



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

March 3, 2016

ALL COUNTY LETTER NO. 16-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER CARE MANAGERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
TITLE IV-E AGREEMENT TRIBES
ALL ADMINISTRATIVE LAW JUDGES
ALL CONSORTIA PROJECT MANAGERS
CHILD WELFARE SERVICES NEW SYSTEM
JUDICIAL COUNCIL STAFF

SUBJECT: RELATIVE NOTIFICATION AND DEFINITION OF SIBLING

REFERENCE: PUBLIC LAW (PL) 113-183; SENATE BILL (SB) 794 (CHAPTER 425, STATUTES OF 2015); ASSEMBLY BILL (AB) 938 (CHAPTER 261 STATUTES OF 2009); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS 309(e), 362.1(c) AND 16002(g); FAMILY CODE (FC) 7950(a)(1); ALL COUNTY LETTER (ACL) 09-86

This All County Letter (ACL) provides counties with information regarding the new relative notification requirements when a child is removed from his or her home. Notifying a custodial parent of a sibling of the child who has been removed from his or her parents' home increases the likelihood of identifying valuable kinship placements or other connections for the dependent child which may otherwise be overlooked.

On September 29, 2014, The Preventing Sex Trafficking and Strengthening Families Act (PL 113-183) made many important improvements concerning the provision of child welfare services, including new case plan requirements and definitions. The provisions of this Act were signed into state law on October 1, 2015, through SB 794 (Chapter 425, Statutes of 2015). The SB 794 allows California to implement these provisions and remain in compliance with the Federal Title IV-E state plan.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

RELATIVE NOTIFICATION REQUIREMENTS

One purpose of the federal legislation is to modify the requirement for relative notification to include notifying parents of the dependent child's siblings. The provisions specify that when a child is removed from his or her home, birth or adoptive parents of a dependent child's sibling must be identified and notified, in addition to other adult relatives.

Prior to SB 794, counties were required to identify and locate all grandparents, adult siblings, other adult relatives of the child and other adult relatives suggested by the parents when a child is removed from the parent(s). Relative notification now includes notifying the custodial parents of each of the dependent child's siblings.

The WIC section 309(e)(1) has been amended to read:

"If the child is removed, the social worker shall conduct, within 30 days, an investigation in order to identify and locate all grandparents, *parents of a sibling of the child, if the parent has legal custody of the sibling*, adult siblings, and other adult relatives of the child, as defined in paragraph (2) of subdivision (f) of Section 319, including any other adult relatives suggested by the parents." (Emphasis added)

NOTE: Counties are not prohibited from contacting, if known, adoptive parents of a child's sibling regardless of the parents' licensure or certification status as foster parents. However, the adoptive parents have the discretion to choose what to do with the information provided by the county.

Counties must provide all located relatives with written and oral notification unless notification is inappropriate due to the relative's history of family or domestic violence. The notification shall include the following content, as outlined in [ACL 09-86](#):

- (1) That the child has been removed from the custody of his or her parent(s) or guardian(s);
- (2) Information about providing care for the child while the family receives reunification services with the goal of returning the child to the parent or guardian;
- (3) How to become a foster family home, approved relative or non-relative extended family member, or approved resource family;
- (4) Additional services and supports that are available in out-of-home placements; information regarding the Aid to Families with Dependent Children-Foster Care, Kinship Guardianship Assistance Payment program, California Work Opportunity

and Responsibility to Kids program, Approved Relative Caregiver (ARC) program (if the county has opted into ARC), and Adoption Assistance Program;

- (5) Options for contact with the child including, but not limited to, visitation; and
- (6) Any options that may be lost by failing to respond.

NOTE: In addition to the information listed above, existing law requires the social worker to provide relatives with the *JV-285 Relative Information* form found at <http://www.courts.ca.gov/documents/jv285.pdf>. This form provides information regarding the needs of the child, and it includes a provision whereby the relative may request permission to address the court if the relative so chooses. In 2009, AB 938 amended WIC section 309(e)(2) to include this as part of the relative notification requirements.

DEFINITION OF SIBLING

The federal legislation is intended to encourage the placement of children in the foster care system with siblings. Establishing a definition of sibling, consistent with existing state law, aids in effectively implementing the expanded relative notification provision. Diligent efforts to place siblings together in the same placement nurture the development and maintenance of sibling relationships.

Accordingly, SB 794 amended WIC sections 309(e)(1), 362.1(c), and 16002(g) to read:

“...“sibling” means a person related to the identified child by blood, adoption, or affinity through a common legal or biological parent.”

QUESTIONS

Any questions regarding this ACL should be directed to the Foster Caregiver Policy and Support Unit at (916) 651-7465 or via email to kinship.care@dss.ca.gov. Questions regarding fiscal claiming and reporting should be directed to fiscal.systems@dss.ca.gov. Claiming instructions will be provided in a forthcoming County Fiscal Letter.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division