

Resource Family Approval Program Written Directives



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Prepared by:

California Department of Social Services



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RESOURCE FAMILY APPROVAL WRITTEN DIRECTIVES

ARTICLE I. INTRODUCTION

SECTION 1-01: Purpose

- (a) The purpose of the Resource Family Approval Program is to implement a unified, family-friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes and approving relatives and non-relative extended family members as foster care providers, and approving families for legal guardianship or adoption.
- (b) A Resource Family shall be considered eligible to provide foster care for related and unrelated children in out-of-home placement, shall be considered and approved for adoption or legal guardianship, and shall not have to undergo any additional approval or licensure.

SECTION 1-02: Authority

- (a) **Federal Authority.** Title IV-E, Section 471(a)(10) of the Social Security Act requires that the state of California establish a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for these institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights.
- (b) **State Authority.** Welfare and Institutions Code section 16519.5 requires the California Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, to implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes and approving relatives and non-relative extended family members as foster care providers, guardians and approving adoptive families. *(Added by Stats. 2007, c. 464 (A.B. 340), § 3. Amended by Stats. 2011, c. 32 (A.B. 106), § 69, eff. June 29, 2011; Stats. 2012, c. 35 (S.B. 1013), § 136, eff. June 27, 2012; Stats. 2013, c. 21, § 42, eff. June 27, 2013; Stats. 2014, c. 772 (S.B. 1460), § 21, eff. September 29, 2014; Stats. 2015, c. 773 (A.B. 403), § 111, eff. October 11, 2015.)*

SECTION 1-03: Interstate Compact on Placement of Children

- (a) The Interstate Compact on Placement of Children (ICPC) is set forth in the Family Code commencing with Section 7900 et seq. and hereby adopted and entered into with all other

jurisdictions joining therein. It further designates the California Department of Social Services as the “appropriate public authority” responsible for administration of ICPC.

- (b) The ICPC is a contract among member states and U.S. territories authorizing them to work together to ensure that children who are placed across state lines for foster care or adoption receive adequate protection and support services. The ICPC establishes procedures for the placement of children and fixes the responsibility for agencies and individuals involved in placing children.
- (c) Nothing herein shall supersede any timelines, requirements, or provisions set forth by Family Code section 7900 et seq, MPP 31-510, or regulations adopted by the Association of Administrators of the Interstate on the Placement of Children (AAICPC).

SECTION 1-04: Tribally Approved Homes

- (a) Tribally approved homes are not required to adhere to the Resource Family Approval standards set forth in the Written Directives. These homes shall continue to adhere to the licensing or approval standards set forth by the tribe.

SECTION 1-05: Historical Program Notes

- (a) **Early Implementation Phase:** In 2013, the Department selected five counties to voluntarily participate in the initial early implementation phase of the Resource Family Approval Program for the purpose of collaboration in the development of the Program. In 2015, a second cohort of eight counties were also selected to voluntarily participate in the early implementation phase and began as of January 1, 2016. The early implementation phase is authorized to continue through December 31, 2016 until statewide implementation begins on January 1, 2017.
- (b) **Initial Early Implementing Counties:** The following five counties volunteered to participate in the initial early implementation phase of the Resource Family Approval Program:
 - (1) Effective November 1, 2013, San Luis Obispo County initiated early implementation of the Resource Family Approval Program.
 - (2) Effective January 15, 2014, Kings County initiated early implementation of the Resource Family Approval Program.
 - (3) Effective March 1, 2014, Santa Barbara County initiated early implementation of the Resource Family Approval Program.
 - (4) Effective July 31, 2014, Santa Clara County initiated early implementation of the Resource Family Approval Program.
 - (5) Effective August 1, 2014, San Francisco County initiated early implementation of the Resource Family Approval Program.

- (c) **Cohort 2 Early Implementing Counties:** The following eight counties volunteered to participate in the early implementation phase of the Resource Family Approval Program:
- (1) Effective January 1, 2016, Yolo County initiated early implementation of the Resource Family Approval Program.
 - (2) Effective February 16, 2016, Orange County initiated early implementation of the Resource Family Approval Program.
 - (3) Effective March 1, 2016, Butte, Ventura, Madera and Monterey Counties initiated early implementation of the Resource Family Approval Program.
 - (4) Effective April 1, 2016, Stanislaus County initiated early implementation of the Resource Family Approval Program.
 - (5) Effective July 1, 2016, San Joaquin County initiated early implementation of the Resource Family Approval Program.
- (d) **Foster Family Agencies:** Commencing January 1, 2016, the Department may select and authorize foster family agencies that voluntarily submit implementation plans and revised plans of operation to participate in early implementation of the Resource Family Approval Program.
- (e) **Statewide Implementation:** All counties and foster family agencies shall implement the Resource Family Approval Program on or before January 1, 2017.
- (f) **Written Directives:** Pursuant to Welfare and Institutions Code section 16519.5(f)(4), the Department has issued Written Directives to administer the Resource Family Approval Program operated by the counties.
- (1) Version and Effective Date
 - **Version 1: Effective November 1, 2013** (Revision Date: 11/22/2013)
 - Authorized and approved by Greg Rose, Deputy Director, for the Children and Family Services Division and Dave Dodds, Deputy Director, for the Community Care Licensing Division.
 - **Version 2: Effective October 15, 2015** (Revision Date: 09/01/2015)
 - Authorized and approved by Greg Rose, Deputy Director for the Children and Family Services Division and Pam Dickfoss, Deputy Director for the Community Care Licensing Division.
 - **Version 2.1: Effective June 18, 2016** (Revision Date: 05/18/2016)
 - Authorized and approved by Greg Rose, Deputy Director for the Children and Family Services Division and Pam Dickfoss, Deputy Director for the Community Care Licensing Division.
 - **Version 3: Effective September 30, 2016** (Revision Date: 08/30/2016)
 - Authorized and approved by Greg Rose, Deputy Director for the Children and Family Services Division and Pam Dickfoss, Deputy Director for the Community Care Licensing Division.

ARTICLE 2: GENERAL PROVISIONS

SECTION 2-01: Written Directives

- (a) The Written Directives:
 - (1) Have the same force and effect as regulations.
 - (2) Ensure Counties use the same standards for Resource Family Approval.
- (b) A County may not implement policies or procedures that conflict with or attempt to supersede the Written Directives.
- (c) The Department may amend the Written Directives to address policy, program, or other issues identified by Counties or the Department.
 - (1) A County shall implement any changes to the Written Directives within 30 days of notice of the change.

ARTICLE 3: DEFINITIONS AND FORMS

SECTION 3-01: Definitions

- (a) The following definitions shall apply whenever the terms are used throughout the Written Directives:
 - (1) "Accusation" means a written statement of charges filed by the County or Department that specifies the statutes and rules that a Respondent is alleged to have violated that may constitute grounds for revocation, rescission, suspension, limitation or conditions, as described in Government Code section 11503.
 - (2) "Adoption Assistance Program" or "AAP" means a program of financial or medical assistance to facilitate the adoption of children who otherwise would remain in long-term foster care, as described in Welfare and Institutions Code section 16115 et seq.
 - (3) "Adoptive parent" means a person who has obtained an order of adoption of a minor child or, in the case of an adult adoption, an adult.
 - (4) "Adult" means a person who is 18 or older.
 - (5) "Allegation" means information which asserts or indicates that a Resource Family may not have met or may not be meeting the requirements of one or more of the Written Directives or any applicable laws.
 - (6) "Alternative caregiver" means a person who is at least 18 years old and has a criminal record clearance who cares for a child in either the Resource Family's home or in the alternative caregiver's home when the Resource Family is away from his or her home for more than 24 hours at a time.
 - (7) "Applicant" means an individual or individuals who have submitted an application to a County for Resource Family Approval.
 - (8) "Approved Relative Caregiver Funding Option Program" or "ARC Program" means a county-optional program, as defined in Welfare and Institutions Code section

- 11461.3, which provides the approved relative caregiver of a dependent child or nonminor dependent who is not eligible for AFDC-FC, a monthly payment equal to the basic foster care rate at the child's assessed level of care.
- (9) "Associated individual" means a person who has obtained a criminal record clearance or exemption pursuant to Welfare and Institutions Code section 16519.5 in order to reside or be regularly present in the home of an applicant or Resource Family.
 - (10) "Birth parent" means a biological parent or, in the case of a person previously adopted, an adoptive parent.
 - (11) "Capacity" means the number of children and nonminor dependents for whom a Resource Family is approved to provide care and supervision.
 - (12) "Child" means a person who is under 18 placed with or who is being considered for placement with a Resource Family by a placement agency with or without a court order.
 - (13) "Child Abuse Central Index" or "CACI" means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental or emotional abuse or severe neglect. Each child protection agency (police, sheriff, county welfare, and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded.
 - (14) "Child with special health care needs" means the following, as defined in Welfare and Institutions Code section 17710(a):
 - (A) A child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who meets both of the following requirements:
 - (i) Has a condition that can rapidly deteriorate resulting in permanent injury or death or a medical condition that requires specialized in home health care.
 - (ii) Has been adjudged a dependent of the court pursuant to Welfare and Institutions Code section 300, is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.
 - (15) "Compelling Reason" means a decision to place a child with an applicant prior to approval as a Resource Family based upon the best interest of the child, to include maintaining a child's family-like connections.
 - (16) "Complainant" means a person who makes an allegation or provides information to a County concerning a Resource Family, which is considered to be a complaint. If an administrative action is pending, "complainant" may also mean the County or Department as that term is typically used in an administrative action.
 - (17) "Complaint" means one or more allegations made concerning a Resource Family.
 - (18) "Comprehensive Assessment" means an evaluation of an applicant using the home environment, background check, and psychosocial assessments and any other factors set forth in the Written Directives for purposes of determining the applicant's suitability as a Resource Family.

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- (19) “Conviction” means a plea or verdict of guilty or a conviction following a plea of nolo contendere, notwithstanding a subsequent order pursuant to Penal Code sections 1203.4 and 1203.4a permitting the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
- (20) “Corrective Action Plan” or “CAP” means a plan developed jointly by the Resource Family and the County which describes how the Resource Family is not meeting the requirements of one or more of the Written Directives or any applicable law, and the steps the Resource Family and the County will take to ensure that the Resource Family meets the requirements of the Written Directives or any applicable law.
- (21) “County” means a county that enters into a Memorandum of Understanding with the Department for the operation of the Resource Family Approval Program within that county’s geographic area.
- (22) “Department” means the California Department of Social Services.
- (23) “Director” means the director of the California Department of Social Services.
- (24) “Documented Alternative Plan” or “DAP” means a written plan, pursuant to Section 7-04, approved by a County describing an applicant’s or Resource Family’s use of an acceptable alternative to a specific requirement.
- (25) “Emergency placement” means a placement of a child or nonminor dependent with a relative or nonrelative extended family member prior to Resource Family Approval.
- (26) “Excluded individual” means a person upon whom a County or the Department has served an exclusion order prohibiting residence, presence, or contact with children or nonminor dependents in the home of a Resource Family.
- (27) “Foster care” means 24-hour out-of-home care provided to children or nonminor dependents whose families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting.
- (28) “Gender expression” refers to the ways a person communicates their gender identity through clothing, haircut, behavior, and interaction with others.
- (29) "Gender identity" means a person’s internal identification or self-image as male, female, or other.
- (30) “Health care practitioner” means a physician or any of the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code and who provide specialized in-home health care prescribed by a physician for a child with special health care needs: Registered Nurse, Public Health Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist, and Respiratory Therapist.
- (31) “Home environment assessment” means a component of the Resource Family Approval process which requires an applicant to meet standards that include, but are not limited to, home and grounds, outdoor activity space, storage requirements, fire clearance, and capacity determination.
- (32) “ICPC” means the Interstate Compact on the Placement of Children.
- (33) “Inconclusive” means that an investigation concluded that an allegation in a complaint is not substantiated or unfounded.
- (34) “Individualized health care plan” means a written plan developed by an individualized health care plan team and approved by the team physician, or other health care practitioner designated by the physician to serve on the team, for the

- provision of specialized in-home health care to a child with special health care needs as specified in Welfare and Institutions Code section 17731.
- (35) "Individualized health care plan team" means those persons who develop an individualized health care plan for a child with special health care needs, including the primary care physician for a child or other health care practitioner chosen by the physician to serve on the team, the county social worker or regional center caseworker for the child, and any health care practitioner chosen to monitor the specialized in-home health care provided to a child pursuant to the individualized health care plan, as defined in Welfare and Institutions Code section 17710.
- (36) "Infant" means a child under two years of age.
- (37) "Kinship Guardianship Assistance Payments" or "Kin-GAP" means a program of financial assistance or medical assistance (Medi-Cal) to facilitate the achievement of permanency for foster children through legal guardianship by a relative caregiver as defined in Welfare and Institutions Code sections 11362 and 11391.
- (38) "Legal Division" means the Legal Division of the California Department of Social Services.
- (39) "Memorandum of Understanding" means a contract that contains the terms and conditions entered into between the Department and a County for the operation of the Resource Family Approval Program.
- (40) "Nonambulatory person" means a person as defined in Health and Safety Code section 13131.
- (41) "Nonminor dependent" or "NMD" means a foster child who is at least 18 years of age and not more than 21 years of age or a nonminor former dependent or ward, as defined in Welfare and Institutions Code section 11400.
- (42) "Nonrelative extended family member" or "NREFM" means an adult who has an established familial relationship with a relative of a child or a familial or mentoring relationship with a child as defined in Welfare and Institutions Code section 362.7.
- (43) "Notice of defense" means a written statement signed by or on behalf of a Respondent in response to an Accusation or Statement of issues that constitutes a request for hearing, as described in Government Code section 11506.
- (44) "Occasional short-term babysitter" means a person who cares for a child in or out of a Resource Family's home on an occasional basis for no more than 24 hours at a time.
- (45) "Permanency assessment" means a component of the Resource Family Approval process which requires an applicant to meet standards that include, but are not limited to, pre-approval training, psychosocial assessment, and any other activities that relate to a Resource Family's ability to achieve permanency with a child or nonminor dependent.
- (46) "Placement agency" means a county probation department, county welfare department, county social service department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, conservator pursuant to Part 3 (commencing with Section 1800) of Division 4 of the Probate Code, conservator pursuant to Chapter 3 (commencing with section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, and regional center for persons with developmental disabilities, that is engaged in finding

- homes or other places for children and nonminor dependents for temporary or permanent care, as defined in Health and Safety Code section 1536.1(a).
- (47) “Position statement” means a written statement by a party that includes a summary of the facts and issues in a case and the party’s position that is filed prior to a hearing at the State Hearings Division, as described in Welfare and Institutions Code section 10952.5.
- (48) “Precedential decision” means a decision adopted by the Department that contains a significant legal or policy determination of general application that is likely to recur and that has been designated as a precedent decision in whole or in part, as described in Government Code section 11425.60.
- (49) “Psychosocial assessment” means a component of the Permanency Assessment, which includes a thorough evaluation of an applicant or Resource Family, his or her family system dynamics and strengths, and areas where more support or resources may be needed for more effective and quality parenting skills.
- (50) “Quality Parenting Initiative (QPI) Partnership Plan” means the document that describes the roles of a Resource Family and a County in mutually supporting a child or nonminor dependent in care and meets the case plan objectives.
- (51) “Reasonable and prudent parent standard” means the careful and sensible parental decisions that maintain a child’s health, safety, and best interests, while at the same time encouraging the emotional and developmental growth of the child, as defined in Welfare and Institutions Code section 362.05.
- (52) “Relative” means an adult who is related to a child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” or the spouse of any of these persons even if the marriage was terminated by death or dissolution, as defined in Welfare and Institutions Code section 11400.
- (53) “Rescind” means an administrative action by a County or the Department to revoke the approval of a Resource Family.
- (54) “Resource Family” means an individual or couple that a County determines to have successfully met the application and assessment criteria necessary for providing care for a child or nonminor dependent who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department.
- (55) “Resource Family Approval” means that an applicant or Resource Family successfully meets the home environment assessment and permanency assessment standards adopted pursuant to Welfare and Institutions Code section 16519.5.
- (56) “Resource Family Approval Program” or “program” means the single process for approving families for foster care, legal guardianship, and adoption.
- (57) “Respite care” means temporary care for a period of time approved by a county child welfare agency or probation department and not provided for the purpose of routine, ongoing child care, as defined in Welfare and Institutions Code section 16501(b), in the home of a licensed, certified, or approved foster caregiver.
- (58) “Respondent” means an applicant, Resource Family parent, or individual who has been served with a notice of action and is the subject of an administrative action. For matters that shall be heard by the State Hearing Division, a “Respondent” also

- means a “claimant,” as defined in CDSS Manual of Policy and Procedures section 22-001.
- (59) “Risk assessment” means the consideration of factors regarding an applicant that include, but are not limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence history.
- (60) “Serious complaint” means a complaint containing an allegation which may involve either of the following:
- (A) Conduct by any person as described in Penal Code section 11165.5.
 - (B) Death or serious bodily injury, or risk of death or serious bodily injury, to any person.
- (61) “Serious deficiency” means any failure to comply with Resource Family Approval requirements that presents an immediate or substantial threat to the physical health, mental health, or safety of any child or nonminor dependent in a home.
- (62) “Serious incident” means an incident reported by a Resource Family pursuant to Section 10-02B which may involve either of the following:
- (A) Conduct by any person as described in Penal Code section 11165.5.
 - (B) Death or serious bodily injury, or risk of death or serious bodily injury, to any person.
- (63) “Severe neglect” means neglect as defined in Penal Code section 11169.
- (64) “Sexual orientation” describes a person’s emotional, romantic or sexual attraction to others that is shaped at an early age.
- (65) “Sibling” means two or more children related by blood, adoption, or affinity through a common legal or biological parent as defined in Welfare and Institutions Code sections 362.1 and 16002.
- (66) “Sibling group” means two or more children who are related to each other as full, half, or step siblings as defined in Welfare and Institutions Code section 361.5.
- (67) “Specialized in-home health care” means those services identified by a child’s primary physician as appropriately administered by a specialized Resource Family.
- (68) “Specialized Resource Family” means a Resource Family who has been trained by health care practitioner to provide specialized in-home health care to children with special health care needs.
- (69) “Statement of issues” means a written statement filed by the County or Department regarding grounds for denial of a license, approval or privilege and specifying the statutes and rules with which a Respondent must show compliance, as described in Government Code section 11504.
- (70) “Substantiated” means that an investigation concluded that based on a preponderance of the evidence, meaning that it is more likely than not, an allegation in a complaint occurred.
- (71) “Transgender” means a person whose gender identity does not correspond with their anatomical sex. A transgender girl or woman is a girl or woman whose birth sex was male but who understands herself to be female. A transgender boy or man is a boy or man whose birth sex was female but who understands himself to be male.
- (72) “Tribally approved home” means a home that has been licensed or approved by an Indian tribe for foster care or adoptive placement of an Indian child using standards established by the tribe pursuant to the Indian Child Welfare Act (25 U.S.C. 1915), is not required to be licensed by the Department or a County, and is equivalent to a

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- Department or county licensed home. Background check requirements for foster or adoptive placement as required by Health and Safety Code sections 1522 and 1522.1 apply to a tribally approved home.
- (73) “Unfounded” means that an investigation concluded that an allegation in the complaint is false, meaning that there is no credible evidence that the allegation in the complaint occurred.
 - (74) “Written Report” means a summary, analysis, and determination of an applicant’s suitability to foster, adopt, or provide legal guardianship of a child or nonminor dependent based on all the information gathered through the Resource Family Approval application and comprehensive assessment processes.
 - (75) “Written Directives” means the written processes, standards, and requirements issued by the Department to implement the Resource Family Approval Program.

SECTION 3-02: Forms

- (a) A County shall use the following Resource Family Approval forms:
 - (1) Form RFA-01(A): Resource Family Application
 - (2) Form RFA-01(B): Resource Family Criminal Records Statement
 - (3) Form RFA-01(C): Resource Family Application – Confidential
 - (4) Form RFA-02: Resource Family Background Checklist
 - (5) Form RFA-03: Resource Family Home Environment
 - (6) Form RFA-04: Resource Family Risk Assessment
 - (7) Form RFA-05: Resource Family Written Report
 - (8) Form RFA-05(A): Resource Family Approval Certificate
 - (9) Form RFA-06: Resource Family Written Update Report
 - (10) Form RFA-07: Health Screening
 - (11) Form RFA-08: Tuberculosis (TB) Screening Questionnaire
 - (12) Form RFA-09: Notice of Action
 - (13) Form RFA-802: Complaint Intake Report
 - (14) Form RFA-809: Resource Family Evaluation Report
 - (15) Form RFA-809C: Resource Family Evaluation Report - CAP
 - (16) Form RFA 9099: Complaint Investigation Report
 - (17) Form RFA-9099C: Complaint Investigation Report - Continued

- (b) A County may use the following forms or an equivalent form containing the same information:
 - (1) Form RFA-04
 - (2) Form RFA-05
 - (3) Form RFA-05(A)
 - (4) Form RFA-06
 - (5) Form RFA-07
 - (6) Form RFA-08

ARTICLE 4: GENERAL REQUIREMENTS FOR COUNTIES

SECTION 4-01: Memorandum of Understanding

- (a) The Department shall enter into a Memorandum of Understanding (MOU) with all counties participating in the early implementation phase of the Resource Family Approval Program.

SECTION 4-02: Implementation Plan

- (a) A County shall submit an implementation plan for operation of the program to the Department within the timeframes established by the Department.
- (b) The implementation plan shall include the following:
 - (1) Program statement and vision.
 - (2) Program goals, objectives, and intended outcomes.
 - (3) The County's organizational structure, including program and probation staff roles and responsibilities.
 - (4) Description of a plan for maintaining program staff and probation qualifications, skills, and program expertise.
 - (5) If applicable, identification of the role of any contracted licensed adoption agencies that will be involved with the implementation or operation of the program, including a description of activities to be performed, as well as their staff qualifications, skills, and expertise.
 - (6) Description of the County plan for tribal outreach and participation.
 - (7) Resource Family Approval process, including plans for out-of-county approvals.
 - (8) Proposed Resource Family assessment tools.
 - (9) Training plan for program and probation staff and Resource Families.
 - (10) Procedures for the monitoring of Resource Families.
 - (11) Procedures for due process regarding denied or rescinded approvals or other adverse actions, and whether the County intends to use the Legal Division for consultations and hearings.
 - (12) Timeline for implementation.
 - (13) If applicable, a request to delegate specific program responsibilities to the Department.
 - (14) Any other information requested by the Department related to implementation.
- (c) A County shall consult with its probation department in the development of the Implementation Plan.

SECTION 4-03: Staff Requirements

- (a) A County shall ensure that program staff have the education and experience necessary to competently participate in the assessment and evaluation of an applicant or Resource Family.
 - (1) A County shall require social work personnel to meet the minimum qualification requirements for social worker or probation officer positions according to the County's requirements.

- b) A County shall ensure program staff are trained to perform assigned tasks.

- c) A County shall ensure program staff participating in the assessment and evaluation of an applicant or Resource Family meet core competency requirements, including having necessary knowledge and skills.
 - (1) Knowledge includes an understanding of the following:
 - (A) Child Welfare principles consistent with the California Continuum of Care Reform.
 - (B) The Resource Family Approval assessment and approval process.
 - (C) The contents of the Written Directives.
 - (D) The personal rights of children in foster care and how to ensure those rights are afforded to children.
 - (E) Child and family confidentiality principles.
 - (F) Techniques for interviewing children, nonminor dependents, and adults.
 - (G) Developmental stages of childhood and effects of trauma on development, as well as the impact of poverty on the lives of families and children.
 - (H) The priorities of safety, permanency, and well-being for children in foster care.
 - (I) The impact of trauma, grief, and loss on a child involved in the child welfare system and its impact on placement and permanency goals.
 - (J) The impact of mental health and substance abuse on children and families.
 - (K) Permanency timelines and the role caregivers play in supporting timely permanency.
 - (L) That teaming or collaboration assists in developing solutions that are individualized to the family and their culture, community, and tribes.
 - (M) The practice of cultural humility and how this approach improves family engagement, shows respect for families, and ensures assessments incorporate a family's unique culture.
 - (N) Ongoing training and services prepare caregivers to meet the needs of children and nonminor dependents and assists families with forming lifelong relationships.
 - (O) Resource Family Approval prepares families to better meet the needs of vulnerable children in the foster care system and assists with a seamless transition to permanency.
 - (P) The impact of personal biases when working with children and families.

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- (2) Skills include the ability to do the following:
- (A) Explain the Resource Family Approval requirements to applicants and Resource Families.
 - (B) Correctly apply the Written Directives and applicable laws.
 - (C) Conduct a home environment assessment, psychosocial assessment, and prepare a written report.
 - (D) Incorporate an assessment of an applicant's mental health and substance abuse into the risk assessment.
 - (E) Interview children, nonminor dependents, and adults using a variety of interviewing techniques.
 - (F) Conduct visits for assessment purposes in a way that engages Resource Families to build rapport and establish trust.
 - (G) Assess a variety of information including, but not limited to, historical, social, and economic factors pertaining to individuals.
 - (H) Summarize, evaluate, and make a final determination of an applicant in the written report.
 - (I) Investigate complaints, and prepare, conduct, and report findings of complaint investigations.
 - (J) Utilize teaming or collaborative strategies to engage Resource Families.
 - (K) Ability to assess and identify children who have been abused, neglected, or maltreated.
 - (L) Recognize how personal beliefs, values, norms, and world views can affect the dynamics of case planning and outcomes.
 - (M) Present self in a manner that is respectful, culturally humble, professional, and adapts well to meet both community and cultural needs of children and families.
 - (N) Collaborate with families to achieve mutual goals, build upon family strengths, and ensure quality comprehensive written reports are developed.
- d) A County shall provide program staff with a copy of the Written Directives.
- e) A County shall designate a Resource Family Approval Project Manager to be responsible for the day-to-day administration of the Resource Family Approval Program and to serve as the point of contact to the Department.

SECTION 4-04: County Reporting Requirements

- (a) A County shall collect and submit the data elements and information as determined by the Department for the purpose of meeting the reporting requirements of Welfare and Institutions Code section 16519.5(f)(9). The Department shall give Counties no less than 30 calendar days notice of the date on which the information should be submitted to the Department.
- (b) A County shall report to the Department on a quarterly basis the number of applicants with a child or nonminor dependent placed in a home pending completion of Resource Family

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Approval, whose psychosocial assessment or pre-approval training has exceeded 90 calendar days of the date of placement, as specified in Section 7-01(d) or 7-02(c), and summarize the reasons for the delay.

- (c) A County shall provide the Department with a log of Resource Families that were approved, denied, and rescinded on a quarterly basis.
- (d) A County shall submit information and records to the Department regarding administrative actions initiated by the county, including the following:
 - (1) A notice of action for denial or rescission of Resource Family Approval, denial or rescission of a criminal record exemption, or exclusion of an individual from a resource family home.
 - (2) An exclusion order.
 - (3) The date an appeal was received.
 - (4) Legal pleadings, including an accusation or statement of issues.
 - (5) Final decisions or resolutions following an appeal, including a default decision and order; dismissal; stipulation, waiver and order; any agreement pursuant to a withdrawal; proposed decision; decision and order; order pursuant to a writ of mandamus; or any other final order.
- (e) A County shall notify the Department of a serious complaint by the close of the next business day following receipt of the complaint:
 - (1) The following information shall be included in the notification:
 - (A) Date, time and location of the complaint
 - (B) Resource Family name and address
 - (C) Names and birthdates of children and/or nonminor dependents who are parties to the complaint
 - (D) Type of allegation involved in the complaint
 - (E) Detailed information about the complaint
 - (F) Other agencies notified, if any
 - (2) Upon completion of a serious complaint investigation, a County shall notify the Department if it intends to develop a corrective action plan and the final disposition of the investigation.
- (f) Upon receipt of a serious incident report, a County shall notify the Department of the serious incident by the close of the next business day following receipt of the incident.
 - (1) The following information shall be included in the notification:
 - (A) Date, time and location of the incident
 - (B) Resource Family name and address
 - (C) Names and birthdates of children and/or nonminor dependents who are parties to the incident
 - (D) Type of incident
 - (E) Detailed information about the incident
 - (F) Other agencies notified, if any

- (2) A County shall, upon completion of a serious incident investigation, notify the Department if it intends to develop a corrective action plan as a result of the serious incident.

SECTION 4-05: Confidentiality

- (a) A County shall comply with Welfare and Institutions Code section 10850 and Part 2 Chapter 7 of the Family Code to ensure that all applications and records concerning individuals made or kept by any officer or agency in connection with the administration of the Resource Family Approval Program are kept confidential. A County shall maintain the confidentiality of all information and records in accordance with applicable laws and Written Directives.
- (b) A County shall comply with its confidentiality policies, procedures, and guidelines. The location of those guidelines shall be made known to all employees. A County shall inform all of its employees, agents, and subcontractors of the confidentiality provisions of this section.
- (c) Any information obtained by a County pursuant to Sections 6-03, 6-05, and Section 6-07 shall be maintained in a confidential case file.

SECTION 4-06: Implementation of Resource Family Approval Program by a County

- (a) Upon implementation of the Resource Family Approval Program in a County, the County may not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of adoptive families or guardians.
- (b) If a relative or nonrelative extended family member lives outside the jurisdiction County, and the County is considering placing a child or nonminor dependent with the relative or nonrelative extended family member, the following shall apply:
 - (1) If the relative or nonrelative extended family member lives in an early implementing county, the placing County shall coordinate with the host County regarding the roles and responsibilities for Resource Family Approval and monitoring.
 - (2) If the relative or nonrelative extended family member lives in a non-participating county, the placing County may assess the individual(s) in accordance with the relative or nonrelative extended family member approval standards set forth in Welfare and Institutions Code sections 309 and 361.45, or the Resource Family Approval standards.
 - (A) If the County proceeds with the Resource Family Approval standards, it shall ensure the applicant meets all Resource Family Approval requirements and monitors the Resource Family.
 - (B) If the relative or nonrelative extended family member was approved as a Resource Family as specified in subparagraph (A) and accepts placement of

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non-related children concurrently with their relative children, the placing County shall continue to assume monitoring responsibility of the Resource Family.

- (C) When the RFA County no longer has jurisdiction over the relative child, the relative or nonrelative extended family member with Resource Family Approval may transfer their approval to their physical county of jurisdiction in compliance with Section 13.

SECTION 4-07: Incoming ICPC Requests

- (a) Upon receipt of a complete incoming ICPC request, a County shall complete a comprehensive assessment of an applicant for Resource Family Approval within 60 days, except as provided in paragraph (1).
 - (1) Pre-approval training, as specified in Section 6-06, may be completed after the 60 day timeframe.
 - (2) A report shall be submitted to the sending agency within 60 days pursuant to Family Code section 7901.1.
 - (A) The report shall address the extent to which placement in the home would meet the needs of the child.
 - (B) If the applicant has not completed pre-approval training, the report shall state the anticipated date of completion.
 - (3) A signed Interstate Compact Placement Request form (ICPC 100A) recommending that a placement of the child be made shall not be returned to the sending state until a County has completed the comprehensive assessment of the applicant pursuant to Section 6-01 and has approved the Resource Family as evidenced through the issuance of a written report as specified in Section 6-07.

ARTICLE 5: RESOURCE FAMILY APPLICATION PROCESS

SECTION 5-01: Nondiscrimination of Applicants

- (a) Any adult shall be permitted to apply for Resource Family Approval regardless of age, sex, race, religion, color, national origin, disability, marital status, gender identity, gender expression, actual or perceived sexual orientation, medical condition, genetic information, or ancestry.

SECTION 5-02: Applicant Qualifications

- (a) An applicant shall be at least 18 years of age.
- (b) An applicant shall be in good physical and mental health.

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- (1) Good physical health shall be verified by a health screening performed by a licensed health professional issued not more than 180 days prior to the date of the application and a screening or test for tuberculosis not more than one year old.
 - (2) Other adults residing in the home shall provide verification that they have completed a screening or test for tuberculosis not more than one year old.
 - (3) Good mental health that shows the applicant has not engaged in conduct that poses a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent.
- (c) An applicant shall provide information establishing all of the following:
- (1)
 - (A) An understanding of the safety, permanence, protection and well-being needs of children and nonminor dependents who have been victims of child abuse and neglect.
 - (B) An ability and willingness to meet the needs specified in subparagraph (A).
 - (C) A willingness to make use of support resources offered by the agency, or a support structure in place, or both.
 - (2)
 - (A) An understanding of children's or nonminor dependents' needs and development, effective parenting skills or knowledge about parenting.
 - (B) An ability to act as a reasonable and prudent parent in day-to-day decision making.
 - (3)
 - (A) An understanding of his or her role as a Resource Family.
 - (B) An ability to work cooperatively with the County and other service providers in implementing a child's or nonminor dependent's case plan.
 - (4) The financial ability within the household to ensure the stability and financial security of the family.
 - (5) An ability and willingness to maintain the least restrictive and most family-like environment that serves the needs of a child or nonminor dependent.
 - (6)
 - (A) An understanding of the rights of children or nonminor dependents in care.
 - (B) His or her responsibility to safeguard those rights.
 - (7) Knowledge and willingness to prepare a child for adulthood or to prepare a nonminor dependent for the transition to independent living.
 - (8) An understanding of and an ability and willingness to participate in the Quality Parenting Initiative Partnership Plan.

SECTION 5-03: Applicant Qualifications and Application Requirements

- (a) To become a Resource Family, an applicant must comply with the following requirements:
- (1)
 - (A) Participate in the psychosocial assessment, pursuant to Section 6-05, which includes a comprehensive inquiry into the applicant's personal history, family history, and family dynamics.
 - (B) Consent to release all requested evaluative reports and records, including physical and mental health.
 - (2) Allow a home environment assessment, pursuant to Section 6-02, of conditions in the home that affect the health, safety, and well-being of a child or nonminor dependent.

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- (3) (A) Provide the names and contact information for three individuals who can attest to the applicant's character and ability to provide a safe environment for a child or nonminor dependent.
 - (B) If an applicant is unable to provide three references, the applicant shall document the reasons.
 - (4) Consent to a background check assessment pursuant to Section 6-03A, including completing and submitting form RFA-01(B): Resource Family Criminal Records Statement, and form LIC 198B: Out-of-State Child Abuse/Neglect Report Request.
 - (5) Complete pre-approval trainings as specified in Section 6-06 and as required by the County.
- (b) Prior to conducting any component of a comprehensive assessment pursuant to Section 6-01, a County shall require an applicant to complete, sign, and submit form RFA-01(A): Resource Family Application, and provide supporting documentation.
 - (c) If a child or nonminor dependent is placed in the home of a relative or NREFM prior to approval on an emergency basis pursuant to Section 7-01, a County shall require the relative or NREFM applicant to complete, sign, and submit form RFA-01(A), Resource Family Application, within five business days of the child being placed in the home.
 - (d) A County shall require an applicant to provide the following supporting documentation prior to approval as a Resource Family:
 - (1) Proof of identity.
 - (2) Consent for the County to obtain a Department of Motor Vehicles report on each applicant and all adults residing or regularly present in the home who may frequently transport children or nonminor dependents.
 - (3) Verification of good physical health including a health screening by a licensed health professional that was issued not more than 180 days prior to the date of application and a screening or test for tuberculosis not more than one year old for all adults residing in the home.
 - (4) If employed, verification of current employment.
 - (5) Verification of the applicant's current income and disclosure of expenses.
 - (6) Documents verifying that the applicant owns or rents the home in which the applicant resides.
 - (7) History of the applicant's prior or present status as an approved relative or nonrelative extended family member, a certified family home, or an employee, volunteer, or licensee of a community care facility.
 - (e) A County may not charge an applicant an application processing fee.
 - (f) A County shall discuss and address questions regarding the following with an applicant:
 - (1) Benefits associated with foster care, Adoption Assistance Program (AAP), Kin-GAP, Approved Relative Caregiver (ARC) funding, and any other assistance that may apply.
 - (2) Personal Rights of foster children as specified in Section 11-08, including how to access additional information and resources that address these personal rights.

- (3) The applicant's right to a due process hearing.
 - (4) Access to health, mental health, and dental care through Medi-Cal, in home supportive services, and developmental or other services based on the needs of a child or nonminor dependent in the care of a Resource Family.
 - (5) The Reasonable and Prudent Parent Standard as specified in Section 11-12.
- (g) The Quality Parenting Initiative Partnership Plan, if applicable.
- (h) A County shall advise an applicant or Resource Family that if he or she moves to a new home location, the applicant or Resource Family is required to notify the County 30 days prior to moving or as soon as the information is available and that the applicant or Resource Family will be subject to an approval update as required by Section 8-03.
- (i) A County may cease any further review of an application where an individual has had a previous application denial within the preceding year, or where the individual has had a previous rescission, revocation, exemption denial, or exemption rescission by the Department or County within the preceding two years. However, the County may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances or conditions which either have been corrected or are no longer in existence. If an individual was excluded from a Resource Family home or facility licensed by the Department, the County shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to Government Code Section 11522 and Health and Safety Code section 1558(h). The cessation of review shall not constitute a denial of the application for purposes of this section or any other law.
- (j) An applicant for Resource Family Approval or a criminal record exemption shall notify the County or Department, as applicable, in writing of any change in mailing address or telephone number.

ARTICLE 6: RESOURCE FAMILY ASSESSMENT AND APPROVAL PROCESSES

SECTION 6-01: Comprehensive Assessment

- (a) The comprehensive assessment shall include:
- (1) Home environment assessment pursuant to Section 6-02
 - (2) Background check assessment pursuant to Section 6-03
 - (3) Permanency assessment pursuant to Section 6-04
 - (A) Psychosocial assessment pursuant to Section 6-05
 - (B) Pre-approval training pursuant to Section 6-06
- (b) Tools, including questionnaires and forms, may be used to complete a comprehensive assessment.

- (c) As deemed appropriate and necessary by a County, an applicant may be required to complete additional activities to help determine an applicant's ability to be approved as a Resource Family.
- (d) An applicant shall be assessed on the basis of his or her ability to meet all applicant qualifications as specified in Section 5-02 and the following:
 - (1) Honor the child's or nonminor dependent's natural connections.
 - (2) Parent a child or nonminor dependent needing placement in a family setting.
 - (3) Provide a safe, nurturing, and stable home.
 - (4) Provide permanence to a child or nonminor dependent or prepare a child or nonminor dependent for permanence, including reunification.

SECTION 6-02: Home Environment Assessment

- (a) A home environment assessment shall include all of the following:
 - (1) The results of a background check assessment pursuant to Section 6-03A.
 - (2) A health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the applicant's home to determine compliance with Article 11.
 - (3) A fire clearance pursuant to subsections (b) and (c).
 - (4) A capacity determination pursuant to subsections (d), (e), and (f).
- (b) A County shall require an applicant to have any necessary fire clearance for his or her home when the applicant intends to provide care to a child or nonminor dependent who is non-ambulatory.
- (c) If a fire clearance for a home is necessary, a County shall request that an applicant obtain a fire clearance from the city or County fire department, district providing fire protection services, or State Fire Marshal's Office having jurisdiction in the area where the home to be approved is located, and provide the fire clearance to the County.
- (d) A County shall ensure that the number of children and nonminor dependents for whom an applicant intends to provide care and supervision be no more than the total number of children and nonminor dependent's that an applicant can properly care for as determined by the County.
 - (1) The capacity may not exceed six, including adoptive, biological, and guardianship children and children of a minor or nonminor dependent parent residing in the home.
 - (A) Residency is determined as living in a home for more than 30 days.
 - (2) If exceptional circumstances are documented in a child's or nonminor dependent's case file to permit an applicant to care for more children or nonminor dependents, a County may grant an approval for an applicant to care for more children or nonminor dependents, in order to place sibling groups, as long as all of the following conditions are met:
 - (A) The Resource Family is not a specialized Resource Family.

- (B) The home is sufficient in size to accommodate the needs of all children and nonminor dependents in the home.

- (e) When determining the capacity of a Resource Family, a County shall consider the following:
 - (1) An applicant's ability to comply with applicable laws and the Written Directives.
 - (2) The number of children or nonminor dependents, in addition to any adoptive, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home, for whom the applicant is capable of providing care and supervision and that the home can accommodate.
 - (3) Any other household members who live in the home and his or her individual needs.
 - (4) Circumstances in the family environment that may affect the ability of an applicant to provide care and supervision to a child or nonminor dependent.
 - (5) Physical features of a home, including available living space, which are necessary in order to comply with applicable laws and the Written Directives.

- (f) A County may approve an applicant to care for fewer children or nonminor dependents than the applicant has requested when the County determines that the applicant's responsibilities to other persons in the home would not allow the applicant to provide the necessary care and supervision to children or nonminor dependents.
 - (1) When a County approves a capacity different than that requested by an applicant, the County shall provide written notification to the applicant that specifies the reasons for the limitation and the applicant's right to appeal the decision.

SECTION 06-03A: Background Check Assessment

- (a) A County shall conduct a background check assessment for each applicant and all adults residing or regularly present in the home of an applicant or Resource Family.

- (b) A background check assessment shall include all of the following:
 - (1) A review of an individual's state and federal criminal record information pursuant to Welfare and Institutions Code section 16519.5, unless the individual is exempt from fingerprinting pursuant to Health and Safety Code section 1522(b), to determine whether a criminal record clearance may be granted.
 - (A) A County or the Department shall obtain from an applicant and any adult residing or regularly present in the home a completed form RFA-01(B): Resource Family Criminal Records Statement.
 - (2) Consideration of all substantiated allegations of child abuse and severe neglect contained in the Child Abuse Central Index pursuant to Health and Safety Code section 1522.1.
 - (A) If the applicant or any adult residing or regularly present in the home has lived in another state within five years before seeking Resource Family Approval, an out-of state child abuse and neglect registry check using form LIC 198B: Out-of-State Child Abuse/Neglect Report Request.
 - (3) A Megan's Law registered sex offender check.

- (4) A Department of Motor Vehicles check on the applicant and any adults residing or regularly present in the home who may frequently transport a child or nonminor dependent.
 - (5) A check for prior licensing-related disciplinary actions contained in the Legal Administrative Action Records System (LAARS) maintained by the Department.
 - (6) A check for prior licensing history contained in the Licensing Information System (LIS) maintained by the Department.
- (c) An individual shall be required to obtain a criminal record clearance, or criminal record exemption pursuant to Section 06-03B, prior to approval, residency, or regular presence in a Resource Family.
- (1) If the criminal record of an applicant or other individual indicates any conviction or arrest other than a minor traffic violation, a County or the Department shall request the applicant or other individual provide the County or Department with a certified copy of court records and a crime report for each conviction or arrest, or a certified letter from a law enforcement agency that the report does not exist. If the law enforcement agency or court will not release the record to the applicant or other individual, or the County or Department determines that it is too burdensome for the applicant or other individual to obtain the record, the County or Department shall request the record.
 - (A) A County or the Department is authorized to obtain any arrest or conviction records or reports from any law enforcement agency as necessary to the performance of its duties as provided in Health and Safety Code section 1522(e).
 - (B) The applicant or other individual to whom the conviction or arrest pertains shall submit a written signed statement concerning the circumstances of each conviction or arrest.
 - (C) An investigation of the facts regarding arrests or convictions may lead to a denial of Resource Family Approval.
 - (2) If a County or the Department finds that an applicant or other individual has been convicted of a crime other than a minor traffic violation, the application or presence in the home of an applicant or Resource Family shall be denied, unless the County director grants an exemption pursuant to Section 06-03B.
 - (3) A County or the Department may not grant or continue a Resource Family Approval to an applicant or a Resource Family parent whose criminal record indicates a conviction for any of the offenses specified in Health and Safety Code section 1522(g)(1)(A) through (g)(1)(C).
 - (4) If a County or the Department finds that an applicant or other individual is awaiting trial for a crime other than a minor traffic violation, it may cease processing the criminal record information until the conclusion of the trial.
 - (5) A County shall verify that a subsequent arrest notification (rap back) service, as specified in Penal Code section 11105.2, is in place for each applicant and all adults residing or regularly present in the home of a Resource Family.
 - (6) Any action which a County is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is

made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this section, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

SECTION 6-03B: Criminal Record Exemption Criteria

- (a) Criminal record exemptions may be granted by a County director or designee using the exemption criteria specified in Health and Safety Code section 1522(g) if a County has been granted permission by the director or designee of the Department to issue exemptions pursuant to Welfare and Institutions Code section 361.4.
- (b) After a review of criminal record information, a County or the Department shall notify an individual of his or her right to request a criminal record exemption.
 - (1) The notice to the individual shall state the authority and criteria for the granting of a criminal record exemption, the specific criminal conviction for which an exemption is needed, including the crime, date, and location of the conviction, and the right to appeal if the requested exemption is denied.
- (c) A County or the Department may grant a criminal record exemption if both of the following occurs:
 - (1) The individual requests an exemption
 - (A) Upon notice to the individual that an exemption is needed, a County or the Department shall furnish a copy of the criminal offender record information received from the Department of Justice to the individual.
 - (2) The individual presents substantial and convincing evidence satisfactory to the County or Department that he or she has been rehabilitated and presently is of such good character as to justify the granting of Resource Family Approval or presence in a Resource Family home.
- (d) A County or the Department shall consider factors including, but not limited to, the following as evidence of good character and rehabilitation:
 - (1) The nature of the crime.
 - (2) Period of time since the crime was committed and number of offenses.
 - (3) Circumstances surrounding the commission of the crime that would demonstrate that repetition is not likely.
 - (4) Activities since conviction, including employment or participation in therapy, education or treatment, that would indicate changed behavior.
 - (5) Granting by the Governor of a full and unconditional pardon.
 - (6) Character references.
 - (7) A certificate of rehabilitation from a superior court.

- (8) Evidence of honesty and truthfulness as revealed in the application documents and interviews.
- (9) Evidence of honesty and truthfulness as revealed in the application interviews and conversations between the individual and the County or Department.

- (e) No criminal record exemption shall be granted for a crime that is listed in Health and Safety Code section 1522(g)(1)(A) through (g)(1)(C).

- (f) A County or the Department may deny a criminal record exemption request if either of the following occurs:
 - (1) The individual fails to provide any requested documents.
 - (2) The individual fails to cooperate in the exemption process.

- (g) A County or the Department shall maintain written documentation containing the reasons for granting, denying, or rescinding a criminal record exemption.

- (h) A County or the Department may grant a criminal record exemption that places conditions on an individual's approval or presence in a Resource Family home.

- (i) An individual may transfer a current criminal record clearance or exemption issued by a County or the Department to another County pursuant to the procedures specified in Health and Safety Code section 1522(h).

- (j) If a County or the Department denies an individual's request for a criminal record exemption or rescinds an exemption, the County or Department shall provide the individual with notice of the denial or rescission.
 - (1) The notice to the individual shall state the authority to deny the request for a criminal record exemption or to rescind an exemption, the specific criminal conviction for which the exemption was denied, and the right to appeal the County's or Department's decision.

- (k) A County or the Department shall take the following actions if a criminal record exemption is denied or rescinded:
 - (1) For initial applicants, denial of the application for Resource Family Approval.
 - (2) For currently approved individuals, rescission of the Resource Family Approval or exclusion of the individual.
 - (3) For all other individuals who are required to have a criminal record clearance or exemption, exclusion of the individual pursuant to Welfare and Institutions Code section 16519.5(g), or if the individual continues to reside or is regularly present in the home, then denial of the application or rescission of the approval.

SECTION 6-03C: Considerations of Rehabilitation and Good Character

- (a) In addition to the exemption criteria set forth in Section 6-03B, the following additional factors may establish that an individual is not presently rehabilitated and of good character:

- (1) False or misleading statements on forms, letters, other documents, or in conversations between the individual or others and the County or Department, in order to obtain or maintain home approval or to obtain or maintain a criminal record exemption. This includes the individual's knowing failure to fully disclose his or her criminal history or child abuse or neglect history when required to do so in application documents or interviews.
- (2) The individual is currently on criminal probation.
- (3) The individual's statements or testimony denies or minimizes guilt or attempts to impeach a conviction.
- (4) The individual has not sought ongoing counseling, treatment or aftercare where such aftercare is determined to be necessary, for an alcohol or substance abuse problem.
- (5) The individual has not paid full restitution or interest to a victim or only paid it when faced with jail or another consequence.
- (6) The individual's statements or testimony fails to accept full responsibility for criminal conduct that resulted in a conviction, or the individual fails to express remorse for the conduct that is the subject of an allegation at issue.
- (7) The individual has a recent conviction within the last 5 years for fraud or theft from a government program within the Department's jurisdiction.

SECTION 6-04: Permanency Assessment

- (a) A permanency assessment shall include all of the following:
 - (1) Verification that an applicant completed pre-approval training as specified in Section 6-06.
 - (2) A psychosocial assessment of the applicant as specified in Section 6-05.
 - (3) Verification of the completion of any other activities related to an applicant's ability to achieve permanency with a child or nonminor dependent.

SECTION 6-05: Psychosocial Assessment

- (a) A County shall conduct interviews as follows:
 - (1) A minimum of three face-to-face interviews of each applicant.
 - (A) If more than one applicant, an individual interview of each applicant and a joint interview of all applicants must occur.
 - (B) At a minimum, at least one additional interview of all applicants, either separately or jointly.
 - (C) One of the required interviews may occur during pre-approval training, during an assessment for placement prior to approval, or during a home environment assessment.
 - (2) A minimum of one separate face-to-face interview of all other persons, including children and nonminor dependents, residing in the home of an applicant, which shall include but not be limited to the following:
 - (A) Parenting skills of the applicant(s)
 - (B) Strengths and weaknesses of the applicant(s)

- (3) Additional interviews as deemed necessary by the County.
- (b) If an applicant refuses to participate, or is unable to ensure all adults residing in the home participate in the interviews as required in subsection (a), a County shall deny the Resource Family application.
 - (1) If an adult residing in the home, other than the applicant, is unable to participate in an interview due to a compelling circumstance, a County shall determine if the interview is necessary to assess the applicant's ability to be approved as a Resource Family.
- (c) The majority of interviews shall take place in the home of an applicant and shall include observation of the family environment, and if applicable, any parent-child interaction.
- (d) At a minimum, the following information shall be gathered to complete a psychosocial assessment of an applicant:
 - (1) Childhood upbringing and experiences.
 - (2) Adult experiences and personal characteristics.
 - (3) A risk assessment, which shall include:
 - (A) Past and current alcohol and other substance use and abuse history.
 - (B) Physical, emotional, sexual abuse and family domestic violence history.
 - (C) Past and current physical and mental health of the applicant.
 - (4) Current marital status and history of marriages, domestic partnerships, or significant relationships.
 - (5) Children living in or out of the home.
 - (A) Name.
 - (B) Gender.
 - (C) Date of birth.
 - (D) Relationship to applicant.
 - (E) General health.
 - (F) Past and current behavioral issues.
 - (G) If children are not living in the home, the reason.
 - (H) Custody arrangements and disputes.
 - (6) Parenting approaches.
 - (A) Family traditions or beliefs.
 - (B) Family activities and home environment.
 - (C) Parenting practices and discipline methods.
 - (D) Family's ability to parent a child from different backgrounds or experiences including race, ethnicity, sexual orientation, gender identity, or a child who is gender non-conforming.
 - (7) Use of home address by others not residing in the home and reasons, if applicable.
 - (A) A County shall contact any individuals using the home address who are not residing in the home to discuss with the individual the reasons for doing so.
 - (8) Discussion of the results of the background check assessment.
 - (9) Social support system.
 - (10) Employment.
 - (11) Financial situation.

- (A) Ability to ensure the stability and financial security of the family.
- (B) Understanding of legal and financial responsibilities when caring for a child or nonminor dependent.
- (12) Motivation to become a Resource Family, including the relationship to a specific child or considered for placement with the applicant.
- (13) Characteristics and demographics of a child or nonminor dependent best served by the applicant.

SECTION 6-06: Pre-Approval Training

- (a) A County shall ensure that each applicant completes a minimum of 12 hours of pre-approval training prior to Resource Family Approval.
- (b) Pre-approval training may be delayed for an applicant who accepts a child or nonminor dependent into his or her home prior to Resource Family Approval, pursuant to Section 7-01 or 7-02.
 - (1) The applicant shall complete the pre-approval training as required within 90 calendar days of placement of the child or nonminor dependent in the home, unless good cause exists for the pre-approval training to be further delayed as approved by the County.
 - (2) The applicant is not eligible for an Aid to Families with Dependent Children-Foster Care payment until the applicant completes pre-approval training, complies with the Written Directives, receives Resource Family Approval, and meets any other Title IV-E eligibility criteria.
- (c) Pre-approval training shall address the following topics:
 - (1) A Resource Family orientation, which includes the requirements set forth in Articles 6 and 11.
 - (2) An overview of the child protective and probation systems.
 - (3) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.
 - (4) Role of the Resource Family, including working cooperatively with the child's family, service providers and agencies to develop and implement the child's or nonminor dependent's case plan.
 - (5) The role of a Resource Family on the child and family team as defined in paragraph (4) of subdivision (a) of Welfare and Institutions Code section 16501.
 - (6) Positive discipline and the importance of self-esteem.
 - (7) Common health issues of children and nonminor dependents in foster care.
 - (8) Accessing education and health services and supports available to foster children or nonminor dependents in foster care to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.
 - (9) Personal rights of children and nonminor dependents in foster care including the Resource Family's responsibility to safeguard those rights, including the right to

have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

- (10) Options for permanency.
 - (11) Birth parent relationships and safety issues regarding contact.
 - (12) Knowledge and skills relating to the reasonable and prudent parent standard, as specified in Health and Safety Code section 1522.44.
 - (13) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.
 - (14) Basic instruction on existing laws and procedures regarding the safety of foster youth at school; and ensuring a harassment and violence free school environment pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.
 - (15) Permanence, well-being, and education needs of children.
 - (16) Child and adolescent development, including sexual orientation, gender identity, and expression.
- (d) A County may require an applicant to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent.
- (e) A County shall provide an applicant with pre-approval training or shall require that an applicant attend pre-approval training provided by qualified sources that may include colleges, hospitals, foster parent associations, adult schools, and certified foster parent instructors.
- (1) When a County does not provide the pre-approval training, the County shall provide an applicant with information as to where the training is available.
 - (2) Upon request of an applicant, a County shall make efforts to assist the applicant with accessing training.
- (f) In addition to the trainings specified in subsection (c), an applicant shall obtain age-appropriate training in cardio-pulmonary resuscitation (CPR) and first aid prior to approval.
- (1) An applicant shall submit copies of the certificates verifying completion of the training specified in subsection (f) to a County prior to approval.
- (g) Nothing in this section shall preclude a County from requiring Resource Family training in excess of the requirements in this section.

SECTION 6-07: Written Report

- (a) A County shall complete a Written Report of the comprehensive assessment of an applicant.
- (b) A Written Report shall include, but not be limited to, the following:
 - (1) Identifying information of an applicant and any children and adults residing or regularly present in the home.
 - (2) An evaluation and determination of whether an applicant's home is safe and in compliance with the requirements contained in Section 6-02 and Article 11.
 - (3) The results of a background check assessment of an applicant and all adults residing or regularly present in the home, including any exemptions granted, as specified in Section 6-03.
 - (4) An evaluation of the information obtained during a psychosocial assessment of an applicant, including a risk assessment, as specified in Section 6-05.
 - (5) Verification that an applicant completed pre-approval training as specified in Section 6-06.
 - (6) Determination of an applicant's commitment and capability to meet the needs of a child or nonminor dependent placed in his or her home to include, but not be limited to:
 - (A) Strengths and weaknesses of the applicant.
 - (B) Whether the applicant would prefer to adopt, become a legal guardian, or provide foster care.
 - (C) Understanding of the needs, safety, permanence, and well-being of children or nonminor dependents, including those who have been victims of abuse or neglect.
 - (D) Ability and willingness to participate in the Quality Parenting Initiative Partnership Plan, if applicable.
 - (7) Capacity determination: The number of children or nonminor dependents for whom a County determines an applicant is capable of providing care.
 - (8) A summary of an applicant's understanding of the legal and financial responsibilities for providing care to a child or nonminor dependent.
 - (9) A statement that an applicant has been provided with information about the foster care payment rates, Kin-GAP, and AAP.
 - (10) The characteristics of a child or nonminor dependent an applicant may best serve.
 - (11) Any resources, services, or training which would assist an applicant in meeting the needs of a child or nonminor dependent.
- (c) A County shall approve or deny an applicant in the Written Report and provide the reasons for its determination.
- (d) A County shall distribute a copy of a Written Report as follows:
 - (1) To an applicant or Resource Family.
 - (2) To the County's case file.

ARTICLE 7: PLACEMENT PRIOR TO RESOURCE FAMILY APPROVAL

SECTION 7-01: Emergency Placement with Relative or Nonrelative Extended Family Member

- (a) A County may place a child or nonminor dependent with a relative or NREFM on an emergency basis prior to Resource Family Approval.
- (b) Prior to the emergency placement of a child or nonminor dependent with a relative or NREFM, a County shall:
 - (1) Conduct a criminal records check of the relative or nonrelative extended family member and all adults residing in the home pursuant to Welfare and Institutions Code section 16504.5.
 - (A) For purposes of this subsection, a criminal records check may not be conducted on a nonminor dependent in the care, custody, and control of the county child welfare or probation departments.
 - (2) Consider the results of a Child Abuse Central Index check consistent with Health and Safety Code section 1522.1 for the relative or nonrelative extended family member and all adults residing in the home.
 - (3) Inspect the home and grounds to determine that they are free of conditions that may pose an undue risk to health and safety of the child or nonminor dependent.
- (c) Within five business days after a child or nonminor dependent is placed with a relative or NREFM, a County shall:
 - (1) Ensure the relative or NREFM completes form RFA-01(A): Resource Family Application.
 - (2) Conduct a face-to-face interview with each relative or NREFM applicant and each adult, child or nonminor dependent placed in the home.
 - (3) Perform a home environment assessment pursuant to Section 6-02.
 - (A) A County shall document in the case file the date on which the home environment assessment of the relative or NREFM applicant is conducted by using form RFA-03: Resource Family Home Environment.
 - (B) If necessary, inform the relative or nonrelative extended family member to obtain a fire clearance for the home as required by Section 6-02.
- (d) Within ten business days after a child or nonminor dependent is placed with a relative or NREFM, a County shall conduct a background check assessment of the relative or NREFM applicant and all adults residing or regularly present in the home pursuant to Section 6-03A.
- (e) A County shall complete a comprehensive assessment of a relative or nonrelative extended family member, as specified in Section 6-01, and prepare a Written Report specified in Section 6-07 within 90 calendar days of the date a child or nonminor dependent was placed with the relative or NREFM, unless good cause exists.
 - (1) If good cause exists, a County shall document the reasons for the delay and generate a timeframe for completion.

- (f) A relative or NREFM is not eligible for an Aid to Families with Dependent Children-Foster Care payment until he or she receives Resource Family Approval and meets any other Title IV-E eligibility criteria.
- (g) Placement of a child or nonminor dependent pursuant to this Section does not ensure approval as a Resource Family.

SECTION 7-02: Placement Based on Compelling Reason

- (a) A County may place a child or nonminor dependent with an applicant prior to Resource Family Approval based on a compelling reason.
- (b) A compelling reason may include, but is not limited to the following:
 - (1) The unique needs of a child or nonminor dependent.
 - (2) The best interest of a child or nonminor dependent to maintain his or her family or family like connections with an applicant.
- (c) Prior to placing a child or nonminor dependent with an applicant for a compelling reason, a County shall:
 - (1) Verify the applicant has successfully completed a home environment assessment pursuant to Section 6-02.
 - (2) Conduct a background check assessment of the applicant and all adults residing in the home or regularly present pursuant to Section 6-03.
- (d) A County shall complete a comprehensive assessment of an applicant, as specified in Section 6-01, and prepare a Written Report as specified in Section 6-07 within 90 days of the date a child or nonminor dependent was placed with the applicant, unless good cause exists.
 - (1) If good cause exists, a County shall document the reasons for the delay and generate a timeframe for completion.
- (e) An applicant is not eligible for an Aid to Families with Dependent Children-Foster Care payment until the applicant receives Resource Family Approval and meets any other Title IV-E eligibility criteria.
- (f) Placement of a child or nonminor dependent pursuant to this Section does not ensure approval as a Resource Family.

SECTION 7-03: Documented Alternative Plan

- (a) A County may approve a Documented Alternative Plan (DAP) for any non-safety home environment standard set forth in Section 11-01 (a)(8)(A) or Section 11-01 (a)(8)(H).
 - (1) A DAP issued regarding Section 11-01(a)(8)(A) may be approved for a specific child or nonminor dependent in care.

- (2) A DAP issued regarding Section 11-01(a)(8)(H) may be approved for an adult residing in the home.

- (b) A County shall ensure that a DAP meets the following requirements:
 - (1) Provides equal protection in terms of safety, sanitation, and personal rights of each child and nonminor dependent in the home.
 - (2) Demonstrates how the intent of the Written Directives will be met.
 - (3) Is not detrimental to the health and safety of any child or nonminor dependent in the home.
 - (4) Is in the best interests of children and nonminor dependents in care.
 - (5) Is discussed and agreed upon between a Resource Family and RFA worker in a written document signed by both.
 - (A) The written document shall include supporting documentation for the request.
 - (6) Is submitted by the RFA worker for approval by the County.
 - (A) Approval or denial of the requested DAP shall be determined within 14 days following submission of the request.
 - (B) Approval or denial of a requested DAP in an emergency or compelling reason placement shall be determined within seven days following submission of the request.

- (c) A County shall provide a copy of a DAP to an applicant or Resource Family.

- (d) A County shall retain the written approval or denial of a DAP in the case file for an applicant or Resource Family.

ARTICLE 8: UPDATES TO APPROVAL AND ANNUAL TRAINING

SECTION 8-01: Annual Update of Resource Family Approval

- (a) At least annually, a County shall update the approval of a Resource Family.
 - (1) An update shall begin no sooner than 60 days prior to the approval anniversary date and shall be completed no later than 30 days after that date.

- (b) During an update of a Resource Family's approval, a County shall:
 - (1) Ask the Resource Family to verify that all information in the Written Report is current and updated.
 - (2) Conduct a home environment assessment using form RFA-03: Resource Family Home Environment, to ensure compliance with Article 11.
 - (3) Verify that a subsequent arrest notification (rap back) service is in place for all adults residing or regularly present in the home.
 - (4) If there are new adults residing or regularly present in the home, complete a background check assessment for each new adult, including a subsequent arrest notification service.

- (5) Address any significant changes to the psychosocial assessment, including the following significant changes:
 - (A) A change in the number of people residing in the home.
 - (i) Any additional individuals residing or regularly present in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person.
 - (ii) Any adult moving in or out of the home.
 - (iii) Except for a nonminor dependent, any person residing or regularly present in the home who reaches his or her 18th birthday.
 - (iv) A change in marital status.
 - (B) A change in the physical or mental health of a child, nonminor dependent, or any other residents in the home, including the Resource Family.
 - (C) A move to a new home location.
 - (D) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
 - (6) Interview all individuals residing in the home.
 - (7) If an individual is unavailable or refuses to be interviewed, document the reasons why, and determine whether to continue the approval based on the circumstances given.
 - (8) Ensure annual training has been completed pursuant to Section 8-04.
 - (A) If training is not current and complete, a County shall develop a plan for compliance.
 - (B) An update may not be finalized until the Resource Family completes the annual training.
 - (9) Review current DAP(s) and evaluate for continued approval of the DAP(s).
 - (A) The status of the DAP shall be documented in the update.
- (c) A County shall prepare a written update by using form RFA-06: Resource Family Written Update Report, or an equivalent form and shall provide a copy of the update to a Resource Family upon completion.
- (d) A completed update shall begin a new annual period.

SECTION 8-02: Approval Update Due to Significant Change

- (a) A County shall complete an update to a Resource Family's approval prior to the annual update if, in the County's judgment, significant changes have occurred in the Resource Family's circumstances that warrant an update.
 - (1) An update due to a significant change shall begin within 30 days of a County's knowledge of the change unless good cause exists as determined by the County.
- (b) A significant change may include, but not be limited to, those identified in section 8-01(b)(5).
- (c) An update shall include the items specified in Section 8-01(b)(1) through (b)(9).

- (d) A County shall prepare a written update by using form RFA-06: Resource Family Written Update Report, or an equivalent form and shall provide a copy of the update to a Resource Family upon completion.
- (e) A completed update shall begin a new annual period.

SECTION 8-03: Approval Update Due to Relocation of Resource Family

- (a) Within 30 days of being notified that a Resource Family has moved, a County shall update the Resource Family's approval.
- (b) An update shall include, but not be limited to, the items specified in Section 8-01(b)(1) through (b)(9).
- (c) A County shall prepare a written update by using form RFA-06: Resource Family Written Update Report, or an equivalent form and shall provide a copy of the update to the Resource Family upon completion.
- (d) A completed update shall begin a new annual period.
- (e) If a Resource family moves to a nonparticipating county, the new county of residence shall deem the Resource Family approved for licensing, relative or nonrelative extended family member approval, guardianship, and adoption purposes, under the following conditions.
 - (1) The new home and grounds, outdoor activity areas, and storage areas meet applicable standards, unless the resource Family is subject to a corrective action plan.
 - (2) There has been a criminal record clearance of all adults residing or regularly present in the home, and the criminal record exemptions has been granted, using the exemption criteria currently used for foster care licensing, as specified in Health and Safety Code section 1522(g).
 - (A) A licensed program affiliated individual who moves to a nonparticipating county may not transfer her or her subsequent arrest notification from a participating county to the nonparticipating county.

SECTION 8-04: Annual Training

- (a) A County shall ensure that each Resource Family parent completes a minimum of 8 hours of annual training, provided by qualified sources that may include those listed in Section 6-06(c), and which shall include the following:
 - (1) One or more of the courses specified in Welfare and Institutions Code section 16519.5(g)(13).
 - (2) Knowledge and skills related to the application of the reasonable and prudent parent standard for the participation of a child in age or developmentally appropriate

activities, as set forth in Health and Safety Code section 1522.44 of the Health and Safety Code.

- (b) Annual training may also include the following topics:
 - (1) Trauma informed care and attachment.
 - (2) Core Practice Model.
 - (3) Crisis intervention.
 - (4) Behavior management.
 - (5) Supporting children and nonminor dependents in school.
 - (6) Effects of drug and alcohol abuse on children and nonminor dependents.
 - (7) Effects of domestic violence on children and nonminor dependents.
 - (8) Administration of psychotropic medications.
 - (9) Emancipation and independent living.

- (c) In addition to the training specified in subsection (a), each individual Resource Family parent shall maintain a current certificate for CPR and First Aid.

- (d) A County may require a Resource Family to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent in care.
 - (1) This training may include, but is not limited to the following:
 - (A) Understanding how to use best practices for providing care and supervision to the commercially sexually exploited children.
 - (B) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual and transgender children.
 - (C) Understanding the requirements and best practices regarding psychotropic medications, including but not limited court authorization, benefits, uses, side effects, interaction, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.
 - (D) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq), its historical significance, the rights of children covered by the act and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child centered practices that respect Native American history, culture, retention of tribal membership and connection to the tribal community and traditions.
 - (E) Understanding how to use best practices for providing care and supervision to nonminor dependents.
 - (F) Understanding how to use best practices for providing care and supervision to children with special health care needs.
 - (G) Understanding the different permanency options and the services and benefits associate with the options.

- (e) Nothing in this section shall preclude a county from requiring Resource Family training in excess of the requirements in this section.

ARTICLE 9: RESCINDING OR DENYING RESOURCE FAMILY APPROVAL AND EXCLUSIONS

SECTION 9-01: Rescinding or Denying Approval of a Resource Family, Exclusions

- (a) A Resource Family maintains his or her approval status unless approval is rescinded by a County or the Resource Family chooses to surrender the approval.
- (b) A County or the Department may deny a Resource Family application, rescind approval of a Resource Family, or exclude an individual from a Resource Family home for any of the following reasons:
 - (1) Violation of Welfare and Institutions section 16519.5, the Written Directives, or any applicable law.
 - (2) Aiding, abetting, or permitting the-violation of any applicable law or the Written Directives.
 - (3) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent or other individual.
 - (4) The conviction of a Resource Family applicant, parent, or associated individual, at any time before or during his or her approval, of a crime as defined in Health and Safety Code section 1522.
 - (5) Engaging in acts of financial malfeasance, including but not limited to, improper use or embezzlement of the money or property of a child or nonminor dependent or fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.
- (c) Additional grounds for denial of a Resource Family application, rescission of a Resource Family Approval, or exclusion of an individual may include the following:
 - (1) Failure to meet Resource Family qualifications as specified in Section 6-01(d).
 - (2) Inability to provide adequate references.
 - (3) Refusal to complete an application.
 - (4) Failure to complete pre-approval or annual training.
 - (5) Failure to receive a criminal record clearance or exemption.
 - (6) Failure to meet the home environment assessment standards.
 - (7) Psychosocial assessment results or other information that indicates an inability to provide or failure to ensure the care and supervision of a child or nonminor dependent.
 - (8) Failure to comply with Section 11-15.
 - (9) False or misleading statements made to a County or the Department to obtain or maintain a Resource Family Approval.
- (d) An applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

- (e) A County shall provide a Resource Family applicant, parent, or associated individual with due process as specified in the Written Directives and in Welfare and Institutions Code section 16519.5 et seq.

ARTICLE 10: MONITORING, INVESTIGATION, AND OVERSIGHT

SECTION 10-01: Monitoring Resource Families

- (a) A County shall monitor Resource Families through the following:
 - (1) Conducting annual updates as required by Section 8-01.
 - (2) Conducting periodic evaluations and home environment assessments, as necessary.
 - (3) Investigating complaints against a Resource Family.
 - (4) Developing corrective action plans to correct identified deficiencies.
 - (5) Requiring a Resource Family to comply with corrective action plans.
 - (6) Investigating possible address matches of registered sex offenders as specified in Section 10-03.
- (b) A County shall ensure that a social worker, who identifies a condition that may adversely impact the health and safety of a child or nonminor dependent, takes appropriate actions and reports his or her observations to the Resource Family's assigned worker or supervisor.
- (c) The Department shall monitor that a County is:
 - (1) Investigating complaints regarding Resource Families.
 - (2) Identifying deficiencies by Resource Families that do not comply with applicable law or the Written Directives.
 - (3) Developing and monitoring corrective action plans to address any deficiencies.
 - (4) Approving and denying applications and rescinding approvals consistent with Article 9.
 - (5) Conducting Resource Family Approval annual updates.

SECTION 10-02A: Complaints and Investigations

- (a) A County shall evaluate any information presented by any person concerning a Resource Family to determine whether or not the Resource Family may not have met or may not be meeting the requirements of one or more of the Written Directives or any applicable law, regardless of whether or not the information is presented in the form of an allegation.
- (b) A program staff member who monitors or investigates a Resource Family may not be considered a complainant when providing information regarding that Resource Family.

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- (c) A County shall investigate an allegation unless, after a preliminary review, the County determines the allegation could not have occurred or is part of a pattern and practice of harassment.
 - (1) A decision not to investigate an allegation shall be approved by a supervisor.
- (d) A County shall review any adverse action taken by the Department against a license, TrustLine registration, or other approval held by a Resource Family to determine if the Resource Family did not conform to the Written Directives or any applicable law.
 - (1) All allegations identified in an adverse action taken by the Department shall be documented as a complaint and investigated.
 - (2) A County or the Department may rely on an investigation conducted by a government entity in lieu of conducting a separate investigation into the allegations, when appropriate.
- (e) A County shall consider the identity of every complainant as confidential and may not disclose to a Resource Family or make public the identity of any complainant, unless explicitly authorized to do so by the complainant.
- (f) A County shall document the following:
 - (1) In the Resource Family's file, all information received and evaluated pursuant to subsection (a), regardless of whether or not it is determined to be an allegation.
 - (2) In its complaint log maintained pursuant to this section, all complaints received concerning a Resource Family.
- (g) County program staff conducting a complaint investigation may not be any of the following:
 - (1) The social worker of any child or nonminor dependent placed with a Resource Family.
 - (2) A person who has any direct relationship with, or interest in, a Resource Family or any complainant, or who has any conflict of interest with any aspect of the investigation.
 - (3) A program staff member who approved a Resource Family, unless no other qualified staff member is available.
 - (A) If a staff member who approved a Resource Family conducts the complaint investigation, a County shall document the circumstances which constitute the necessity and ensure that all documentation and evidence gathered during the investigation and the investigation report are reviewed by a supervisor prior to the report being delivered to the Resource Family.
- (h) If, during the course of an investigation, a program staff member conducting a complaint investigation discovers that he or she has a conflict of interest, then the staff member shall immediately report the conflict to a supervisor, who may transfer responsibility for the investigation to another staff member.
- (i) Prior to visiting a Resource Family home, a program staff member conducting an investigation shall do the following:
 - (1) Review all information maintained on file concerning the Resource Family.

- (2) Interview any complainant whom he or she believes may possess additional information regarding the complaint.

- (j) A County shall conduct an unannounced visit to a Resource Family home within ten days of receipt of a complaint, unless the tenth day after the receipt of the complaint is not a business day, in which case the County shall have until the following business day to conduct the visit.

- (k) Notwithstanding subsection (j), if a County has, on three separate occasions at different hours of the day, unsuccessfully conducted an unannounced visit to a Resource Family home, and it appears that further attempts to make an unannounced visit will not be successful, then the County may schedule the visit with the Resource Family under the following circumstances:
 - (1) Doing so would not have a significant adverse effect upon the investigation or jeopardize the health and safety of any child or nonminor dependent placed with the Resource Family.
 - (2) The County has documented each attempt to make an unannounced visit to the home.
 - (3) A supervisor approves the scheduling of the visit.
 - (4) When scheduling the visit, the County may not disclose to the Resource Family that a complaint has been received concerning the Resource Family.

- (l) If a County schedules a visit, the County shall document, in the complaint log maintained pursuant to subsection (u), the unsuccessful unscheduled visits and the supervisor's approval to schedule the visit.

- (m) When visiting a Resource Family home, a County shall ensure that the Resource Family is aware of their rights and responsibilities during the investigation process, including all appeal rights for any actions which may result.

- (n) A County may not disclose the receipt of a complaint to a Resource Family prior to making a visit to the home.

- (o) A ten-day visit to a Resource Family home may be delayed under the following circumstances:
 - (1) Law enforcement requests that the visit be delayed as it would adversely affect a law enforcement investigation.
 - (2) The visit would endanger the health and safety of a child or nonminor dependent placed with the Resource Family.
 - (3) The visit would increase the possibility of evidence being destroyed.

- (p) When investigating a complaint, a County shall take reasonable steps to ascertain the validity of the complaint. These steps may include, but are not limited to, the following:
 - (1) Assessing the home environment.
 - (2) Conducting interviews of any person who may have knowledge of the circumstances described in the complaint.

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- (3) Obtaining and/or reviewing any relevant records.
 - (4) Observing any child or nonminor dependent placed with the Resource Family in the home.
 - (5) Coordinating a medical examination of a child or nonminor dependent with the caseworker of the child or nonminor dependent.
 - (A) A nonminor dependent may not be examined by a medical professional without the nonminor dependent's consent.
 - (6) Making additional unannounced visits to the home as needed.
- (q) Before interviewing a minor who is not a foster child, a County shall make a reasonable effort to obtain the permission of the minor's parent, guardian, or authorized representative, unless doing so would adversely affect the investigation.
- (1) If the County interviews a minor who is not a foster child without first obtaining the permission of the minor's parent, guardian, or authorized representative, the County shall document the circumstances which necessitated that action.
 - (2) The County shall document all actions taken during the course of an investigation, including, but not limited to, all information obtained pursuant to subsection (p).
- (r) Upon completion of a complaint investigation, a County shall:
- (1) Prepare a written complaint investigation report containing a finding for each allegation as either substantiated, inconclusive, or unfounded.
 - (A) A supervisor shall review and approve the written complaint investigation report prior to notifying the Resource Family or complainant.
 - (2) Give a copy of the written complaint investigation report to the Resource Family.
 - (3) Notify the complainant, if known, the findings of the complaint investigation.
- (s) A complaint and any documents related to it shall be confidential and not released to the public if any allegation is determined to be unfounded.
- (t) If, during the course of an investigation, a County discovers or receives information indicating that a Resource Family may not be conforming to applicable laws or the Written Directives, which are unrelated to a complaint under investigation, the County shall take appropriate action in response.
- (u) A County shall maintain a complaint log, which shall be available for review by the Department, and which shall contain the following information for each complaint:
- (1) The Resource Family involved.
 - (2) The complaint allegation(s).
 - (3) Date the complaint was received.
 - (4) Name of the program staff member assigned to the investigation.
 - (5) Whether the program staff member is the worker who approved the Resource Family.
 - (6) Date the ten-day visit to the Resource Family home is due.

- (7) If the ten-day visit to the Resource Family home was scheduled, the date and time of each attempted unannounced visit, and the supervisor's approval to schedule the visit.
 - (8) Date the ten-day visit was made.
 - (9) Findings for each complaint allegation.
 - (10) If the complaint cannot be resolved within 60 days after the ten-day visit, a notation that further investigation is required.
- (v) A County shall report serious complaints and investigations to the Department as specified in Section 4-04.

SECTION 10-02B: Incident Reports and Investigations

- (a) A County shall investigate all serious incidents reported by a Resource Family and all incidents indicating that a Resource Family may not have met or may not be meeting applicable laws or the Written Directives.
- (b) A County may investigate any incident reported by a Resource Family that is not considered to be a serious incident.
- (c) After preliminary review of an incident report received from a Resource Family, a County shall notify a Resource Family if additional information is needed.
- (d) When investigating an incident, a County shall take reasonable steps to ascertain whether the incident was the result of a Resource Family not meeting applicable laws or the Written Directives, and the impact, if any, the incident may have on the appropriateness of any placement. These steps may include, but are not limited to the following:
 - (1) Visiting the Resource Family home.
 - (2) Assessing the home environment.
 - (3) Conducting interviews of any person who may have knowledge of the incident.
 - (4) Obtaining and/or reviewing any relevant records.
 - (5) Observing any child or nonminor dependent placed with the Resource Family in the home.
 - (6) Coordinating a medical examination of a child or nonminor dependent with the caseworker for the child or nonminor dependent.
 - (A) A nonminor dependent may not be examined by a medical professional without the nonminor dependent's consent.
 - (7) Making additional visits to the home as needed.
- (e) If, during the course of an incident investigation, a County discovers or receives information indicating that a Resource Family may not be meeting applicable laws or the Written Directives, which are unrelated to an incident under investigation, the County shall take appropriate action in response.

- (f) A County shall report serious incidents and investigations to the Department as specified in Section 4-04.

SECTION 10-02C: Cross-Reporting Investigation Results

- (a) If, after an investigation of a complaint or incident, a County determines that a Resource Family has not met or is not meeting applicable laws or the Written Directives, the County shall immediately notify the following of its findings:
 - (1) Any agency responsible for placing a child or nonminor dependent with the Resource Family.
 - (2) If licensed as a family child care home or a community care facility, the Community Care Licensing Division of the Department.

SECTION 10-03: Registered Sex Offender Address Investigations

- (a) A County shall investigate possible address matches of registered sex offenders using the information provided by the Department.
- (b) A County shall take the following actions when investigating a possible registered sex offender address match for a Resource Family home:
 - (1) A designation of “At Capacity” shall be applied in CWS/CMS pending completion of the investigation.
 - (2) Determine if the registered sex offender resides in the home.
 - (A) If the registered sex offender resides or is regularly present in the home and a child or nonminor dependent is placed in the home, the County shall immediately conduct a CLETS check and begin a background check assessment pursuant to Section 6-03 of the individual.
 - (i) A County may not permit a registered sex offender to reside in a Resource Family home without a criminal record clearance or exemption if a child or nonminor dependent is placed with the Resource Family.
 - (B) If there is no child or nonminor dependent placed in the home, and the registered sex offender is residing or regularly present in the home, a background check assessment pursuant to Section 6-03 shall be completed on the individual.
- (c) If the County denies the registered sex offender’s criminal record clearance or exemption request, and the registered sex offender will continue residing in the home, then the County shall rescind the approval of the Resource Family in accordance with Section 9-01(c) and Article 12.
- (d) The County may remove the “At Capacity” designation when all individuals residing or regularly present in the home are cleared and the home is appropriate for placement.

- (1) When “At Capacity” is removed a notation shall be made in CWS/CMS indicating when it was removed and the reason the home continues to meet Resource Family standards.

SECTION 10-04: Oversight of the Resource Family Approval Program

- (a) The Department shall provide ongoing oversight of a County’s operations related to the Resource Family Approval Program.
- (b) The Department shall provide a County with periodic training, as appropriate, to ensure proper administration by the counties.
- (c) The Department may, without prior notice, inspect, review, and monitor implementation of the program in a county, including all activities, procedures, records, and forms related to the program.
- (d) The Department shall review a random sample of Resource Families in a County for compliance with applicable laws and the Written Directives, which may include a home environment visit.
 - (1) The Department’s review shall include, but not be limited to, the following Resource Family information:
 - (A) Application.
 - (B) Background checks, including any exemptions.
 - (C) Annual updates.
 - (D) Complaints and investigations.
 - (E) Enforcement actions and administrative reviews.
 - (F) Reports of serious complaints and serious incidents involving Resource Families.
- (e) The Department’s review shall occur on an annual basis or more often if the Department becomes aware that a County is experiencing a disproportionate number of complaints against individual Resource Families.
- (f) The Department may conduct an independent review of serious complaints or serious incidents and change the findings depending on the results of the Department investigation.
- (g) The Department shall investigate unresolved complaints against a County.
- (h) The Department shall require a County to comply with a corrective action plan if it is not operating the program in accordance with applicable laws and the Written Directives.
- (i) A County shall comply with a corrective action plan to correct program deficiencies within the time approved by the Department.

- (j) A County shall assess County performance in related areas of the California Child and Family Services Review System and remedy identified problems.
- (k) A County shall interact with the Department as necessary in the course of the program, including the following:
 - (1) Providing the Department with timely, and when requested, immediate access to any written information, files, and data pertaining to the program as determined by the Department.
 - (2) Responding in a timely manner, or immediately as requested by the Department, to requests, inquiries, and meetings.
 - (3) Notifying the Department in writing when a County is not complying, or believes that a County is unable to comply with applicable laws or the Written Directives, and describe the circumstances resulting in the non-compliance.

ARTICLE 11: REQUIREMENTS FOR RESOURCE FAMILIES

SECTION 11-01: Home and Grounds

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

- (8) **BEDROOMS:** Bedrooms in the home shall meet, at a minimum, the following requirements:
- (A) No more than four children or nonminor dependents, or one child and one nonminor dependent, may share a bedroom.
 - (B) When determining whether children and/or a nonminor dependent may share a bedroom a Resource Family and County shall document the bedroom sharing arrangement ensures the health and safety of each child and/or nonminor dependent and that the children and/or nonminor dependent are compatible.
 - (i) When ensuring the compatibility, a Resource Family and County shall:
 - a. Consider the age of the children and/or nonminor dependent, including the degree of age difference between them.
 - b. Consult with the child and/or nonminor dependent, in an age and developmentally appropriate manner, regarding the child's or nonminor dependent's sexual orientation and gender identity and what information the child or nonminor dependent wishes to disclose and to whom.
 - 1. The Resource Family shall not disclose information about the child's or nonminor dependent's sexual orientation and/or gender identity against the child's or nonminor dependent's wishes, unless compelled to do so by law or court order.
 - c. Consider the needs of a minor or nonminor dependent parent and his or her child.
 - d. Consider the developmental levels and needs of each child or nonminor dependent.
 - e. Consider the privacy needs of each child or nonminor dependent and the plans to meet those needs.
 - f. Consider the child's or nonminor dependent's history, including sleeping arrangements at home and any factors that may contraindicate sharing a room, if known.
 - g. Consider any history or suspicion of sexual abuse or sexual exploitation.
 - h. Consider the supervision plan within the home.
 - i. Consider the sleeping patterns of the children and/or nonminor dependents and if they may be disruptive to one another.
 - (ii) Documentation specified in clause (i) of subparagraph (B) shall be maintained in the child's or nonminor dependent's case file.
 - (C) Nothing in clauses (a.- i.) of subparagraph (B) shall supersede the requirements in subparagraphs (A) – (N).
 - (D) A Resource Family shall consult with a child or nonminor dependent about sharing a bedroom if it is age and developmentally appropriate.
 - (E) In bedrooms shared by a Resource Family and infant, no more than two infants shall share the room.
 - (i) Only infants may share a bedroom with a Resource Family.

- (F) Children of different sexes may share a bedroom under the following circumstances:
 - (i) Each child is under eight years of age.
 - (ii) A minor parent may share a bedroom with his or her child.
 - (iii) A Resource Family may permit a child to share a bedroom consistent with the child's or nonminor dependent's gender identity regardless of the gender or sex listed on his or her court or child welfare documents.
- (G) A child and nonminor dependent may share a bedroom under the following circumstances:
 - (i) The child and nonminor dependent are siblings.
 - (ii) The child and nonminor dependent have been sharing a bedroom prior to the nonminor dependent turning 18 and remain compatible to share the bedroom.
 - (iii) A nonminor dependent parent may share a bedroom with his or her child.
 - (iv) The child is 16 years of age or older.
- (H) A room that is commonly used for other purposes may not be used as a bedroom. Such rooms shall include, but not be limited to, halls, stairways, public passageways, unfinished attics or basements, garages, storage areas, sheds, or similar detached buildings.
- (I) A room commonly used for other purposes that is converted to a bedroom may be used as a bedroom if it does not pose a hazard to health and safety. If a County suspects that there is a hazard to health and safety, a Resource Family may be required to have the converted bedroom inspected by a local building inspector.
- (J) Each bedroom shall have at least one operable window or door that ensures a safe, direct, emergency exit to the outside.
 - (i) A window with security bars shall have a safety release device that meets all state and local requirements.
 - (ii) If the home of a Resource Family is in a high-rise building, the Resource Family is subject to the rules and regulations set forth by the State Fire Marshal.
- (K) Each child or nonminor dependent shall be provided with an individual bed, which is equipped with a clean and comfortable mattress, clean linens, blankets, and pillows, as needed, all in good repair.
 - (i) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
 - (ii) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
- (L) Bunk beds of more than two tiers may not be used.
 - (i) Bunk beds shall have railings on both sides of the upper tier to prevent falling.
 - (ii) A child under six years of age or who is unable to climb into or out of the upper tier unassisted may not be permitted to use the upper tier.

- (M) Each infant, or child requiring a crib, shall be provided with a safe and sturdy bassinet or crib as appropriate to the age and size of the infant or child. The following shall apply to cribs:
 - (i) Tiered or stacked cribs, or cribs with drop sides, may not be used.
 - (ii) Crib slats may not pose the danger of an infant or child being trapped.
 - (iii) Crib mattresses shall be clean, comfortable, and fit properly in the crib.
 - (iv) Linen shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
 - (v) An infant or child who can climb out of a crib shall be provided with an age-appropriate bed.
 - (N) Each bedroom shall have portable or permanent closets and drawer space to accommodate a child's or nonminor dependent's clothing and personal belongings.
 - (O) A County may enter into a documented alternative plan (DAP) with a Resource Family pursuant to Section 7-03 that authorizes alternative ways the Resource Family may comply with subsections (a)(8)(A) or (a)(8)(H).
- (b) A Resource Family who intends to accept a child or nonminor dependent with a developmental, mental, or physical disability shall make necessary modifications to the home and grounds to provide protection and assistance and to maximize the potential of a child or nonminor dependent for self-sufficiency.
- (c) A Resource Family may not smoke or permit any other person to smoke inside the home, and, when a child or nonminor dependent is present, on the outdoor grounds of the home.

SECTION 11-02: Outdoor Activity Space

- (a) If a Resource Family provides a yard or outdoor activity space, the Resource Family shall comply with the following requirements:
 - (1) A yard or outdoor activity space shall be free from hazards that endanger the health and safety of a child or a nonminor dependent.
- (b) A Resource Family shall ensure that swimming pools, fixed-in-place wading pools, hot tubs, spas, or similar bodies of water are inaccessible if he or she accepts placement of any of the following individuals:
 - (1) A child under ten years of age.
 - (2) A child who is developmentally, mentally, or physically disabled.
 - (3) A nonminor dependent who is developmentally, mentally, or physically disabled.
 - (4) A minor or nonminor dependent parent's child who is under ten years of age or developmentally, mentally, or physically disabled.
- (c) A Resource Family shall apply the reasonable and prudent parent standard, as set forth in Section 11-12, when deciding whether a child should have access to fish ponds, fountains, creeks, and similar bodies of water.

- (d) A Resource Family shall ensure the inaccessibility of swimming pools, fixed in-place wading pools, hot tubs, spas, or similar bodies of water by using at least one of the safety features described in paragraphs (1) or (2):
 - (1) The pool shall be isolated from access to the home by an enclosure, as defined in Health and Safety Code section 115921, and as specified in Health and Safety Code section 115923 and does not obscure the pool from view.
 - (A) If removable mesh pool fencing is used as the enclosure as provided in Health and Safety Code section 115922(a)(2), an applicant or a Resource Family shall ensure that it is installed and maintained according to the manufacturer's specifications.
 - (2) The pool shall be equipped with an approved safety pool cover.
 - (A) A pool safety net that meets the American Society for Testing and Materials specifications (F 1346) is considered an approved safety pool cover.
 - (B) Pool covers shall be supported by flotation devices.
 - (3) When a County determines that it is not possible for a Resource Family to comply with paragraphs (1) or (2), the home shall be equipped with exit alarms on doors and windows that provide direct access to the pool.
 - (4) A Resource Family may use other means of protection, if the degree of protection afforded is equal to or greater than any of the devices described in paragraphs (1) through (3). The other means of protection shall be approved in writing by a County.
 - (5) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible, and if the pool is less than 60 inches in height, by the use of an enclosure. Any enclosure, whether or not it includes the above-ground pool structure itself, shall meet the requirements of subsection (d)(1).
 - (6) All pools that cannot be emptied after each use shall have an operative pump and filtering system.
- (e) A Resource Family shall ensure that an adult who is able to swim provides continual supervision when a child or individual specified in subsection (b) is using a pool or other body of water required to be made inaccessible, as specified in subsection (d).

SECTION 11-03: Storage Requirements

- (a) Except as specified in subsections (c) and (d), a Resource Family shall store medicines, disinfectants and cleaning solutions where they are inaccessible to a child or nonminor dependent.
- (b) A Resource Family shall store poisons, firearms, and other dangerous items or weapons in a locked storage area.
 - (1) In lieu of locked storage of firearms, a Resource Family may use trigger locks or remove the firing pin.
 - (2) Ammunition and firing pins shall be stored and locked separately from firearms.

- (c) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining if it is age and developmentally appropriate for a child to have access to and use the following items:
 - (1) Household kitchen knives and appliances for use in meal preparation.
 - (2) Medications necessary for self-administration by the child.
 - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (d) A Resource Family shall permit a nonminor dependent to have access to the following items:
 - (1) Household kitchen knives and appliances for use in meal preparation.
 - (2) Medications necessary for self-administration by the nonminor dependent.
 - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (e) In allowing a child or a nonminor dependent to access and use the items specified in subsections (c) and (d), a Resource Family shall ensure that the safety of a child, a nonminor dependent, and others in the home is maintained.
- (f) A Resource Family shall store and dispose of waste in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

SECTION 11-04: Fire Clearance

- (a) A Resource Family shall have any necessary fire clearance for his or her home when the applicant intends to provide care to a child or nonminor dependent who is non-ambulatory.
- (b) If a fire clearance for a Resource Family home is necessary, the Resource Family shall obtain a fire clearance from the city or county fire department, district providing fire protection services, or State Fire Marshal's Office that has jurisdiction in the area where the home is located and provide a copy of the fire clearance to a County.

SECTION 11-05: Emergency Procedures

- (a) A Resource Family shall place emergency telephone numbers in a prominent location in the home.
- (b) A Resource Family shall ensure that an occasional short-term babysitter and an alternative caregiver knows where the emergency telephone numbers are located.
- (c) At the time of placement of a child or nonminor dependent with a Resource Family, and every six months after placement, the Resource Family shall discuss and practice emergency procedures for the home with the child or nonminor dependent as age and developmentally appropriate.

- (d) A Resource Family shall review the emergency procedures with an occasional short-term babysitter or an alternative caregiver.

SECTION 11-06: Reporting Requirements

- (a) A Resource Family shall make a report to a County and the placement agency for a child or a nonminor dependent when any of the following events occur:
 - (1) Death of a child or nonminor dependent or serious bodily injury, or risk of death or serious bodily injury, to a child, a nonminor dependent, or other individual.
 - (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6, or any suspected physical, sexual, or emotional abuse of a child or a nonminor dependent.
 - (3) Any injury to or illness of a child or a nonminor dependent that requires emergency medical or mental health treatment or hospitalization.
 - (A) This includes a permanent change in any child or nonminor dependent from ambulatory to nonambulatory status, if a fire clearance has not been obtained.
 - (4) Any incident that involves a child or a nonminor dependent and threatens the physical or emotional health or safety of the child, the nonminor dependent, or any individual in the home.
 - (5) Any unusual absence of a child or, for a nonminor dependent, any prolonged absence or failure of the nonminor dependent to return to the home that lasts more than 72 hours.
 - (A) Report temporary absences if a personal history or the needs and services plan indicate that a child or nonminor dependent may be in jeopardy when absent beyond the approved time.
 - (6) Removal of a child or a nonminor dependent from the home under emergency circumstances, which may include:
 - (A) Removal by a law enforcement officer when a child or nonminor dependent is arrested.
 - (B) Removal for emergency medical or mental health care.
 - (7) Relocation by the authorized representative for a child or nonminor dependent.
 - (8) Communicable disease outbreak as reported to a Resource Family by a health professional or by the local health authority.
 - (9) Poisonings, which shall also be reported immediately to the local fire authority.
 - (A) If a Resource Family is located in an area that does not have organized fire services, the Resource Family shall make a report to the State Fire Marshal within 24 hours after the poisoning occurs.
 - (10) Fires or explosions that occur in or on the premises of the home.
 - (11) If a Resource Family becomes licensed to operate a family day care home, as defined in Health and Safety Code section 1596.78.
 - (12) All changes in the composition of a Resource family household, including, but not limited to, the following:

- (A) Any additional individuals residing or regularly present in the Resource Family's home, including when a Resource Family becomes a legal 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, anyone who resides or is regularly present in the home who reaches his or her 18th birthday.
 - (D) A change in marital status.
- (13) A significant change in the physical or mental health of a child, nonminor dependent or any other residents in the home, including the Resource Family.
- (b) A Resource Family shall make the report specified in subsection (a) to a County by telephone, e-mail, or fax within 24 hours or by the next business day following the event and to the placement agency for a child or nonminor dependent by the next business day following the event.
- (A) The report specified in subsection (a) shall include the following information, if available:
 - (i) The name, age, sex, and date of admission of the child or nonminor dependent.
 - (ii) Date and nature of the incident.
 - (iii) Whether a Suspected Child Abuse Report was required and filed.
 - (iv) Attending physician's name, findings, and treatment, if any.
 - (v) Current status of the incident.
 - (B) If the report specified in subsection (a) was made by telephone or did not include all of the information specified in paragraph (1) of subsection (b), then a Resource Family shall submit a written report containing the information to a County and the placement agency for a child or nonminor dependent within seven days following the event.
- (c) A Resource Family shall notify a County and the placement agency for a child or nonminor dependent of any changes to the Resource Family's mailing address. The notification shall occur by telephone, e-mail, or fax within ten business days following the change.
- (d) A Resource Family shall notify a County and the placement agency for a child or a nonminor dependent by telephone, e-mail, or fax within 30 days prior to moving home locations or as soon as the information is available.

SECTION 11-07: Records Requirements

- (a) A Resource Family shall maintain separate, complete, and current records in the home for a child. A child's file shall include the following:
- (1) The name of the child, birth date, and date of placement with the Resource Family.
 - (2) A summary of the child's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.

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- (3) The Resource Family shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, the child's immunization records and any official grade or progress reports.
 - (4) Written authorization for the Resource Family to obtain medical and dental care in an emergency if authorization by the placement agency cannot be obtained.
 - (5) The needs and services plan for the child.
 - (6) An itemized inventory list of the child's cash resources, personal property, and valuables.
- (b) A Resource Family shall maintain separate, complete, and current records in the home for a nonminor dependent. A nonminor dependent's file shall include the following:
- (1) The name of the nonminor dependent, birth date, and date of placement with the Resource Family.
 - (2) A summary of the nonminor dependent's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
 - (3) The pre-placement appraisal as described in Section 11-16.
 - (4) The transitional independent living plan.
 - (5) If the cash resources, personal property, and valuables of the nonminor dependent are entrusted to the Resource Family, then an itemized inventory list of these items.
 - (6) A copy of the personal rights accorded to a nonminor dependent.
- (c) A nonminor dependent shall have access to his or her records in a manner that ensures the confidentiality of other records maintained in the home.
- (d) A Resource Family is not responsible for obtaining and maintaining the nonminor dependent's health and educational information, but may assist the nonminor dependent with any recordkeeping that the nonminor dependent requests of the Resource Family. This health and education information may include, but not be limited to, the following:
- (1) School records.
 - (2) Immunization records.
 - (3) Medical records.
- (e) Upon the request of a nonminor dependent, a Resource Family shall assist the nonminor dependent in obtaining and keeping his or her own records. These records may include, but not be limited to, the following:
- (1) A certified birth certificate.
 - (2) A Social Security card.
 - (3) A California or other state identification card or driver's license.
 - (4) A proof of citizenship or residency status; or for an alien, evidence of an approved petition for special immigrant juvenile status pursuant to Title 8, C.F.R. Section 204.11.
 - (5) Death certificates of parents, if applicable.
 - (6) A proof of county dependency status for education aid applications.
 - (7) Written information concerning the nonminor dependent's dependency or delinquency case including: information about the nonminor dependent's family

history; the nonminor dependent's placement history; the names, telephone numbers, and addresses of siblings and other relatives; and the procedures for inspecting the documents described under Welfare and Institutions Code section 827.

- (f) All records for a child, as specified in subsection (a), or a nonminor dependent, as specified in subsection (b), shall be available to a County or the Department to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:
 - (1) A County or the Department representative may not remove any current emergency or health-related records for a child or nonminor dependent unless the same information is otherwise readily available in another document or format.
 - (2) Prior to removing any records, a County or the Department representative shall prepare a list of the records to be removed, sign, and date the list upon removal of the records and leave a copy of the list with the Resource Family.
 - (3) A County or the Department representative shall return the records to the home undamaged and in good order within three business days following the date the records were removed.

- (g) If a child or nonminor dependent is removed or discharged from a home, a Resource Family shall distribute the child's or nonminor dependent's records as follows:
 - (1) The child's or nonminor dependent's placement agency shall receive originals and any copies of all records.
 - (2) The child's or nonminor dependent's authorized representative, if applicable, shall receive copies of all records.
 - (3) The nonminor dependent shall receive copies of all records.

- (h) A Resource Family shall maintain all information and records regarding a child or nonminor dependent in a confidential manner and not disclose any confidential information except as otherwise authorized by law.

- (i) A Resource Family shall maintain copies of current certificates verifying completion of age-appropriate cardio-pulmonary resuscitation (CPR) and first aid training.

SECTION 11-08: Personal Rights

- (a) A Resource Family shall ensure that each child and nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9.

- (b) In addition to subsection (a), a Resource Family shall ensure that each child is accorded the following personal rights:
 - (1) To be 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 interference with the daily living functions

of eating, sleeping, or toileting, or withholding of shelter, clothing, medication, or aids to physical functioning.

- (2) To make and receive confidential telephone calls and send and receive unopened mail and electronic communication, unless prohibited by court order.
 - (A) Unless prohibited by court order or the placement agency for the child, a child may acquire, possess, and use his or her own cellular telephone.
 - (3) To have access to letter writing material.
 - (4) To be accorded dignity in his or her personal relationships with other persons in the home.
 - (5) To be free from unreasonable searches of person.
 - (6) Not to be restrained or placed in any restraining device.
 - (7) To be provided with and allowed to acquire, possess, and use adequate personal items, which includes his or her own:
 - (A) Clothes, provided the clothes are age-appropriate, do not violate school standards when worn during school activities, and are in accordance with the gender identity of the child.
 - (B) Toiletries and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate.
 - (C) Belongings, including items that were a gift to the child.
 - (8) Provided the rights of others are not infringed upon, to have visitors that include:
 - (A) Relatives, unless prohibited by court order.
 - (B) The authorized representative for the child.
 - (C) Other visitors, unless prohibited by court order or by the authorized representative for the child.
 - (9) To be informed, and to have his or her authorized representative informed, by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the County, and about the confidentiality of complaints.
 - (10) To be accorded the independence appropriate to the age, maturity, and capability of the child consistent with the child's needs and services plan or the Transitional Independent Living Plan (TILP), if applicable.
 - (11) 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, sexual orientation, gender identity, and information relating to the biological family of the child, maintained in confidence.
 - (A) A Resource Family shall disclose information about the child to a County, the Juvenile Court, and the child's biological family, social worker, placement worker, probation officer, tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
 - (B) As needed to ensure appropriate care, supervision, or education of the child, a Resource Family shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school officials, and other persons, unless the disclosure is prohibited by court order.
- (c) In addition to subsection (a), a Resource Family shall ensure that each nonminor dependent is accorded the following personal rights:
- (1) The rights specified in paragraphs (1) through (6) of subsection (b).

- (2) To be provided with and allowed to acquire, possess, maintain, and use adequate personal items which include the nonminor dependent's own:
 - (A) Clothes.
 - (B) Toiletries and personal hygiene products.
 - (C) Belongings, including gifts to the nonminor dependent, furniture, equipment, and supplies, for his or her personal living space in accordance with his or her interests, needs, and tastes.
- (3) To have adequate privacy for visitors that include:
 - (A) Relatives, unless prohibited by court order.
 - (B) The placement agency.
 - (C) Other visitors, unless prohibited by court order.
- (4) To be informed by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the County, and about the confidentiality of complaints.
- (5) To have the independence appropriate to the status of a legal adult, consistent with the needs and services plan or the Transitional Independent Living Plan for the nonminor dependent.
- (6) To have private or personal information, including any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, 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 a nonminor dependent, and this information shall only be released to the extent permitted by law.
 - (i) A Resource Family shall, with the consent of a nonminor dependent, only disclose relevant and necessary information about the nonminor dependent.
 - (ii) A Resource Family shall disclose information about a nonminor dependent to a County, the Juvenile Court, and the nonminor dependent's biological family, nonminor dependent's social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
 - (iii) As needed to ensure appropriate care, supervision, or education of a nonminor dependent, a Resource Family shall disclose information to school officials and other persons, unless disclosure is prohibited by court order.
- (7) To access information regarding available educational, training, and employment options of the nonminor dependent's choosing.
- (8) To select, obtain, prepare, and store food of the nonminor dependent's choosing.
- (9) To select, obtain, or decline medical, dental, vision, and mental health care and related services at the nonminor dependent's discretion.
- (10) To leave or depart the home at any time at the nonminor dependent's discretion.
- (11) To acquire, possess, maintain, and use a personal vehicle for transportation.
- (12) To acquire, possess, and use a personal cellular telephone.

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

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

SECTION 11-09: Telephones

- (a) A Resource Family shall have cellular telephone, Internet telephone, or landline telephone service in the home at all times.

- (b) Telephone service shall be accessible to a child or nonminor dependent in the home at all times.

- (c) A Resource Family is not required to purchase a cellular telephone for a child or nonminor dependent or pay for a child's or nonminor dependent's personal cellular telephone service fees.

SECTION 11-10: Transportation

- (a) A Resource Family shall ensure that a child or a nonminor dependent is provided with transportation for the following situations:
 - (1) Health-related services.
 - (2) School.
 - (3) Extracurricular, enrichment, cultural and social activities, provided the transportation to these activities is reasonable.

- (b) When determining if the transportation to an activity for a child or nonminor dependent is reasonable, a Resource Family may consider the location, frequency, cost for transportation, and time necessary to provide transportation.
- (c) A Resource Family shall ensure that all individuals who transport a child or nonminor dependent use vehicles that are in safe operating condition.
- (d) A Resource Family shall ensure that the vehicles used to transport a child or nonminor dependent have current registration and insurance.
- (e) A Resource Family may not smoke, or permit any individual to smoke, a pipe, cigar or cigarette containing tobacco or any other plant in a motor vehicle that is regularly used for providing transportation to a child or nonminor dependent.
- (f) A Resource Family shall ensure that a child is provided with transportation under the following additional conditions:
 - (1) A Resource Family may not allow a child to be transported by a person the Resource Family knows or reasonably should know does not have a valid driver's license.
 - (2) Transportation shall be provided in accordance with any other arrangements specified in the needs and services plan or Transitional Independent Living Plan for a child or included in the written placement agreement between a Resource Family and the placement agency.
- (g) A Resource Family shall ensure that a nonminor dependent is provided with transportation under the following additional conditions:
 - (1) Except for the transportation described in subsection (a), transportation shall be provided by arrangement between a Resource Family and the nonminor dependent.
 - (2) Transportation shall be provided in accordance with any the transitional independent living plan for the nonminor dependent.
 - (3) A nonminor dependent shall be permitted to arrange for his or her transportation.
 - (4) A nonminor dependent may, but is not be required to, provide transportation to others.

SECTION 11-11: Food and Nutrition

- (a) A Resource Family shall provide or ensure nutritious meals, snacks, and beverages and meet any special dietary needs, as documented in the needs and services plan for a child or a nonminor dependent or as recommended by the physician of a child or a nonminor dependent.
 - (1) The quantity and quality of food available to household members shall be equally available to a child or nonminor dependent.
- (b) A Resource Family shall invite a child or nonminor dependent to participate in all household meals.

- (c) A Resource Family shall ensure that a child, or nonminor dependent is provided with the following:
 - (1) Age-appropriate food, snacks, and beverages.
 - (2) At least three meals per day.
- (d) A Resource Family shall ensure that an infant, who is unable to hold a bottle, is held during bottle-feeding. A bottle given to an infant able to hold his or her own bottle shall be unbreakable. A bottle may not be propped up for an infant.
- (e) A Resource Family may encourage a child, as age and developmentally appropriate, to learn meal preparation, but may not require a child to prepare meals.
- (f) A Resource Family shall ensure that a nonminor dependent is provided with access to food, snacks, and beverages under the following additional conditions:
 - (1) As agreed upon with a Resource Family, a nonminor dependent shall be permitted to plan meals, grocery shop, and store and prepare food.
 - (2) A nonminor dependent shall have access to all meal preparation areas, appliances, and utensils for meal preparation.
 - (3) A nonminor dependent may prepare meals.
 - (4) A Resource Family may not require a nonminor dependent to prepare meals.

SECTION 11-12: Reasonable and Prudent Parent Standard

- (a) A Resource Family shall be responsible for applying the reasonable and prudent parent standard in providing care and supervision to a child.
 - (1) Except for circumstances that involve a child, or the determination and selection of an occasional short-term babysitter as specified in Section 11-13, the reasonable and prudent parent standard does not apply to a nonminor dependent.
 - (2) Applying the reasonable and prudent parent standard may not result in denying the rights of a child as specified in Welfare and Institutions Code section 16001.9 and Section 11-08 or contradict court orders or the needs and services plan for the child.
- (b) In applying the reasonable and prudent parent standard, a Resource Family shall consider the following:
 - (1) The age, maturity, and developmental level of a child.
 - (2) The nature and inherent risks of harm of the activity.
 - (3) The best interests of a child based on information known by the Resource Family.
- (c) A Resource Family shall consider information provided or known about a child when determining the best interests of a child. This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, sexual orientation, gender identity, developmental level of, and court orders for the child.
 - (1) A Resource Family may contact the child's social worker, physician, counselor, or educator to obtain the information described in subsection (c).

SECTION 11-13: Responsibility for Providing Care and Supervision

- (a) A Resource Family shall provide care and supervision that meets the needs of a child or nonminor dependent and ensures health, safety and well-being.
 - (1) If a Resource Family provides care for a minor or nonminor dependent parent and his or her child, the Resource Family shall work with the minor or nonminor dependent parent and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as described in Welfare and Institutions Code sections 11465(d)(3) and 16501.25(b).
- (b) A Resource Family shall provide care and supervision in accordance with the needs and services plan of a child or nonminor dependent, the placement agreement, and transitional independent living plan, if applicable.
- (c) A Resource Family may arrange for other care and supervision of a child that includes the following:
 - (1) An occasional short-term babysitter.
 - (A) If a Resource Family anticipates being absent from the home for less than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an occasional short-term babysitter to provide care and supervision to a child.
 - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining and selecting an appropriate babysitter for occasional short-term use, including determining whether it is appropriate for a child or nonminor dependent to act as an occasional short-term babysitter.
 - (i) A child or nonminor dependent may not be required to babysit.
 - (C) An occasional short-term babysitter may be under 18 years of age, but shall have the maturity, experience, and ability necessary to provide adequate care and supervision to a child.
 - (D) When a child is in the care of an occasional short-term babysitter, a Resource Family shall ensure that the babysitter knows how to contact the Resource Family in case of an emergency.
 - (2) An alternative caregiver.
 - (A) If a Resource Family anticipates being absent from the home for longer than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an alternative caregiver to provide care and supervision to a child unless prohibited by the child's social worker or probation officer or court order.
 - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining and selecting an appropriate alternative caregiver.
 - (C) An alternative caregiver shall meet the following requirements:
 - (i) Be 18 or older.

- (ii) Have a criminal record clearance or exemption that includes the following:
 - a. Child Abuse Central Index check pursuant to Health and Safety Code section 1522.1.
 - b. Fingerprint-based information check, which includes the receipt of a state and federal criminal offender record information search pursuant to Health and Safety Code section 1522.
 - c. Have the willingness and ability to and shall comply with applicable laws and Article 11.
 - d. Have the willingness and ability to provide care and supervision to a child, taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications, abilities and limitations, developmental level of, and court orders for a child.
- (D) The care and supervision during a Resource Family's absence shall occur in the Resource Family's home or an alternative caregiver's home.
 - (i) If an alternative caregiver will provide care and supervision in his or her home, a Resource Family shall use the reasonable and prudent parent standard to determine that the alternative caregiver's home is safe and appropriate for the child and the child's personal rights will be respected.
- (E) Prior to a Resource Family's absence from the home, the Resource Family shall provide verbal or written notification to the social worker or probation officer for a child as follows:
 - (i) The dates the Resource Family plans to be absent from the home.
 - (ii) The name, telephone number, and address, if applicable, of the alternative caregiver.
 - (iii) An emergency telephone number where the Resource Family can be contacted during his or her absence.
- (F) A Resource Family shall obtain prior approval from the social worker or probation officer for a child for any absence that exceeds 72 hours.
- (G) Before entrusting a child to an alternative caregiver, a Resource Family shall provide the alternative caregiver with the following:
 - (i) Information about the emotional, behavioral, medical, or physical conditions of a child, if any.
 - (ii) Any medication for which an alternative caregiver must assist a child with self-administration or as permitted by Health and Safety Code section 1507.25(b)(1), consistent with instructions from the child's physician.
 - (iii) The name and telephone number of the social worker or probation officer for a child and the Resource Family's emergency contact information.
- (3) Respite care.
 - (A) A Resource Family may use respite care approved by a county child welfare agency or probation department.

- (B) A respite caregiver shall be an approved relative or NREFM, a licensed foster family home or small family home, a certified family home, or a Resource Family.

- (d) Leaving a Child Alone.
 - (1) If a Resource Family anticipates being absent from the home on an occasional basis, the Resource Family may leave a child over age 10 in the home without adult supervision, but may not leave a child unsupervised overnight.
 - (2) A Resource Family shall apply the reasonable and prudent parent standard as set forth in Section 11-12, to determine the appropriateness of leaving a child over age 10 in the home without adult supervision.
 - (3) Before leaving a child alone, a Resource Family shall ensure that the child knows the following:
 - (A) Where emergency numbers are posted.
 - (B) Emergency procedures.
 - (C) Where and how to contact the Resource Family.

- (e) Licensed and license-exempt child care.
 - (1) A Resource Family may arrange for a child to be cared for by a licensed child day care facility, as defined in Health and Safety Code section 1596.750, or a licensed family day care home, as defined in Health and Safety Code section 1596.78.
 - (2) A Resource Family may arrange for a child to be cared for by any of the following programs exempt from licensure pursuant to Health and Safety Code section 1596.792:
 - (A) A public recreation program as described in Health and Safety Code section 1596.792(g).
 - (B) Extended day care programs operated by public or private schools as described in Health and Safety Code section 1596.792(h).
 - (C) Any child day care program that offers temporary child care services to parents as described in Health and Safety Code section 1596.792(k).
 - (D) Any program that provides activities for children of an instructional nature in a classroom-like setting as described in Health and Safety Code section 1596.792(l).

- (f) A Resource Family may permit a child to participate in extracurricular, enrichment, cultural, and social activities as specified in Section 11-14.
 - (1) A Resource Family shall permit a child to participate in a manner that affirms his or her gender identity expression.

- (g) A Resource Family who chooses to leave a child in a parked vehicle shall do the following:
 - (1) Comply with the requirements of Vehicle Code section 15620.
 - (2) Apply the reasonable and prudent parent standard, as specified in Section 11-12, to determine whether it is appropriate to leave a child in a parked vehicle.

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- (h) A Resource Family is responsible for ensuring care and supervision of the children of a minor parent placed in the home.
 - (1) A Resource Family shall provide direct care and supervision of the children of a minor parent during the hours that the minor parent is unavailable or unable to provide care and supervision.

- (i) Unless restricted by a child's needs and services plan or court order, a Resource Family shall permit and facilitate connections between a child and his or her relatives and nonrelative extended family members and other caring and committed adults.
 - (1) In permitting and facilitating the connections described in subsection (i), a Resource Family is not required to take any action that would impair the health and safety of a child.

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

- b. Emergency procedures.
 - c. Where and how to contact the Resource Family.
 - (B) A Resource Family may leave a nonminor dependent in the home alone for more than 72 hours if the following occur:
 - (i) The Resource Family shall provide verbal or written notification to the placement agency for the nonminor dependent that includes the following:
 - a. The dates the Resource Family plans to be absent from the home.
 - b. An emergency telephone number where the Resource Family can be reached in their absence.
 - c. A Resource Family is responsible for ensuring that a nonminor dependent parent provides care and supervision for the nonminor dependent's children.
 - (ii) A Resource Family shall obtain prior approval from the placement agency for the nonminor dependent before leaving the nonminor dependent alone in the home for more than 72 hours.
 - (C) A Resource Family shall provide direct care and supervision of the children of a nonminor dependent parent during the hours that the nonminor dependent parent is unavailable or unable to provide care and supervision.
- (k) Unless restricted by a needs and services plan, Transitional Independent Living Plan, or court order, a Resource Family shall encourage a nonminor dependent to seek, select, and maintain permanent connections between the nonminor dependent and his or her relatives and nonrelative extended family members and other caring and committed adults.
 - (1) In encouraging the nonminor dependent's connections described in subsection (k), a Resource Family is not required to take any action that would impair the health and safety of a nonminor dependent.

SECTION 11-14: Extracurricular, Enrichment and Social Activities

- (a) A Resource Family shall permit and promote a child's participation in age and developmentally appropriate extracurricular, enrichment, cultural, and social activities, as specified in Welfare and Institutions Code sections 362.05 and 727.
 - (1) A Resource Family shall permit a child to participate in a manner that affirms his or her gender identity expression.
- (b) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining whether to permit a child to participate in age and developmentally appropriate extracurricular, enrichment, cultural, and social activities.
- (c) A child or nonminor dependent shall be entitled to participate in extracurricular, enrichment, cultural, and social activities, that may include, but not be limited to, the following:
 - (1) Cultural Activities.
 - (2) Sports

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- (3) School or after-school activities, including band, dances, and field trips.
 - (4) Leisure time, including bike riding, socializing with friends, shopping, and movies.
 - (5) Community events, including concerts, dances, plays, and celebrations of special events.
 - (6) Dating.
 - (7) Sleepovers with friends.
 - (8) Babysitting.
 - (9) Having visitors in the home.
 - (10) Use of computer equipment or similar electronic devices, if available.
 - (11) Use of a cellular telephone, if available.
- (d) For a child age 16 or older or a nonminor dependent, a Resource Family shall provide access to information regarding available vocational and postsecondary educational options. The information may include, but not be limited to, the following:
- (1) Admission criteria for universities, community colleges, trade or vocational schools.
 - (2) Informational brochures and Internet research on postsecondary or vocational schools or programs, independent living skills programs, employment-related programs, and other local resources to assist youth.
 - (3) Campus tours.
 - (4) Community or school-sponsored events promoting postsecondary or vocational schools or programs, internships, volunteerism, or employment.
 - (5) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to a current or former foster child and contact information for the Student Aid Commission.
 - (6) Career options, requirements, and salary information for trade, vocational, or professional careers.
- (e) A Resource Family may access the following information in providing assistance to a child or a nonminor dependent interested in attending college:
- (1) Application for admission.
 - (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://extranet.cccco.edu/Divisions/StudentServices/FosterYouthSuccessInitiatives.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) Placement in college courses.
- (6) College orientation and course planning.
- (7) Enrollment.
- (8) Payment of fees.
- (9) Access to miscellaneous higher education resources.
 - (A) General college planning information can be found online at <http://www.college.gov/prepare-for-college>.
 - (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>.

SECTION 11-15: Cooperation and Compliance

- (a) A Resource Family may not make or disseminate any false or misleading statements in regards to Resource Family Approval or operation of the home. This includes, but is not limited to, information regarding a Resource Family, family members, adults living in the home, persons who currently provide or may provide care or supervision to a child or nonminor dependent, or any of the services provided to a child or nonminor dependent.
- (b) A Resource Family shall comply and maintain compliance with all applicable laws and the Written Directives.
- (c) A Resource Family shall cooperate with a County, Department, or service providers in completing the requirements, qualifications, or training specified in the Written Directives or as directed by the County.

SECTION 11-16: Nonminor Dependent Pre-Placement Appraisal

- (a) Prior to the placement of a nonminor dependent with a Resource Family, the Resource Family shall, jointly with the placement agency, prepare a pre-placement appraisal for the nonminor dependent.
- (b) A pre-placement appraisal shall include the following information:
 - (1) Confirmation that the nonminor dependent does not pose a threat to children or nonminor dependents in the home.
 - (2) The ability of the Resource Family to meet the needs of the nonminor dependent.

- (c) A Resource Family shall maintain a copy of the pre-placement appraisal in the records for the nonminor dependent, as specified in Section 11-7.

ARTICLE 11.1: SPECIALIZED RESOURCE FAMILIES

SECTION 11.1-01: Limitations on Capacity for Specialized Resource Families

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

SECTION 11.1-02 Prohibition of Licensure for Specialized Resource Families

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

SECTION 11.1-03 Continuing Requirements for Specialized Resource Families

- (a) A specialized Resource Family, and any person who provides specialized in-home health care to a child with special health care needs as specified in Welfare and Institutions Code section 17731(c)(5), shall comply with the requirements of this section.
- (b) Before accepting a child with special health care needs or when a child's needs change, a specialized Resource Family, and any person specified in subsection (a) who provides care to the child, shall complete training provided by a health care practitioner as required by the child's individualized health care plan and as specified in Welfare and Institutions Code section 17731(c)(3) and (c)(5), except as follows:
 - (1) The specialized Resource Family is a licensed health care practitioner, and
 - (2) The individualized health care plan team determines that completion of specialized in-home health care training is unnecessary based on the medical qualifications and expertise of the specialized Resource Family.
- (c) Within 30 days of accepting a child with special health care needs, a specialized Resource Family shall obtain a written medical assessment of the child.
 - (1) A medical assessment shall meet the following requirements:
 - (A) A medical assessment may not be more than one year old.
 - (B) A medical assessment of a child with special health care needs shall include the results of an examination for communicable tuberculosis (TB) and other contagious or infection diseases.

SECTION 11.1-04: Additional Records Requirements for Specialized Resource Families

- (a) A specialized Resource Family shall ensure that the records for the Resource Family and any person specified in Section 11.1-03(a) contain documentation verifying completion of the training or exemption from the training, as specified in Section 11.1-03 (b).
 - (1) Exemption documentation shall include the following:
 - (A) A copy of a valid license or certificate indicating that the specialized Resource Family is a licensed health care practitioner.
 - (B) A written statement that the individualized health care plan team for a child" with special health care needs has determined that specialized in-home health care training is unnecessary.
- (b) If a specialized Resource Family needs additional help to care for a child with special health care needs, the Resource Family shall obtain the following information from all persons who will provide care to the child and maintain the information in the Resource Family's records:
 - (1) Full name.
 - (2) Copy of the Driver's License of any person who will transport the child.

- (3) Date the person started providing additional help in the home.
 - (4) Home address and telephone number.
 - (5) Past related experience and where this experience was obtained.
 - (6) Duties.
 - (7) Date the person last worked, if no longer working in the home.
- (c) A specialized Resource Family shall maintain records of health screenings and tests for tuberculosis for any person specified in Section 11.1-03(a).
- (d) A specialized Resource Family shall maintain a copy of the individualized health care plan, and any updates to the plan, for a child with special health care needs.
- (e) A specialized Resource Family shall maintain all records in the home and shall make them available to a County to inspect, audit, and copy upon demand during normal business hours. A County may remove records from the home if necessary for copying. Removal of records by a County shall be subject to the following requirements:
- (1) The County shall not remove any current emergency or health-related information for a specialized Resource Family or a child with special health care needs unless the information is readily available in another document or format.
 - (2) Prior to removing any children's records from a home, the County shall prepare a list of the records to be removed, sign, and date the list upon removal of the records, and leave a copy of the list with the specialized Resource Family.
 - (3) The County shall return the children's records to the specialized Resource Family undamaged and in good order within three business days following the date the records were removed.
- (f) A specialized Resource Family shall retain all records that pertain to persons who provide additional help for at least three years after they helped in the home.

SECTION 11.1-05 Individualized Health Care Plan

- (a) A specialized Resource Family shall not accept a child with special health care needs unless the Resource Family has obtained an individualized health care plan for the child.
- (b) An individualized health care plan shall include the following information:
- (1) The name, address, and telephone number of the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
 - (2) The appropriate number of hours of on-site and off-site supervision and monitoring that needs to be provided by the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
 - (3) Documentation by the individualized health care plan team for a child with special health care needs that identifies the specialized in-home health care to be administered by a health care practitioner or responsible adult trained by a health care practitioner.

- (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of a specialized Resource Family for providing specialized in-home health care, including any required training or additional training.
 - (6) Identification of any available and funded medical services that are to be provided to a child with special health care needs in the home of a specialized Resource Family which may include, but is not limited to, assistance from health care practitioners.
 - (7) Identification of any psychological, emotional, behavioral, or medical problems that are identified in the Needs and Services Case Plan of the child with special health care needs or the medical assessment specified in Section 11.1-03(c).
- (c) The individualized health care plan for a child with special health care needs may be combined with the needs and services plan of the child or the individual program plan from the regional center for a child provided that all of the information required by each plan is included.

SECTION 11.1-06 Personal Rights for Children with Special Health Care Needs

- (a) A specialized Resource Family shall afford a child with special health care needs all of the personal rights specified in Section 11-08 and the following additional personal rights:
- (1) A child with special health care needs has the right to be free of the administration of medication or chemical substances except as specifically provided in the individualized health care plan for a child.
 - (2) A child with special health care needs has the right to be free from any restraining or postural support device except as required to treat the specific medical symptoms of a child and addressed or outlined in the individualized health care plan for the child.
 - (A) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the individualized health care plan for a child. The individualized health care plan for a child shall include all of the following:
 - (i) The specific medical symptom(s) that require use of the restraining device.
 - (ii) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices.
 - (iii) A written order by the physician of a child. The order must specify the duration and circumstances under which the restraining device is to be used.
 - (B) Postural supports may be used if prescribed in the individualized health care plan for a child with special health care needs. The method of application shall be specified in the individualized health care plan and approved in writing by the physician for the child.

SECTION 11.1-07 Additional Home and Grounds Requirements for Specialized Resource Families

- (a) Areas in the home of a specialized Resource Family that include, but are not limited to, bedrooms, bathrooms, toilets, dining areas, passageways, and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment that the child needs.
 - (1) A bedroom that is occupied by a child with special health care needs shall be large enough to permit the following:
 - (A) Storage of the child's personal items.
 - (B) Storage of any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
 - (C) Unobstructed bedside access for the provision of specialized in-home health care.
- (b) (1) Section 11-1(a)(8)(A) shall not apply to specialized Resource Families.
(2) A bedroom occupied by a child with special health care needs may not be shared with another child or nonminor dependent who resides in the home of a specialized Resource Family if the child's need for medical services or medical condition would be incompatible with another child's or nonminor dependent's use and enjoyment of the bedroom.
- (c) When required by the individualized health care plan for a child with special health care needs, a specialized Resource Family or other adult caring for the child shall sleep in a bedroom adjacent or in close proximity to the child's room or use a monitoring device to alert the Resource Family.

ARTICLE 12: DUE PROCESS

SECTION 12-01: Applicability and Jurisdiction

- (a) Except as otherwise provided in Article 11, all citations are to California law.
- (b) The Department is the agency of the State of California responsible for the administration of the Resource Family Approval program.
- (c) A Resource Family parent, applicant, or individual who has received notice of a denial or rescission of approval, notice of an exemption denial or rescission, or notice of an exclusion, is accorded the right to a state hearing and other due process rights as set forth in Article 11 and in Welfare and Institutions Code section 16519.5 et seq.
- (d) A reference to any section of the Written Directives in a document served in accordance with Article 11 shall be the section in effect at the time of service of process.

SECTION 12-02: Legal Consultation and Representation

- (a) A County may enter into an agreement with the Department for the Legal Division to provide legal consultation and legal representation related to Resource Family Approval. The Legal Division may represent a County on matters heard by the State Hearings Division or the Office of Administrative Hearings.

SECTION 12-03: Resolution Prior to Notice of Action

- (a) A County may address any concerns with an applicant or a Resource Family prior to or in lieu of issuing a notice of action in order to assist an applicant or Resource Family in obtaining or maintaining approval. A County may require a Resource Family parent, applicant, or associated individual to participate in any of the following:
 - (1) Conformance conferences or meetings.
 - (2) Correction of any condition in the home that may adversely impact the health and safety, protection, or well-being of a child or nonminor dependent.
 - (3) Submission of any required documentation.
 - (4) The completion of classes, trainings, or counseling.
 - (5) Any other action deemed necessary by the County.
- (b) An attempt to resolve a concern prior to the issuance of a notice of action shall not preclude a County or the Department from subsequently issuing a notice of action.

SECTION 12-04: Legal Consultation Requirement

- (a) Prior to the service of a notice of action for denial or rescission of Resource Family Approval, denial or rescission of a criminal record exemption, or exclusion of an individual, a County shall consult with a County attorney or the Legal Division to confirm the proper hearing forum, as specified in Section 12-10. For matters involving an exclusion action, a consultation with the Legal Division is required.
- (b) Forum determination shall be made at the sole discretion of a County in consultation with a County attorney or the Legal Division.
 - (1) The forum determination shall not be subject to rehearing or review in an administrative hearing.

SECTION 12-05: Notice of Action

- (a) A County or the Department, as applicable, shall serve a Notice of Action for denial or rescission of Resource Family Approval, denial or rescission of a criminal record

exemption, or exclusion of an individual as specified in Section 12-08 to a Resource Family parent, applicant, or individual which contains all of the following:

- (1) A written notice informing the individual of the action the County or Department intends to take.
 - (2) The reasons for the action.
 - (3) Any applicable statutory or regulatory authority.
 - (4) Notice of the right to submit a written appeal to contest the action, timelines to submit an appeal, and the address to which the appeal must be submitted.
 - (5) The effective date of the action shall be no earlier than the date an appeal is due unless there is a temporary suspension order or an immediate exclusion order.
 - (A) The date on a notice of action shall be the same as the date of service.
- (b) If a County or the Department seeks to exclude an individual from a Resource Family home as specified in Section 12-07, an exclusion order shall be served with the notice of action.
- (c) A County shall serve a Notice of Action for the record if a Resource Family chooses to surrender approval prior to the service of a Notice of Action. The Notice of Action for the record shall include a confirmation of the surrender of approval.
- (d) A County or the Department, as applicable, shall document the Notice of Action in a data system maintained by the Department, or a data system maintained by the County that interfaces with the Department's data system, as applicable.

SECTION 12-06: Appeal to a Notice of Action

- (a) If a respondent chooses to appeal an action, he or she shall submit a written appeal to the County or Department address listed in the notice of action within twenty-five (25) days from the date the notice was personally served on the respondent, or within thirty (30) days if the notice was served on the respondent by mail.
- (1) To be effective, the appeal shall be delivered or postmarked on or before the due date specified in subsection (a).
 - (2) A respondent may submit an appeal using an appeal form provided with the notice of action or may prepare his or her own written appeal.

SECTION 12-07: Exclusion Actions

- (a) A County or the Department may exclude an individual from residing or being present in a Resource Family home or having contact with a child or nonminor dependent when necessary to protect a child or nonminor dependent from physical or mental abuse, abandonment, or any other substantial threat to health or safety, consistent with the established standard.
- (1) A proposed order for the immediate exclusion of an individual prior to a hearing shall be submitted by a County or the Department, as applicable, to a County attorney or the Legal Division, as applicable, for legal review.

- (2) A County shall notify the Department when the exclusion of an individual is determined to be necessary as described in subsection (a) and shall cooperate with the Department in sharing information relevant to the filing of an exclusion action against the individual by the Department.
- (b) An order of immediate exclusion shall remain in effect until a hearing is completed and the Director has made a final determination on the merits in accordance with Health and Safety Code section 1558.
- (c) Unless instructed otherwise by a County attorney or the Legal Division, if an excluded individual is no longer present or residing in a Resource Family home and a pre-hearing exclusion order appears to be unnecessary, or a pre-hearing exclusion order was served but not appealed by the excluded individual, the County or Department, as applicable, shall refer the case to a County attorney or hearing representative and the Legal Division, as applicable, for the filing of an Accusation (exclusion action) for the record.
- (d) A County shall conduct an unannounced visit to a Resource Family home within 30 days after an order of immediate exclusion is served to verify that the excluded individual is no longer present in the home.
 - (1) Any method of verification that does not include an unannounced visit shall be approved by a County supervisor.
 - (2) The County shall maintain documentation of the verification in the Resource Family's file.

SECTION 12-08: Service of Process

- (a) A County or the Department, as applicable, shall serve a notice of action by personal service or first class mail. The County shall keep a record of service of the Notice of Action.
- (b) An exclusion order shall be served by personal service or registered mail as provided in Welfare and Institutions Code section 16519.6(g). A copy of the order shall be served on the Resource Family by personal service or registered mail.
- (c) Except as provided in subsections (a) and (b), all other writings related to a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6 shall be served by first class mail, unless otherwise specified in another applicable law.
- (d) Service by mail of a notice of action, exclusion order, or other writing on a respondent in a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6 is effective if served to the last mailing address on file with a County or the Department, as applicable. If the last day for the performance of any action falls on a holiday, then such period shall be extended to the next day which is not a holiday.

SECTION 12-09: Procedures After Receipt of Appeal

- (a) (1) Upon receipt of an appeal, a County or the Department, as applicable, shall date stamp the appeal and document the appeal in a data system maintained by the Department or a data system maintained by the County that interfaces with the Department's data system, as applicable, with the date the appeal is received.
- (2) An appeal shall be processed as required in this section, even if a County has reason to believe that an informal resolution is expected in the matter.
- (b) (1) For matters to be heard by the Office of Administrative Hearings, a County or the Department, as applicable, shall serve an acknowledgement of appeal upon an individual who is the subject of a notice of action.
- (2) (A) For matters to be heard by the State Hearings Division, a County or the Department, as applicable, shall forward the appeal to the State Hearings Division no later than 10 business days following the receipt of the appeal.
- (B) The State Hearings Division shall serve an acknowledgement of appeal by first class mail upon the individual who is the subject of a notice of action.
- (c) An acknowledgement of appeal shall contain the following:
 - (1) Confirmation that a Respondent's appeal has been received by a County or the Department, as applicable, including the date of receipt.
 - (2) Notice to the Respondent of the duty to notify the County or Department, as applicable, in writing of any change in the Respondent's mailing address until the administrative action process has been completed or terminated.
- (d) The appeal and originals of all relevant documents shall be forwarded to the County attorney or hearing representative or the Legal Division, as applicable, for administrative action. For matters to be heard by the State Hearings Division, the appeal and originals of all relevant documents shall be forwarded at the same time the appeal is forwarded to the State Hearings Division. The County shall maintain copies of all documents.

SECTION 12-10: Hearing Forum Rules

- (a) The following matters shall be heard by an administrative law judge at the State Hearings Division
 - (1) Administrative actions based upon a denial of a criminal record exemption, rescission of a criminal record exemption, or failure to comply with background check assessment requirements.
 - (2) Administrative actions based upon criminal conduct or conduct that poses a risk or threat to the health, safety, protection, or well-being of a child or nonminor dependent or other individual as specified in Section 9-01, except for conduct that involves abuse or severe neglect of a child or other minor or nonminor dependent, or abuse or neglect of a dependent adult.

- (3) Administrative actions based upon a failure to meet or comply with home environment standards as specified in Section 06-02.
 - (4) Denial or rescission actions based upon a failure to act as a reasonable and prudent parent or a failure to provide adequate care and supervision as specified in Sections 11-12 and 11-13, where the matter does not involve abuse or severe neglect of a child or other minor or nonminor dependent.
 - (5) Administrative actions based upon a failure to meet Resource Family qualifications as specified in Section 5-02 other than the requirement for good mental health, or a failure to meet caregiver or permanency criteria as determined in a psychosocial assessment specified in Sections 6-04 and 6-05 other than criteria related to mental health.
 - (6) Administrative actions based upon a failure to comply with reporting requirements as specified in Section 11-06.
 - (7) Administrative actions based upon a failure to maintain or provide records for a child or nonminor dependent as specified in Section 11-07.
 - (8) Administrative actions based upon a failure to meet applicant requirements as specified in Section 5-03 or failure to complete required training as specified in Sections 6-06 and 8-04.
 - (9) Administrative actions based upon a failure to cooperate or comply or upon false or misleading statements provided to a County or the Department as specified in Section 9-01(c).
- (b) The following matters shall be heard by an administrative law judge at the Office of Administrative Hearings:
- (1) Dual or multiple-program matters where the applicant, Resource Family parent, or individual has applied for or holds a license or registration issued by the Department, a certificate of approval issued by a Foster Family Agency, or is employed by or regularly present in a facility licensed by the Department.
 - (2) Administrative actions where a temporary suspension order was issued as a result of an immediate and substantial risk to the health and safety of a child or nonminor dependent.
 - (3) Administrative actions based upon conduct that poses a risk or threat to the health, safety, protection or well-being of a child or nonminor dependent or other individual as specified in Section 9-01, including abuse or severe neglect of a child or other minor or a nonminor dependent, or abuse or neglect of a dependent adult.
 - (4) Administrative actions based upon a violation of the personal rights of a child or nonminor dependent, or a failure to ensure a child or nonminor dependent is accorded the personal rights specified in Section 11-08.
 - (5) Denial or rescission actions based upon a failure to act as a reasonable and prudent parent or failure to provide care and supervision as specified in Sections 11-12 and 11-13 and the matter involves abuse or severe neglect of a child or other minor or nonminor dependent, or abuse or neglect of a dependent adult.
 - (6) Exclusion actions based upon a failure to act as a reasonable and prudent parent or failure to provide care and supervision as specified in Sections 11-12 and 11-13.

- (7) Administrative actions based upon a failure to meet the Resource Family qualification of good mental health as specified in Section 5-02 or as determined in a psychosocial assessment specified in Section 6-05.
- (8) Administrative actions based upon financial malfeasance involving a child or nonminor dependent or dependent adult, including but not limited to, fraudulent appropriation for personal gain of money or property or willful or negligent failure to provide services as specified in Section 9-01.
- (9) Administrative actions based upon a pattern of serious deficiencies or a failure to comply with requirements across several different areas.
- (10) Any administrative action that does not meet the criteria specified in subsection (a) or subsections (b)(1) through (b)(9).

SECTION 12-11: Filing the Administrative Hearing Documents

- (a) For matters to be heard at the State Hearings Division, a County attorney or hearing representative or the Legal Division, as applicable, shall prepare and file a Position Statement with the State Hearings Division and serve it on a respondent no later than two working days prior to a hearing in accordance with Welfare and Institutions Code sections 10952.5 and 16519.6. A respondent may file a Position Statement, but is not required to do so unless so ordered by an administrative law judge.
- (b) A Position Statement shall include the following:
 - (1) A summary of the facts and issues in the case and the justification for the County's or Department's action.
 - (2) Citations to the applicable statutory, regulatory, or Written Directives authority for each applicable basis for action.
 - (3) A list of witnesses and documentary evidence which the County intends to use during the hearing, with copies of the documents attached.
- (c) For matters to be heard at the Office of Administrative Hearings, a County attorney or hearing representative or the Legal Division, as applicable, shall prepare and file an Accusation or Statement of Issues and serve it in accordance with the Administrative Procedures Act (Gov. Code section 11370 et seq.).

SECTION 12-12: Setting the Hearing and Prehearing Conference

- (a) For matters set before the State Hearings Division, the State Hearings Division shall set prehearing conference and hearing dates upon receipt of an appeal. The State Hearings Division shall serve all parties with a notice of hearing.
- (b) For matters to be set before the Office of Administrative Hearings, if a respondent submits a Notice of Defense, a County attorney or hearing representative or the Legal Division, as applicable, shall request a hearing date from the Office of Administrative Hearings. The County attorney or hearing representative or the Legal Division, as applicable, shall serve a Respondent with a notice of hearing.

SECTION 12-13: Law Governing Hearing Procedures

- (a) For State Hearings Division matters, hearings and all related procedures are governed by Welfare and Institutions Code sections 10950 et seq. and 16519.6, the CDSS Manual of Policies and Procedures section 22-000 et seq., All County Letters applicable to Resource Family hearings and Article 11 of the CDSS RFA Written Directives. The provisions of Welfare and Institutions Code section 16519.5 et seq. prevail over a conflicting or inconsistent provision in Welfare and Institutions Code section 10950 et seq. The provisions of the Written Directives or regulations govern the hearing process and the rights and responsibilities of parties. The CDSS Manual of Policies and Procedures section 22-000 et seq. govern procedures, rights, and responsibilities that are not addressed in the Written Directives.
- (b) For Office of Administrative Hearings matters, hearings and all related procedures are governed by Welfare and Institutions Code section 16519.6, All County Letters applicable to Resource Family hearings, Article 12 of the CDSS RFA Written Directives, and the Administrative Procedures Act (Gov. Code §11370 et seq.).

SECTION 12-14: Child Hearsay Rule

- (a) The out-of-court statements made by a child under twelve years of age who is the subject or victim of an allegation at issue constitutes admissible evidence at an administrative hearing conducted pursuant to Welfare and Institutions Code section 16519.6. The out-of-court statement may provide the sole basis for a finding of fact if the proponent of the statement provided the statement to all parties prior to the hearing and the adjudicator finds that the time, content, and circumstances of the statement provide sufficient indicia of reliability. However, the out-of-court statement shall not be admissible if an objecting party establishes that the statement is unreliable because it was the product of fraud, deceit or undue influence.
- (b) This section shall not be construed to limit the right of any party to the administrative hearing to subpoena a witness whose statement is admitted as evidence or to introduce admissible evidence relevant to the weight of the hearsay evidence or the credibility of the hearsay declarant.

SECTION 12-15: Rulings on Evidence

- (a) Rulings on the admissibility of evidence made during an administrative hearing shall be made on the record and when appropriate, shall be included in a decision or proposed decision.

SECTION 12-16: Limitations on Evidence Regarding Alleged Victim

- (a) In any proceeding in which a child or other minor or nonminor dependent is the victim in an allegation of inappropriate sexual conduct, specific instances of the victim's sexual conduct with individuals other than the alleged perpetrator is subject to all of the following limitations:
 - (1) The evidence is not discoverable unless it is to be offered at a hearing to attack the credibility of the victim as provided for in subsection (b). This paragraph is intended only to limit the scope of discovery; it is not intended to affect the methods of discovery allowed by statute.
 - (2) The evidence is not admissible at the hearing unless offered to attack the credibility of the victim as provided for in subsection (b).
 - (3) Reputation or opinion evidence regarding the sexual behavior of the victim is not admissible for any purpose.
- (b) Evidence of specific instances of a victim's sexual conduct with individuals other than the alleged perpetrator is presumed inadmissible absent an offer of proof establishing its relevance and reliability and that its probative value is not substantially outweighed by the probability that its admission will create substantial danger of undue prejudice or confuse the issue.
- (c) As used in this section "victim" means a person claiming to have been subjected to inappropriate sexual conduct by an alleged perpetrator.
- (d) This section shall also apply to a victim in an allegation of inappropriate sexual conduct who was previously placed with a Resource Family as a child or dependent minor, but who is an adult at the time of a hearing.

SECTION 12-17: Applicability of Precedential Decisions

- (a) An administrative law judge shall apply the principles of the Department's Precedential Decision(s), if the facts or issues are similar to those before the administrative law judge in a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6.
- (b) In accordance with Government Code section 11425.60, the Department's designation of a Precedential Decision is not subject to judicial review.

SECTION 12-18: Burdens and Inferences at Hearing

- (a) In all proceedings conducted in accordance with Welfare and Institutions Code section 16519.6, the standard of proof shall be by the preponderance of the evidence, and the burden of proof shall be on a County or the Department, as applicable.

- (b) Where criminal misconduct is proven, whether or not it resulted in a conviction, negative character inferences shall be presumed.

SECTION 12-19: Decision

- (a) A decision or proposed decision shall be in writing and shall include a statement of the factual and legal basis for the decision and any other basis as required in any applicable law. A decision or proposed decision shall include, but not be limited to, the following:
 - (1) A concise and explicit statement of the underlying facts of record that support the decision.
 - (2) Any determinations on the weight of evidence or determinations of credibility that affect the findings and conclusions.
 - (3) Any determinations on the admissibility of evidence that affect the findings and conclusions.
 - (4) If the factual basis for the decision includes a determination based substantially on the credibility of a witness, the statement shall identify any specific evidence of the observed demeanor, manner, or attitude of the witness or content of the witness testimony that supports the determination.
- (b) A proposed decision by an administrative law judge at the State Hearings Division shall be delivered to the Department as provided in Welfare and Institutions Code section 10959 and the provisions of that section and CDSS Manual of Policies and Procedures section 22-061 et seq. shall govern procedures related to decisions.
- (c) A proposed decision by an administrative law judge at the Office of Administrative Hearings shall be delivered to the Department as provided in Government Code section 11517 and the provisions of that section shall govern procedures related to decisions.

SECTION 12-20: Reinstatement or Reduction in Penalty

- (a) An individual who has been excluded for life from residing or being present in a Resource Family home or having contact with a child or nonminor dependent may petition for reinstatement to the Department after one year has elapsed from the date of the notification of the exclusion order pursuant to Government Code section 11522 and Health and Safety Code section 1558.

ARTICLE 13: RELOCATION OF RESOURCE FAMILIES

SECTION 13-01: Procedures for Relocation

- (a) Resource families approved under initial implementation of the program, who move within an early implementation County or who move to another early implementation County, shall

retain their resource family status if the new home and grounds, outdoor activity areas, and storage areas meet home environment standards.

- (1) The County may allow a program-affiliated individual to transfer his or her subsequent arrest notification if the individual moves from one early implementation County to another early implementation County, as specified in Health and Safety Code section 1522(h).

- (b) The approval of a resource family who moves to a nonparticipating county remains in full force and effect pending a determination by the county approval agency or the Department, as appropriate, whether the new building and grounds and storage areas meet applicable standards, and whether all adults residing in the home have a criminal records clearance or exemptions granted, using the exemption criteria used for foster care licensing, as specified in Health and Safety Code section 1522(g). Upon this determination, the nonparticipating county shall either approve the family as a relative or nonrelative extended family member, as applicable, or the County or Department shall license the family as a foster family home.
 - (1) Subject to the requirements in subsection (b), the family shall continue to be approved for guardianship and adoption. Nothing in this section shall limit a county or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or psychosocial assessment.

ARTICLE 14: ADOPTION REQUIREMENTS FOR APPROVED RESOURCE FAMILIES

Section 14-01 Adoption Approval Requirements

- (a) A written report for a Resource Family that meets the requirements of Section 6-07(b) shall be considered sufficient for meeting the requirements of Title 22, California Code of Regulations, Division 2, Subchapter 5, Article 11.

- (b) A written report for a Resource Family may not be used as a substitute for the assessment of an applicant proceeding with any adoption other than the adoption of a foster child.

- (c) A County shall provide a Resource Family pursuing adoption with the following:
 - (1) Information, resources, and services described in Section 35179 of Title 22, California Code of Regulations.
 - (2) The availability of post adoption services.
 - (3) Availability of services to facilitate contact between the parties to the adoption, before or after the adoption is completed, including the development of a post-adoption contact agreement pursuant to Family Code section 8616.5.
 - (4) Information regarding reimbursement for non-recurring adoption expenses.

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- (d) Upon the filing of a petition for adoption, a county adoption agency, licensed adoption agency, or the Department may, at the time of filing a favorable report with the court, require the petitioners to pay a fee of five hundred dollars (\$500) pursuant to Family Code 8716.
- (e) Before finalizing an adoption, a County shall include in the Resource Family's file verification of all marriages and dissolutions of the individuals proceeding with the adoption.
 - (1) If a prospective adoptive parent is not lawfully separated from that person's spouse, consent of the spouse shall be obtained in accordance with Family Code section 8603.
- (f) Except as provided in Family Code section 8601(b), a prospective adoptive parent shall be at least 10 years older than a prospective adoptive child placed with a Resource Family.