

**TABLE OF CONTENTS**  
**TITLE 22, DIVISION 6**  
**CHAPTER 5 GROUP HOMES**

	<b><u>Section</u></b>
<a href="#">Definitions.....</a>	<a href="#">84001</a>

**SUBCHAPTER 4. NONMINOR DEPENDENTS**

**Article 1. General Requirements**

<a href="#">General.....</a>	<a href="#">84400</a>
------------------------------	-----------------------

**Article 3. Application Procedures**

<a href="#">Plan of Operation.....</a>	<a href="#">84422</a>
<a href="#">Safeguards for Cash Resources, Personal Property, and Valuables.....</a>	<a href="#">84426</a>

**Article 6. Continuing Requirements**

<a href="#">Reporting Requirements.....</a>	<a href="#">84461</a>
<a href="#">Intake Procedures .....</a>	<a href="#">84468.1</a>
<a href="#">Criminal Record Clearance.....</a>	<a href="#">84468.2</a>
<a href="#">Needs and Services Plan.....</a>	<a href="#">84468.3</a>
<a href="#">Removal or Discharge Procedures.....</a>	<a href="#">84468.4</a>
<a href="#">Nonminor Dependents' Records.....</a>	<a href="#">84470</a>
<a href="#">Personal Rights.....</a>	<a href="#">84472</a>
<a href="#">Expectations and Consequences.....</a>	<a href="#">84472.1</a>
<a href="#">Telephones.....</a>	<a href="#">84473</a>
<a href="#">Transportation.....</a>	<a href="#">84474</a>
<a href="#">Health-Related Services.....</a>	<a href="#">84475</a>
<a href="#">Food Service.....</a>	<a href="#">84476</a>
<a href="#">Responsibility for Providing Care and Supervision.....</a>	<a href="#">84478</a>
<a href="#">Activities.....</a>	<a href="#">84479</a>

**Article 7. Physical Environment**

<a href="#">Building and Grounds.....</a>	<a href="#">84487</a>
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Amend Section 84001 to read:

**84001 DEFINITIONS**

**84001**

In addition to Section 80001, the following shall apply:

- (a) ~~(13)~~ "Approved schools, colleges or universities, including correspondence courses offered by the same," means those approved/authorized by the U.S. Department of Education, Office of Postsecondary Education or by the California Department of Consumer Affairs, Bureau for Private Postsecondary and Vocational Education, pursuant to Education Code Sections 94900 or 94915.
- ~~(21)~~ "Accredited schools, colleges or universities, including correspondence courses offered by the same," means those educational institutions or programs granted public recognition as meeting established standards and requirements of an accrediting agency authorized by the U.S. Secretary of Education.

**HANDBOOK BEGINS HERE**

Authorized accrediting agencies include the Accrediting Commission, National Home Study, the Accrediting Bureau of Health Education Schools, the Association of Independent Colleges and Schools, the National Association of Trade and Technical Schools, and the Western Association of Schools and Colleges.

**HANDBOOK ENDS HERE**

- ~~(32)~~ "Affiliated with licensee" means members of board of directors, executive director, officers and individuals paid by the group home licensee as staff, consultant or contractor used to fulfill the plan of operation.
- (4) "Assaultive Behavior" means violent, physical actions which are likely to cause immediate physical harm or danger to an individual or others.
  - (A) Verbal Assault is not considered a form of assaultive behavior.
- (5) (Continued)
- (b) (Continued)
- (c) (Continued)
- (5) "Consequence" means an action to be imposed when the nonminor dependent violates written expectations for living in the facility.
- ~~(56)~~ (Continued)

- (d) (Continued)
- (e) (Continued)
- (f) (Continued)
- (g) (Continued)
- (h) (Continued)
- (i) (Continued)
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Continued)
- (n) (1) (Continued)

(2) “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).

### **HANDBOOK BEGINS HERE**

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.

### **HANDBOOK CONTINUES**

**HANDBOOK CONTINUES**

- (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)."

**HANDBOOK ENDS HERE**

- (3) "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).

**HANDBOOK BEGINS HERE**

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."

**HANDBOOK ENDS HERE**

- (o) (Reserved)
- (p) (Continued)
- (q) (Continued)
- (r) (Continued)
- (s) (Continued)
- (t) (Reserved)
- (u) (Reserved)
- (v) (Continued)
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

NOTE: Authority cited: Section 17730, Welfare and Institutions Code and Sections 1502.7, 1522.41(j), 1530, 1530.8, and 1530.9, Health and Safety Code. Reference: Sections 1501, 1502, 1503, 1507, 1522.4, 1522.41, 1522.41(j), 1530.8, and 1531, Health and Safety Code; and Sections 362.04(a)(2), 362.05(a), 727(a)(4)(A), 11331.5(d), 11400(v), (w), and (x), 11403, 11403.2(a)(2), 11406(c), 17710(a), (d), (g), and (h), 17731 and 17736(a) and (b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

Adopt Subchapter 4, Article 1, and Section 84400 to read:

**SUBCHAPTER 4. NONMINOR DEPENDENTS**

**Article 1. General Requirements**

**84400**

**GENERAL**

**84400**

- (a) The provisions in this subchapter shall apply to group homes that care for nonminor dependents, as defined in Section 84001, subsection (n)(2). Unless specified otherwise, the provisions in Title 22, Chapter 5, Group Homes, shall also apply to nonminor dependents.
  - (1) The reasonable and prudent parent standard as defined in Section 84001, subsection (r)(1), does not apply to nonminor dependents.
- (b) Title 22, Chapter 1, General Licensing Requirements, shall apply to nonminor dependents only as specified.

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 Article 3 and Section 84422 to read:

**Article 3. Application Procedures**

**84422**      **PLAN OF OPERATION**

**84422**

- (a) Section 84022, Plan of Operation shall apply to nonminor dependents except for the following:
  - (1) Section 84022, subsection (b)(2)(E).
  
- (b) The plan of operation shall also include the following:
  - (1) A statement regarding whether the licensee intends to accept nonminor dependents.
  
  - (2) A description of programs or services to be provided by the facility consistent with assisting a nonminor dependent in preparing for emancipation from foster care.

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

Adopt Section 84426 to read:

**84426**     **SAFEGUARDS FOR CASH RESOURCES, PERSONAL PROPERTY,**     **84426**  
**AND VALUABLES**

- (a) Sections 80026 and 84026, 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 developmental level and Transitional Independent Living Plan.
- (c) At the request of a nonminor dependent, facility staff 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 licensee, these items shall be safeguarded as specified in this subsection.
  - (1) The licensee 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 a nonminor dependent as specified in Section 84470, Nonminor Dependents' Records.
  - (2) The licensee shall:
    - (A) Keep the cash resources, personal property, and valuables of each nonminor dependent separate and intact, separate from facility funds, and
    - (B) Maintain accurate records of the cash resources, personal property, and valuables belonging to a nonminor dependent.
- (e) The licensee or facility staff shall not make expenditures from the cash resources of a nonminor dependent for any basic services in these regulations.
  - (1) This requirement does not apply to a licensee who is appointed by the Social Security Administration as representative payee for a nonminor dependent.

- (f) If the licensee has been entrusted with the cash resources, personal property, and valuables of a nonminor dependent, facility staff 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 facility.
- (1) The facility staff 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 facility staff 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 and 1530, Health and Safety Code. Reference: Sections 1501, 1502.7, 1531, and 1560, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; and Section 416.601, Title 20, Code of Federal Regulations.

Adopt Article 6 and Section 84461 to read:

**Article 6. Continuing Requirements**

**84461**      **REPORTING REQUIREMENTS**

**84461**

- (a) Section 80061, Reporting Requirements, shall not apply to nonminor dependents. With the exception of Section 84061, subsections (a), (d) and (h)(7), Section 84061, Reporting Requirements and all of the following shall apply to nonminor dependents.
  
- (b) The licensee or facility staff shall report to the licensing 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 facility, including whether the incident required the use of manual restraints.
  - (5) Any prolonged absence or failure to return to the facility 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.
  
- (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 licensee or facility staff shall submit a written report to the licensing 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)(7) 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) Action taken by the licensee or facility staff in response to the incident.
  - (4) Attending physician's name, findings, and treatment, if any.
  - (5) Current status of the incident.
- (e) The licensee or facility staff 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 84468.4, Removal or Discharge Procedures.
- (f) When there are any changes to the plan of operation which affect services to nonminor dependents, the licensee shall notify the licensing agency within 10 business days following the changes.

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

Adopt Section 84468 to read:

**84468.1 INTAKE PROCEDURES**

**84468.1**

- (a) Section 80068, Admission Agreements and Section 84068.1, Intake Procedures shall not apply to nonminor dependents.
- (b) The licensee shall develop, maintain, and implement intake procedures that meet the requirements specified in this section.
- (c) Prior to new placement of a nonminor dependent in the facility, the administrator or social work staff 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.
  - (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 facility.
    - (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 facility to meet the needs of the nonminor dependent.
- (d) If a nonminor dependent is accepted for nonemergency placement in the facility, the administrator or social work staff shall:
  - (1) Obtain intake information about the nonminor dependent to be maintained in the records for the nonminor dependent as specified in Section 84470, Nonminor Dependents' Records, from the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer.
    - (A) If the information is not completed by the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, the administrator or social work staff shall make telephone or written requests

for the information to the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, and shall record and retain the details of those requests.

- (B) If the information requested is not received from the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, within 15 days, the administrator or social work staff shall obtain the necessary information from other sources.
- (2) Request the Health and Education Passport, any Needs and Services Plan, 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.
- (3) Complete the Needs and Services Plan for the nonminor dependent as specified in Section 84468.3, Needs and Services Plan.
- (e) If a nonminor dependent is placed in the facility under emergency circumstances, the licensee shall ensure that the following requirements are met:
  - (1) Placement of the nonminor dependent in the facility shall not result in the facility exceeding its licensed capacity.
- (f) If a nonminor dependent is continued in placement, the administrator or social work staff shall, no later than 30 days following the emergency placement:
  - (1) Obtain intake information about the nonminor dependent as specified in subsection (d)(1) above.
  - (2) Request the Health and Education Passport, any Needs and Services Plan, 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.
  - (3) Complete the Needs and Services Plan for the nonminor dependent as specified in subsection (d)(3) above.
- (g) The administrator or social work staff shall review the information specified in subsections (f)(1) through (f)(3) above to determine whether the facility can continue to provide the services necessary to meet the needs of a nonminor dependent.
- (h) The administrator or social work staff shall provide the nonminor dependent with notification of personal rights as specified in Section 84472, subsection (d).

- (i) If, at any time after a nonminor dependent is placed in the facility, the administrator or social work staff determine that the facility cannot continue to provide the necessary services, the discharge procedures specified in Section 84468.4, 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 84468.1 to read:

**84468.2 CRIMINAL RECORD CLEARANCE**

**84468.2**

- (a) A nonminor dependent shall not be subject to criminal record clearance as specified in Health and Safety Code 1502.7, subsection (b)(2).

**HANDBOOK BEGINS HERE**

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.”

**HANDBOOK ENDS HERE**

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

Adopt Section 84468.2 to read:

**84468.3 NEEDS AND SERVICES PLAN**

**84468.3**

- (a) Section 80068.2, Needs and Services Plan does not apply to nonminor dependents.
- (b) Section 84068.2, Needs and Services Plan shall apply to nonminor dependents as specified in this section.
- (c) The administrator or social work staff shall complete a Needs and Services Plan for a nonminor dependent that is consistent with the Transitional Independent Living Plan of the nonminor dependent.
- (d) To the extent of his or her ability, a nonminor dependent shall participate in the development of the Needs and Services Plan.
- (e) The Needs and Services Plan shall contain the following information:
  - (1) Planned length of placement, including the discharge plan for the nonminor dependent as specified in Section 84468.4, Removal or Discharge Procedures.
  - (2) The information specified in Section 84068.2, subsection (c)(1) and (c)(2)(A) through (c)(2)(C).
  - (3) The information required by Welfare and Institutions Code section 16501.1, subsection (c)(1).

**HANDBOOK BEGINS HERE**

Welfare and Institutions Code section 16501.1, subsection (c)(1) provides:

“(c)(1) ... The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to independent living. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive and more family-like setting, including a target date for discharge from the group home placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to independent living... Consideration for continuation of existing group home placement for a nonminor

**HANDBOOK CONTINUES**

## **HANDBOOK CONTINUES**

dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains his or her 19<sup>th</sup> birthday, whichever is earlier, continuation in or admission to a group home is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.”

## **HANDBOOK ENDS HERE**

- (f) The Needs and Services Plan shall be signed by the nonminor dependent, the administrator or social work staff, and 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, 1530, and 1531, Health and Safety Code.

Adopt Section 84468.4 to read:

**84468.4 REMOVAL OR DISCHARGE PROCEDURES**

**84468.4**

- (a) Sections 80068.5, Eviction Procedures and 84068.4, Removal and/or Discharge Procedures shall not apply to nonminor dependents.
- (b) The licensee shall develop, maintain, and implement written policies and procedures regarding the removal or discharge of a nonminor dependent from the facility.
  - (1) The written policies and procedures shall be signed and dated by the administrator or social work staff and the nonminor dependent at the time of placement.
  - (2) The signed copy of the written policies and procedures shall be maintained in the records for the nonminor dependent as specified in Section 84470, Nonminor Dependents' Records.
- (c) Under emergency circumstances, a nonminor dependent may be removed from the facility by the person or agency responsible for placing the nonminor dependent, such as a social worker or probation officer, or other authorized person or agency.
  - (1) An emergency removal of a nonminor dependent from the facility does not require 7 days prior written notice, as specified in (d).
  - (2) Emergency circumstances 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 facility is endangered by the continued presence of the nonminor dependent in the facility.
    - (C) Removal for emergency medical or psychiatric care.
  - (3) If a nonminor dependent is removed under emergency circumstances, facility staff 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 or has been removed from the facility.
- (d) At the request of the nonminor dependent or at the discretion of the administrator, facility manager, or their designee, a nonminor dependent may be discharged from the facility with 7 days written notice prior to discharge.

- (1) The reasons for which a nonminor dependent may be discharged from the facility 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 licensee is no longer able to meet the needs of a nonminor dependent.
  - (C) There is a change of license for the facility.
- (e) If it becomes necessary to discharge a nonminor dependent from the facility with 7 days written notice prior to discharge, the administrator, facility manager, or their designee 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 facility.
  - (2) Provide written notice to the nonminor dependent that he or she shall be discharged from the facility.
  - (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 (d)(1)(A), request in the written notice that the nonminor dependent be placed elsewhere.
- (f) If a nonminor dependent submits a complaint against the licensee, 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; and Sections 11403(a) and 16501.1(c)(1), Welfare and Institutions Code.

Adopt Section 84470 to read:

**84470**      **NONMINOR DEPENDENTS' RECORDS**

**84470**

- (a) Section 80070, Client Records and Section 84070, Children's Records shall not apply to nonminor dependents.
- (b) The licensee shall maintain a separate, complete, and current record or file in the facility for a nonminor dependent.
  - (1) A nonminor dependent shall have access to his or her record or file maintained by the licensee in a manner that ensures the confidentiality of other records maintained in the facility.
  - (2) The following shall be included in the nonminor dependent's record or file:
    - (A) The name of the nonminor dependent, birth date, and date of placement in the facility.
    - (B) If provided, a summary of the health and education information and records for the nonminor dependent, including mental health information or records as described in Welfare and Institutions Code section 16010.
      - 1. The licensee or facility staff shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, immunization records and any official grade or progress reports.

**HANDBOOK BEGINS HERE**

Welfare and Institutions Code section 16010 provides in part:

"(a) When a child is placed in foster care, the case plan for each child recommended pursuant to Section 358.1 shall include a summary of the health and education information or records, including mental health information or records, of the child. The summary may be maintained in the form of a health and education passport, or a comparable format designed by the child protective agency. The health and education summary shall include, but not be limited to, the names and addresses of the child's health, dental, and education providers, the child's grade level performance, the child's school record, assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement, the number of school transfers the child has already experienced, the child's

**HANDBOOK CONTINUES**

## **HANDBOOK CONTINUES**

educational progress, as demonstrated by factors, including, but not limited to, academic proficiency scores, credits earned toward graduation, a record of the child's immunizations and allergies, the child's known medical problems, the child's current medications, past health problems and hospitalizations, a record of the child's relevant mental health history, the child's known mental health condition and medications, and any other relevant mental health, dental, health, and education information concerning the child determined to be appropriate by the Director of Social Services. If any other law imposes more stringent information requirements, then that section shall prevail."

## **HANDBOOK ENDS HERE**

- (C) A Needs and Services Plan for the nonminor dependent, and if provided, the Transitional Independent Living Plan for the nonminor dependent.
  - (D) If the Transitional Independent Living Plan for the nonminor dependent is not provided at the time of placement, the Pre-Placement Appraisal as specified in Section 84468.1, subsection (c). This appraisal shall be kept on file regardless of whether the Transitional Independent Living Plan is received at a later date.
  - (E) If the cash resources, personal property, and valuables of the nonminor dependent are entrusted to the licensee, an itemized inventory list of these items as specified in Section 84426, subsection (d)(1).
  - (F) The licensee shall maintain the signed copy of the written removal or discharge policies and procedures and document the removal or discharge of a nonminor dependent from the facility as specified in Section 84468.4, 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 licensee or facility staff 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 84472, Personal Rights.
  - 2. Expectations and consequences for living in the facility as specified in Section 84472.1, Expectations and Consequences.
- (d) All records for a nonminor dependent 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 shall 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 nonminor dependent if developmentally appropriate, and the licensee.
  - (3) The licensing agency representative shall return the records to the facility undamaged and in good order within three business days following the date the records were removed.
- (e) When a nonminor dependent permanently leaves the facility, the licensee or facility staff shall give any original and photocopied records that belong to a nonminor dependent to the nonminor dependent if developmentally appropriate 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 84472 to read:

**84472**      **PERSONAL RIGHTS**

**84472**

- (a) Section 80072, Personal Rights shall not apply to nonminor dependents. Except as specified in this section, Section 84072, Personal Rights shall not apply to nonminor dependents.
- (b) The licensee shall ensure that each nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9 and 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 furnishings, 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 file a complaint with the facility, as specified in Section 84072.2, Complaint Procedures and to be informed by the licensee 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 facility 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 Needs and Services Plan for the nonminor dependent or the Transitional Independent Living Plan for the nonminor dependent.
- (11) Not to be restrained or placed in any restraining device other than a postural support or protective device as specified in Section 84072, subsection (c)(33), or as specified in Subchapter 3, Emergency Intervention in Group Homes.
- (12) To have dignity in his or her personal relationships with others in the facility.
  - (A) To be free from unreasonable searches of person.
- (13) To have communications to the facility from his or her relatives answered promptly and completely.
- (14) 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, progress at the facility, 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 licensee shall, with the consent of the nonminor dependent, only disclose relevant and necessary information about the nonminor dependent.
- (15) To have educational options when there are alternatives to attending on-site school at the facility and access information regarding available educational, training, and employment options of his or her choosing.
- (16) To request assistance from facility staff.

## **HANDBOOK BEGINS HERE**

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.
- (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.

**HANDBOOK CONTINUES**

## HANDBOOK CONTINUES

(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.

(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."

## HANDBOOK ENDS HERE

(c) In ensuring the rights of a nonminor dependent, the licensee 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 others in the facility.

(1) The licensee is not prohibited from taking the following actions for the protection of the nonminor dependent or others in the facility:

- (A) Establishing house rules that include, but are not limited to, rules regarding visitation that shall apply to all visitors.
  - (B) Locking exterior doors and windows as long as the nonminor dependent can enter or exit the facility.
- (d) At the time of placement, the licensee shall ensure that, as developmentally appropriate, 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, 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 84472.1 to read:

**84472.1 EXPECTATIONS AND CONSEQUENCES**

**84472.1**

- (a) Section 84072.1, Discipline Policies and Procedures, shall not apply to nonminor dependents.
- (b) The licensee shall develop, implement, and maintain written facility expectations and consequences policies and procedures for nonminor dependents.
  - (1) A nonminor dependent shall be given the opportunity to participate in the review of these policies and procedures based on his or her needs while the nonminor dependent is living in the facility.
- (c) If a nonminor dependent does not comply with reasonable expectations for living in the facility, the nonminor dependent shall be subject to reasonable and temporary consequences as discussed by the licensee or facility staff and the nonminor dependent.
- (d) When a nonminor dependent is subject to reasonable and temporary consequences for noncompliance with reasonable expectations for living in the facility, the licensee or facility staff shall do all of the following:
  - (1) Inform the nonminor dependent that it is necessary for the licensee or facility staff to impose consequences on the nonminor dependent.
  - (2) Discuss the reason and need for the licensee or facility staff to impose consequences on the nonminor dependent and provide the nonminor dependent with the opportunity to participate in choosing the appropriate 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 consequence.
  - (4) Establish a time limit for the nonminor dependent to be subject to and comply with the chosen consequence.
  - (5) Document the decision to subject the nonminor dependent to the chosen consequence and the steps taken in subjecting the nonminor dependent to the consequence.
- (e) Any alternative or consequence that violates the personal rights of a nonminor dependent as specified in Section 84472, Personal Rights, shall be prohibited.

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

Adopt Section 84473 to read:

**84473**      **TELEPHONES**

**84473**

- (a) Section 80073, Telephones shall not apply to nonminor dependents.
- (b) At all times, telephone service shall be readily accessible in the facility.
  - (1) Telephone service in the facility shall be readily accessible to a nonminor dependent.
- (c) If the licensee subscribes to an Internet service, it shall be readily accessible to a nonminor dependent in the facility.
- (d) A nonminor dependent may, if developmentally appropriate for the nonminor dependent and by arrangement with the licensee, have personal landline or cellular telephone service or a personal computer for Internet access in the facility.

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

Adopt Section 84474 to read:

**84474**      **TRANSPORTATION**

**84474**

- (a) Section 80074, Transportation shall not apply to nonminor dependents. Except as specified in this section, Section 84074, Transportation shall not apply to nonminor dependents.
- (b) Unless other arrangements are specified in the Transitional Independent Living Plan for a nonminor dependent, the licensee shall permit the nonminor dependent to arrange for his or her own transportation.
- (c) A nonminor dependent who is able to operate a vehicle for transportation may, but shall not be required to, provide transportation to others.
- (d) If the licensee provides transportation to a nonminor dependent at the request of the nonminor dependent, the licensee shall ensure that persons who transport a nonminor dependent use vehicles that are in safe operating condition.
  - (1) The smoking prohibition in Section 84074, subsection (b) shall apply.

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

Adopt Section 84475 to read:

**84475**      **HEALTH-RELATED SERVICES**

**84475**

- (a) Except as specified in this section, Section 80075, Health-Related Services shall not apply to nonminor dependents. Section 84075, Health-Related Services shall not apply to nonminor dependents.
- (b) Facility staff shall:
  - (1) Ensure that a nonminor dependent receives necessary first aid, medical, dental, vision, and mental health care, and related services.
    - (A) Facility staff shall assist a nonminor dependent with developing the skills necessary for self-sufficiency in obtaining health services as specified in Section 84478, Responsibility for Providing Care and Supervision.
  - (2) Ensure that a nonminor dependent has access to first aid supplies appropriate to the needs of the nonminor dependent and privacy for first aid treatment of minor injuries.
  - (3) Provide an isolation room or area that shall be used where separation from others is required.
- (c) If facility staff control the storage of medication, facility staff shall follow the requirements in Section 80075, subsection (n)(1) through (n)(7) for medications which are centrally stored.
- (d) Upon the request of a nonminor dependent with a health condition that requires prescription or nonprescription medication, facility staff shall assist the nonminor dependent with the self-administration of medication and injections if permitted by his or her physician.
  - (1) Facility staff 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 facility.
- (e) The licensee shall ensure that persons who provide emergency medical assistance and injections to a nonminor dependent are trained as specified in Health and Safety Code section 1507.25.

**HANDBOOK BEGINS HERE**

Health and Safety Code section 1507.25 provides in part:

"(a)(1) Notwithstanding any other provision of law, a person described in paragraph (2), who is not a licensed health care professional, but who is trained to administer injections by a licensed health care professional practicing within his or her scope of practice, may administer emergency medical assistance and injections for severe diabetic hypoglycemia and anaphylactic shock to a foster child in placement.

(2) The following individuals shall be authorized to administer emergency medical assistance and injections in accordance with this subdivision:

...(G) A direct care staff member of a small family home or a group home."

**HANDBOOK ENDS HERE**

- (f) If a nonminor dependent cannot determine his or her need for medication, facility staff shall determine the need of the nonminor dependent in accordance with medical instructions.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: Sections 1501, 1501.1, 1507, 1507.25, 1507.5, 1530, and 1531, Health and Safety Code.

Adopt Section 84476 to read:

**84476**      **FOOD SERVICE**

**84476**

- (a) Section 80076 Food Service shall not apply to nonminor dependents. Except as specified in this section, Section 84076 Food Service shall not apply to nonminor dependents.
- (b) The licensee shall provide or ensure at least three nutritious meals per day, have between-meal snacks available, provide food as necessary, and meet any special dietary needs documented in the Needs and Services Plan of a nonminor dependent, unless the physician of the nonminor dependent advises otherwise.
  - (1) The quantity and quality of food available in the facility shall be equally available to a nonminor dependent.
- (c) A nonminor dependent shall be invited to participate in all meals at the facility.
- (d) To the extent of his or her ability and as agreed upon with the administrator, facility manager, or their designee, 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.
- (e) The licensee shall meet the food storage requirements specified in Section 84076, subsection (c)(2) through (c)(4).
- (f) A nonminor dependent shall have the opportunity to participate with the administrator, facility manager, or their designee in menu planning and 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 84478 to read:

**84478**      **RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION**      **84478**

- (a) Section 84077, Personal Services and Sections 80078 and 84078, Responsibility for Providing Care and Supervision shall not apply to nonminor dependents.
- (b) As developmentally appropriate for the nonminor dependent, the licensee shall provide care and supervision as necessary to meet the needs of a nonminor dependent.
- (c) The licensee or facility staff 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 licensee or facility staff shall ensure that a nonminor dependent parent provides care and supervision for the child(ren) of the nonminor dependent parent in the facility.

- (e) A nonminor dependent shall not be required to act as a substitute for required staff, but shall be permitted, as a voluntary part of his or her program of activities, to participate in household duties and other tasks at the facility suited to the needs and abilities of the nonminor dependent.
- (f) The licensee shall provide an allowance to a nonminor dependent no less frequently than once per month.
- (g) Unless restricted by the Needs and Services Plan or Transitional Independent Living Plan or court order, the licensee or facility staff 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 other caring and committed adults.

NOTE: Authority cited: Sections 1502.7 and 1530, Health and Safety Code. Reference: "FosterClub's Transition Toolkit," a publication of FosterClub, in collaboration with FosteringConnections.org (2010); and Sections 1501 and 1531, Health and Safety Code.

Adopt Section 84479 to read:

**84479**      **ACTIVITIES**

**84479**

- (a) Except as specified in this section, Section 84079, Planned Activities shall not apply to nonminor dependents.
- (b) To the extent of his or her ability, 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 facility as specified in Section 84472.1, Expectations and Consequences.
- (c) The licensee or facility staff shall provide access to the information specified in Section 84079, subsections (e)(1) through (e)(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 Program (THP)-Plus, THP-Plus Foster Care, and a Supervised Independent Living Setting.

**HANDBOOK BEGINS HERE**

A nonminor dependent may request assistance from the licensee or facility staff with the following steps to attending college:

- (1) Application for admission.

**HANDBOOK CONTINUES**

## **HANDBOOK CONTINUES**

- (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.

## **HANDBOOK CONTINUES**

**HANDBOOK CONTINUES**

- (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](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>.

**HANDBOOK ENDS HERE**

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 Article 7 and Section 84487 to read:

**Article 7. Physical Environment**

**84487 BUILDINGS AND GROUNDS**

**84487**

- (a) Sections 80087, Buildings and Grounds and 80088, Fixtures, Furniture, Equipment, and Supplies shall not apply to nonminor dependents.
- (b) Section 84087, Buildings and Grounds shall apply to nonminor dependents with the exception of subsections (b)(1), (b)(3), (b)(6), (b)(8), and (b)(9).
- (c) Section 84088, Fixtures, Furniture, Equipment, and Supplies shall apply to nonminor dependents with the exception of subsections (c), (c)(1), (c)(2), (c)(3), (d), and (i).
- (d) The licensee shall provide bedrooms in the facility which shall meet, at a minimum, the following requirements:
  - (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 licensee 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.
  - (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 licensee 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 licensee 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 licensee shall provide a safe and sturdy bassinet or crib, appropriate to the child's age and size. The following shall apply to cribs:
  - (A) Tiered or stacked cribs shall not be permitted.
  - (B) Crib slats shall not pose the danger of an infant being trapped.
  - (C) Crib mattresses shall be clean, comfortable and fit properly in the crib.
  - (D) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use by infants at all times.
  - (E) An infant who can climb out of a crib shall be provided with an age-appropriate bed.
- (e) The licensee 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.
- (f) The facility shall be clean, safe, sanitary, and in good repair at all times.
  - (1) The licensee shall take measures to keep the facility reasonably free of flies and other insects.
- (g) All indoor and outdoor passageways, stairways, inclines, ramps, and open porches shall be kept free of obstruction.
- (h) A licensee that 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.
  - (1) Fences shall be at least five feet high and shall be constructed so that the fence does not obscure the pool from view. Gates shall swing away from the pool, self-close and have a self-latching device located no more than six inches from the top

of the gate. Pool covers shall be strong enough to completely support the weight of an adult and shall be placed on the pool and locked while the pool is not in use.

- (i) If the facility has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible and if the pool is less than 60 inches in height, by the use of a barricade. Any barricade, whether or not it includes the above-ground pool structure itself, shall meet the requirements of subsection (h)(1).
- (j) All pools that cannot be emptied after each use shall have an operative pump and filtering system.
- (k) When a nonminor dependent or nonminor dependent parent's child has a disability, the licensee shall make necessary specific provisions including, but not limited to, changes to the building and grounds as required to provide protection and assistance and maximize the potential for self-sufficiency.
- (l) The licensee shall maintain a safe and comfortable temperature in the facility at all times.
- (m) The licensee shall ensure safety around fireplaces, open-faced heaters, or woodstoves.
- (n) The licensee shall provide lighting as necessary in all rooms and other areas to ensure comfort and safety in the facility.
- (o) Faucets used for personal care and grooming shall deliver hot water at a safe temperature.
- (p) All toilets, sinks, bathtubs, and showers shall be maintained in safe and sanitary operating condition. Additional equipment, aids, and/or conveniences shall be provided in facilities accommodating physically handicapped clients who need such items.
- (q) Waste shall be stored, located, and disposed of 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.
- (r) Firearms and other weapons shall be stored where inaccessible to a nonminor dependent.
  - (1) Storage areas for firearms and other weapons shall be locked.
  - (2) In lieu of locked storage of firearms, the licensee may use trigger locks or remove the firing pin.
    - (A) Firing pins shall be stored and locked separately from firearms.
  - (3) Ammunition shall be stored and locked separately from firearms.
- (s) A nonminor dependent, to the extent of his or her ability, 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.
- (t) In permitting a nonminor dependent to have access to the items specified in subsection (s)(1) through (s)(3), the licensee shall ensure that the safety of a nonminor dependent and others in the facility is maintained.

NOTE: Authority cited: Sections 1502.7, 1530, and 115926, Health and Safety Code.  
Reference: Sections 1501, 1531, 115921, 115922(a), and 115923, Health and Safety Code; and Section 16001.9, Welfare and Institutions Code.