



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

July 23, 2013

ALL COUNTY LETTER NO. 13-33

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY CHILD WELFARE OFFICE PROGRAM MANAGERS
 ALL LICENSED PUBLIC AND PRIVATE ADOPTION AGENCIES
 ALL FOSTER CARE AGENCIES
 ALL CDSS ADOPTION DISTRICT OFFICES
 ALL CHIEF PROBATION OFFICERS

SUBJECT: FOSTER CARE - SIBLING PLACEMENT - ASSEMBLY BILL (AB) 743
 (CHAPTER 560, STATUTES OF 2010)

REFERENCE: PUBLIC LAW (PL) 110-351, SECTION 206 OF (FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008”); AB 743, CHAPTER 560, STATUES OF 2010; WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS 362.1–366.3, 16002, AND 16010.6

The purpose of this All County Letter is to provide information regarding AB 743 which was signed into law on September 30, 2010. The AB 743 makes technical changes to statute in regard to placing siblings together in foster care, relative, guardianship, or adoption placements consistent with implementation of federal mandates of PL 110-351 section 206 and establishes noticing requirements when siblings, who are placed together, are separated.

The intent of AB 743 is to help maintain and strengthen the ties between siblings. The W&IC section 362.1(c) defines “sibling” to mean “...a child related to another by blood, adoption, or affinity through a common legal or biological parent”. Compliance with section 206 of PL 110-351 is required for federal approval of California’s Title IV-E State Plan, which is necessary for continued receipt of federal funds.

In addition to making technical changes, AB 743 changed timeframes in W&IC section 16010.6(a) which requires a placing agency to notify a dependent child’s attorney, no later than the close of the following business day, when a placement decision or change is made to the child’s care. Social workers and courts are still

required to keep siblings together whenever possible and, if not possible, to provide for visitation or interaction between the parent/guardian and the child.

Furthermore, AB 743 added W&IC sections 16010.6(c) and (d) requiring additional notification of a child's attorney and the child's sibling's attorney when placement decisions are made that would result in the separation of siblings.

- Notice is to be given no less than ten (10) calendar days prior to the planned change of placement.
- In the event that a placing agency becomes aware that a child needs to be removed within seven (7) days from a placement that will result in a separation of siblings placed together, notice shall be provided to the attorney's by the end of the next business day after receipt of the notice.
- In an emergency, the placing agency shall notify the attorney's as soon as possible, but no later than the close of the first business day following the change of placement.
- The W&IC section 16010.6(c) requires the notice to include the child's address, telephone number, and caregiver (to the extent that the information is known):

In cases where notice is given after the change in placement, all information about the child's new placement is to be provided to the child attorney's.

Should you have any further questions, please contact the Permanency Policy Bureau, at (916) 657-1858.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division