ISFC eligible child's or nonminor dependent's needs and services plan in accordance with the foster family agency's protocol, as described in FFA ILS Section 88622.1.
- (c) The ISFC Resource Family shall maintain an ISFC eligible child's or nonminor dependent's records including:
  - (1) Health care records and any treatment care plans or other relevant health care information.

Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Section 18360.15, Welfare and Institutions Code.



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**88787.1      ADDITIONAL HOME AND GROUNDS REQUIREMENTS**

- (a) In addition to FFA ILS Section 88487.1, ISFC Resource Families shall adhere to the following requirements.
- (b) Areas in the home including, but not limited to, bedrooms, bathrooms, toilets, dining areas, passageways, and recreational spaces used by ISFC eligible children or nonminor dependents shall be large enough to accommodate any medical equipment that the ISFC eligible child or nonminor dependent needs.
- (c)
  - (1) FFA ILS Section 88487.1(c)(1) shall not apply to ISFC Resource Families.
  - (2) A bedroom occupied by an ISFC eligible child or nonminor dependent shall not be shared with another child or nonminor dependent if the ISFC eligible child's or nonminor dependent's need for medical services or medical condition would be incompatible with another child's or nonminor dependent's use and enjoyment of the bedroom.
  - (3) A bedroom that is occupied by a an ISFC eligible child or nonminor dependent shall be large enough to permit the following:
    - (A) Storage of the child's personal items.
    - (B) Storage of any necessary medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
    - (C) Unobstructed bedside access for the provision of specialized in-home health care as necessary.
  - (4) When required by the individualized health care plan for an ISFC eligible child or nonminor dependent, an ISFC Resource Parent 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 Resource Family to an urgent situation requiring a response.

Note: Authority cited: Sections 1501, 1530, and 1531, Health and Safety Code; and AB 404, Stats. 2017, Ch. 732, Sec. 126(b). Reference: Section 1506.1, Health and Safety Code; Section 18360.15, Welfare and Institutions Code.