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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 9.5@ Foster Family Homes

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Article 3@ Core Requirements for Caregivers, Relatives, and Nonrelative Extended Family Members

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Section 89372@ Personal Rights

89372 Personal Rights

(a)

The caregiver shall ensure that each "child" is accorded the personal rights specified in Welfare and Institutions Code section 16001.9. In addition, the caregiver 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, emotional, mental, or other abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning. (2) To be provided with and allowed to possess and use adequate personal items, which includes their own: (A) Clothes, provided the clothes are age-appropriate as defined in Section 89201, subsection (a)(2), do not violate school standards when worn during school activities, and are in accordance with the Welfare & Institutions Code section 16001.9(a)(23). (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." (3) 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." (4) To be informed and to have his or

her authorized representative informed, by the caregiver of the provisions of law regarding complaints, including the address and telephone number of the licensing agency and about the confidentiality of complaints. (5) To make and receive confidential telephone calls, and send and receive unopened mail and electronic communication, unless prohibited by court order. (A) Reasonable restrictions may be imposed by the caregiver, social worker, or probation officer on calls and correspondence. (B) Other reasonable restrictions may be imposed. The caregiver may: 1. Request reimbursement for the cost of long distance calls made by the "child" from the "child" or his or her authorized representative, 2. Deny the making of long distance calls by the "child" upon verification that previous long distance calls have not been paid, 3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies, and 4. Restrict the telephone use of the "child" as reasonable discipline except as provided in (D) below, and shall be subject to social worker or probation officer review. 5. Restrict Internet usage when appropriate. (C) No restrictions shall be applied to telephone calls, mail, and electronic communication with relatives, including brothers and sisters, unless prohibited by court order. (D) No restrictions shall be applied to telephone calls, mail, and electronic communication with social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers. (6) To have access to letter writing material. (7) To be accorded the independence appropriate to the age, maturity, and capability of the "child" consistent with the written plan identifying the specific needs and services of the "child" or the Transitional Independent Living Plan (TILP) of the "child," if applicable. (8) Not to be restrained or placed in any restraining device other than as specified in Section 89475.2, Postural Supports and Protective Devices. (9) To

be accorded dignity in their personal relationships with other persons in the home.

(A) To be free from unreasonable searches of person. (10) To have private or personal information including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, school reports reflecting poor performance or behavior, and information relating to the biological family of the "child," maintained in confidence. (A) The caregiver shall disclose information about the "child" to the biological family, Juvenile Court, the minor's social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, authorized representative, and licensing or approval agency, unless such disclosure is prohibited by court order. (B) As needed to ensure appropriate care, supervision, or education of the "child," the caregiver shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school officials, and other persons, unless such disclosure is prohibited by court order.

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To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, physical, sexual, emotional, mental, or other abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.

(2)

To be provided with and allowed to possess and use adequate personal items, which includes their own: (A) Clothes, provided the clothes are age-appropriate as defined in Section 89201, subsection (a)(2), do not violate school standards when worn during school activities, and are in accordance with the Welfare & Institutions Code section 16001.9(a)(23). (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."

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Clothes, provided the clothes are age-appropriate as defined in Section 89201, subsection (a)(2), do not violate school standards when worn during school activities, and are in accordance with the Welfare & Institutions Code section 16001.9(a)(23).

(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."

(3)

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."

(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."

(4)

To be informed and to have his or her authorized representative informed, by the caregiver of the provisions of law regarding complaints, including the address and

telephone number of the licensing agency and about the confidentiality of complaints.

(5)

To make and receive confidential telephone calls, and send and receive unopened mail and electronic communication, unless prohibited by court order. (A) Reasonable restrictions may be imposed by the caregiver, social worker, or probation officer on calls and correspondence. (B) Other reasonable restrictions may be imposed. The caregiver may: 1. Request reimbursement for the cost of long distance calls made by the "child" from the "child" or his or her authorized representative, 2. Deny the making of long distance calls by the "child" upon verification that previous long distance calls have not been paid, 3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies, and 4. Restrict the telephone use of the "child" as reasonable discipline except as provided in (D) below, and shall be subject to social worker or probation officer review. 5. Restrict Internet usage when appropriate. (C) No restrictions shall be applied to telephone calls, mail, and electronic communication with relatives, including brothers and sisters, unless prohibited by court order. (D) No restrictions shall be applied to telephone calls, mail, and electronic communication with social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

(A)

Reasonable restrictions may be imposed by the caregiver, social worker, or probation officer on calls and correspondence.

(B)

Other reasonable restrictions may be imposed. The caregiver may: 1. Request reimbursement for the cost of long distance calls made by the "child" from the "child" or his or her authorized representative, 2. Deny the making of long distance calls by the "child"

upon verification that previous long distance calls have not been paid, 3. Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies, and 4. Restrict the telephone use of the "child" as reasonable discipline except as provided in (D) below, and shall be subject to social worker or probation officer review. 5. Restrict Internet usage when appropriate.

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2.

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3.

Ensure that telephone use does not infringe upon the rights of others, nor tie up the phone during emergencies, and

4.

Restrict the telephone use of the "child" as reasonable discipline except as provided in (D) below, and shall be subject to social worker or probation officer review.

5.

Restrict Internet usage when appropriate.

(C)

No restrictions shall be applied to telephone calls, mail, and electronic communication with relatives, including brothers and sisters, unless prohibited by court order.

(D)

No restrictions shall be applied to telephone calls, mail, and electronic communication with social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

(6)

To have access to letter writing material.

(7)

To be accorded the independence appropriate to the age, maturity, and capability of the "child" consistent with the written plan identifying the specific needs and services of the "child" or the Transitional Independent Living Plan (TILP) of the "child," if applicable.

(8)

Not to be restrained or placed in any restraining device other than as specified in Section 89475.2, Postural Supports and Protective Devices.

(9)

To be accorded dignity in their personal relationships with other persons in the home.

(A) To be free from unreasonable searches of person.

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(10)

To have private or personal information including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, school reports reflecting poor performance or behavior, and information relating to the biological family of the "child," maintained in confidence. (A) The caregiver shall disclose information about the "child" to the biological family, Juvenile Court, the minor's social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, authorized representative, and licensing or approval agency, unless such disclosure is prohibited by court order. (B) As needed to ensure appropriate care, supervision, or education of the "child," the caregiver shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school

officials, and other persons, unless such disclosure is prohibited by court order.

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The caregiver shall disclose information about the "child" to the biological family, Juvenile Court, the minor's social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, authorized representative, and licensing or approval agency, unless such disclosure is prohibited by court order.

(B)

As needed to ensure appropriate care, supervision, or education of the "child," the caregiver shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school officials, and other persons, unless such disclosure is prohibited by court order.

(b)

In ensuring the rights of a "child," the caregiver is not required to take any action that would impair the health and safety of a "child" or household members consistent with Welfare & Institutions Code Section 16001.9(b). (1) Caregivers are not prohibited from locking exterior doors and windows or from establishing house rules for the protection of a "child" or household members so long as a "child" can exit the home.

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(c)

At the time of placement, the caregiver shall ensure a "child" is verbally notified, in an age and developmentally appropriate manner, of the rights specified in this section and provided with a written copy of these rights and information regarding

agencies a "child" may contact concerning violations of these rights and other complaints.