



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

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REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CCL

TO: CHILDREN'S RESIDENTIAL PROGRAM STAFF

SUBJECT: CERTIFIED FAMILY HOMES FOLLOWING THE FOSTER FAMILY HOMES REGULATIONS: QUESTIONS AND ANSWERS

Effective November 10, 2010, Certified Family Homes are required to follow the Foster Family Homes Regulation scheme, which has raised some questions. The Community Care Licensing Division (CCLD) has compiled the following Questions and Answers to assist state and county licensing staff, and Certified Family Home caregivers as they continue to implement this transition.

If you have any questions, please contact Fernando Sandoval, Manager of the Children's Residential Policy Unit, at (916) 654-2105.

Sincerely,

Original signed by Jeffrey Hiratsuka

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division

Attachment

**CERTIFIED FAMILY HOMES FOLLOWING THE
FOSTER FAMILY HOMES REGULATIONS:
QUESTIONS AND ANSWERS**

1. With regard to Certified Family Homes (CFH)s, will Licensing be instructing Foster Family Agencies (FFA) to certify a home once the requirements under Article 3 of the Foster Family Homes (FFH) regulations and Section A of the LIC 184A form are completed?

No, the protocol for the certification of CFHs has not changed. FFAs shall continue to certify a family home per Sections 88030 Identification of a Certified Family Home and 88031 Application for Certification of the FFA Regulations, and not Article 3 of the FFH Regulations, or Section A of the LIC 184A form.

2. Is the FFA responsible for the acts/choices of the certified parent under the reasonable and prudent parent standard (RPPS)?

A certified parent is required to use the RPPS when determining whether an activity is age-appropriate and maintains the health, safety and best interest of the child. However, the FFA is ultimately responsible for what happens in the CFH. FFA Section 88063, subdivision (a) states that, "The licensee is accountable for the general supervision of the licensed facility and the certified family home, for the establishment of policies concerning operations, and for ensuring operations comply with applicable regulations and statutes." Therefore, the answer is yes and the FFA would still be held responsible for the violations that may occur in a CFH.

3. How many hours of training are required for the recertification of a certified parent?

Despite the hours of foster parent annual training stated in FFH Section 89405, Training Requirements, Health and Safety Code section 1506 (b)(2) requires "...certified family homes to complete at least 12 hours of structured applicable training or continuing education." Since, statute supersedes regulation, FFA shall continue to require the 12 hours of annual training for their certified foster parents.

4. It appears that the pool fencing regulations do not fall under the RPPS. Does this mean the RPPS does not apply to pool fencing and, therefore, allows FFAs to mandate pool fencing?

Yes, that is accurate. The fencing of pools is not considered an activity; therefore, it does not fall under the purview of the RPPS. Also, neither does FFH Section 89387(d), which requires a caregiver to ensure swimming pools and other similar bodies of water are inaccessible. In this instance, FFAs may have policies for swimming pools or other bodies of water that are considered "more restrictive" than those outlined in Section 89387 of the FFH regulations.

5. May a FFA Social Worker recommend restrictions for a foster child or functionally limit the RPPS by simply putting something in the needs and services plan?

As defined in the FFH Regulations Section 89201, Subsection (w)(3), the Written Plan Identifying the Specific Needs and Services of the Child (Plan) is: a time-limited, goal-oriented written plan that identifies the specific needs of an individual "child." This plan shall contain information on the background and needs of a "child" that the placing social worker deems necessary for the effective care of the "child."

The purpose of this Plan is to focus on the needs of an individual "child", which at times may include limiting certain activities, but not to functionally limit the certified parents from exercising the RPPS for normalizing experiences for a "child." However, certified parents are required to make careful and sensible parental decisions that maintain the foster child's health, safety, and best interest at all times.

A certified parent is required to follow the foster child's Plan. FFH Section 89377, Reasonable and Prudent Parent Standard, subdivision (b), states that the application of the RPPS may not contradict the Plan. For example, if the Plan specifically states the foster child may not be left home alone, without adult supervision, then the certified parent must follow the Plan and shall not leave the foster child home alone without adult supervision.

6. Please clarify the FFH regulation sections regarding windows. Can rooms belonging to foster children have a window opening to the pool? If a window opens to a pool and cannot be opened more than four inches, does it still need to be alarmed?

Yes to both questions above. The FFH Regulations Section 89387 provide a variety of options to ensure adequate safety for foster children in care regarding windows and swimming pools.

For example, the regulations specify that if a caregiver accepts a foster child under 10 years of age or a foster child who is developmentally, mentally, or physically disabled, he or she shall ensure that swimming pools are inaccessible. Inaccessibility is described as being isolated from access to the home by way of an enclosure or CCLD equipped with an approved safety pool cover. However, if inaccessibility is not possible, then windows that provide direct access to the pool shall be equipped with exit alarms and shall be secured so that they cannot open more than four inches.

7. What are requirements for the FFA certified foster parents with regard to the Pre-Placement Questionnaire? If the FFA do not receive Health & Education Passport and/or child's needs & services plan at placement, is the FFA are required to obtain Pre-Placement Questionnaire information from county and provide to certified foster parents?

Similar to the requirement for FFA in Section 88068.1, Intake Procedures, the FFA shall seek the information from a child's placement agency and/or authorized representative to address the Pre-Placement Questionnaire. Certified foster parents shall request the Health and Education

Passport and/or the child's needs and services plan from the FFA, and ask the questions on the Pre-Placement Questionnaire to determine if they can meet the needs of the foster child.

8. What are the conditions for the certified foster parent to arrange for other forms of care and supervision for foster children?

FFH Section 89378, Responsibility for Providing Care and Supervision, subsections (a)(1)(A) through (E) provide five options for foster parents to arrange for alternative care and supervision of a foster child. These options include:

- occasional short-term babysitter
- alternative caregiver
- respite care
- leaving children without adult supervision
- licensed child care

In this Section of the FFH Regulations, the provisions for each of these options are outlined for caregivers and the FFA. Additional clarification for these sections can also be found in the Foster Family Home Questions and Answers Information Release 2011-01, which can be found on the Community Care Licensing Division website at: <http://cclcd.ca.gov/res/pdf/201101.pdf>.

9. In the FFH regulations it states that a caregiver is to provide notification or obtain prior approval from a Social Worker or Probation Officer prior to a change in providing care and supervision. For FFA certified foster parents, is notifying the FFA Social Worker sufficient? Do FFA need to notify child's County Social Worker?

For CFH, notifying and obtaining prior approval from the FFA social worker is necessary as well as the child's County Social Worker. Depending on the relationship of the certified parents with the County Social Worker, it may be more appropriate for the FFA to assist the certified parent with the notification or prior approval from the County Social Worker. However, the FFA is ultimately responsible to notify or seek prior approval from the County Social Worker.