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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

|-&gt;

Section 89374@ Transportation

## **89374 Transportation**

### **(a)**

The caregiver shall ensure that persons who transport a "child" use vehicles that are in safe operating condition. (1) The caregiver and their staff are prohibited from smoking a tobacco product, or permitting any person from smoking a tobacco product in a motor vehicle that is regularly used to transport children, regardless of when the children are present. This prohibition applies when the motor vehicle is moving or at rest. Smoking has the same meaning as in subdivision (c) of Section 22950.5 of the Business and Professions Code, and tobacco product means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.

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### **(b)**

The caregiver shall not allow a "child" to be transported by a person the caregiver

knows or reasonably should know does not have a valid California or other state driver's license.

**(c)**

The caregiver shall provide transportation for a child in a timely manner to and from the following: (1) Health-related services. (2) School. (3) Extracurricular, enrichment, cultural, and social activities, in accordance with the reasonable and prudent parent standard specified in Section 89377.

**(1)**

Health-related services.

**(2)**

School.

**(3)**

Extracurricular, enrichment, cultural, and social activities, in accordance with the reasonable and prudent parent standard specified in Section 89377.

**(d)**

The caregiver shall ensure that the transportation provided safeguards the health and safety of a "child" and shall not violate the personal rights of a "child" as required by Section 89372, including the right to have equal access to all available services and to not be subjected to discrimination on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and expression, mental or physical disability, or HIV status.

**(e)**

The caregiver may satisfy their obligation to provide transportation as required by this section if the caregiver has entered into a written agreement with a third party, such as an agency, entity or individual, for the regular provision of

transportation. The written agreement shall be made available to the department upon request. The caregiver may also satisfy their obligation to provide transportation as required by this section if the caregiver uses a third party on a rare occurrence, that is not regular or routine, to provide transportation without a written agreement and the caregiver meets all requirements for the reasonable prudent parent standard.