

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 19, 2002

Regulation Package #0402-10

CDSS MANUAL LETTER NO. CWS-02-01

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

Regulation Package #0402-10**Effective 7/1/02****Sections 31-001, 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440 and 31-445**

This manual letter has been posted on the Office of Regulations Development website at http://www.dss.cahwnet.gov/ord/ChildWelfa_613.htm.

Assembly Bill 1695 (Chapter 653, Statutes of 2001) modifies existing statutes in various substantive and technical ways. The new statutes made the following changes:

- Includes as exempt from the California Community Care Facilities Act, the approved homes of relatives and nonrelative extended family members.
- Revises the requirements for licensure of foster family homes.
- Authorizes the Department of Justice to provide subsequent arrest notification to public agencies for the approval of relative caregivers and nonrelative extended family members.
- Clarifies that the standards used to evaluate and grant or deny approval of the home of a relative or the home of a nonrelative extended family member for the placement of a child shall be the same standards as set forth in regulations for licensing foster family homes.
- Clarifies safety requirements regarding placement in a relative's home in specified instances.
- Clarifies the list of homes into which a dependent child or a ward of the juvenile court may be placed to specifically include the approved home of a relative or the home of a nonrelative extended family member.

These regulations were adopted on an emergency basis effective July 1, 2002 and were considered at the Department's public hearing held on September 25, 2002.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-00-02.

Page(s)

5 through 15.1
16.2 through 18
35 and 36
96 through 100.2
101 through 104.1
107 and 108

Replace(s)

Pages 5 through 15.1
Pages 16.2 through 18
Pages 35 and 36
Pages 96 through 100.2
Pages 101 through 104.1
Pages 107 through 108.1

Attachments
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DIVISION 31 CHILD WELFARE SERVICES PROGRAM

CHAPTER 31-000 GENERAL REQUIREMENTS

31-001 GENERAL 31-001

- .1 The requirements specified in Sections 31-005 through 31-525 shall be met by the county in the administration of child welfare services.
- .2 The requirements specified in Section 31-001 through Section 31-525 shall be met by county probation departments when placing children in out-of-home care.
- .3 The following special provisions shall also apply:
 - .31 Provision of services to a child or family when the child is under the jurisdiction of Interstate Compact on the Placement of Children shall be subject to the additional requirements specified in Section 31-510.
 - .32 Provision of services to an Indian child shall be subject to the additional requirements specified in Sections 31-515 and 31-520.
 - .33 Provision of services to each child in placement age 16 or older shall be subject to the additional requirements specified in Section 31-525.
 - .34 Provision of services to a child or family when the child is placed out-of-county shall be subject to the additional requirements specified in Section 31-505.
 - .35 Pursuant to Section 472 of the Social Security Act and Welfare and Institutions Code Sections 727 and 11404, a written agreement shall be in effect between the probation department and the welfare department in order to claim federal and/or state AFDC-FC for costs of care for foster children supervised by a probation department.

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- .351 Chapter 29-400 of the Manual of Policies and Procedures (MPP) provides in Handbook a sample of the written agreement executed between the probation department and county welfare department, along with the requirements for maintenance of these agreements.

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NOTE: Authority Cited: Sections 10553, 10554, 16520, and 16521, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 361.2(c) and (d), 727, 11404, 16520, and 16521, Welfare and Institutions Code; Section 7901, Family Code; 25 USCA Section 1901 et seq.; and 42 USC Sections 675 and 677.

31-002	DEFINITIONS	31-002
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- (a) (1) "Administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.
- (2) "Adult" means a person 18 years of age or older.
- (3) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- (4) "Agreement" means a written document signed by two or more persons specifying what each person plans and agrees to do and/or not do with regard to accomplishing specifically stated objectives.
- (5) "Aid to Families With Dependent Children – Foster Care (AFDC-FC)" means aid provided on behalf of needy children in foster care who meet the eligibility requirements as specified in CDSS regulations and in applicable state and federal laws.
- (6) "Approval Agency" means the child-placing agency that has the responsibility to approve the homes of relative and non-relative extended family members as meeting the same standards as those set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.
- (7) "Approval Document" means a non-transferable form that indicates a specific relative or nonrelative extended family member at a specific location meets the standards as specified in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, and includes any documented alternative plan.
- (8) "Approval Standards" means the caregiver standards as set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3 and MPP Section 31-445 that must be met before a foster family home license or approval can be issued.
- (9) "Approved Foster Family Home" means the home of a relative or nonrelative extended family member that is exempt from licensure and approved as meeting the same standards as licensed foster family homes as set forth in Foster Family Home Regulations, Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3. For the purposes of this section, an "approved foster family home" shall include the home of a person related to the child by birth or adoption within the fifth degree of kinship, as defined in Welfare and Institutions Code Section 361.3(c)(2), regardless of whether the parent's rights to the child have been terminated or relinquished.

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- (10) "Assessment" means a written document which contains information relevant to the case situation and an appraisal of case services needs.

- (b) (1) "Boarding home" means a small family home or foster family home.

- (c) (1) "California Department of Justice Clearance" means an individual has no felony or misdemeanor convictions, other than a minor traffic violation, reported by the California Department of Justice.

- (2) "Case management" means a service-funded activity performed by the social worker which includes assessing the child's/family's needs, developing the case plan, monitoring progress in achieving case plan objectives, and ensuring that all services specified in the case plan are provided.

- (3) "Case plan" means a written document which is developed based upon an assessment of the circumstances which required child welfare services intervention; and in which the social worker identifies a case plan goal, the objectives to be achieved, the specific services to be provided, and case management activities to be performed.

- (4) "Case plan update" means a written document which contains any changes regarding the information in the case plan and includes specific information about the current condition of the child and family.

- (5) "Case record" means a record for each child receiving child welfare services beyond the emergency response protocol, that contains all of the documentation requirements specified by the Division 31 regulations.

- (6) "Certified" means a community treatment facility that has been approved by the California Department of Mental Health as complying with the standards established for that program.

- (7) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.

- (8) "Child" means a person under 18 years of age or a person up to 19 years of age who meets the requirements of Section 11403 of the Welfare and Institutions Code. For community treatment facilities, child means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1924(b) states:

"(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:

"(1) They continue to satisfy the requirements of subsection (a).

"(2) They have not graduated from high school.

"(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.

"(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF."

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- (9) "Child abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s). The term also includes emotional, physical, severe physical, and sexual abuse as defined in Sections 31-002(c)(7)(A) through (D).
- (A) "Emotional abuse" means nonphysical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be evidence of emotional abuse.
- (B) "Physical abuse" means nonaccidental bodily injury that has been or is being inflicted on a child. It includes, but is not limited to, those forms of abuse defined by Penal Code Sections 11165.3 and .4 as "willful cruelty or unjustifiable punishment of a child" and "corporal punishment or injury."

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- (C) "Severe physical abuse" means any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.
- (D) "Sexual abuse" means the victimization of a child by sexual activities, including, but not limited to, those activities defined in Penal Code Section 11165.1.
- (10) "Child Abuse Central Index (CACI)" means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect.
- (11) "Child Abuse Central Index (CACI) Clearance" means that the California Department of Justice has conducted a name search of the index and the search did not result in a match, or if there is a match the allegation(s) was not substantiated by the Department after independent review and investigation pursuant to Section 1522.1 of the Health and Safety Code.
- (12) "Childcaring Institution" means a group home.
- (13) "Child Health and Disability Prevention (CHDP)" means a public health well child program to provide medical and dental care and assessment services to eligible children. The program is administered at the state level by the Department of Health Services and locally by local health departments.
- (14) "Child in immediate danger" means a child whose health and safety are in jeopardy as described in Welfare and Institutions Code Section 306(b).
- (15) "Child-placing agency" means a county welfare or social services department and a county probation department when subject to the provisions of Welfare and Institutions Code Section 202.5.
- (16) "Child welfare services" means public social services directed toward protecting and promoting the welfare of children as defined by Welfare and Institutions Code Section 16501(a).
- (17) "Child with Special Health Care Needs" means a child who is under 18 years of age or a person 22 years or younger, who meets the requirements of Section 17710(a) of the Welfare and Institutions Code.

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(A) Welfare and Institutions Code Section 17710(a) provides:

“‘Child with special health care needs’ means a child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care, and who either has been adjudged a dependent of the court pursuant to Section 300, has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center.”

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- (18) “Child’s Case Plan” means the portion of the case plan that identifies a child’s specific needs and services. This plan shall contain the information on the background and needs of the child that the placing social worker deems necessary for the effective care of the child. For the purpose of approval of a home, the “child’s case plan” meets the requirements for the Needs and Services Plan as identified in Foster Family Home Regulations, California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.

- (19) "Community planning" means participation in local efforts in order to develop new services to resolve problems and in order to improve the coordination between existing services.

- (20) "Community Treatment Facility" means any residential facility that provides mental health treatment services to children in a group setting which has the capacity to provide secure containment. The facility's program components shall be subject to program standards developed and enforced by the California Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.

- (21) "Compact Administrator" means an individual designated by the Governor as the Administrator of the Interstate Compact on the Placement of Children.

- (22) "Concurrent Services Track" means the portion of the case plan for a child receiving family reunification services which identifies the child's permanency alternative and the services necessary to achieve permanency should family reunification fail.

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- (23) "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator's authority to consent to placement and treatment shall take precedence.

- (24) "Consultation" means activity on the child's behalf in which county staff or a third person or organization seek the expertise of the other.

- (25) "Contact" means contact in person, in writing, or by telephone by a social worker or other person authorized by the Division 31 regulations to make case contacts with the child, parent(s)/ guardian(s), out-of-home care providers, and/or other persons involved in the case plan (e.g., siblings, other relatives).

- (26) "Contiguous County" means counties whose borders touch on one side. County borders that are separated by a body of water are considered to be contiguous.

- (27) "Conviction" means:
 - (A) A criminal conviction in California; or

 - (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.

- (28) "Coordination" means activity on the child's behalf in order to integrate the activities of county staff and third persons or organizations in solving a specific problem.

- (29) "Counseling" means assisting the child and his/her family to analyze and better understand the situation; select methods of problem-solving; identify goals; and explore alternative behavior.

- (30) "County" means a county welfare or social services department.

- (31) "County Deputy Director" means that position in the county that is responsible for countywide supervision of the county's Child Welfare Services program.

- (32) "County Staff" means those public employees responsible, directly or indirectly, for the delivery or authorization for the delivery of social services, and whose salaries or wages are funded in whole or in part through the Social Security Act Titles IV-B or IV-E, or Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"). This does not include employees of contract agencies under contract to the county for the delivery of social services or individual contractors.

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31-002 **DEFINITIONS (Continued)** **31-002**

- (33) "California Law Enforcement Telecommunications System (CLETS)" means law enforcement or other governmental agency maintained state summary of a person's criminal history information pursuant to Welfare and Institutions Code Section 16504.5.
 - (34) "Criminal Records Check" means an inquiry into the CLETS and the submission of two sets of fingerprints to the Department of Justice for the purpose of reviewing a person's criminal history in accordance with Health and Safety Code Section 1522.1.
 - (35) "Criminal Records Clearance" means an individual has a California Department of Justice clearance and an FBI clearance or evidence of compliance with FBI requirements as specified in Health and Safety Code Section 1522(d)(1)(D).
 - (36) "Crisis intervention" means determining the cause of the crisis; offering support to all family members; defusing the situation; and assessing the potential for harm to all family members.
- (d)
- (1) "Day care" means day care as described by Health and Safety Code Section 1596.750 in defining a child day care facility.
 - (2) "Department" means the California Department of Social Services (CDSS).
 - (3) "Discharge Plan" means a systematic, coordinated transition plan created for a child under the age of six who is leaving a group home placement to return to family or kin or to a foster family home placement in which the social worker prescribes the follow-up services to be provided to support the child and the child's family and the duration of such services.
 - (4) "Documented Alternative Plan" means a written authorization for a foster family home to use an alternative, based on a unique need or circumstance specific to a child being considered for placement, to meet the intent of a specified standard as permitted in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.
- (e)
- (1) "Eligible" means entitled to receive necessary child welfare services.
 - (2) "Emergency assessment" means an immediate determination of the suitability of a relative or nonrelative extended family member by a county welfare department or probation department for the temporary placement of a child, based on an in-home inspection to assess the safety of the home, the ability of the individual to care for the child during the temporary period, and a consideration of the results of a criminal records check and a check of reports of suspected child abuse or neglect.

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- (3) "Emergency Assistance" means the program which supports services to families for the purpose of alleviating emergency situations that meet certain criteria as specified in the Title IV-A State Plan implementing 45 CFR 233.120.
- (4) "Emergency in-home caretaker" see definition of "Temporary in-home caretaker."
- (5) "Emergency response assessment" means an assessment of an emergency response referral conducted by a social worker skilled in emergency response for the purpose of determining whether an in-person investigation is required.
- (6) "Emergency response in-person investigation" means a face-to-face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (j).
- (7) "Emergency response protocol" means the documented activities of the emergency response social worker necessary to determine whether or not an in-person investigation is appropriate.
- (8) "Emergency response referral" means a referral that alleges child abuse, neglect, or exploitation as defined by Penal Code Section 11165 et seq. and the Division 31 regulations. An emergency response referral does not include inappropriate inquiries such as those regarding aid payments, Medi-Cal cards, etc.
- (9) "Emergency response services" means those services described in Welfare and Institutions Code Section 16501(f).
- (10) "Emergency shelter care" means the provision of a protective environment for a child who must be immediately removed, pursuant to Welfare and Institutions Code Section 300, from his/her own home or current foster care placement, and who cannot be immediately returned to his/her own home or foster care placement.
- (11) "Exemption" means the granting of an exemption to the disqualification for an approval of a home, as allowed under Welfare and Institutions Code Section 361.4(d)(2) and pursuant to Health and Safety Code Section 1522(g), for an individual who does not have a criminal records clearance.

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- (12) "Exploitation" means forcing or coercing a child into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165.1(c).
- (f) (1) "Family" means, for purposes of providing child welfare services, parents, adults fulfilling the parental role, guardians, children, and others related by ancestry or marriage.
- (2) "Family maintenance services" means those services described in Welfare and Institutions Code Section 16501(g).
- (3) "Family preservation worker" means a social worker who provides family preservation services as specified in Welfare and Institutions Code Section 16500.5.
- (4) "Family reunification services" means those services described in Welfare and Institutions Code Section 16501(h).
- (5) "Family Reunification Services Track" means the portion of the case plan that consists of services described in Welfare and Institutions Code Section 16501(h).
- (6) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions, other than a minor traffic violation, reported by the FBI.
- (7) "Foster care" means the provision of 24-hour care and supervision to a child who has been placed by a child placing agency, including county child welfare services and probation departments, in one of the following types of foster homes:
 - (A) A licensed foster family home.
 - (B) A licensed small family home.
 - (C) A family home certified by a licensed foster family agency for its exclusive use.
 - (D) An approved foster family home.
 - (E) A licensed group home for children.
 - (F) A home, pursuant to a court order or voluntary placement agreement.

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- (8) "Foster family agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home.

- (9) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. A foster family home may also be authorized to provide care for more than six children for the purpose of keeping siblings together provided that the conditions of Health and Safety Code Section 1505.2 are met.

- (10) "Foster parent" means a person whose home is licensed or approved as a foster family home or licensed as a small family home or certified by a licensed foster family agency for 24-hour care of children, and a person who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement.

- (g) (1) "Grievance" means an expression of dissatisfaction with a child-placing agency's procedures or actions, as such procedures or actions relate to the placement or care of a child in, or removal of a child from, a particular foster home.
 - (A) "Grievance review agent" means the person or panel designated by the director of the child-placing agency to conduct the grievance review and render a recommended decision to the director of the agency.

 - (B) "Party to grievance review" means a foster parent, legal parent, legal guardian, or child requesting the review; and the child-placing agency responsible for the action upon which the complaint is based.

- (2) "Group home" means a nondetention privately operated residential home of any capacity that provides services in a group setting to children in need of care and supervision, as required by Paragraph (1) of Subdivision (a) of Section 1502 of the Health and Safety Code.

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(3) "Guardian" means a person appointed by the superior court pursuant to the provisions of Probate Code Section 1514, or appointed by the juvenile court pursuant to the provisions of Welfare and Institutions Code Section 366.25 or .26.

(h) Reserved

(i) (1) "Independent Living Program (ILP)" means the program authorized under 42 USC 677 of the Social Security Act for services and activities to assist children age 16 or older in foster care to make the transition from foster care to independent living.

(A) Repealed by Manual Letter No. CWS-02-01, effective 7/1/02.

(2) "Indian" means a person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in 43 USC 1606.

(A) "Indian child(ren)" means an unmarried person under 18 years of age who is a member of an Indian tribe, or who is eligible for tribal membership and is the biological child of a tribe member.

(B) "Indian child's extended family" means "extended family" as defined by the law or custom of the Indian child's tribe; or, in the absence of such a law or custom, a person 18 years of age or over who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.

(C) "Indian child's parent" means a biological parent of an Indian child; or an Indian who has lawfully adopted an Indian child. Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father when paternity has not been acknowledged or established.

(D) "Indian child's tribe" means the Indian tribe in which an Indian child is a member or is eligible for membership; or, in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

(E) "Indian custodian" means an Indian who has legal custody of an Indian child under tribal law or custom, or under state law; or to whom temporary physical care, custody, and control has been transferred by the parent(s) of such Indian child.

(F) "Indian organization" means a group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.

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- (G) "Indian tribal court" means a court, recognized by the Secretary of the Interior, with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with jurisdiction over child custody proceedings.
- (H) "Indian tribe" means an Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in 43 USC 1602c.
- (3) "Individualized Education Program (IEP)" means an individualized education program for children with identified special educational needs. The IEP is developed by an individualized education program team which consists of a representative other than the child's teacher designated by the school administration, the child's present teacher, or the teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance, and one or both of the child's parents. The IEP includes the identification of educational needs, assessment, instructional planning, and placement.
- (4) "Infant" means a child under two years of age.
- (5) "Information" means enabling a person to have current, accurate knowledge regarding available public and private resources established to help relieve socio-health problems.
- (6) "Interagency Placement Committee" means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.
- (7) "Interstate Compact on the Placement of Children (ICPC)" means a legislatively ratified administrative process between member states to safeguard the interests of children who are placed in one state by an agency of another state.
 - (A) "Appropriate public authority" means the state's Interstate Compact Administrator.
 - (B) "Receiving agency" means a person or entity designated to receive any child from another party state.
 - (C) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

31-002 **DEFINITIONS** (Continued) **31-002**

- (j) Reserved
- (k) (1) "Kinship Adoption" means the adoption of a dependent child by a relative or a relative of the child's half-sibling as defined in Family Code Section 8714.5, which may be accompanied by a kinship adoption agreement.
- (2) "Kinship Adoption Agreement" means a written agreement pursuant to Family Code Section 8714.7.
- (l) (1) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1901(p) states:

"Licensed mental health professional" means any of the following:

- "(1) A psychiatrist;
- "(2) A clinical psychologist;
- "(3) A licensed marriage, family and child counselor;
- "(4) A licensed clinical social worker;
- "(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

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- (2) "Licensing agency" means, for purposes of the Child Abuse and Neglect Reporting Act, the CDSS office responsible for the licensing and enforcement of the California Community Care Facilities Act, the California Child Day Care Act, or the county licensing agency which has contracted with the state for performance of those duties.
- (m) (1) "Mandated reporter" means a person who, pursuant to the Child Abuse and Neglect Reporting Act, is required to report knowledge or reasonable suspicion of child abuse which is obtained while acting in a professional capacity or within the scope of his/her employment. Such persons include child care custodians, health practitioners, employees of child protective agencies, child visitation monitors, and commercial film and photographic print processors, pursuant to Penal Code Sections 11165 through 11166.

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- (2) "Minor" means a person under 18 years of age; or a person 18 years of age who is in a high school or vocational/technical program, provided that he/she will complete such program before he/she reaches 19 years of age.
- (3) "Minor parent" means anyone under the age of 18 years who is either pregnant or the custodial parent of a child and who has never been married.
- (4) "Minor Parent Services (MPS)" means home-based services provided to the minor parent and her/his child(ren), designed to support families and provide education to minor parents about issues such as infant health and development, nutrition, parenting skills, and life skills. Minor parent services shall include, but are not limited to, appropriate periodic in-home visits; on-going assessment of the infant and minor parent=s circumstances and conditions; and referrals to appropriate community services to meet the specific safety needs of the minor parent and her/his child(ren).
- (5) "Multidisciplinary Personnel Teams," as defined in Welfare and Institutions Code Section 18951(d), means any team of three or more persons who are trained in the prevention, identification and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:
 - (A) Psychiatrists, psychologists, county mental health, or other trained counseling personnel.
 - (B) Police officers or other law enforcement agents including, but not limited to, county probation.
 - (C) Medical personnel with sufficient training to provide health services.
 - (D) Social workers with experience or training in child abuse prevention.
 - (E) Any public or private school teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee.
- (n) (1) "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).

31-002	DEFINITIONS (Continued)	31-002
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- (2) "Non-custodial Parent" means the parent of a child removed from home pursuant to Welfare and Institutions Code Section 361, with whom the minor was not residing at the time that the events or conditions arose that brought the minor within the provisions of Welfare and Institutions Code Section 300, who desires to assume custody of the minor.
- (3) "Nonrelative extended family member" means any adult caregiver who has an established familial or mentoring relationship with the child as substantiated by interviews with the parent and child or with one or more third parties as required in Welfare and Institutions Code Section 362.7.
- (o) (1) "Out-of-home care provider" means a person or entity who provides foster care.
- (p) (1) "Parent" means the natural or adoptive father or mother, whether married or unmarried; or other adult fulfilling the parental role.
- (2) "Parenting training" means child development, home management and consumer education provided through social services and/or specialized formal instruction and practice in parenting skill achievement in accordance with Welfare and Institutions Code Section 16507.7.
- (3) "Permanency Alternative" means the type of permanency, i.e., adoption, guardianship, and long-term foster care, or a plan for transitional independent living pursuant to Section 31-525, selected for the child if family reunification fails.
- (4) "Permanency Planning Family" means the home of a relative, a licensed foster family home as defined in Health and Safety Code Section 1502(a)(5), or a certified family home as defined in Health and Safety Code Section 1506(d) willing to assist in implementation of the child's case plan by facilitating family reunification while being prepared to provide the child with legal permanence should family reunification fail.
- (5) "Permanent placement services" means those services described in Welfare and Institutions Code Section 16501(i).
- (6) "Planning" means activity in which county staff and the child and/or his/her family mutually identify a specific goal, the specific services to be used in resolving identified problems, and service delivery methods.

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(A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

"(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

"(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

"(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

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- (4) "Service funded activity" means activities which are provided as determined by each county based upon the individual child and family needs as identified in the case plan and includes, but is not limited to, those activities specified in Welfare and Institutions Code Section 16501(a)(1).

31-002	DEFINITIONS (Continued)	31-002
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- (5) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs pursuant to Subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the Department may approve placement of children without special health care needs, up to the licensed capacity.

- (6) "Social services" or "services" means the composite of service programs funded under the Social Security Act Titles IV-B and IV-E, and Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"), and any other applicable funding sources.

31-002	DEFINITIONS (Continued)	31-002
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- (7) "State agency" means the California Department of Social Services (CDSS).
- (8) "Substance abuse testing" means the process of chemical analysis to determine if certain drugs, including alcohol, or controlled substances are present, indicating that a person has used or has in his/her system, a specified drug or substance.
- (9) "Substantial Distance from Home" means an out-of-home placement which is farther than an adjacent, "contiguous county" from the residence of the parents or guardian.
- (t) (1) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the presence of the parent(s)/guardian(s) in the home.
- (2) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.
- (3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.
- (4) "Transitional independent living plan" means the portion of the child's case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child's skills and abilities, that will help the child prepare for transition from foster care to independent living.
- (5) "Transportation" means conveying a child and/or the child's family from one place to another when mobility is necessary to support a specific case plan, and no other means of conveyance is available.

31-002	DEFINITIONS (Continued)	31-002
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- (u) (1) "Unfounded report" means a report of child abuse, which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.6.

- (v) (1) "Visit" means a face-to-face contact between:
 - (A) A social worker or other person authorized by the Division 31 regulations to make visits with the child, the child's family, and/or the out-of-home care provider; or
 - (B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.

- (2) "Voluntary placement" means a placement described by Welfare and Institutions Code Section 11400(n).

- (3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code Section 11400(o).

- (w) Reserved

- (x) Reserved

- (y) Reserved

- (z) Reserved

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 319 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 319(f), 361.2(h), 361.3(a)(8), 361.4(a)(3)(A), (b), and (c), 362.7, 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 361, 361.2 and 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), (Section 361.3 was further amended by AB 2773, Chapter 1056, Statutes of 1998), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11400(a), 11467.1, 16501(a)(3), 16501.1(e)(9) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1505.2 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 1522, 1522.06, and 1530.8, Health and Safety Code; 45 CFR 233.120; 42 U.S.C. 675(5); Sections 7901, 7911, 7911.1, and 7912, Family Code; and Public Law 105-89 (Adoption and Safe Families Act of 1977).

31-075	CASE RECORDS (Continued)	31-075
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- (l) For children in out-of-home care, all available health and education reports regarding the child, including, but not limited to, dated documentation of the following:
 - (1) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6, and the acceptance or refusal of the CHDP services.
 - (2) Offering of medical/dental transportation and scheduling assistance.
- (m) Any written modifications or prohibitions to the foster parent'(s) privilege to give legal consent for the child, if applicable.
- (n) Any written parent/guardian consents required by the Division 31 regulations.
- (o) For children with histories of juvenile court involvement as actual or potential dependents, any documents submitted to or received from the court, including petitions and court reports.
- (p) For children who have been assessed as being seriously emotionally disturbed, the individualized education program designed for the child, if available.
- (q) Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- (r) Any administrative review report recommendations.
- (s) When appropriate, the following forms or equivalent **documentation**, which have been approved by the Department:
 - (1) Court order to county to detain and/or to place child.
 - (2) Foster Child's Data Record (FCIS).
 - (3) Placement Agreement, Child/Agency.
 - (4) Placement Agreement, Parent/Agency.

31-075	CASE RECORDS (Continued)	31-075
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- (5) Agency/Emergency Shelter Care Provider Agreement.
 - (6) Court order to county relating to the provision of child welfare services to the child and/or family.
 - (7) Agency-Foster Parent Agreement.
 - (8) Agency-Group Home Agreement.
 - (9) Documentation that the foster family home of a relative or nonrelative extended family member meets the approval standards.
- (t) Documentation of the reason(s) for the following, when applicable:
- (1) The child's transfer to another placement location.
 - (2) The child's out-of-county or out-of-state placement.
 - (3) The child's placement in a group home, including the following:
 - (A) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (B) A description of the types and modalities of treatment program(s) offered and delivered to the child.
- (u) Documentation of any information provided to the placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior.
- (v) Documentation of the review and the results of the child's potential for adoption, which shall specify why a child who is not reunified with his/her family is not appropriate for adoption as defined in Welfare and Institutions Code Sections 366.26(c)(1)(A) through (D).

NOTE: Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), 16002, 16501, and 16501.1(e)(8), and (e)(9) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), and 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; 45 CFR 1356.21(d); and Section 11170(b), Penal Code.

**CHILD WELFARE SERVICES PROGRAM
PLACEMENT**

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CHAPTER 31-400 PLACEMENT**31-401 GENERAL REQUIREMENTS FOR PLACEMENT****31-401**

- .1 The social worker, other representative of the placing agency or another agency providing services, or other adult with whom the child is familiar, shall be present at the time of placement unless the child is placed out of state.
- .2 At the time of initial placement in foster care of a child who is a dependent of the court, the agency responsible for placement and care shall provide information describing the review process, including the permanency planning hearing, and subsequent court and administrative reviews, to the parent(s)/guardian(s); and to the child, if 10 years of age or older.
- .3 The placement of children in the same home or facility when such children have different legal status shall be subject to the provisions of Welfare and Institutions Code Sections 206 and 16514.
- .4 A foster parent providing out-of-home care to a child pursuant to court orders or providing such services to a voluntarily placed child shall have the legal consent authority specified in Health and Safety Code Section 1530.6.

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- .41 This statute provides that such foster parents may give the same legal consent for such child as would a parent except as specified in Sections 31-401.411 through .413.
 - .411 A foster parent does not have the authority to give legal consent for any of the following:
 - (a) Marriage.
 - (b) Entry into the armed forces.
 - (c) Medical or dental treatment which is not ordinary.
 - (1) Ordinary medical or dental treatment includes but is not limited to the following routine services provided by or under the supervision of licensed practitioners of medicine and dentistry to protect or enhance a child's health:
 - (A) Immunizations.
 - (B) Physical examinations.
 - (C) X-rays.

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31-401 GENERAL REQUIREMENTS FOR PLACEMENT **31-401**
(Continued)

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- .412 A parent of a voluntarily placed child has the authority to modify or prohibit consent by a foster parent if a written agreement regarding such modification or prohibition exists between the agency and the parent.
- .413 A court of competent jurisdiction has the authority to issue an order limiting foster parent's authority to give such consent.

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- .5 For a child placed in-state or out-of-state, the placement shall be in an appropriately licensed or approved facility which accords the child the same personal rights afforded children in California as specified in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Section 89372 and incorporated in MPP Section 31-445.3.

NOTE: Authority Cited: Sections 16001.9, 10553, and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code and Assembly Bill 1695, Section 21. Reference: Sections 309(d), 319(f), 361.2(h), 727, 1601.9, and 11402 (as amended by AB 1695, Chapter 653, Statutes of 2001) and 16501, Welfare and Institutions Code; Sections 1501, 1505, 1530.6, and 1531, Health and Safety Code, and 42 U.S.C. 677.

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT **31-405**

- .1 When arranging for a child's placement the social worker shall:
 - (a) Consider the non-custodial parent pursuant to Welfare and Institutions Code Section 361.2.
 - (b) Give preferential consideration for placement of the child to an adult who is a grandparent, aunt, uncle or sibling of the child.
 - (1) As required by Welfare and Institutions Code Section 361.3, a finding that the relative is not willing to adopt or seek guardianship for the child cannot be used as the sole basis for denying placement with a relative.
 - (2) As assessment shall be conducted for the relative(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.
 - (c) Consider relatives identified by the social worker as willing and appropriate to care for the child if no non-custodial parent or relative given preferential consideration is available.

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT 31-405
(Continued)

- (1) As required by Welfare and Institutions Code Section 361.3, a finding that the relative is not willing to adopt or seek guardianship for the child cannot be used as the sole basis for denying placement with a relative.
 - (2) An assessment shall be conducted for the relative(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.
- (d) Consider nonrelative extended family members identified by the social worker/probation officer as willing and appropriate to care for the child if no noncustodial parent, relative given preferential consideration, or relatives identified by the social worker/probation officer as willing and appropriate is available.
- (1) An assessment shall be conducted for the nonrelative extended family member(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.
- (e) Meet the requirements specified in Section 31-445 when approving the home of a relative or nonrelative extended family member.
- (f) Meet the requirements specified below when placing a child under the age of six in a group home:
- (1) A child under the age of six shall not be placed in a group home unless one or more of the following conditions are met, and the placement facility meets the licensing standards specified in Title 22, Division 6, Subchapter 2:
 - (A) The placement will provide comprehensive diagnostic assessment to enable long-term decisions about the child's future.
 - (B) The placement meets the child's special treatment needs which can be met by the group home while program planning and testing occur to prepare the child for a less restrictive, permanent placement;
 - (C) The placement enhances and supports the case plan goal of family reunification with parents or kin or for adoption when no other suitable, less restrictive placement is available;
 - (D) The placement is for temporary shelter care and shall not be for more than thirty days and no other, less restrictive placement is available; or
 - (E) The placement will keep a sibling group together until a more suitable, less restrictive placement is found.

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT
(Continued)

31-405

- (F) Effective 1/1/2000, any child under the age of six shall be placed in a family like setting as defined in Title 22, Section 84201(f)(2). In the event such a setting is unavailable, the county shall request approval from the Department for any alternative placement in excess of 30 days. The Department has the authority to approve these placements if the request is in the best interest of the child and shall in no instance be detrimental to the health and safety of the child. The county welfare director shall submit the request to the Department with substantiating evidence supporting the request and specifying that the child has special needs that render the child extremely difficult to place, and there is no family like setting that can meet the child's special needs. The Department shall provide a written approval or denial of the request within 5 days of receipt of the request.
- (g) Ensure that a child under the age of six placed for temporary shelter care in a county operated or county contracted emergency shelter care facility, shall not be placed in the facility for more than thirty days.
- (1) A county operated or county contracted emergency shelter care facility shall conform to all regulations in Title 22, Division 6, Subchapter 2 except as noted below:
- (A) The facility shall be exempt from the licensing standards specified in Sections 84200(a)(2)(A) through (C).
- (B) For an unlicensed county operated emergency shelter care facility only, the Plan of Operation required by Section 84222 must be kept only on file at the facility and need not be submitted to the Department for approval.
- (h) Meet the requirements specified in Section 31-515 when placing an Indian child.
- (i) Assist each child in understanding the reason(s) for placement.
- (j) Arrange for preplacement visitation between the child and the out-of-home care provider, if possible.
- (k) Assist each child to maintain his/her cultural and ethnic identity.
- (l) Monitor the child's physical and emotional condition, and take necessary actions to safeguard the child's growth and development while in placement.

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT 31-405
(Continued)

- (m) Ensure that information regarding available CHDP services is provided to the out-of-home care provider within 30 days of the date of placement.
- (n) Ensure that the child receives medical and dental care which places attention on preventive health services through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
 - (1) Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.
- (o) Make certain that arrangements for, and monitoring of, the child's educational progress while in placement are undertaken.
- (p) Make arrangements for the out-of-home care provider to have telephone access to a social worker 24 hours a day, seven days a week in case of emergencies involving his/her foster child(ren).
- (q) Ensure that the out-of-home care provider understands and supports the child's case plan, and is aware of any change(s) thereto.
- (r) Provide the out-of-home care provider the child's case plan that identifies the child's needs and services.
- (s) Provide the out-of-home care provider the child's background information as available, including, but not limited to, the following histories:
 - (1) Educational.
 - (2) Medical.
 - (3) Placement.
 - (4) Family.
 - (5) Behavioral.

31-405	SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT (Continued)	31-405
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- (t) Provide the out-of-home care provider(s) information of any known or suspected dangerous behavior of the child being placed.
 - (1) The social worker shall document in the case record any information provided to the out-of-home care provider(s) regarding the child's known or suspected dangerous behavior, including the following:
 - (a) Date information was provided.
 - (b) Name of person receiving information.
 - (c) Specific facts provided.
 - (d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a fine up to \$1,000.
- (u) Ensure completion of the documentation necessary to initiate AFDC-FC payments, as appropriate.
- (v) Assist the parents to understand their rights and responsibilities while their child is in foster care.
- (w) Document the reason(s) for the following, when applicable:
 - (1) The child's transfer to another placement location.
 - (2) The child's out-of-county or out-of-state placement.
- (x) Develop a discharge plan for any child who:
 - (1) Is under six years of age; and
 - (2) Is leaving a group home placement to return to parents, kin or an adoptive family or to placement in a foster family home.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 309, 319, 361.2, 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 361.3, and 362.7 (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 11467.1, and 16501, Welfare and Institutions Code; and Section 1530.8, Health and Safety Code.

31-410 TEMPORARY PLACEMENT

31-410

- .1 Temporary placement services shall consist of emergency shelter care and out-of-home respite care.
- .2 Temporary placement services shall be provided when the social worker has considered and/or used in-home services and has determined that the provision or continued provision of these services will not safely maintain the child in his/her own home.
- .3 Emergency shelter care services shall be provided as specified in Section 31-415.
- .4 When selecting a temporary placement for the child, the social worker shall adhere to the following priority order:
 - .41 The home of a relative, including the non-custodial parent, in which the child can be safely placed on a temporary basis. Such a determination shall be based on an emergency assessment as defined in Section 31-002(e)(2).
 - .42 A licensed or approved foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency, a county-operated emergency shelter care facility.
 - .421 A child under the age of six who is placed in a county operated or county contracted emergency shelter care facility for thirty days or less shall be cared for by a Primary Caregiver as defined in Section 31-002(p)(7).
 - .43 A licensed group home.
 - .431 Group home placements shall be subjected to the additional criteria specified in Sections 31-420.241(a) and (b).
 - .432 Group home placements of children under the age of six shall be subject to the additional criteria specified in Section 31-405.1(b).
- .5 The county welfare department or probation department shall begin an emergency assessment for a relative or nonrelative extended family member, as defined in Welfare and Institutions Code Section 319, who either has requested placement of a child pending the detention hearing or whom the social worker/probation officer has identified as willing to provide care for a child pending the detention hearing.
 - .51 The emergency assessment shall include, but is not limited to, all of the following:
 - .511 An in-home inspection to assess the safety of the home.
 - .512 As assessment of the relative's ability to provide temporary care for the child.

31-410 **TEMPORARY PLACEMENT** (Continued) 31-410

- .513 The results of a criminal records check conducted through the California Law Enforcement Telecommunications System (CLETS) on all persons 18 years of age or older residing in the home.

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- (a) Penal Code Section 16504.5 specifies in pertinent part:

(a) Notwithstanding any other provision of law, pursuant to subdivision (b) of Section 11105 of the Penal Code, a child welfare agency may secure from an appropriate governmental agency the state summary criminal history information, as defined in subdivision (a) of Section 11105 of the Penal Code, through the California Law Enforcement Telecommunications System for the following purposes: ...

(f) Nothing in this section shall preclude a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the criminal records check revealed erroneous information.

HANDBOOK ENDS HERE

- .514 The results of a Child Abuse Central Index (CACI) check conducted on all persons 18 years of age and older residing in the home.

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- (a) Penal Code Section 11170(b)(5) in summary states that when Child Abuse Central Index information is released by the Department of Justice for the temporary placement of a child, the child protective services agency or court investigator is responsible for notifying, in writing, the person listed in the Child Abuse Central Index that he/she is in the index. The notification shall include the name of the reporting agency and the date of the report.
- (b) Penal Code Section 11170(b)(6)(A) in summary requires persons or agencies who receive Child Abuse Central Index information for purposes of licensing, adopting or placing a child to obtain the underlying report from the reporting agency and make their own independent assessment regarding the quality of the evidence disclosed and its sufficiency for making decisions regarding the placement of a child which will be the most appropriate placement and in the best interest of the child.

HANDBOOK CONTINUES

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- .52 A copy of the written emergency assessment may be made available to the appropriate adoption agency in the event that the relative(s) considered is assessed as being able and willing to provide a legally permanent home for the child, so that an abbreviated adoption assessment may be made if adoption becomes the permanency alternative implemented for the child.

HANDBOOK ENDS HERE

- .6 The temporary placement shall be based on the following needs of the child including, but not limited to:
 - .61 The least restrictive, most family-like environment.
 - .62 The child's age and sex.
 - .63 The child's health and any special needs of diet, medical or psychological care.
 - .64 The possible need for access to or protection from the child's parent(s)/guardian(s).
 - .65 The protective needs of the community.
 - .66 The most appropriate placement selection.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 309 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 319 (as amended by Senate Bill 2232, Chapter 1530, Statutes of 1990), 319(d) (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309, 309(d), 319, 319(f), 361.2(h), 362.7, 727, 11402, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 361.2(b) and (g), 366(c), 11467.1, and 16501.1(c), Welfare and Institutions Code; Section 1530.8, Health and Safety Code; Sections 11170(b)(5) and 11170(b)(6) (as amended by Senate Bill 644, Chapter 842, Statutes of 1997), Penal Code; and 42 U.S.C. Section 675(1)(A).

31-415 **EMERGENCY SHELTER CARE** **31-415**

- .1 Provision of emergency shelter care shall not exceed 30 calendar days in any one episode that requires removal of the child except as follows:
 - .11 The county shall be permitted to provide emergency shelter care beyond 30 calendar days only when the case record documents the existence of one of the following circumstances:
 - .111 Emergency shelter care is necessary to meet the continuing protective needs of the child, and there is no other location wherein these protective needs can be met.
 - .112 The child has special needs which render him/her extremely difficult to place, and there is no other location available wherein these special needs can be met.
 - .12 The circumstances permitting extension of emergency shelter care beyond 30 calendar days shall be reviewed and the extension approved in writing by an administrative official higher than a first-level supervisor.
- .2 In no event shall federal and/or state funds appropriated for the purpose of providing any of the child welfare services specified in Division 31 be provided for emergency shelter care beyond 30 calendar days in any one episode except as follows:
 - .21 Each county is permitted to utilize county-only funds to draw down federal financial participation under the Emergency Assistance program, with no state share of cost, in order to provide emergency shelter care beyond 30 calendar days in any one episode if:
 - .211 the child is from a needy family authorized to receive Emergency Assistance funding in accordance with provisions in the Title IV-A State Plan implementing 45 CFR 233.120; and
 - .212 the circumstances specified in Section 31-415.1 are documented in the child's case record.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501(a)(3), Welfare and Institutions Code and 45 CFR 233.120.

31-420 FOSTER CARE PLACEMENT 31-420

- .1 The foster care placement shall be based on the following needs of the child including, but not limited to:
 - .11 The least restrictive, most family-like environment.
 - .12 The child's age, sex and cultural background, including racial or ethnic and religious identification.
 - .13 Planned parent/guardian-child contacts during the separation, and the specific actions to be taken by the parent(s)/guardian(s) which will facilitate reunification.
 - .14 Capability, willingness and ability of the caregiver to meet specific needs of the child, to facilitate family reunification, and provide the child's permanency alternative, if necessary.
 - .15 Appropriateness of attempting to maintain the child in his/her current school.
 - .16 The child's health and emotional factors.
 - .17 Anticipated special needs of the child, including but not limited to transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
 - .18 The most appropriate placement selection.
- .2 When selecting a foster care placement for the child, the social worker shall adhere to the following priority order:
 - .21 The home of a relative, including the non-custodial parent, in which the child can be safely placed as assessed according, but not limited to, the requirements specified in Welfare and Institutions Code Section 361.3.
 - .211 Preferential consideration for placement of the child shall be given to a non-custodial parent, then an adult who is a grandparent, aunt, uncle or sibling of the child.
 - (a) As required by Welfare and Institutions Code Section 361.3, a finding that the relative cannot provide legal permanence for the child shall not be used as the sole basis for denying placement with a relative.

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HANDBOOK BEGINS HERE

- .212 A copy of the written assessment made pursuant to Welfare and Institutions Code Section 361.3 may be made available to the appropriate adoption agency in the event that the relative(s) considered agree to become a permanency planning family, so that an abbreviated adoption assessment may be made if adoption becomes the permanency alternative implemented for the child. See Section 31-410.513(a) and Sections 31-410.514(a) and (b).

HANDBOOK ENDS HERE

- .213 When a child is placed under such circumstances, the foster home shall be exempt from licensure pursuant to Health and Safety Code Section 1505. The exempt home shall be approved as meeting the requirements specified in Section 31-445 which incorporates Title 22, Division 6, Chapter 9.5, Article 3, Foster Family Home.
- .22 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency.
- .23 A licensed group home.
- .231 Placements in group homes shall be subject to the following additional requirements:
- (a) The following conditions shall exist and shall be documented in the case plan:
 - (1) Placement is necessary to meet the treatment needs of the child.
 - (2) The group home has a treatment program that meets such treatment needs.
 - (b) The social worker shall also document in the case record the reason(s) for the following:

31-420	FOSTER CARE PLACEMENT (Continued)	31-420
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- .232 For a child under the age of six, the social worker shall document in the case plan that the placement meets the requirements specified in Section 31-405.1(b) or in Section 31-405.1(c), whichever is applicable.
 - (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

- .25 A licensed community treatment facility.
 - .251 Placements in community treatment facilities shall be subject to the following additional requirements.
 - (a) The following conditions shall exist and shall be documented in the case plan:
 - (1) Placement is necessary to meet the mental health needs of the child.
 - (2) The community treatment facility has a program that meets such mental health needs.
 - (b) The social worker/probation officer shall also document in the case record the reason(s) for the following:
 - (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 361.2(b), 361.2(e)(2) and (3), 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 309(d), 319(f), 361.2(h), 727, 11402, and 16507.5(b) (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), 366(c), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16501.1(b) and (c), 11467.1, and 16507.5(b), Welfare and Institutions Code; Sections 1502, 1502(a)(8), and 1530.8, Health and Safety Code; Section 275, Civil Code; 42 U.S.C. Section 671(1)(A); and Public Law 105-89 (Adoption and Safe Families Act of 1997).

31-425 PERMANENT PLACEMENT 31-425

- .1 The permanent placement shall be based on the following needs of the child including, but not limited to:
 - .11 The degree of permanency of the available alternatives.
 - .12 The child's age, sex and cultural background, including racial or ethnic and religious identification.
 - .13 Capability of a relative, the out-of-home care provider(s), adoptive parent(s), or guardian(s) to meet specific needs of the child.
 - .131 If the child is not placed with a permanency planning family or if the permanency alternative identified in the case plan fails, preferential consideration for placement of the child shall be given the non-custodial parent, then to an adult who is a grandparent, aunt, uncle or sibling of the child, as required in Welfare and Institutions Code Section 361.3.
 - .132 The home of a relative, including the non-custodial parent, considered for placement shall be assessed according to the requirements in Welfare and Institutions Code Section 361.3.

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31-440	FOSTER PARENT(S) NOTIFICATION REQUIREMENTS	31-440
	(Continued)	

- .21 The child is in immediate danger.
- .22 A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11.
- .23 A court has ordered the child's removal.
- .24 Adverse licensing or approval actions have occurred that prohibit the foster parent(s) from continuing to provide services.
- .25 Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.
- .26 The child is removed from an emergency placement.
- .3 For foster parents providing permanent placement services the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated.
 - .31 The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21. Reference: Section 16501, Welfare and Institutions Code; and Assembly Bill 1695 (Chapter 653, Statutes of 2001).

**31-445 REQUIREMENTS FOR APPROVAL OF RELATIVE AND NONRELATIVE 31-445
EXTENDED FAMILY MEMBER FOSTER FAMILY HOMES**

- .1 When considering placement of a child in a relative or nonrelative extended family member home, the child welfare agency shall assess the home and the caregiver to the approval standards by completing the following requirements:
 - .11 An in-home evaluation of the home shall be conducted. Such evaluation shall include the following:
 - .111 An assessment of the prospective foster parent'(s) ability and desire to meet the child's specific needs and to participate in planning for the child.
 - .112 Verification that the home has no safety defects that could pose a hazard to the child, including, but not limited to, the following:
 - (a) An unfenced swimming pool if serving a child who is either under ten years of age or has a disability for whom special care and supervision is required as a result of his/her condition, unless an acceptable alternative method of inaccessibility, noted in Section 31-445.3 at Handbook Sections 89387(d) and (e) is present.
 - (b) Exposed electrical wiring.
 - (c) Inoperative plumbing fixtures.
 - .12 Verification that the proposed caregiver has a criminal record clearance or exemption and Child Abuse and Index Clearance pursuant to Health and Safety Code Sections 1522 and 1522.1.
- .2 At the time of placement, verification shall be obtained that the following have occurred:
 - .21 The caregiver is provided an orientation on the child welfare system and the caregiver's role and responsibilities as a foster parent.
- .3 Prior to the issuance of an approval document the agency must ensure the caregiver and home meet all the standards in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Caregiver Standards.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21. Reference: Sections 309, 319, 361.2, 361.3, 361.5, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5, 16507.5(b), and 16518, Welfare and Institutions Code; Section 11105.2, Penal Code; and Sections 1505, 1521.5, 1521.6, 1522, and 1525.5, Health and Safety Code.