

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 11-01(c)(1) 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 this article, 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 Parent, applicant, or individual who has received notice of a denial or rescission of approval, notice of a criminal record 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 this article and in Welfare and Institutions Code section 16519.5 et seq.
- (d) Due process conducted pursuant to this article shall be governed by the procedures in this article that are in effect at the time of service of the notice of action, exclusion order, Accusation, or Statement of Issues. Administrative review procedures conducted pursuant to this section shall be governed by the procedures in this article that are in effect at the time of the administrative review.

- (1) The review of an application shall be as specified in Section 5-03B(d). For an appeal, notice of defense or action for the record related to an application denial or criminal record exemption denial or criminal record exemption rescission, the review shall be governed by the law and Written Directives in effect at the time of a final decision and order.
 - (2) The review of a Resource Family's compliance with the requirements to maintain approval shall be as specified in Section 9-01(e).
 - (3) Nothing in this subsection shall supersede any provision of federal or state law or any regulation adopted pursuant to federal or state law.
- (e) The Written Directives shall be known and may be cited as the California Department of Social Services Resource Family Approval Written Directives (Cal. Dept. of Social Services, RFA Writ. Dir.).
- (f) References to the Administrative Procedures Act in this Article shall mean the act governing administrative review procedures for government agencies commencing with Section 11370 of the Government Code.

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 shall 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 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) A County shall consult with the Legal Division, or a County attorney if the Legal Division is not representing the County, as follows: