

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



October 25, 2007

ALL COUNTY LETTER NO. 07-28

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHILD WELFARE SERVICE PROGRAM MANAGERS  
ALL JUVENILE COURT JUDGES  
ALL CHIEF PROBATION OFFICERS  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: SENATE BILL (SB) 1641 CHAPTER 388, STATUTES OF 2006

REFERENCE: All County Letters (ACLs) #01-85, #02-19 AND #02-58  
Assembly Bill (AB) 408, Chapter 813, Statutes of 2003  
Senate Bill (SB) 358, Chapter 628, Statutes of 2005

The purpose of this letter is to implement the provisions of SB 1641 (Chapter 388, Statutes of 2006). This legislation amends Section 361.2 of the Welfare and Institution Code (W&IC) establishing criteria that requires foster care placement agencies to ensure a court-dependent child is placed in a home that best meets the needs of the child. The intention is to provide foster children and youth a more normalized childhood experience.

Senate Bill 1641 requires when an agency has placed a child with a relative caregiver, a non-relative extended family member, a licensed foster family home, or a group home, the agency must ensure, to the fullest extent possible, the placement best meets the day-to-day needs of the child by assessing the placement type to the following criteria:

- 1) The child's caregiver is able to meet the health, safety, and well-being needs of the child.
- 2) The child's caregiver is permitted to maintain the least restrictive and most family-like environment that serves the day-to-day needs of the child.
- 3) The child is permitted to engage in reasonable, age-appropriate day-to-day activities that promote the most family-like environment for the child.

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Additionally, SB 1641 requires that a child's caregiver must use a reasonable and prudent parent standard, as defined in W&IC Section 362.04, to determine day-to-day activities that are age-appropriate to meet the needs of the child. This does not allow a child's caregiver to permit the child to engage in day-to-day activities that carry an unreasonable risk of harm or subject the child to abuse or neglect.

If you have any questions regarding this ACL, contact Carole Minchew, Manager, Kinship Care Policy and Support Unit at (916) 657-1858.

Sincerely,

***Original Document Signed By:***

MARY L. AULT  
Deputy Director  
Children and Family Services Division