
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: March 31, 1978
Revised: February 23, 2006

Number: D-0411

Telephone Rights

Purpose	The purpose of this policy and procedure is to establish guidelines to ensure that foster children have telephone access in accordance with State regulations.
Approved	This policy was approved by Michael Riley, Ph.D., Director of CFS, on 02/23/2006.
Background	<p>This policy is a revision of the Orange County Social Services Agency Children and Family Services (CFS) Policy #N-0109 titled "Telephone Usage by Children."</p> <p>CFS is committed to ensuring that all of the personal rights of foster children are protected.</p> <p>The law gives foster children the right to make and receive confidential telephone calls from individuals and agencies of significance to them, unless the telephone calls are specifically prohibited by court order or caregivers have not been reimbursed for long distance/toll calls.</p>
Legal Mandates	<p>Welfare & Institutions Code Sections 16001.9 (a) All County Information Notice NO. 1-80-05 California Department of Social Services Manual Letter NO. CCL-04-19, 83072 (6) California Department of Social Services Manual Letter NO. CCL-04-20, 84072.1(c) (4) All County Letter 02-54</p>

Policy

Definitions

For the purpose of this policy, out-of-home caregiver refers to:

- Licensed Foster Parents
- Certified Foster Parents
- Approved Non Related Extended Family Members
- Emergency Shelter Staff
- Group Home Staff
- Approved Relative Caregivers

Accessibility

All children in foster care have the right to make and receive confidential phone calls. Out-of-home caregivers cannot:

- Impose blanket prohibitions on telephone access and usage
- Base telephone access and usage on a level or point system based on the time spent in a facility

Out-of-home caregivers **must allow** foster children telephone access to:

- Placement agencies
- Family members (not excluded by court order)
- Social workers
- Attorneys
- Court Appointed Special Advocates
- Foster youth advocates and supporters
- Probation officers
- The Community Care Licensing Division of the California Department of Social Services
- The State Foster Care Ombudsman

Limitations

Limitations on telephone calls to other individuals and agencies may, with assigned social worker approval, be based on:

- Reasonable disciplinary measures
- House rules
- Considerations of the rights of others
- Case service plan requirements
- Documented unpaid reimbursement for long distance/toll calls
- A Court order prohibiting telephone contact
- A policy created by the out-of-home caregiver that limits the number and length of calls in order to ensure equal telephone access

Confidentiality Out-of-home caregivers are to provide an area away from other youth and staff that will afford privacy for youth while making or receiving calls.

Foster care youth have the right to make and receive confidential telephone calls from individuals of significance to them, unless otherwise prohibited by court order.

Monitored and “Do not call” Lists Out-of-home caregivers will be provided with a written list of restricted telephone calls ([Monitored and Do Not Call Telephone List F063-25-440](#)), for youth in their care. Only those persons restricted by court order can be placed on the list, with the exception of temporary restrictions outlined in the section below.

Exceptions – Child Safety Restrictions without a court order will be limited to situations pertaining to health and safety (e.g., a child is discovered calling a known sex offender).

In any case where phone calls must be restricted and/or monitored for the youth’s health and safety without a prior court order, Supervisory approval must be documented on the Monitored and “Do Not Call” Telephone List prior to imposing the restriction, and court approval must be requested immediately following these guidelines:

- If a hearing is already scheduled within 3 judicial days, include in the report submitted for that hearing the reason(s) for the required telephone restriction and time period required for the restriction
- If no hearing is scheduled within 3 judicial days, a Modification Petition or an Exparte must be submitted to the court within three judicial days, detailing the telephone restriction imposed, along with a request to continue the restriction

Reimbursement Foster care youth are not required to pay for local telephone calls. However, reimbursement from the youth’s authorized representative may be requested for long distance/toll calls.

If the caregiver's request for reimbursement for previous long distance/toll calls is not met, additional long distance/toll calls may be restricted (other than to those individuals and agencies listed above to which telephone access may not be restricted). In such cases, long distance/toll calls may be prohibited upon written documentation from the caretaker and approval by the assigned social worker and supervisor.

CFS recommends that foster caregivers utilize calling plans that provide unlimited telephone calls at a minimal cost to mitigate the financial burden.

- Notification** Children in out-of-home placement will be provided with one of the following forms outlining their personal rights regarding telephone access at the beginning of each placement and every six months thereafter. ([Personal Rights – Children’s Residential Facilities LIC 613B](#), [Orangewood Children’s Home Personal Rights F063-40-127](#))
- Conflict Resolution** Social workers responsible for placement as well as the child’s assigned social worker will discuss and resolve issues of telephone access with caregivers and children in out-of-home placement.

Required Forms

Online Forms Required forms that may be printed out and completed, or completed online, are listed below and may be accessed by clicking on the link provided.

Form Name	Form Number
Personal Rights Children’s Residential Facilities	LIC 613B English
Personal Rights Children’s Residential Facilities	LIC 613 A Spanish
Orangewood Children’s Home Personal Rights	F063-40-127
Appraisal/Needs and Services Plan	F063-28-286 and 287
Monitored and “Do Not Call” Telephone List	F063-25-440
Orangewood Children’s Home, Custody Intake, Record of Telephone Calls	F063-28-35

Hard Copy Forms Required forms that must be completed in hard copy (including multi-copy NCR forms) are listed below, and must be obtained in the CFS forms rooms. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

Form Name	Form Number
Placement Acco	F063-25-106

**CWS/CMS
Forms**

The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Procedure

Required Actions	The following actions must be completed when a child is placed in out of home care.	
Staff Responsible	Step	Required Action
Placing Social Worker	1.	<ul style="list-style-type: none"> a. Provide the child and the caregiver with a copy of Personal Rights - Children’s Residential Facilities (LIC 613B). <i>Note: For OCH placement skip to Step 2.</i> b. Explain the statement of Personal Rights to the child and the caregiver and answer any questions. c. Secure a written acknowledgement of receipt from the caregiver and all children able to write their name in the space provided on the Personal Rights form.
Assigned or Placing Social Worker	2.	<ul style="list-style-type: none"> a. For children placed at OCH, provide the child with a copy of Orangewood Children’s Home Personal Rights (F063-40-127) at the time of placement in OCH. b. Explain the statement of Personal Rights to the child and answer any questions the child may have. Sign the form and have the child sign the form, if the child can write. c. File the form in the child’s OCH file.
Assigned or Placing Social Worker	3.	<ul style="list-style-type: none"> a. Complete the Monitored and “Do Not Call” Telephone List, if restrictions on telephone access have been ordered by the court. The caregiver and the social worker both sign the form. b. File copies of the form as follows:

**Assigned
Social Worker**

- Place the form in the child's OCH file if the child is at OCH
 - Attach one copy to the child's Appraisal/Needs and Services Plan (F063-28-286/7) and leave it with the caregiver. File one copy on the Placement Acco for all other placements
4. a. Complete the Monitored and "Do Not Call" form as described above and secure Supervisor approval, if telephone restrictions have not been ordered by the court, and are required for the child's safety.
 - b. Secure court approval:
 - Document the telephone restriction in the next court report, if a hearing will be held within 3 judicial days, and request approval to continue the restriction
 - Document the telephone restriction in a Modification Petition, or an Exparte, as appropriate, if no hearing is scheduled within 3 judicial days and request approval to continue the restriction
 5. Review the statement of Personal Rights with the child and the caregiver as outlined in Step 1 every six months after the placement.
 6. Revise the Monitored and "Do Not Call" list whenever changes are court ordered or when Supervisory approval has been granted to restrict calls for health and safety reasons.
 7. Review the list with the caregiver and the child at least every six months.