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Children's Residential Care Update

FALL 2011



Welcome to our Fall 2011 *Children's Residential Care Update*. We are in the twentieth year of our efforts to keep the children's residential care community informed of licensing programs and services. Your support in sharing this *Update* with colleagues in your organization and others interested in children's issues is appreciated.

You may now find the topic of your choice in each *Update* without having to scroll down. Just go to the next page and put your cursor over the blue highlighted subject heading that you wish to review, hold down the control and shift buttons at the same time, and you will be taken to that area of the *Update*.

Our *Updates* are available online at the California Department of Social Services (CDSS) Community Care Licensing Division (CCLD) website. They can be viewed or obtained at <http://cclld.ca.gov/PG457.htm>.



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ASSEMBLY BILL 12 INTERIM LICENSING STANDARDS RELEASED

The CCLD is pleased to announce the recent release of an Information Release (IR) and Interim Licensing Standards to implement Assembly Bill (AB) 12, The California Fostering Connections to Success Act (Chapter 559, Statutes of 2010).

AB 12 will allow California to extend foster care for non-minor dependents up to age 20, and subject to budget appropriation by the legislature, up to age 21. This key provision of AB 12 will become effective on January 1, 2012.

Complete text of the IR and the Interim Licensing Standards are available on the CCLD website at <http://cclld.ca.gov/PG2802.htm>.



INFORMATION ABOUT AB 12 FOR FOSTER YOUTH

A flyer is now available to be given to foster youth that explains the basic aspects of AB 12, The California Fostering Connections to Success Act. This flyer provides youth with basic information on eligibility requirements, where they can live to be eligible, and what their responsibilities are. A copy of this flyer is attached to this *Update* and can also be viewed or obtained on the CCLD website at <http://cclld.ca.gov/PG457.htm>.

CRISIS NURSERIES REGULATIONS APPROVED



The Office of Administrative Law has approved the Crisis Nurseries (CN) Regulations,

which update CN regulations by promulgating the provisions of Senate Bill (SB) 1214 (Chapter 519, Statutes of 2010). These regulations became effective on October 29, 2011.

Highlights of this regulation package include:

- A revised definition of “voluntary placement” to only include the placement of children in a CN by a parent or legal guardian. This revised definition excludes the placement of children in a CN by a child welfare services agency.
- An extension of the sunset date for CN regulations from July 1, 2011 to January 1, 2014

Complete text of the CN regulations can be found on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG2638.htm>.



FOSTER FAMILY HOME AND SMALL FAMILY HOME INSURANCE FUND

The Foster Family Home (FFH) and Small Family Home (SFH) Insurance Fund provides liability insurance coverage for foster parents related to incidents in providing foster care services. The Fund’s liability coverage is extended to you if you have a licensed FFH or SFH.

This liability insurance covers certain valid claims of bodily or personal injury to foster children that occur during the foster care relationship, during the provision of foster care services, and during the time foster children are in your home. The liability insurance provided by the Fund does not cover intentional or criminal acts against foster children. There are additional exclusions that are specified in [Health and Safety Code section 1527.3](#). The Fund’s coverage limit is \$300,000 for all claims per licensed home during a single calendar year.

You can find additional information about the FFH and SFH Insurance Fund on the CCLD website at http://cclld.ca.gov/res/pdf/FFHSFH_InsFund.pdf.

DEPARTMENT OF JUSTICE CUSTODIAN OF RECORDS REQUIREMENT



SB 447 (Statutes of 2009) amended Penal Code section 11102.2 that required agencies who receive criminal offender record information (CORI) to appoint a custodian of records. It was brought to our attention recently that licensees were receiving notification from the Department of Justice (DOJ) stating that each licensee was required to appoint a custodian of records for their facility.

The CCLD wrote a letter to DOJ requesting an interpretation of this new law, stating that licensees are not considered “agencies” that receive criminal history information. The DOJ recently responded and confirmed that this new requirement was never intended to apply to licensees of community care facilities. The CDSS CCLD is the agency that

receives CORI and must have a custodian of records, NOT licensees of community care facilities.

If you continue to receive notification that you are required to appoint a custodian of records for your facility, please contact the DOJ at the information listed on their website. Please see the attached link specifically for the custodian of records: <http://ag.ca.gov/fingerprints/custodian.php>.



CRIMINAL BACKGROUND CHECK REQUIREMENTS

California law requires a background check of all applicants, licensees, adult residents, volunteers under certain conditions, and employees who have contact with children. If CDSS finds that an individual has been convicted of a crime other than a minor traffic violation, the individual cannot work or be present in a children's residential community care facility or home unless they receive a criminal record exemption from the CCLD, Caregiver Background Check Bureau.

Children's residential facilities and homes that fail to obtain a criminal record clearance or criminal record exemption for any individual as required by law are subject to an immediate civil penalty of \$100 per cited violation per day, for a maximum of five days.

Subsequent criminal background clearance violations within a 12-month period will result in a civil penalty of \$100 per violation per day for a maximum of 30 days. It is your responsibility as a licensee to ensure that employees, adult residents, and volunteers specified in law have criminal record clearances or exemptions.

You can learn more about criminal record clearance requirements and the associated civil penalties in the California Code of Regulations, Title 22, General Licensing Requirements Sections [80019](#), [80019.1](#), and [80054](#); Crisis Nurseries Sections [86519](#), [86519.1](#), and [86554](#); Foster Family Agencies Section [88019](#); and Foster Family Homes Sections [89219](#), [89219.1](#), and [89254](#).



REGULATIONS DOCKET

Children's Residential Exceptions to Age 18 Regulations: A public hearing for the proposed Children's Residential Exceptions to Age 18 regulations was held on September 14, 2011. CDSS is currently responding to public testimony.

These proposed regulations would clarify the exceptions in current law that permits children to remain in foster care past age 18. These proposed regulations would eliminate the requirement for licensees to request exceptions.

The proposed regulations are currently posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG2699.htm>.



SEASONAL INFLUENZA VACCINE FOR 2011-12

The seasonal vaccine is now available or will soon become available in many locations to protect you and the children in your care from influenza (the flu) this upcoming season. According to the Centers for Disease Control and Prevention, the 2011-12 vaccine will provide the same protection as last year's vaccine, which provided protection from the 2009 H1N1 pandemic flu as well as an influenza A H3N2 strain and an influenza B strain. Even if you received the seasonal flu vaccine in 2010-11, you still need the 2011-12 seasonal flu vaccine.

The flu is a contagious respiratory illness that usually comes on suddenly, can cause mild to severe illness, and at times, lead to death. The most common symptoms of the flu are fever or feeling feverish/chills, a dry unproductive cough, muscle or body aches, headaches, chest discomfort, and tiredness.

Everyone six months of age and older is recommended to be vaccinated against the flu. Talk with your health care provider about getting the flu vaccine. Vaccines are available from doctor's offices, clinics, health care providers, local health departments, pharmacies, college health centers, as well as many employers, and even some schools. Additional information on influenza may be found on the following websites: [Influenza \(Flu\)](#), [Seasonal Influenza \(Flu\) Vaccination](#), [Flu.gov](#), and [Flu and Respiratory Disease Prevention](#).

HELPFUL REMINDERS

"Fall Back" to Standard Time



Daylight Savings Time ended Sunday, November 6, 2011, at 2:00 AM.

Along with changing the time back one hour on your clocks, this is a great time of year to remind licensees to:

- Check or replace carbon monoxide detector and smoke alarm batteries at least once a year.
- Test alarms every month to ensure they work properly.
- Clean air filters for your heating system and contact your local gas and electric company to have pilots, fireplaces, and other such items checked as we head into the fall and winter months.



RESIDENTIAL CARE STATISTICS

All of the statistics for the state and county licensed Children's Residential Care facilities are available online. When you visit the new CCLD home page at <http://www.cclld.ca.gov>, please click on the "Facility Facts" tab at the top of the page.

Click on the “Licensing Statistics” link on the center of the page that appears. Then, click on the desired “State Licensed Facilities by Geographical Area” or “County Licensed Facilities” link on the center of the page. Directories can also be obtained from your local licensing office.

SUMMARY

If you have questions about this *Update* or proposed regulations, or suggestions for future topics, please contact Gloria Merk, Acting Chief of the Technical Assistance and Policy Branch at (916) 651-3456. Please visit our website at www.cclld.ca.gov to obtain *Updates*, office locations, provider letters, regulations, or to learn more about licensing services. Information about all Children’s Residential facilities and homes, including Out- of-State Group Homes and the Statewide County Foster Family Home Program, is available on the CCLD website at <http://cclld.ca.gov/PG499.htm>.

Sincerely,

Original signed by Jeffrey Hiratsuka

JEFFREY HIRATSUKA
Deputy Director
Community Care Licensing Division

Attachments