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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 5@ Group Homes

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Subchapter 1@ Community Treatment Facilities

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Article 6@ Continuing Requirements

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Section 84168.1@ Admission Criteria

84168.1 Admission Criteria

(a)

The licensee shall develop, maintain, and implement admission procedures which only admit children who meet the criteria specified in this section.

(b)

Prior to admitting a child, the facility shall obtain and keep in each child's record the following documentation which substantiates that the appropriate requirements have been met: (1) A written statement, signed by an appropriate licensed mental health professional, certifying that the child is seriously emotionally disturbed, as defined in Section 84111(s)(3); requires periods of containment to participate in and benefit from mental health treatment; that a proposed treatment program is reasonably expected to improve the child's mental disorder; and meets one of the following requirements: (A) The child's records must indicate that the child has participated in other less restrictive mental health interventions. 1. Less restrictive interventions include, but are not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling. (B) The child is currently placed in a psychiatric or state hospital or a facility outside the state for mental health treatment. (2) A written consent to treatment on behalf of each child in one of the following forms: (A) An application for a child of any age under the jurisdiction of juvenile court and the court's consent to treatment shall be

documented by a copy of the juvenile court ruling making the findings specified in Section 6552 of the Welfare and Institutions Code, together with the child's application for treatment. (B) An application made by the conservator for a child of any age in custody of a conservator appointed in accordance with Section 5350 of the Welfare and Institutions Code, shall be documented by the court papers appointing the conservator and delineating the conservator's authorization to place the child in a community treatment facility as well as any other powers that may be relevant in this setting along with the conservator's written consent for treatment. (C) An application made by the parent(s) of a child under the age of 14 shall be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child. (D) An application for a child 14 through 17 years of age not within the jurisdiction of the juvenile court shall be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child and one of the following: 1. A statement signed by the child and the child's attorney or patients' rights advocate that the child has made a knowing and voluntary waiver of their right to a pre-admission administrative hearing after being advised by the attorney or notified by the advocate of their rights to a pre-admission hearing in accordance with *In re Roger S.* (1977) 19 Cal. 3d 921. If the child waives their right to a pre-admission hearing based on the notification of rights by the advocate the child's statement must also indicate that they have been notified of their right to receive the advice of an attorney and has made a knowing and voluntary waiver of that right; or 2. The findings and order from a pre-admission hearing conducted in accordance with Section 1923(b)(4)(B) of the California Code of Regulations, Title 9, Chapter 11, pursuant to Section

4094(g) of the Welfare and Institutions Code that specifies all of the following findings: (i) The child suffers a mental disorder; (ii) There is a substantial probability that treatment will significantly improve the minor's mental disorder; (iii) The proposed placement is the least restrictive setting necessary to achieve the purposes of the treatment; and (iv) There is no suitable alternative to the community treatment facility placement. (3) A written authorization from the placing county's Interagency Placement Committee certifying that the child is in need of the level of care and services provided by the community treatment facility and to the appropriateness of the following documentation: (A) The written statement by a licensed mental health professional demonstrates that the child meets the requirements of Section 84168.1(b)(1). (B) Informed consent is given by the child, the child's parents, or the parent having sole legal custody and control of the child or conservator as specified in Sections 84168.1(b)(2)(A) through (D)(1). (C) The findings and order by the pre-admission administrative hearing officer specifying that all of the findings specified in Sections 84168.1(b)(2)(D)2.(i) through (iv) have been made for a child 14-17 years of age under parental custody who has not waived their right to a pre-admission hearing.

(1)

A written statement, signed by an appropriate licensed mental health professional, certifying that the child is seriously emotionally disturbed, as defined in Section 84111(s)(3); requires periods of containment to participate in and benefit from mental health treatment; that a proposed treatment program is reasonably expected to improve the child's mental disorder; and meets one of the following requirements: (A) The child's records must indicate that the child has participated in other less restrictive mental health interventions. 1. Less restrictive interventions include, but are not limited to, outpatient therapy, family counseling, case management, family

preservation efforts, special education classes, or nonpublic schooling. (B) The child is currently placed in a psychiatric or state hospital or a facility outside the state for mental health treatment.

(A)

The child's records must indicate that the child has participated in other less restrictive mental health interventions. 1. Less restrictive interventions include, but are not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling.

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Less restrictive interventions include, but are not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling.

(B)

The child is currently placed in a psychiatric or state hospital or a facility outside the state for mental health treatment.

(2)

A written consent to treatment on behalf of each child in one of the following forms: (A) An application for a child of any age under the jurisdiction of juvenile court and the court's consent to treatment shall be documented by a copy of the juvenile court ruling making the findings specified in Section 6552 of the Welfare and Institutions Code, together with the child's application for treatment. (B) An application made by the conservator for a child of any age in custody of a conservator appointed in accordance with Section 5350 of the Welfare and Institutions Code, shall be documented by the court papers appointing the conservator and delineating the conservator's authorization to place the child in a community treatment facility as well as any other powers that may be relevant in this setting along with the conservator's written consent for treatment. (C) An application made by the parent(s) of a child under the age of 14 shall

be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child. (D) An application for a child 14 through 17 years of age not within the jurisdiction of the juvenile court shall be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child and one of the following: 1. A statement signed by the child and the child's attorney or patients' rights advocate that the child has made a knowing and voluntary waiver of their right to a pre-admission administrative hearing after being advised by the attorney or notified by the advocate of their rights to a pre-admission hearing in accordance with *In re Roger S.* (1977) 19 Cal. 3d 921. If the child waives their right to a pre-admission hearing based on the notification of rights by the advocate the child's statement must also indicate that they have been notified of their right to receive the advice of an attorney and has made a knowing and voluntary waiver of that right; or 2. The findings and order from a pre-admission hearing conducted in accordance with Section 1923(b)(4)(B) of the California Code of Regulations, Title 9, Chapter 11, pursuant to Section 4094(g) of the Welfare and Institutions Code that specifies all of the following findings: (i) The child suffers a mental disorder; (ii) There is a substantial probability that treatment will significantly improve the minor's mental disorder; (iii) The proposed placement is the least restrictive setting necessary to achieve the purposes of the treatment; and (iv) There is no suitable alternative to the community treatment facility placement.

(A)

An application for a child of any age under the jurisdiction of juvenile court and the court's consent to treatment shall be documented by a copy of the juvenile court ruling making the findings specified in Section 6552 of the Welfare and Institutions Code, together with the

child's application for treatment.

(B)

An application made by the conservator for a child of any age in custody of a conservator appointed in accordance with Section 5350 of the Welfare and Institutions Code, shall be documented by the court papers appointing the conservator and delineating the conservator's authorization to place the child in a community treatment facility as well as any other powers that may be relevant in this setting along with the conservator's written consent for treatment.

(C)

An application made by the parent(s) of a child under the age of 14 shall be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child.

(D)

An application for a child 14 through 17 years of age not within the jurisdiction of the juvenile court shall be documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that they have sole legal custody and control of the child and one of the following: 1. A statement signed by the child and the child's attorney or patients' rights advocate that the child has made a knowing and voluntary waiver of their right to a pre-admission administrative hearing after being advised by the attorney or notified by the advocate of their rights to a pre-admission hearing in accordance with *In re Roger S.* (1977) 19 Cal. 3d 921. If the child waives their right to a pre-admission hearing based on the notification of rights by the advocate the child's statement must also indicate that they have been notified of their right to receive the advice of an attorney and has made a knowing and voluntary waiver of that right; or 2. The findings and order from a pre-admission hearing conducted in accordance with Section 1923(b)(4)(B) of the California Code of Regulations, Title 9, Chapter 11, pursuant to Section 4094(g) of the Welfare and

Institutions Code that specifies all of the following findings: (i) The child suffers a mental disorder; (ii) There is a substantial probability that treatment will significantly improve the minor's mental disorder; (iii) The proposed placement is the least restrictive setting necessary to achieve the purposes of the treatment; and (iv) There is no suitable alternative to the community treatment facility placement.

1.

A statement signed by the child and the child's attorney or patients' rights advocate that the child has made a knowing and voluntary waiver of their right to a pre-admission administrative hearing after being advised by the attorney or notified by the advocate of their rights to a pre-admission hearing in accordance with *In re Roger S.* (1977) 19 Cal. 3d 921. If the child waives their right to a pre-admission hearing based on the notification of rights by the advocate the child's statement must also indicate that they have been notified of their right to receive the advice of an attorney and has made a knowing and voluntary waiver of that right; or

2.

The findings and order from a pre-admission hearing conducted in accordance with Section 1923(b)(4)(B) of the California Code of Regulations, Title 9, Chapter 11, pursuant to Section 4094(g) of the Welfare and Institutions Code that specifies all of the following findings: (i) The child suffers a mental disorder; (ii) There is a substantial probability that treatment will significantly improve the minor's mental disorder; (iii) The proposed placement is the least restrictive setting necessary to achieve the purposes of the treatment; and (iv) There is no suitable alternative to the community treatment facility placement.

(i)

The child suffers a mental disorder;

(ii)

There is a substantial probability that treatment will significantly improve the minor's mental disorder;

(iii)

The proposed placement is the least restrictive setting necessary to achieve the purposes of the treatment;

and

(iv)

There is no suitable alternative to the community treatment facility placement.

(3)

A written authorization from the placing county's Interagency Placement Committee certifying that the child is in need of the level of care and services provided by the community treatment facility and to the appropriateness of the following documentation:(A) The written statement by a licensed mental health professional demonstrates that the child meets the requirements of Section 84168.1(b)(1). (B) Informed consent is given by the child, the child's parents, or the parent having sole legal custody and control of the child or conservator as specified in Sections 84168.1(b)(2)(A) through (D)(1). (C) The findings and order by the pre-admission administrative hearing officer specifying that all of the findings specified in Sections 84168.1(b)(2)(D)2.(i) through (iv) have been made for a child 14-17 years of age under parental custody who has not waived their right to a pre-admission hearing.

(A)

The written statement by a licensed mental health professional demonstrates that the child meets the requirements of Section 84168.1(b)(1).

(B)

Informed consent is given by the child, the child's parents, or the parent having sole legal custody and control of the child or conservator as specified in Sections 84168.1(b)(2)(A) through (D)(1).

(C)

The findings and order by the pre-admission administrative hearing officer specifying that all of the findings specified in Sections 84168.1(b)(2)(D)2.(i) through (iv) have been made for a

child 14-17 years of age under parental custody who has not waived their right to a pre-admission hearing.