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TITLE 22, DIVISION 6

CHAPTER 9.5 FOSTER FAMILY HOMES

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Amend Section 89201 to read:

89201 DEFINITIONS

89201

The following definitions shall apply whenever the terms are used throughout this chapter.

- (a) (Continued)
- (b) (Continued)
- (c) (Continued)
- (4) "Caregiver" means the person who is licensed or approved to have authority and responsibility for the care and supervision of a "child" or a nonminor dependent and operation of the home.
- (5) (Continued)
- (6) (Continued)
- (7) "Child" means a person who is under 18 placed with a caregiver in a licensed foster family home or approved home by a regional center, a parent or guardian, or a public child placement agency with or without a court order. "Child" also means a person who is:
 - (A) 18 or 19, meets the requirements of Welfare and Institutions Code section 11403, and continues to be provided with care and supervision by the caregiver in the home, or
 - (B) 18-22 as specified in the definition for "child with special health care needs" under subsection (c)(10) and continues to be provided with care and supervision by the caregiver in the home.

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Welfare and Institutions Code section 11403 provides:

~~"A child who is in foster care and receiving aid pursuant to this chapter and who is attending high school or the equivalent level of vocational or technical training on a full time basis, or who is in the process of pursuing a high school equivalency certificate, prior to his or her 18th birthday, may continue to receive aid following his or her 18th birthday so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend high school or the equivalent level of vocational or technical training on a full time basis, or continues to pursue a~~

~~high school equivalency certificate, and the child may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate, before his or her 19th birthday. Aid shall be provided to an individual pursuant to this section provided both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, which documents the continued need for out-of-home placement."~~

"... (b) ... Effective January 1, 2012, a nonminor former dependent child of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor.

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(8) (Continued)

(9) Continued)

(10) (Continued)

(11) (Continued)

(12) "Consequence" means an action to be imposed when the nonminor dependent violates written expectations for living in the home.

(123)(Continued)

(134)(Continued)

(145)(Continued)

(156)(Continued)

(d) (Continued)

(e) (Continued)

(f) (Continued)

(g) (Continued)

(h) (Continued)

(i) (Continued)

(j) (Reserved)

(k) (Reserved)

(l) (Continued)

(m) (Continued)

(n) (1) “Nonminor Dependent” means a child, as described in Section 675(8)(B) of Title 42 of the United States Code under the Federal Social Security Act and as defined in Welfare and Institutions Code section 11400, subsection (v).

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Welfare and Institutions Code section 11400, subsection (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 or former dependent child or ward of the juvenile court who satisfies all of the following criteria:

(1) He or she has attained 18 years of age but is less than 21 years of age.

(2) He or she is in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe that entered into an agreement pursuant to Section 10553.1.

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- (3) He or she is participating in 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 Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351)."

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- (2) "Nonminor Dependent with Special Health Care Needs" means a person who is age 18, but is under age 21, who meets the requirements of Welfare and Institutions Code section 11400, subsection (v) and the following conditions:
- (A) Has a medical condition that requires specialized in-home health care.
- (B) Is one of the following:
1. Adjudged a nonminor dependent by the court.
 2. Developmentally disabled and receiving services and case management from a regional center.
 3. Incapable of participating in education or training, preparation for employment, or employment due to a medical condition as specified in Welfare and Institutions Code section 11403, subsection (b)(5).

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Welfare and Institutions Code section 11403, subsection (b) provides in part:

- "(b) ...Effective January 1, 2012, a nonminor former dependent child of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

- ...(5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor."

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~~(13)~~ (Continued)

~~(24)~~ (Continued)

(o) (Continued)

(p) (Continued)

(q) (Reserved)

(r) (Continued)

(s) (Continued)

(t) (Continued)

(u) (Continued)

(v) (Continued)

(w) (Continued)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Sections 1502.7, 1530, and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill 1695 (Chapter 653, Statutes of 2001). Reference: California Fair Employment and Housing Act, Government Code Section 12921, 12926, and 12926.1(c); Section 51931(a), Education Code; Sections 1337, 1500, 1501, 1502, 1503, 1503.5, 1505, 1505.2, 1507, 1507.5, 1520, 1522, 1522.1, 1524, 1526, 1526.5, 1527, 1530, 1530.5, 1530.6, 1531, 1531.5, 1533, 1534, 1536.1, 1537, 1550, 1551, 1558, 1558.1, 1559.110, 1727(c), 11834.11, and 13131, Health and Safety Code; Unruh Civil Rights Act, Civil Code Section 51; Sections 309, 319(d), 361.2(j) - (j)(2), 362.04, 362.05, 362.7, 366.26, 11400(t), (v), (w), and (x), 11403, 11403.2(a)(2), 11460, 11461, 16010, 16501.25, 16522, 17710, 17710(a), (g), (h) and (i), 17731, 17731(c) and 17736(a), Welfare and Institutions Code; and 42 U.S.C.A. Section 1305.

Adopt Subchapter 1, Article 1, and Section 892100 to read:

SUBCHAPTER 1. NONMINOR DEPENDENTS

Article 1. General Requirements

892100 **GENERAL**

892100

- (a) The provisions in this subchapter shall apply to foster family homes that care for nonminor dependents, as defined in Section 89201, subsection (n)(1). Unless specified otherwise, the provisions in Title 22, Chapter 9.5, Foster Family Homes, shall also apply to nonminor dependents.
- (1) The reasonable and prudent parent standard as defined in Section 89201, subsection (p)(8), does not apply to nonminor dependents.

NOTE: Authority cited: Sections 1502.7, 1530, and 1530.5, Health and Safety Code.
Reference: Sections 1501, 1530, 1530.5, and 1531, Health and Safety Code.

Adopt Section 892119 to read:

892119 **CRIMINAL RECORD CLEARANCE**

892119

- (a) Unless the home is dually licensed as a family day care home and subject to the requirements of Health and Safety Code section 1596.871, a nonminor dependent shall not be subject to criminal record clearance as specified in Health and Safety Code 1502.7, subsection (b)(2).

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Health and Safety Code section 1502.7, subsection (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...

- (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.”

Health and Safety Code section 1596.871 provides in part:

“(a) (1) Before issuing a license or special permit to any person to operate or manage a day care facility, the department shall secure from an appropriate law enforcement agency a criminal record to determine whether the applicant or any other person specified in subdivision (b) has ever been convicted of a crime other than a minor traffic violation or arrested for any crime specified in subdivision (c) of Section 290 of the Penal Code, for violating Section 245 or 273.5, subdivision (b) of Section 273a or, prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department cannot grant an exemption if the person was convicted and the person has not been exonerated...

“(b) (1) In addition to the applicant, this section shall be applicable to criminal convictions of the following persons...

(B) Any person, other than a child, residing in the facility.”

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NOTE: Authority cited: Sections 1502.7, 1530, and 1530.5, Health and Safety Code. Reference: Sections 1502.7, 1522, 1522.1, 1531, and 1596.871, Health and Safety Code.

Adopt Section 892126 to read:

892126 **SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY, AND VALUABLES** **892126**

- (a) Section 89226, Safeguards for Cash Resources, Personal Property, and Valuables shall not apply to nonminor dependents.
- (b) A nonminor dependent shall have control of his or her cash resources, personal property, and valuables in accordance with his or her Transitional Independent Living Plan.
- (c) At the request of a nonminor dependent, the caregiver shall provide assistance with the following:
 - (1) Managing the nonminor dependent's cash resources, personal property, and valuables.
 - (2) Maintaining accurate records of the nonminor dependent's bank account, savings, and monthly budget.
- (d) If the cash resources, personal property, and valuables of a nonminor dependent are entrusted to the caregiver, these items shall be safeguarded as specified in this subsection.
 - (1) The caregiver shall review an itemized inventory list of the cash resources, personal property, and valuables with the nonminor dependent.
 - (A) This list shall be kept in the records for the nonminor dependent as specified in Section 893170, Nonminor Dependents' Records.
 - (2) The caregiver shall:
 - (A) Keep the cash resources, personal property, and valuables of each nonminor dependent separate and intact, and
 - (B) Maintain accurate records of the cash resources, personal property, and valuables belonging to a nonminor dependent.
- (e) If the caregiver has been entrusted with the cash resources, personal property, and valuables of a nonminor dependent, the caregiver shall surrender these items to the nonminor dependent or to the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, with an itemized inventory list of these items when a nonminor dependent leaves the home.

- (1) The caregiver and the nonminor dependent or the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, shall inspect the itemized inventory list to ensure that all personal belongings of the nonminor dependent are being surrendered to the nonminor dependent, and
- (2) The caregiver shall request and retain a receipt that is signed and dated by the nonminor dependent or the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer.

NOTE: Authority cited: Sections 1502.7, 1530, and 1530.5, Health and Safety Code.
Reference: Sections 1501, 1502.7, and 1531, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 416.601, Title 20, Code of Federal Regulations.

Adopt Article 3 and Section 893161 to read:

**Article 3. Core Requirements for Caregivers, Relatives, and
Nonrelative Extended Family Members**

893161 **REPORTING REQUIREMENTS**

893161

- (a) Section 89361, Reporting Requirements shall not apply to nonminor dependents.
- (b) The caregiver shall report to the licensing or approval agency and the person or agency responsible for placing a nonminor dependent, such as a social worker or probation officer, when any of the following events occur:
 - (1) Death of a nonminor dependent.
 - (2) Any suspected physical or emotional abuse of a nonminor dependent.
 - (3) Any injury to or illness of a nonminor dependent that requires emergency medical treatment or hospitalization.
 - (4) Any unusual incident that involves a nonminor dependent and threatens the physical or emotional health or safety of the nonminor dependent or anyone in the home.
 - (5) Any prolonged absence or failure to return to the home lasting more than 72 hours that involves a nonminor dependent and threatens the physical or emotional health or safety of the nonminor dependent.
 - (6) Poisonings, which shall also be reported immediately to the local fire authority. In areas not having organized fire services, a report shall be made to the State Fire Marshal within 24 hours after the event occurs.
 - (7) Fires or explosions which occur in or on the premises.
 - (8) If the caregiver operates a family day care home as defined in Health and Safety Code section 1596.78, the presence of a nonminor dependent in the home.

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Health and Safety Code section 1596.78 provides:

"(a) 'Family day care home' means a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of

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less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

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

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

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- (9) All changes in household composition including, but not limited to:
- (A) An addition to the caregiver's family, including when the caregiver becomes guardian or conservator for any child or other person.
 - (B) Any adult moving in or out of the home.
 - (C) Except for a nonminor dependent, the caregiver shall report anyone living in the home who reaches their 18th birthday.
- (c) This report shall be made by telephone, e-mail, or fax within 24 hours after the event occurs or within the agency's next business day.
- (d) The caregiver shall submit a written report to the licensing or approval agency and the person or agency responsible for placing a nonminor dependent, such as a social worker or probation officer, when any of the events specified in subsection (b)(1) through (b)(9) occur and the initial report was made by phone or did not include all of the information required on the written report. This written report shall be submitted within 7 calendar days after the event occurs and include the following information:
- (1) The name, age, sex, and date of admission of the nonminor dependent.
 - (2) Date and nature of the incident.
 - (3) Attending physician's name, findings, and treatment, if any.
 - (4) Current status of the incident.

- (e) The caregiver shall notify the licensing agency and the person or agency responsible for placing a nonminor dependent, such as a social worker or probation officer, when the nonminor dependent is discharged as specified in Section 894168.1, Removal or Discharge Procedures.

NOTE: Authority cited: Sections 1502.7, 1530, and 1530.5, Health and Safety Code.
Reference: Sections 1501, 1501.1, 1531, 1557.5, and 1596.78, Health and Safety Code.

Adopt Section 893170 to read:

893170 **NONMINOR DEPENDENTS' RECORDS**

893170

- (a) Section 89370, Children's Records shall apply to nonminor dependents with the exception of subsections (a)(3) and (a)(6).

- (b) The caregiver shall maintain a separate, complete, and current record or file in the home for a nonminor dependent.
 - (1) A nonminor dependent shall have access to his or her record or file maintained by the caregiver in a manner that ensures the confidentiality of other records maintained in the home.

 - (2) The following shall be included in the nonminor dependent's record or file:
 - (A) The items specified in Section 89370, subsections (a)(1), (a)(2), and (a)(4).

 - (B) The Transitional Independent Living Plan for the nonminor dependent.

 - (C) If the cash resources, personal property, and valuables of the nonminor dependent are entrusted to the caregiver, an itemized inventory list of these items as specified in Section 892126, subsection (d).

 - (D) The caregiver shall document the removal or discharge of a nonminor dependent from the home as specified in Section 894168.1, Removal or Discharge Procedures, in the records for the nonminor dependent.

- (c) If developmentally appropriate for and upon the request of a nonminor dependent, the caregiver shall assist the nonminor dependent in obtaining and keeping his or her own records.
 - (1) These records shall include, but not be limited to:
 - (A) A certified birth certificate.

 - (B) A Social Security card.

 - (C) A California or other state identification card or driver's license.

 - (D) 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.

 - (E) Death certificate(s) of parent or parents, if applicable.

(F) A proof of county dependency status for education aid applications.

(G) A copy of the:

1. Personal rights accorded to the nonminor dependent as specified in Section 893172, Personal Rights.

2. Expectations, alternatives, and consequences for living in the home as specified in Section 893172.1, Expectations, Alternatives, and Consequences.

(d) When a nonminor dependent permanently leaves the home, the caregiver shall give any original and photocopied records that belong to a nonminor dependent to the nonminor dependent or to the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501, 1531, and 1557.5, Health and Safety Code; Section 16010, Welfare and Institutions Code; and Section 675(1)(C), Title 42, United States Code.

Adopt Section 893172 to read:

893172 **PERSONAL RIGHTS**

893172

- (a) Section 89372, Personal Rights shall not apply to nonminor dependents.
- (b) The caregiver shall ensure that each nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9. In addition, the caregiver shall ensure that a nonminor dependent is accorded the following personal rights:
 - (1) A nonminor dependent shall be free from corporal or unusual punishment; infliction of pain; humiliation; intimidation; ridicule; coercion; threat; physical, sexual, mental, or other abuse; or other actions of a punitive nature including, but not limited to, interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, medication, or aids to physical functioning.
 - (2) To acquire, possess, maintain, and use adequate personal items. These shall include, but not be limited to, the nonminor dependent's own:
 - (A) Clothes.
 - (B) Toiletries and personal hygiene products.
 - (C) Belongings including furniture, equipment, and supplies, for his or her personal living space in accordance with his or her interests, needs, and tastes.
 - (3) To acquire, possess, maintain, and use a personal vehicle for transportation.
 - (4) To select, obtain, and store food of his or her own choosing.
 - (5) To select, obtain, or decline medical, dental, vision, and mental health care and related services at his or her discretion.
 - (6) To have adequate privacy for visitors that include:
 - (A) Family members, unless prohibited by court order.
 - (B) The person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer.
 - (C) Other visitors, unless prohibited by court order.
 - (7) To be informed by the caregiver of the provisions of law regarding complaints and information including, but not limited to, the address and telephone number of the licensing agency and about the confidentiality of complaints.

- (8) To send and receive unopened mail, acquire, possess, maintain, and use a personal landline or cellular telephone to make and receive confidential telephone calls or a personal computer to send and receive unopened electronic communication, unless prohibited by court order.
- (9) To leave or depart the home at any time at the discretion of the nonminor dependent.
- (10) To have the independence appropriate to the status of a nonminor dependent as a legal adult, consistent with the Transitional Independent Living Plan for the nonminor dependent.
- (11) Not to be restrained or placed in any restraining device other than as specified in Section 89475.2 Postural Supports and Protective Devices.
- (12) To have dignity in his or her personal relationships with others in the home.
 - (A) To be free from unreasonable searches of person.
- (13) To have private or personal information including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records reflecting performance or behavior, and information relating to the biological family of the nonminor dependent maintained in confidence.
 - (A) There shall be no release of confidential information without the prior written consent of the nonminor dependent, and this information must only be released to the extent permitted by law. The caregiver shall, with the consent of the nonminor dependent, only disclose relevant and necessary information about the nonminor dependent.
- (14) To access information regarding available educational, training, and employment options of his or her choosing.
- (15) To request assistance from the caregiver.

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

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

- (1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.

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- (2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.
- (3) To receive adequate and healthy food, adequate clothing, and for youth in group homes, an allowance.
- (4) To receive medical, dental, vision, and mental health services.
- (5) To be free of the administration of medication or chemical substances, unless authorized by a physician.
- (6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and probation officers.
- (7) To visit and contact brothers and sisters, unless prohibited by court order.
- (8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.
- (9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.
- (10) To attend religious services and activities of his or her choice.
- (11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.
- (12) To not be locked in a room, building, or facility premises, unless placed in a community treatment facility.
- (13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level with minimal disruptions to school attendance and educational stability.
- (14) To work and develop job skills at an age-appropriate level, consistent with state law.
- (15) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.
- (16) To attend Independent Living Program classes and activities if he or she meets age requirements.

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- (17) To attend court hearings and speak to the judge.
- (18) To have storage space for private use.
- (19) To be involved in the development of his or her own case plan and plan for permanent placement.
- (20) To review his or her own case plan and plan for permanent placement, if he or she is 12 years of age or older and in a permanent placement, and to receive information about his or her out-of-home placement and case plan, including being told of changes to the plan.
- (21) To be free from unreasonable searches of personal belongings.
- (22) To confidentiality of all juvenile court records consistent with existing law.
- (23) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (24) At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education."

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- (c) In ensuring the rights of a nonminor dependent, the caregiver is not required to permit or take any action that would infringe on the rights of others or impair the health and safety of the nonminor dependent or household members.
 - (A) The caregiver is not prohibited from taking the following actions for the protection of the nonminor dependent or household members:
 - (1) Establishing house rules.
 - (2) Locking exterior doors and windows as long as the nonminor dependent can enter or exit the home.
- (d) At the time of placement, the caregiver shall ensure the nonminor dependent is verbally notified of the rights specified in this section and provided with a written copy of these rights and information regarding agencies the nonminor dependent may contact concerning violations of these rights.

NOTE: Authority cited: Sections 1502.7, 1530, 1530.5, and 1531, Health and Safety Code.
Reference: California Constitution, Article 1, Section 13; Sections 1501, 1501.1, 1502.7(b)(1),
1530.91, and 1531, Health and Safety Code; Sections 303 and 16001.9, Welfare and Institutions
Code; Section 51, Civil Code; and Section 12921, Government Code.

Adopt Section 893172.1 to read:

893172.1 EXPECTATIONS, ALTERNATIVES, AND CONSEQUENCES

893172.1

- (a) The caregiver shall develop, implement, and maintain written expectations, alternatives, and consequences for nonminor dependents living in the home.
- (1) A nonminor dependent shall be given the opportunity to participate in the review of these expectations, alternatives, and consequences based on his or her needs while the nonminor dependent is living in the home.

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If the county where the home is located elects to use the Shared Living Agreement (SLA) process, it may be used to assist in the development of agreements between the nonminor dependent and caregiver that cover a variety of house rules that may include, but not be limited to, curfew, household responsibilities, and increasing opportunities to manage money. The SLA may also be used to assist in the development of expectations, alternatives, and consequences for living in the home.

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- (b) If a nonminor dependent does not comply with reasonable expectations for living in the home, the nonminor dependent shall be subject to reasonable and temporary alternatives or consequences as discussed and agreed upon by the caregiver and the nonminor dependent.
- (c) When a nonminor dependent is subject to reasonable and temporary alternatives or consequences for noncompliance with reasonable expectations for living in the home, the caregiver shall do all of the following:
- (1) Inform the nonminor dependent that it is necessary for the caregiver to impose alternatives or consequences on the nonminor dependent.
- (2) Discuss the reason and need for the caregiver to impose alternatives or consequences on the nonminor dependent and provide the nonminor dependent with the opportunity to participate in choosing the appropriate alternative or consequence.
- (3) Develop a plan, including time limit, with the nonminor dependent for the nonminor dependent to be subject to and comply with the chosen alternative or consequence.
- (4) Establish a time limit for the nonminor dependent to be subject to and comply with the chosen alternative or consequence.
- (5) Document the decision to subject the nonminor dependent to the chosen alternative or consequence and the steps taken in subjecting the nonminor dependent to the alternative or consequence.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 303, Welfare and Institutions Code.

Adopt Section 893173 to read:

893173 TELEPHONES

893173

- (a) In addition to Section 89373, Telephones, the following shall apply.
- (b) If the caregiver subscribes to an Internet service, it shall be readily accessible to a nonminor dependent in the home.
- (c) A nonminor dependent may, by arrangement with the caregiver, have personal landline or cellular telephone service or a personal computer for Internet access in the home.

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

Adopt Section 893174 to read:

893174 **TRANSPORTATION**

893174

- (a) Except as specified in this section, Section 89374, Transportation shall not apply to nonminor dependents.
- (b) Unless other arrangements are specified in the Transitional Independent Living Plan for a nonminor dependent, the caregiver shall permit the nonminor dependent to arrange for his or her own transportation.
- (c) A nonminor dependent may, but shall not be required to, provide transportation to others.
- (d) If the caregiver provides transportation to a nonminor dependent at the request of the nonminor dependent, the caregiver shall ensure that the requirements of Section 89374, subsections (a) and (a)(1) are met.

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

Adopt Section 893176 to read:

893176 **FOOD SERVICE**

893176

- (a) Except as specified in this section, Section 89376 Food Service shall not apply to nonminor dependents.
- (b) The caregiver shall provide a nonminor dependent with access to meals in the home as specified in Section 89376, subsections (a), (a)(1), and (b).
- (c) As agreed upon with the caregiver, a nonminor dependent shall have the opportunity to plan meals, grocery shop, and store and prepare food.
 - (1) A nonminor dependent shall have access to all meal preparation areas, appliances, and utensils for meal preparation.
- (d) A nonminor dependent shall have the opportunity to participate with the caregiver in meal preparation, but shall not be required to prepare meals for others.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

Adopt Section 893178 to read:

893178 **RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION** **893178**

- (a) Except as specified in this section, Section 89378, Responsibility for Providing Care and Supervision shall not apply to nonminor dependents.
- (b) The caregiver shall provide care and supervision as necessary to meet the needs of a nonminor dependent.
- (c) The caregiver shall assist a nonminor dependent with developing the skills necessary for self-sufficiency. These skills may include, but are not limited to, the following:
 - (1) Financial literacy;
 - (2) Nutrition and healthy food choices, grocery shopping, food and meal preparation;
 - (3) Identifying a suitable home and home maintenance;
 - (4) Child care;
 - (5) Automotive maintenance;
 - (6) Educational and career development;
 - (7) Obtaining medical, dental, vision, and mental health care;
 - (8) Access to community resources;
 - (9) Developing and reaching goals;
 - (10) Self-care, including performing the nonminor dependent's own laundry, including but not limited to washing, drying, and ironing his or her personal clothing;
 - (11) Drug and alcohol abuse awareness and prevention; and
 - (12) Safe sex and reproductive health information.
- (d) The caregiver may arrange for other care and supervision as follows:
 - (1) If the caregiver anticipates being absent from the home, the caregiver is permitted to leave a nonminor dependent in the home alone and may leave a nonminor dependent in the home alone overnight.

- (A) In making the decision to leave the nonminor dependent home alone, the caregiver shall maintain the health and safety and best interest of the nonminor dependent.
 - 1. The caregiver shall consider the maturity, experience, and ability of a nonminor dependent when leaving the nonminor dependent in the home alone.
 - a. Before leaving a nonminor dependent in the home alone, the caregiver shall ensure that the nonminor dependent knows where and how to contact the caregiver.
- (B) A nonminor dependent may be left in the home alone for longer than 72 hours unless prohibited by the social worker, probation officer, court order, or the licensing or approval agency.
 - 1. If the caregiver plans to be absent from the home for longer than 72 hours, the caregiver shall provide verbal or written notification to the social worker or probation officer for a nonminor dependent prior to the caregiver's absence from the home. Notification shall include:
 - a. The dates the caregiver plans to be absent from the home.
 - b. An emergency number where the caregiver may be reached in their absence.
 - 2. The caregiver shall receive prior approval from the social worker or probation officer for a nonminor dependent for any absence that exceeds 72 hours.
- (e) A nonminor dependent having the maturity, experience, and ability necessary may, but under no circumstances shall be required to, provide care and supervision in the home as an occasional short-term babysitter as specified in Section 89378, subsection (a)(1)(A).
- (f) The caregiver shall ensure that a nonminor dependent parent provides care and supervision for the child(ren) of the nonminor dependent parent in the home.
 - (1) If the home is a Whole Family Foster Home as defined in Welfare and Institutions Code section 11400, subsection (t), the caregiver shall work with the nonminor dependent parent and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as set forth in Welfare and Institutions Code sections 11465, subsection (d)(3) and 16501.25, subsection (b).

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

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

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

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

Welfare and Institutions Code section 16501.25 provides:

"(a) ...Commencing January 1, 2012, 'teen parent' also means a nonminor dependent, as defined in subdivision (v) of Section 11400, who is living in a whole family foster home, as defined in subdivision (t) of Section 11400, and is eligible for AFDC-FC or Kin-GAP payments pursuant to Section 11403.

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

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

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

(A) Feeding.

(B) Clothing.

(C) Hygiene.

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

(E) Health care.

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

(G) Provision of child care and babysitting.

(H) Discipline.

(I) Sleeping arrangements.

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

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

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- (g) Unless restricted by the Transitional Independent Living Plan or court order, the caregiver shall encourage a nonminor dependent to select, seek, and maintain permanent connections between the nonminor dependent, the family and non-relative extended family members of the nonminor dependent, and caring and committed adults.

NOTE: Authority cited: Sections 1502.7, 1530, and 1530.5, Health and Safety Code.
Reference: “FosterClub’s Transition Toolkit,” a publication of FosterClub, in collaboration with FosteringConnections.org (2010); Sections 1501 and 1531, Health and Safety Code; and Sections 11400(t) and 16501.25, Welfare and Institutions Code.

Adopt Section 893179 to read:

893179 **ACTIVITIES**

893179

- (a) Except as specified in this section, Section 89379, Activities shall not apply to nonminor dependents.
- (b) A nonminor dependent shall be entitled to select and participate in activities of his or her own choosing.
 - (A) Activities shall be consistent with the agreed-upon expectations for living in the home as specified in Section 893172.1, Expectations, Alternatives, and Consequences.
- (c) The caregiver shall provide access to the information specified in Section 89379, subsection (c)(1) through (c)(6) and the information specified in this section to assist a nonminor dependent in preparing for emancipation from foster care.
 - (1) Upon the request of a nonminor dependent, the licensee or facility staff shall assist the nonminor dependent in obtaining the following information including, but not limited to:
 - (A) Requirements for trade, vocational, or professional careers.
 - (B) Informational brochures on employment-related programs.
 - (C) Internet research on trade, vocational, or professional career options.
 - (D) Community-sponsored events promoting volunteerism, internships, or employment.
 - (E) Salary information for trade, vocational, or professional careers.
 - (F) Requirements for participation in Transitional Housing Placement (THP)-Plus, THP-Plus Foster Care, and a Supervised Independent Living Setting.

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A nonminor dependent may request assistance from the caregiver with the following steps to attending college:

- (1) Application for admission.

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- (A) An application for California community colleges can be found online at <http://www.cccapply.org>.
- (B) An application for California State Universities can be found online at <http://www.csumentor.edu>.
- (C) An application for Universities of California can be found online at <http://universityofcalifornia.edu/admissions>.
- (2) Contact with a Foster Youth Success Initiative (FYSI) Liaison.
 - (A) FYSI liaisons at all California community colleges can be found online at <http://www.cccco.edu/ChancellorsOffice/Divisions/StudentServicesandSpecialPrograms/StudentFinancialAssistancePrograms/FosterYouthSuccessInitiativeFYSI/tabid/997/Default.aspx>.
- (3) Financial aid.
 - (A) A Free Application for Federal Student Aid (FAFSA) can be found online at <http://www.fafsa.ed.gov/options.htm>.
 - (B) An application for a Board of Governors fee waiver for California community colleges can be found online at <http://www.icanaffordcollege.com>.
 - (C) An application for the Chafee Education and Training Voucher grant program for foster youth can be found online at <https://www.chafee.csac.ca.gov/default.aspx>.
- (4) Participation in Extended Opportunity Programs and Services (EOPS) and Disability Support Programs and Services (DSPS).
- (5) Assessment.
- (6) College orientation and course planning.
- (7) Enrollment.
- (8) Payment of fees.
- (9) Access to miscellaneous higher education resources.

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- (A) General college planning information can be found online at http://www.college.gov/wps/portal/?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/college/college/whattodo/whattodo.

- (B) A listing of California community colleges can be found online at <http://californiacommunitycolleges.cccco.edu/maps/alphaList.asp>.

- (C) Information about academic support, such as Guardian or Renaissance Scholar programs available to foster youth attending college, can be found online at <http://www.cacollegepathways.org/programs.php>.

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NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501 and 1531, Health and Safety Code; and Sections 11400(w) and (x), 11403.2, and 16001.9, Welfare and Institutions Code.

Adopt Section 893187 to read:

893187 BUILDINGS AND GROUNDS

893187

- (a) Section 89387, Buildings and Grounds shall apply to nonminor dependents with the exception of subsections (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(11), (a)(12), (d)(1), and (g).
- (b) Except as specified in this section, Section 89387.2, Storage Space shall not apply to nonminor dependents.
- (c) The caregiver shall provide bedrooms in the home which shall meet, at a minimum, the following requirements unless a Documented Alternative Plan (LIC 973) is approved.
 - (1) No more than two people, including a nonminor dependent and a child, or another nonminor dependent, shall share a bedroom.
 - (A) As long as both remain compatible and the caregiver takes into account the nonminor dependents' health, safety, and best interest, a nonminor dependent may be permitted to share a bedroom with a nonminor dependent of the opposite sex.

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The nonminor dependent and caregiver may use a Shared Living Agreement to address potential issues in regard to shared bedroom space.

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- (2) A nonminor dependent and a child may share a bedroom under the following circumstances:
 - (A) The nonminor dependent and the child are siblings,
 - (B) The nonminor dependent and the child have been sharing a bedroom prior to the nonminor dependent turning age 18 and remain compatible to share a bedroom, or
 - (C) The nonminor dependent is sharing the bedroom with his or her child.
- (3) The caregiver shall provide a nonminor dependent with an individual bed that is equipped with a clean, comfortable mattress and pillows, as needed, all in good repair.
 - (A) The caregiver shall provide and a nonminor dependent shall have access as needed to clean bed linen in good repair, including lightweight, warm blankets and bedspreads; top and bottom bed sheets, pillow cases, and mattress pads.

- (4) If a nonminor dependent is sharing a bedroom with his or her child, the caregiver shall provide a bassinets, crib, or bed as specified in Section 89387, subsection (a)(9)(A) through (a)(9)(E).
- (d) The caregiver shall provide and a nonminor dependent shall have access as needed to the following additional furniture, equipment, and supplies:
- (1) Clean bath linens, including towels, hand towels, and wash cloths.
 - (2) Items used to maintain basic personal care, including but not limited to shampoo, feminine hygiene products, nonmedicated soap, toilet paper, toothbrush, toothpaste, and comb.
 - (3) A well-lighted desk or table space.
- (e) A caregiver who accepts a nonminor dependent who is developmentally, mentally, or physically disabled or a nonminor dependent parent's child who is under 10 years of age or who is developmentally, mentally, or physically disabled shall ensure that swimming pools, fixed in-place wading pools, hot tubs, spas, or similar bodies of water are inaccessible. Inaccessibility shall be assured as specified in Section 89387, subsections (d)(2)(A) through (d)(2)(D) and (e).
- (f) Firearms and other weapons shall be stored where inaccessible to a nonminor dependent.
- (1) Storage for firearms and other weapons shall be locked as specified in Section 89387.2, subsection (a)(1) through (a)(3).
- (g) A nonminor dependent shall have access to the following items:
- (1) Household kitchen knives and appliances shall be accessible to the nonminor dependent who may need to use these items for meal preparation.
 - (2) Medications used by the nonminor dependent shall be stored where accessible for self-administration by the nonminor dependent.
 - (3) Disinfectants and cleaning solutions shall be stored where accessible to the nonminor dependent who may need to use these products for household chores.
- (h) In permitting a nonminor dependent to have access to the items specified in subsection (g)(1) through (g)(3), the caregiver shall ensure that the safety of a nonminor dependent and others in the home is maintained.

NOTE: Authority cited: Sections 1502.7, 1530, and 115926, Health and Safety Code.
Reference: Sections 1501 and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.

Adopt Article 4 and Section 894168 to read:

Article 4. Placement

894168 **ADMISSION PROCEDURES**

894168

- (a) Except as specified in this section, Section 89468, Admission Procedures, shall not apply to nonminor dependents.

- (b) Prior to new placement of a nonminor dependent in the home, the caregiver shall, jointly with the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, complete a Pre-Placement Appraisal in regard to the nonminor dependent for the appraisal as specified in Health and Safety Code section 1501.1, subsection (d).
 - (1) The appraisal shall include, but not be limited to, the following information about the nonminor dependent:
 - (A) Confirmation that the nonminor dependent does not pose a threat to children in the home.
 - (B) Overall health and health history, including any dietary limitations, currently prescribed medications and major illnesses, accidents, hospitalization, or surgery.
 - (C) Physical and developmental disabilities.
 - (D) Mental health and mental conditions.
 - (E) Social factors, including likes, dislikes, interests, and activities.
 - (2) The appraisal shall also specify the ability of the home to meet the needs of the nonminor dependent.

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Health and Safety Code section 1501.1, subsection (d) provides:

“(d) Pursuant to this section, children with varying designations and varying needs, including, on and after January 1, 2012, nonminor dependents, as defined in subdivision (v) of Section 11400 of the Welfare and Institutions Code, except as provided by statute, may be placed in the same licensed foster family home or with a foster family agency for

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subsequent placement in a certified family home. Children, including nonminor dependents, with developmental disabilities, mental disorders, or physical disabilities may be placed in licensed foster family homes or certified family homes, provided that an appraisal of the child's or nonminor dependent's needs and the ability of the receiving home to meet those needs is made jointly by the placement agency and the licensee in the case of licensed foster family homes or the placement agency and the foster family agency in the case of certified family homes, and is followed by written confirmation prior to placement. The appraisal shall confirm that the placement poses no threat to any child in the home...."

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- (c) Upon placement of a nonminor dependent, the caregiver shall request the documents specified in Section 89468, subsection (a) and the Transitional Independent Living Plan for the nonminor dependent from the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, if they are not immediately provided.
- (d) When the documents specified in subsection (c) above are received, the caregiver shall review the documents and determine if the caregiver can meet the needs of a nonminor dependent as specified in Section 89468, subsections (e)(1) and (e)(2).
- (e) The caregiver shall provide a nonminor dependent with notification of personal rights as specified in Section 893172, subsection (d).
- (f) If the caregiver determines that the home cannot continue to provide the necessary services to meet the needs of a nonminor dependent, the discharge procedures specified in Section 894168.1, Removal or Discharge Procedures shall apply.

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; and Section 16010, Welfare and Institutions Code.

Adopt Section 894168.1 to read:

894168.1 REMOVAL OR DISCHARGE PROCEDURES

894168.1

- (a) As necessary, the caregiver shall implement removal or discharge procedures as specified in this section for nonminor dependents living in the home.
- (b) Under emergency circumstances, a nonminor dependent may be removed from the home by the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, or other authorized agency.
 - (1) An emergency removal of a nonminor dependent from the home does not require 7 days prior written notice as specified in (c).
 - (2) The circumstances under which a nonminor dependent may be removed from the home include, but are not limited to, the following:
 - (A) Removal by law enforcement officers when a nonminor dependent is arrested.
 - (B) Removal becomes necessary when the health and safety of the nonminor dependent or others in the home is endangered by the continued presence of the nonminor dependent in the home.
 - (C) Removal for emergency medical or psychiatric care.
 - (3) If a nonminor dependent is removed under emergency circumstances, the caregiver shall inform the nonminor dependent, the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, and the licensing agency that the nonminor dependent shall be removed from the home.
- (c) At the request of the nonminor dependent or at the discretion of the caregiver, a nonminor dependent may be discharged from the home with 7 days written notice prior to discharge.
 - (1) The reasons for which a nonminor dependent may be discharged from the home include, but are not limited to, the following:
 - (A) The nonminor dependent reaches the age cap specified in Welfare and Institutions Code section 11403, subsection (a).
 - (B) The caregiver is no longer able to meet the needs of a nonminor dependent.
 - (C) There is a change of license for the home.
- (d) If it becomes necessary to discharge a nonminor dependent from the home with 7 days written notice prior to discharge, the caregiver shall:

- (1) Inform the nonminor dependent, the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, and the licensing agency that the nonminor dependent shall be discharged from the home.
 - (2) Provide written notice to the nonminor dependent that he or she shall be discharged from the home.
 - (3) Provide a copy of the written notice via e-mail, fax, or overnight mail to the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, and the licensing agency on the same day the 7 days notice is provided.
 - (4) State the reason for the discharge of the nonminor dependent in the written notice, with specific facts about any circumstance or event that results in the pending discharge of the nonminor dependent.
 - (5) Except in the circumstance specified in subsection (c)(1)(A), request in the written notice that the nonminor dependent be placed elsewhere.
- (e) If a nonminor dependent submits a complaint against the caregiver, the licensing agency shall investigate the reason for the discharge.

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

Adopt Section 894175 to read:

894175 **HEALTH-RELATED SERVICES**

894175

- (a) Section 89475, Health Related Services does not apply to nonminor dependents.
- (b) The caregiver shall ensure that a nonminor dependent receives necessary first aid, medical, dental, vision, and mental health care, and related services.
 - (1) The caregiver shall assist a nonminor dependent with developing the skills necessary for self-sufficiency in obtaining health services as specified in Section 893178, Responsibility for Providing Care and Supervision.
- (c) The caregiver shall ensure that a nonminor dependent has access to first aid supplies appropriate to the needs of the nonminor dependent.
- (d) Upon the request of a nonminor dependent with a health condition that requires prescription or nonprescription medication, the caregiver shall assist the nonminor dependent with the self-administration of medication and injections if permitted by his or her physician.
 - (1) The caregiver shall ensure that the nonminor dependent stores medication and injections in a manner that ensures the safety of other nonminor dependents and children in the home.
- (e) If a nonminor dependent cannot determine his or her need for medication, the caregiver shall determine the need of the nonminor dependent in accordance with medical instructions and provide emergency medical assistance, injections, and medication as specified in Section 89475.1, Emergency Medical Assistance, Injections, and Self-Administration of Medications.

NOTE: Authority cited: Sections 1502.7, 1530, and 1530.5, Health and Safety Code.
Reference: Sections 1501, 1501.1, 1507, 1507.25, 1507.5, 1530, and 1531, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.