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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 3@ Emergency Intervention in Group Homes

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Article 1@ General Requirements

|->

Section 84300@ General Provisions

84300 General Provisions

(a)

Group homes, as defined in Sections 80001(g)(1) and 84001(g)(3), which utilize or it is reasonably foreseeable that they will utilize, emergency interventions to prevent a child who exhibits assaultive behavior from injuring or endangering themselves or others, shall be governed by the provisions of this Article in addition to Chapter 1, General Licensing Requirements and Chapter 5, Group Homes, which prohibit the use of restraint.

(b)

Group home staff may be justified/excused in using emergency interventions which include restraint if: (1) The restraint is reasonably applied to prevent a child exhibiting assaultive behavior from exposure to immediate injury or danger to themselves or others; and (2) The force used does not exceed that reasonably necessary to avert the injury or danger; and (3) The danger of the force applied does not exceed the danger being averted; and (4) The duration of the restraint ceases as soon as the danger of harm has been averted.

(1)

The restraint is reasonably applied to prevent a child exhibiting assaultive behavior from exposure to immediate injury or danger to themselves or others; and

(2)

The force used does not exceed that reasonably necessary to avert the injury or

danger; and

(3)

The danger of the force applied does not exceed the danger being averted; and

(4)

The duration of the restraint ceases as soon as the danger of harm has been averted.

(c)

The licensee must use a continuum of interventions, starting with the least restrictive intervention. More restrictive interventions may be justified when less restrictive techniques have been attempted and were not effective and the child continues to present an imminent danger for injuring or endangering themselves or others.

(d)

An emergency intervention plan as specified in Section 84322, is required for all group homes, and must be submitted to, and approved by the Department prior to use by the group home. (1) The Department shall review and approve the emergency intervention plan as specified in Sections 84322 (l) and 84322(l)(1).

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The Department shall review and approve the emergency intervention plan as specified in Sections 84322 (l) and 84322(l)(1).

(e)

Each child has the right to a placement that utilizes trauma-informed and evidence-based de-escalation and intervention techniques, pursuant to Welfare and Institutions Code section 16001.9(a)(7).