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**INTERIM LICENSING STANDARDS**  
**Chapter 8.8 Foster Family Agencies, Articles 9, and Subchapter 1**

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**88487.8      PERSONAL RIGHTS**

- (a) A Resource Family shall ensure that each child and nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9.
- (b) In addition to subsection (a), a Resource Family shall ensure that each child is accorded the following personal rights:
  - (1) To be informed of and exercise their personal rights without harassment or punishment.
  - (2) 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 interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, medication, or aids to physical functioning.
  - (3) To make and receive confidential telephone calls and send and receive unopened mail and electronic communication, unless prohibited by court order.
    - (A) Unless prohibited by court order or the placement agency for the child, a child may acquire, possess, and use his or her own cellular telephone.
  - (4) To have access to letter writing material.
  - (5) To be accorded dignity in his or her personal relationships with other persons in the home.
  - (6) To be free from unreasonable searches of person.
  - (7) Not to be restrained or placed in any restraining device.
  - (8) To obtain, possess and use contraception including, but not limited to, birth control medication, emergency contraception, long-acting reversible contraceptives, condoms, and barrier methods.
  - (9) To be free to accept or decline a Resource Family's request to babysit the Resource Family's children, including adopted, biological, foster, and guardianship children.
  - (10) To be provided with and allowed to acquire, possess, and use adequate personal items, which includes his or her own:

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- (A) Clothes, provided the clothes are age-appropriate, do not violate school standards when worn during school activities, and are in accordance with Welfare and Institutions Code section 16001.9(a)(23).
  - (B) Toiletries and personal hygiene products, including enclosed razors used for shaving, as age  or developmentally appropriate.
  - (C) Belongings, including items that were a gift to the child.
- (11) 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.
- (12) To be informed, and to have his or her authorized representative informed, by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the Department, and about the confidentiality of complaints.
- (13) To be accorded the independence appropriate to the age, maturity, and capability of the child consistent with the child's needs and services plan or the transitional independent living plan (TILP), if applicable.
- (14) To have private or personal information, including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, and information relating to the biological family of the child, maintained in confidence.
- (A) A Resource Family shall disclose information about the child to a foster family agency, the Juvenile Court, and the child's biological family, social worker, placement worker, probation officer, tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
  - (B) As needed to ensure appropriate care, supervision, or education of the child, a Resource Family shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school

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

(15) To receive medical, dental, vision, and mental health services.

(A) Medical services may include, but are not limited to, services related to the prevention or treatment of pregnancy, sexual assault, or rape; and at 12 years of age or older, the prevention, diagnosis, or treatment of sexually-transmitted diseases.

1. A child may consent personally to the services described in subsection (A), without the knowledge or consent of a parent, guardian, social worker, probation officer, judge, or authorized representative.

2. A child may obtain these services confidentially, unless prohibited by law.

- (c) In addition to subsection (a), a Resource Family shall ensure that each nonminor dependent is accorded the following personal rights:
- (1) The rights specified in paragraphs (1) through (9) of subsection (b).
  - (2) To be provided with and allowed to acquire, possess, maintain, and use adequate personal items which include the nonminor dependent's own:
    - (A) Clothes.
    - (B) Toiletries and personal hygiene products.
    - (C) Belongings, including gifts to the nonminor dependent, furniture, equipment, and supplies, for his or her personal living space in accordance with his or her interests, needs, and tastes.
  - (3) To have adequate privacy for visitors that include:
    - (A) Relatives, unless prohibited by court order.
    - (B) The placement agency.
    - (C) Other visitors, unless prohibited by court order.
  - (4) To be informed by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the Department, and about the confidentiality of complaints.

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- (5) To have the independence appropriate to the status of a legal adult, consistent with the needs and services plan or the transitional independent living plan for the nonminor dependent.
- (6) To have private or personal information, including any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, and information relating to the biological family of the nonminor dependent, maintained in confidence.
  - (A) There shall be no release of confidential information without the prior written consent of a nonminor dependent, and this information shall only be released to the extent permitted by law.
    - 1. A Resource Family shall, with the consent of a nonminor dependent, disclose relevant and necessary information about the nonminor dependent.
    - 2. A Resource Family shall disclose information about a nonminor dependent to the foster family agency, the Department, the Juvenile Court, and the nonminor dependent's biological family, social worker, placement worker, probation officer, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
    - 3. As needed to ensure appropriate care, supervision, or education of a nonminor dependent, a Resource Family shall disclose information to school officials and other persons, unless such disclosure is prohibited by court order.
- (7) To access information regarding available educational, training, and employment options of the nonminor dependent's choosing.
- (8) To select, obtain, prepare, and store food of the nonminor dependent's choosing.
- (9) To select, obtain, or decline medical, dental, vision, and mental health care and related services at the nonminor dependent's discretion.
- (10) To leave or depart the home at any time at the nonminor dependent's discretion.
- (11) To acquire, possess, maintain, and use a personal vehicle for transportation.

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- (12) To acquire, possess, and use a personal cellular telephone.
- (d) In ensuring the rights of a child or a nonminor dependent, a Resource Family is not required to take any action that would impair the health and safety of a child, a nonminor dependent, or others in the home consistent with Welfare and Institutions Code section 16001.9(b).
- (1) A Resource Family is not prohibited from taking the following actions for the protection of a child, a nonminor dependent, or others in the home:
- (A) Establishing house rules, that may include rules regarding visitation, that shall apply to all visitors; curfew; dating; completing homework; laundry and cleaning bedrooms and other areas; and use of entertainment equipment.
- (B) Locking exterior doors and windows as long as a child or a nonminor dependent can enter or exit the home.

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**HANDBOOK BEGINS HERE**

Welfare and Institutions Code section 16001.9, subsection (b) provides in part:

Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

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**HANDBOOK ENDS HERE**

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- (e) At the following times, a Resource Family shall ensure a child or a nonminor dependent is verbally notified, in an age or developmentally appropriate manner, of his or her rights, as specified in this section and in Welfare and Institutions Code section 16001.9, and provided with a written copy of these rights and information regarding agencies a child or a nonminor dependent may contact concerning violation of these rights:
- (1) Upon placement in the home.
- (2) Upon the request of a child or a nonminor dependent.
- (3) Each time new rights have been added to Welfare and Institutions Code section 16001.9 or this section.

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NOTE: Authority cited: Section 1501, 1530, and 1531, Health and Safety Code; and AB 1997, Stats. 2016, Ch. 612, Sec. 131. Reference: Sections 1530 and 1531, Health and Safety Code.