
Aspiranet

~ August 2024~

Monthly Regulation Topic

New Requirements for Cameras in Homes

Today it is not uncommon for people to equip their homes with electronic monitoring devices including cameras for security purposes. However, there are necessary considerations regarding use of cameras when providing care to children and youth in foster care. As a result, Community Care Licensing has developed new, specific requirements and guidelines related to use of cameras in resource homes.

A primary consideration around use of cameras is protecting the privacy and personal rights of children and young adults in foster care. Specifically, cameras can interfere with personal rights that include but are not limited to, the right to make and receive confidential telephone calls and other electronic communications, the right to visit and contact family, friends, and others in private, the right to live in a safe and comfortable home, the right to be provided trauma informed care, and the constitutional right to privacy.

To protect children's personal rights, the location and positioning of a camera should be based on genuine security purposes. In other words, the security of the home and personal valuables in relation to the potential for violence or crime in the neighborhood or community.

Community Care Licensing (CCL) is very clear in their requirements that:

- The use of a video camera **cannot** be used as an alternative to providing supervision or to monitor the behavior or actions of foster children or young adults in the home.
- Video camera recordings **cannot** be used to intimidate or coerce a child or young adult in care.

REQUIREMENTS FOR VIDEO CAMERA USE INDOORS

- Video cameras are allowed inside the home at the exterior doorway locations, provided they are pointed toward the exterior doorway and away from the interior of the home. This allows the camera to capture who enters and exits through the exterior doorway only and does not capture other images inside the home.
- Video cameras in common areas such as family rooms, living rooms or kitchens are allowed when there is a *genuine security purpose for the camera* as noted above.
 - Cameras are not permitted to be pointed at any private rooms, areas, or spaces, including hallways near, or leading to bedrooms and bathrooms.
 - Cameras are not allowed in private rooms or spaces, including bedrooms and bathrooms or locations designated as private for conversations between a child or young adult and their visitors.
 - **NOTE:** The only exception for a video camera in a child's bedroom is for health and safety reasons and requires written approval from a physician with specific stipulations for use.
 - Baby monitors shall only be used for their intended purpose of monitoring the safety of an infant in a crib or an approved safe sleeping area. CCL defines an infant as up to age 2.
 - Resource Parents are permitted to use "baby monitors" for age-appropriate monitoring of infants at night and/or during naps. These may include "baby monitors" with audio and/or

camera capability provided the camera is focused only on the infant being monitored and only used as designed for when infant is placed in the bedroom for sleeping.

Cameras Must Not Have Audio Capability

Except for baby monitors, any video camera inside the home is not permitted to have audio capability.

- If video cameras have audio capabilities, the audio capabilities must be disabled or if that is not possible, the audio must be turned down completely so that it cannot capture any sound.
 - It is important to note that video cameras with audio capability may be able to pick up sounds from locations that are beyond their view. This may result in the capturing of a conversation between foster children or young adults and their visitors without their consent in violation of California Law, in addition to violating personal rights.

REQUIREMENTS FOR VIDEO CAMERA USE OUTDOORS

Video cameras are generally allowed outside of the home provided they do not violate a foster child's or young adult's right to privacy or personal rights.

- Exterior video cameras may not be pointed towards a bedroom window, inside the home, or a specific location that may be used for a foster child's or young adult's visitors.
- Exterior video cameras may have audio capability provided the cameras are not in or near areas where confidential communications between foster children and young adults and their visitors may occur.
 - It is important to note that it is against California Law (Penal Code §632) to record conversations between foster children or young adults and their visitors without their consent, in addition it is a violation of personal rights.
 - It is recommended that audio capability on exterior cameras is disabled or turned off.
- If confidential meetings or visits occur outside the home, the cameras must be turned off for the duration of the meetings. If cameras cannot be turned off, another private space must be provided for meeting or visits.

REQUIRED NOTIFICATION OF CAMERAS

- Community Care Licensing requires that County Social Workers are notified at the time of consideration of possible placement if a resource home has video cameras.
- The foster child or young adult must also be notified of the presence and location of each camera inside and outside the home, prior to placement or during review of personal rights at placement.

STORAGE OF VIDEO RECORDINGS

- Video camera recordings may be stored and used for investigations.
- Resource Parent(s) must allow access to recordings when requested.
- Resource Parent(s) should be the only person(s) designated to have access to and to be in charge of the recordings.

TRAUMA-INFORMED CARE CONSIDERATIONS

While surveillance systems such as video cameras can often feel protective, they can also feel intrusive and have adverse implications, especially to children and young adults in foster care with a history of trauma. In addition, what's acceptable to one child or young adult may not be acceptable to another placed in the same home. Coming from a trauma-informed approach, resource parents and social workers will need to respect each individual child's and young adult's health, safety, and well-being needs. It is important to consider the

foster child's or young adult's culture and their specific trauma history to determine whether the use of video cameras is consistent with the child's or young adult's right to live in a safe, comfortable, trauma-informed home. A child's or young adult's history of trauma and feelings that they may express about having video cameras at the home should be taken into consideration and assessed to provide a positive physical and emotional environment.

NEW FORM REQUIRED - VIDEO CAMERA AGREEMENT

The Resource Family Approval – Video Camera Agreement form is a new form from CCL containing requirements that must be reviewed, agreed to, and acknowledged with signature, by resource families who are currently using video cameras or who are planning to install video cameras at their home.

This newly required form is included with this training and must be completed and returned to Aspiranet **by August 30, 2024**, if your home is equipped with cameras or you are planning to install cameras in the near future. The form is also available in Binti, the database Aspiranet has requested you use to update needed documentation. If you plan to install cameras in the future, please be sure to inform your Aspiranet social worker. You can also expect that you will be asked about cameras in your home during routine home inspections and camera requirements will be reviewed.

Please consult your Aspiranet social worker for any questions.

RESOURCE FAMILY APPROVAL - VIDEO CAMERA AGREEMENT FORM

Name of County or FFA: _____

Applicant/Resource Family Name: _____

Family ID Number or Licensed Facility Number: _____

Pre-Approval Post-Approval

In order to protect a foster child's or nonminor dependent's personal rights, video cameras are permissible only if used in a trauma-informed manner, and all the following conditions are met:

1. The Resource Family must inform all placement workers about the presence of video cameras in their home prior to accepting any placement. The foster child or nonminor dependent must also be notified about the presence and location of cameras prior to placement.
2. Video cameras are never placed in any location designated as a private room or space for foster children or nonminor dependents nor are video cameras pointed in the direction of such locations, including but not limited to bedrooms, bathrooms, and other areas where a foster child or nonminor dependent can expect to have reasonable privacy with the exception of a baby monitor used for its intended purpose of monitoring the safety of an infant in a crib.
 - o If there is a compelling health and safety reason, a video camera may be allowed in a child's or NMD's bedroom under the following conditions:
 - The foster child or NMD must have a medical condition requiring the use of the video camera in the bedroom.
 - Documentation (such as a prescription, note, or letter) of the recommendation for a video camera in a private area must be written and signed by a physician. Physicians may be identified with the title MD (medical doctor) or DO (osteopathic doctor), of any appropriate medical specialty, including a psychiatrist.
 - The physician's written documentation must have a justification and purpose for the use of the video camera.
 - The physician's written documentation must state the times when the camera should be used.
 - The physician's written documentation must establish an end date for the camera use.
 - All other options that could possibly address the health and safety concern must have been exhausted, for example, the use of alarms, motion detectors, baby gates, etc., as applicable.
3. Video camera location and positioning is based upon genuine security purposes for the family. Genuine security purpose is defined as the security of the home and valuables in relation to potential violence or crime within the neighborhood or community.
4. Video cameras shall not be used as a substitution for the supervision of foster child or nonminor dependent, including the monitoring of behavior or actions of foster children or nonminor dependents in the home.
5. Outdoor video cameras must not be pointed towards a bedroom window, inside the house, or a specific location that may be used for a foster child's or nonminor dependent's visitors.
6. Other than baby monitors, any video camera inside the home shall not be equipped with audio capability. If video cameras inside the home have audio capabilities, the audio capabilities must be

disabled. If the audio function on the camera is not capable of being disabled, the audio must be turned down completely so that it cannot capture conversations. It is important to note that video cameras with audio capability may be able to pick up sounds from locations that are beyond their view. This may result in the recording of a conversation between foster children or nonminor dependents and their visitors without their consent in violation of California Law ([Penal Code §632](#)).

7. If outdoor video cameras have audio capabilities, all foster children, non minor dependents, and their visitors must be made aware of the location of each camera with audio capability. However, if a Resource Parent is aware that confidential meetings or visits occur outdoor, cameras must be turned off during the duration of those meetings. If outdoor cameras are not able to be turned off, the Resource Parent must provide a private area for confidential meetings or visits.
8. If the video camera has a recording feature, the Resource Parent(s) should be the only person(s) designated to have access to and to be in charge of the recordings. Recordings are able to be used in investigations and Resource Parents must allow access to the recordings upon request. Video camera recordings are not to be used as a way to intimidate or coerce a foster child or NMD.
 - a. Name of Resource Parent(s) with access to recordings:
 1. _____
 2. _____
 - b. Where are the recordings stored? _____
 - c. How are the recordings protected? _____

The use of video cameras, whether inside or outside our home, cannot violate a foster child's or nonminor dependent's constitutional right to privacy and the foster child's or nonminor dependent's personal rights including, but not limited to, their right:

1. To live in a safe, healthy, and comfortable home where they are treated with respect. For Indian children to live in a home which upholds the prevailing social and cultural standards of the child's community.
2. To be free from physical, sexual, emotional, or other abuse, corporal punishment, and exploitation.
3. To be placed in the least restrictive setting possible.
4. To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASAs), and education rights holder if other than the parent or parents, and when applicable, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding, and to communicate with these individuals privately.
5. To visit and contact siblings, family members, and relatives privately, unless prohibited by court order, and to ask the court for visitation with the child's siblings.
6. To make, send, and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order.

* For complete list of a foster youth's personal rights, review [Welfare and Institutions Code 16001.9](#)

List location of all video cameras:

Indoor or Outdoor?	Location	Recording Capability? (Y/N)	Audio Capability? (Y/N)	Audio Capability is disabled or turned down. (Initials of RP and RFA worker)

ELECTRONIC SIGNATURE DECLARATION
<p>I declare under penalty of perjury that the above information is true and correct to the best of my knowledge.</p> <p>I acknowledge that by providing my electronic signature for this form, I agree my electronic signature is the legal binding equivalent to my handwritten signature. I hereby confirm that my electronic signature represents my execution of authentication of this form, and my intent to be bound by it.</p>

ACKNOWLEDGEMENT

By signing below, I understand the safety and well-being surrounding each foster child's or nonminor dependent's personal rights with respect to the use of video cameras. I understand that failure to comply with the video camera requirements and guidelines could result in a complaint investigation. Failure to sign or abide by the signed agreement could result in rescission or denial of my Resource Family Approval.

_____ RESOURCE FAMILY/APPLICANT	_____ DATE
_____ RESOURCE FAMILY/APPLICANT	_____ DATE

SIGNATURE OF TRIBAL SOCIAL SERVICES DIRECTOR OR DESIGNEE (If Applicable)		
By signing below, I acknowledge that I have received a copy of this report:		
Name:	Signature:	Date:
Title:	Telephone Number:	Email:

Please sign and return this page to your Aspiranet Social Worker for training credit.

My signature below indicates that I have completed the August 2024 "New Requirements for Cameras in Homes" training.

Signature Resource Parent #1

Date

Print Name Resource Parent #1

Signature Resource Parent #2

Date

Print Name Resource Parent #2

Aspiranet Authorized Signature

Date

Training credit: ____ minutes