

Manual of Policies and Procedures

CHILD WELFARE SERVICES



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

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CHILD WELFARE SERVICES PROGRAM

This User's Manual is issued as an operational tool. It contains the following:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries;
- b) Regulations adopted by other State Departments affecting CDSS programs;
- c) Statutes from appropriate Codes which govern CDSS programs;
- d) Court decisions; and
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as in this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that revised language in this manual letter will be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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**CHILD WELFARE SERVICES PROGRAM
GENERAL REQUIREMENTS**

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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 integrated throughout Division 31 Chapters 31-000 through 31-500.
 - .33 When considering the "best interest of the child" social workers must adhere to Welfare and Institutions Code section 224(a)(2), which specifies that it is in the best interest of an Indian child that the connection to its tribe and tribal community is encouraged and protected regardless of whether the child is in the physical custody of the Indian parent or Indian custodian(s) at the commencement of a child custody proceeding, the parental rights of the child's parents have been terminated or where the child has resided or been domiciled. In assessing whether there is a sufficient basis to ask the court to make a finding of good cause as later used in this Division, a social worker shall consider that the Indian Child Welfare Act (ICWA) 25 USC 1902, seeks to protect not only the rights of the Indian child but the rights of Indian communities and tribes in retaining their Indian children.
 - .34 Provision of services to each child in placement age 16 or older shall be subject to the additional requirements specified in Section 31-525.
 - .35 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.
 - .36 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.

31-001 **GENERAL** (Continued) **31-001**

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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, Chapter 653, Statutes of 2001. Reference: Sections 224, 361.2, 727, 11404, 16520, and 16521, Welfare and Institutions Code; Section 7901, Family Code; 25 USC 1901 et seq.; and 42 USC 671(a)(15), 675 and 677.

31-002 **DEFINITIONS** **31-002**

- (a) (1) "Active Efforts" mean, in the case of an Indian child, those efforts intended primarily to maintain and reunite an Indian child with his or her family or tribal community and includes all actions taken by a county to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. Active Efforts must take into account the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe and utilize the available resources of the child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers, as further specified in Section 31-135.23 and Section 31-420.3 with respect to the Active Efforts to comply with ICWA placement preferences. Examples of Active Efforts are in the Handbook below.

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2015 BIA Guidelines section A. 2 provides the following examples of Active Efforts:

- "(A) Engaging the Indian child, the Indian child's parents, extended family members, custodian(s);
- (B) Taking steps necessary to keep siblings together;
- (C) Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents to obtain such services;
- (D) Identifying, notifying and inviting representatives of the Indian child's tribe to participate;
- (E) Conducting or causing to be conducted a diligent search for the Indian child's extended family members for assistance and possible placement;

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- (F) Taking into account the Indian child's tribe's prevailing social and cultural conditions and way of life and requesting the assistance of representatives designated by the Indian child's tribe with substantial knowledge of the prevailing social and cultural standards;
- (G) Offering and employing all available and culturally appropriate family preservation strategies;
- (H) Completing a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal;
- (I) Notifying and consulting with extended family members of the Indian child to provide family structure and support for the Indian child, to assure cultural connections, and to serve as placement resources for the Indian child;
- (J) Making arrangements to provide family interaction in the most natural setting that can ensure the Indian child's safety during any necessary removal;
- (K) Identifying community resources including housing financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Indian child's parents or extended family in utilizing and accessing those resources;
- (L) Monitoring progress and participation in services;
- (M) Providing consideration of alternative ways of addressing the needs of the Indian child's parents or extended family, if services do not exist or if existing services are not available;
- (N) Supporting regular visits and trial home visits of the Indian child during any period of removal, consistent with the need to ensure the safety of the child; and
- (O) Providing post-reunification services and monitoring."

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- (2) "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.

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- | (3) "Adult" means a person 18 years of age or older.
- | (4) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- | (5) "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.
- | (6) "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.
- | (7) "Approval Agency" means the 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.
- | (8) "Approval Document" means a non-transferable form by which the approval agency certifies 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.
- | (9) "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.
- | (10) "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.
- | (11) "Assessment" means a written document which contains information relevant to the case situation and an appraisal of case services needs.

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

- (c) (1) "California Department of Justice Clearance" means an individual has submitted his or her fingerprints to the California Department of Justice (DOJ). DOJ has conducted a fingerprint search of its criminal records, and this search did not generate a report that the individual has any felony or misdemeanor convictions, other than a minor traffic violation.

- (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 an electronic and/or written record for each child receiving child welfare services including, but not limited to, the emergency response protocol. The Case Record contains all of the documentation requirements specified by the Division 31 regulations, and includes court documents maintained by the child welfare services agency, as defined in Rule 5.552 of the California Rules of Court.

- (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 persons authorized by the Division 31 regulations to make case contacts with the child, parent(s)/guardian(s)/Indian custodian(s), the child's tribe, tribal service providers, out-of-home care providers, Indian organizations, 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 of Residence" means the county in which the child resides.

- (33) "County Plan" means, for the purpose of the Independent Living Program, a written document for the federal fiscal year that describes the county programs, goals and objectives to meet the services needs and activities of ILP youth.

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- | (34) "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.
- | (35) "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.
- | (36) "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.
- | (37) "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).
- | (38) "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.

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- (e) (1) "Eligible" means entitled to receive necessary child welfare services.
- (2) "Emancipated Youth" means, young adults who are former foster/probation children who have left foster care because they have reached at least 18 years of age and up to the day prior to their 21st birthday.
- (3) "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.
- (4) "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.
- (5) "Emergency in-home caretaker" see definition of "Temporary in-home caretaker."
- (6) "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.
- (7) "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).
- (8) "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.

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- | (9) "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.

- | (10) "Emergency response services" means those services described in Welfare and Institutions Code Section 16501(f).

- | (11) "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.

- | (12) "Exemption" means the approval agency has determined that an individual who does not have a criminal records clearance pursuant to Health and Safety Code Section 1522(g) is qualified for the waiver of disqualification allowed under Welfare and Institutions Code Section 361.4(d)(2).

- | (13) "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.

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- (7) "Foster Care" means, for purposes of the Independent Living Program (ILP), 24 hour substitute care for children placed away from their parents or guardians and for whom the state or county agency has placement and care responsibility and who are likely to remain in foster care until age 18.

- (8) "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.
 - (G) A tribally licensed or approved home, in the case of an Indian child.
 - (H) A Tribally Specified Home, in the case of an Indian child, which may include any of the above.

- (9) "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.

- (10) "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.

- (11) "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.

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

- (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.
- (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 sections 360, 366.26, or 728(d).

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- (A) See Section 31-002(k)(3) for a definition of "kinship guardian."

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- (h) Reserved
- (i) (1) "Independent Living Program (ILP)" as defined in Section 477 of the Social Security Act means the program administered by counties with oversight by the Department to provide services and activities as described by the childrens' Transitional Independent Living Plans (TILPs) to assist eligible children up to the day prior to their 21st birthday to prepare them to live independently upon leaving foster care.
- (A) Repealed by Manual Letter No. CWS-02-01, effective 7/1/02.
- (2) "Independent Living Program Coordinator" means the individual who is either an employee of the county or its designee/contractor and who is responsible for administering the ILP to all eligible youth.
- (3) "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.

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

- (A) "Indian child" means an unmarried person who is under age 18 and is either (a) a member of an Indian tribe or (b) eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.
1. Where the Indian child's dependency case continues beyond age 18, the child will continue to be defined an Indian child up to age 21, in which case ICWA standards will continue to apply. This provision in the statute allows a child, or an attorney on the child's behalf, to choose to no longer have ICWA applied to their case.

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The Welfare and Institutions Code section 224.1(b) states "As used in connection with an Indian child's dependency proceeding, the term "Indian child" also means an unmarried person who is 18 years of age or over, but under 21 years of age, who is a member of an Indian tribe or eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe, and who is under the jurisdiction of the dependency court, unless that person or his or her attorney elects not to be considered an Indian child for purposes of the Indian child custody proceeding."

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- (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 any biological parent or parents of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. The term does not include the unwed father who has failed to promptly come forward and demonstrate full commitment to his parental responsibilities or who has failed to take reasonable steps to establish paternity including establishing paternity through DNA testing or acknowledging paternity in the action at issue.
- (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.

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

- (E) "Indian Child Welfare Act (ICWA)" means the Indian Child Welfare Act, codified in 25 U.S.C. Chapter 21, 1901, et seq. which sets forth the federal law that establishes minimum federal standards that must be applied in state child custody proceedings involving an Indian child.
- (F) "Indian custodian" means any Indian person 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.
- (G) "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.
- (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.

31-002	DEFINITIONS (Continued)	31-002
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- (4) "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.

- (5) "Infant" means a child under two years of age.

- (6) "Information" means enabling a person to have current, accurate knowledge regarding available public and private resources established to help relieve socio-health problems.

- (7) "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.

- (8) "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.

- (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.

 - (3) "Kinship guardian," as defined by Welfare and Institutions Code sections 11362(b) and 11391(b), means a person who meets both of the following requirements:

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

- (A) The person has been appointed the legal guardian of a dependent child of the juvenile court pursuant to Welfare and Institutions Code sections 366.26 or 360, or the legal guardian of a ward of the juvenile court pursuant to Welfare and Institutions Code section 728(d); and
 - (B) The person is a relative of the child.
 - (4) "Kinship Guardianship Assistance Payment (Kin-GAP)," as defined by Welfare and Institutions Code sections 11362(a) and 11391(a), means the financial assistance provided on behalf of a child or nonminor former dependent eligible to receive assistance under the federal or nonfederal Kin-GAP program.
- (l) (1) "Legally emancipated minor" means, for purposes of the Independent Living Program, children under the age of 18 years who have left foster care because they have reached emancipation by meeting any of the following:
- (A) The person has entered into a valid marriage whether or not the marriage has been dissolved;
 - (B) The person is on active duty with the armed forces of the United States, or
 - (C) The person has received a declaration of emancipation pursuant to Family Code Section 7122.
- (2) "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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- (3) "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.

- (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.

31-002	DEFINITIONS (Continued)	31-002
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- (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).
- (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) "Non-Federally-Recognized Tribe(s)" means an Indian tribe, band, nation or other organized group or community of Indians that is not recognized by the Secretary of the Interior as eligible for the federal services provided to Indians.
- (4) "Nonminor former dependent" means, on and after January 1, 2012, either of the following pursuant to Welfare and Institutions Code section 11400(aa):
- (A) A person who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court; or
 - (B) A person who is at least 18 years of age, up to and including the day prior to his or her 21st birthday, who was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Welfare and Institutions Code sections 360, 366.26 or 728(d) and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship.
- (5) "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.

31-002	DEFINITIONS (Continued)	31-002
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- (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, Tribal Customary Adoption in the case of an Indian child, 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.
- (7) "Preferential Consideration" means that relatives seeking placement for a child or relatives identified by the social worker as willing to care for a child shall be the first to be considered and investigated in determining the placement. Only the following relatives shall be given preferential consideration for placement of the child: a non-custodial parent as defined in Section 31-002(n)(2), or an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (8) "Pre-placement preventive services" means those services designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. In the case of an Indian child, pre-placement preventive services include Active Efforts consistent with Section 31-135.23 designed to prevent the breakup of the Indian family pre-placement preventive services are early intervention services, emergency response services and family maintenance services.
- (9) "Primary Caregiver" means the nurturing adult who is assigned to specific children under the age of six for the duration of their stay in a county operated emergency shelter care facility. The Primary Caregiver provides the major portion of daily care as described in Section 31-002(p)(8) during normal working hours for their assigned children and who is not assigned more than three children at any time.
- (10) "Primary Caregiver Duties" shall be to meet the needs of the child in the following areas: physical health and well-being, self-care, motor skills, social skills, emotional development, cognition, language and communication, and other child care worker duties as defined in Title 22, Section 84065.2(b).

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

- (q) (1) "Qualified expert witness" means a person required to testify in an Indian child custody proceeding on whether continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. A qualified expert witness should have specific knowledge of the Indian tribe's culture and customs. A qualified expert witness may include, but is not limited to, a social worker, sociologist, physician, psychologist, traditional tribal therapist and healer, tribal spiritual leader, tribal historian, or tribal elder, provided the individual is not an employee of the person or agency recommending foster care placement or termination of parental rights.

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

- (r) (1) "Recruitment" means activity to find and develop resources which are necessary but do not exist, or which exist but must be expanded.
- (2) "Referral to community agency" means informing another service agency that a child and/or that child's family desires or requires that agency's services; and assisting the child and/or family to avail themselves of such services.
- (3) "Relinquishment of a Child" means the action of a relinquishing parent who signs a relinquishment document in which he or she surrenders custody, control and any responsibility for the care and support of the child to the Department or any licensed public or private adoption agency pursuant to Family Code Section 8700.
- (4) "Representative" means a person authorized by a party to a grievance review, or by specified administrative review hearing participants, to act for and represent that party or participant in any and all aspects of a grievance procedure or administrative review hearing.
- (5) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "step," "great," "great-great," or "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution. For the purposes of preferential consideration for placement of a child, "relative" means an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (A) For the purposes of federal Kin-GAP only, "relative" also means any of the adults specified in Welfare and Institutions Code sections 11391(c) and (c)(2) through (c)(4).

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- (B) Welfare and Institutions Code sections 11391(c) and (c)(2) through (c)(4) provide:

"(c) "Relative," . . . means any of the following [for the purposes of federal Kin-GAP only]:

. . . (2) An adult who meets the definition of an approved, nonrelated extended family member, as described in Section 362.7.

(3) An adult who is either a member of the Indian child's tribe, or an Indian custodian, as defined in Section 1903(6) of Title 25 of the United States Code.

(4) An adult who is the current foster parent of a child under the juvenile court's jurisdiction, who has established a significant and family-like relationship with the child, and the child and the county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to Section 10553.1 identify this adult as the child's permanent connection."

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

- (6) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care.

- (7) "Risk assessment" means documented information collected from the child(ren), caregiver, and/or collateral support persons that evaluates the protective capacity of the caregiver, any likelihood for future maltreatment, the age and vulnerability of a child or children, while including objective values of different cultures that will not result in a disparity of treatment services provided to all families receiving child welfare services.

- (s) (1) "Safety assessment" means documented information collected from the child(ren), caregiver, and/or collateral support persons that evaluates and determines whether there are present dangers and/or imminent threats of serious harm/maltreatment to a child or children, while including objective values of different cultures that will not result in a disparity of treatment services provided to all families receiving child welfare services.

- (2) "Safety plan" means a plan for providing services to promote the health and safety of the children in a family. The safety plan shall specify the number and frequency of in-home visits required.

- (3) "Senior parent" means the adult parent of a minor parent.

- (4) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3(a)(2).

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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:

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- "(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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- (5) "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).
- (6) "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.
- (7) "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.
- (8) "State agency" means the California Department of Social Services (CDSS).
- (9) "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.
- (10) "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.

31-002	DEFINITIONS (Continued)	31-002
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- (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 (TILP) for the purposes of the Independent Living Program" means the written service delivery plan, available on the Child Welfare Services/Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.

- (5) "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.

- (6) "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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- (7) "Tribal Agency", for purposes of Welfare and Institution Code section 10553.12 background check certifications, means an entity designated by a federally recognized tribe as authorized to approve a home consistent with the ICWA, for the purpose of placement of an Indian child into foster or adoptive care, including the authority to conduct a criminal or child abuse background check of, and grant exemptions to, an individual who is a prospective foster parent or adoptive parent, an adult who resides or is employed in the home of an applicant for approval, any person who has a familial or intimate relationship with any person living in the home of an applicant, or an employee of a Tribal Agency who may have contact with a child.

- (8) "Tribal court" means a court with jurisdiction over child custody proceedings including 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 authority over child custody proceedings.

- (9) "Tribal Customary Adoption" means an adoption of an Indian child who is a dependent of a county court and that, pursuant to Welfare and Institutions Code section 366.24, is finalized by and through the customs, laws or traditions of the child's tribe. Termination of parental rights is not required to effectuate the adoption.

- (10) "Tribal Temporary Assistance to Needy Families (Tribal TANF)" refers to TANF program(s) operated by a federally-recognized American Indian tribe or association of tribes which have entered into an agreement with the federal government to conduct a Tribal TANF program and are authorized to provide TANF services to Indian people in the service area specified in the agreement.

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

- (11) "Tribal Title IV-E Agency" means a tribe, consortium of tribes, or tribal organization that has entered into an agreement with either the state or federal government to have oversight of its own foster care program and draw down Title IV-E funding for the cases of Indian children in its care.

- (12) "Tribally Approved Home" means a home that has been licensed or approved by an Indian tribe for foster care or adoptive placements of an Indian child using standards established by the tribe pursuant to ICWA at Title 25, U.S.C. section 1915, is not required to be licensed by the state or county, and is equivalent to a state or county licensed home. Background check requirements for foster or adoptive placement as required by Health and Safety Code sections 1522 and 1522.1 apply to a Tribally Approved Home.

- (13) "Tribally Specified Home" means a home that a tribe designates as its preferred placement option for an Indian child who is in the custody of the county. This may include but not be limited to any of the placement options outlined in Section 31 002(f)(8).

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 child, the child's family, and/or the child's out-of-home care provider, individually or collectively; **and**, as authorized by MPP 31-320, a social worker, probation officer, foster family agency social worker, or caseworker in another state (who has case management responsibilities for the child under the ICPC); 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(o).

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- (A) Welfare and Institutions Code section 11400(o) provides:

"Voluntary placement" means an out-of-home placement of a child by (1) the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement."

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

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(A) Welfare and Institutions Code section 11400(p) provides:

"Voluntary placement agreement' means a written agreement between either the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

- (1) The legal status of the child.
- (2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed."

HANDBOOK ENDS HERE

(w) Reserved

(x) Reserved

(y) (1) "Youth" means, for the purposes of the ILP, children who are at least 16 years of age up to the day prior to their 21st birthday.

(z) Reserved

NOTE: Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21, Chapter 653, Statutes of 2001. Reference: Sections 224.1, 224.6, 300, 306, 306.6, 309, 319, 360, 361, 361.2, 361.3, 361.31, 361.4, 361.7, 362.7, 366.22, 366.24, 366.26, 366.3, 391, 636.1, 706.6, 727, 727.2, 728, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10553.1, 10553.12, 10554, 10850.4, 11100, 11105, 11108.15, 11155.5, 11362, 11391, 11400, 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, 16012, 16501, 16501.1, 16503, 16504, 16506, 16507.5, 16516.5, 16520, 16521, 17736, and 18951, Welfare and Institutions Code; Sections 11105.08, 11165 et seq., and 11170, Penal Code; Section 265, Civil Code; 25 USC 1901, 1903, 1912(d), 1915, 1919, and 1931(b), 42 USC 673, 675, 679 and 1305; 45 CFR 233.120; Sections 1502, 1505, 1505.2, 1522, 1522.06, and 1530.8, Health and Safety Code; Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977); and California Rules of Court, rule 5.552.

**CHILD WELFARE SERVICES PROGRAM
GENERAL REQUIREMENTS**

31-003

Regulations

31-003 DEFINITIONS – FORMS

31-003

- (a) (1) "AAP 4" (Rev. 9/13) means the form entitled "Eligibility Certification Adoption Assistance Program" hereby incorporated in its entirety by reference.
- (b) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) (Reserved)
- (f) (1) "FC 2" (Rev. 11/04) means the form entitled "Statement of Facts Supporting Eligibility for Aid to Families with Dependent Children (AFDC) Foster Care" hereby incorporated in its entirety by reference.
- (2) "FC 3" (Rev. 11/04) means the form entitled "Determination of Federal AFDC-FC Eligibility" hereby incorporated in its entirety by reference.
- (3) "FC 3 A (Supplement)" (Rev. 11/04) means the form entitled "AFDC-FG/U Worksheet" hereby incorporated in its entirety by reference.
- (g) (Reserved)
- (h) (Reserved)
- (i) (1) "ICPC-100A" (Rev. 8/01) means the form entitled "Interstate Compact on the Placement of Children Request" hereby incorporated in its entirety by reference.
- (2) "ICPC-100B" (Rev. 8/01) means the form entitled "Interstate Compact on the Placement of Children Report on Child's Placement Status" hereby incorporated in its entirety by reference.
- (j) Judicial Council Forms:
 - (1) "ICWA-010(A)" (Rev. 1/08) means the form entitled "Indian Child Inquiry Attachment" hereby incorporated in its entirety by reference.
 - (2) "ICWA-020" (Rev. 1/08) means the form entitled "Parental Notification of Indian Status" hereby incorporated in its entirety by reference.
 - (3) "ICWA-030" (Rev. 1/08) means the form entitled "Notice of Child Custody Proceeding for Indian Child" hereby incorporated in its entirety by reference.
 - (4) "ICWA-030(A)" (Rev. 1/08) means the form entitled "Attachment to Notice of Child Custody Proceeding for Indian Child" hereby incorporated in its entirety by reference.

31-003	DEFINITIONS – FORMS	31-003
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- (s) (1) "SOC 155C" (Rev. 1/00) means the form entitled "Voluntary Placement Agreement Parent/Agency (Indian Child)" hereby incorporated in its entirety by reference.

- (2) SOC 369 (12/10) Agency-Relative Guardianship Disclosure, hereby incorporated by reference, is used for the purpose of informing a prospective kinship guardian of the funding and program options available when choosing to take legal guardianship of a related foster child. This form, which is used in conjunction with the SOC 369A, constitutes the written agreement that memorializes the terms, conditions, rights, responsibilities and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and the relative prior to the establishment of a kinship guardianship. The SOC 369A amends and supplements the SOC 369.

- (3) SOC 369A (7/15) Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment, hereby incorporated by reference, is used for the purpose of amending and supplementing the SOC 369 to memorialize the terms, conditions, rights, responsibilities and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and the kinship guardian. In conjunction with the SOC 369, this form implements the state and federal requirement that there be a written, binding agreement with the kinship guardian stipulating, among other things, the Kin-GAP rate of payment and the manner in which the payment can be renegotiated based upon the needs of the child and the circumstances of the kinship guardian. Thus, the SOC 369A form is used both to establish the Kin-GAP rate of payment at the initiation of the case and, as necessary, to amend the initial agreement after the Kin-GAP case has been established.

- (4) SOC 826 (Rev. 8/09) Child Fatality/Near Fatality County Statement of Findings and Information.

- (5) SOC 832 (Rev. 3/12) Notice of Child Abuse Central Index Listing, hereby incorporated by reference, is used for the purpose of notifying individuals that their name has been submitted to the Department of Justice (DOJ) for listing on the Child Abuse Central Index (CACI).

31-003	DEFINITIONS – FORMS (Continued)	31-003
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- (6) SOC 833 (Rev. 3/12) Grievance Procedures for Challenging Reference to the Child Abuse Central Index, hereby incorporated by reference, is used for the purpose of informing individuals of the requirements for requesting a grievance hearing, as well as providing information regarding timeframes and all required components of a grievance hearing.

- (7) SOC 834 (Rev. 3/10) Request for Grievance Hearing, hereby incorporated by reference, is used for the purpose of providing individuals with a mechanism for requesting a grievance hearing to challenge their listing on the CACI.

- (t) (Reserved)

- (u) (Reserved)

- (v) (Reserved)

- (w) (Reserved)

- (x) (Reserved)

- (y) (Reserved)

- (z) (Reserved)

NOTE: Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Reference: *Gomez v. Saenz* Settlement Agreement and Court Order, Case No: BC284896; Section 11169, Penal Code; Sections 361.7, 827, 10850.4, 11363, 11364, 11386, 11387, 11400, 11403, and 11403.01, Welfare and Institutions Code; 42 USC 5106; 25 USC 1912(d); California Rules of Court, rules 5.481 and 5.482; and 45 CFR 1356.21(d).

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31-005 CHILD WELFARE SERVICES PROGRAM SUPPORT ACTIVITIES 31-005

- .1 The county shall perform the following program support activities:
 - .11 Establish an effective system of preplacement preventive services for children through liaison with the courts, probation, law enforcement and other public and private agencies.
 - .111 Such a system shall provide for cooperative working arrangements with other county and community agencies for receiving appropriate referrals, and for developing remedial resources for the protection of children. In the case of an Indian child(ren), cooperative arrangements should include tribes, tribal social service agencies and Indian organizations.
 - .12 Actively recruit competent placement providers and facilities that will aid in the attainment of the goals in the children's case plans and meet the varied needs of children for such care.
 - .13 Ensure that county staff are aware of the policies and programs that are available through placement facilities to ensure their effective use.
 - .14 Encourage community planning to meet children's needs by performance of the following activities:
 - .141 Delineation of such needs.
 - .142 Encouragement and assistance in developing and expanding the following in the community:
 - (a) Services which improve parent/guardian effectiveness, and which reduce the need for out-of-home care.
 - (b) Facilities which can provide care, supervision, and services to children.
 - (c) Services and activities which are beneficial to children.
 - (d) Services and activities which promote permanency alternatives for children in out-of-home care if efforts to reunify fail.
 - .15 Establish working relationships with the court which provide for methods of delineating the county's responsibility for the following:
 - .151 Maintenance of the confidentiality of public assistance and social service records of the parent(s)/guardian(s) and children during the necessary provision of information, evaluations, and recommendations for the court's use in determining its actions.

31-005	CHILD WELFARE SERVICES PROGRAM SUPPORT ACTIVITIES (Continued)	31-005
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- .152 Enforcement of court orders.
- .153 Reporting of developments to the court.
- .16 Utilize volunteers as specified in Section 31-305.
- .17 Contact each health care facility in the county that provides acute care to infants to obtain the name, title and telephone number of the person who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 31-002(n)(1).
 - .171 The county shall, no less than once a year, recontact each health care facility in the county that provides acute care to infants to obtain any changes in the name, title and telephone number of the designated person.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 827, 10850, 16500, and 16501.1, Welfare and Institutions Code; 45 CFR 1340.15(c)(2)(ii); and 25 USC 1912(d).

31-010	ADMINISTRATIVE REQUIREMENTS FOR EMERGENCY RESPONSE SERVICES	31-010
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- .1 The county shall be permitted to establish an emergency response services unit in cooperation with neighboring counties, provided that the requirements specified in Welfare and Institutions Code Section 16502 have been met.

HANDBOOK BEGINS HERE

- .11 Welfare and Institutions Code Section 16502 specifies as follows:

Child welfare services... shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department.

HANDBOOK ENDS HERE

31-010 ADMINISTRATIVE REQUIREMENTS FOR EMERGENCY RESPONSE SERVICES (Continued) 31-010

- .2 No application or inquiry into income or status shall be made for the purpose of determining eligibility for emergency response services.
- .3 The county shall maintain statistics on every emergency response services request or referral received.
 - .31 Such data shall be summarized and reported to the department on the preplacement preventive services report form.
- .4 The county shall retain completed emergency response protocol forms at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10852, 10853, 16500, 16501, and 16502, Welfare and Institutions Code.

31-015 TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES 31-015

- .1 Emergency response services shall include free public telephone access to emergency response staff at any time.
 - .11 The county shall arrange for toll-free long distance calls, or shall accept collect calls.
 - .12 The county shall be permitted to provide telephone answering services through community agencies, except that such services shall not be provided through law enforcement or probation agencies.
 - .121 Such agencies shall provide for immediate transfer to the county of any call alleging or pertaining to child abuse, neglect, or exploitation.
 - .13 A "911" telephone number shall not be the sole access to emergency response services unless the agency answering the telephone transfers all requests and referrals regarding child welfare services to the county.

31-015	TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES	31-015
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(Continued)

- .14 All calls shall be referred to an emergency response social worker unless the person answering the telephone is trained in screening incoming calls regarding child welfare services.
- .2 The emergency response telephone number shall be publicized by all of the following means:
 - .21 Telephone book and community resources directory listings.
 - .211 The county shall request that the emergency response telephone number be listed in the crisis line section or emergency pages of the local telephone directory.
 - .22 Distribution to schools, physicians, hospitals, and other entities likely to observe abused, neglected, and exploited children.
 - .23 Ongoing public awareness activities which encourage self-referrals.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16504, Welfare and Institutions Code.

31-020	GRIEVANCE PROCEDURES	31-020
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- .1 Grievance procedures shall be developed to review complaints from foster parents, legal parents, guardians, and children concerning the placement or removal of a child from a foster home. All issues shall be resolved in the best interest of the child.
- .2 Grievance reviews shall not be granted for the following issues:
 - .21 Removal of a child under any of the circumstances specified in Sections 31-440.21 through .25.
 - .22 Removal of a child or modification of services resulting from an administrative review panel determination.
 - .23 Removal of a child for direct placement into an adoptive home.
 - .24 Any complaint regarding only the validity of a law or of a statewide regulation.

31-020 GRIEVANCE PROCEDURES **31-020**
(Continued)

- .25 Any complaint regarding an issue for which a state hearing is available as specified in Welfare and Institutions Code Sections 10950 through 10965.
- .3 Review request procedures shall include the following:
 - .31 The county shall explain the right to a review, and shall provide a copy of the grievance procedure regulations to the following parties:
 - .311 A legal parent/guardian at the time the child is placed.
 - .312 A foster parent at the time of licensing.
 - .313 Any complainant at the time a complaint is filed.
 - .32 A review request shall be filed in the form of a written statement signed by the complainant.
 - .33 The review request shall set forth the facts which the interested person believes provide a basis for reversal of the county action.
 - .34 The complainant shall file the review request within ten calendar days after becoming aware of the action under complaint.
 - .341 In cases of removal not exempted from review as specified in Sections 31-020.21 through .25 and in Sections 31-440.21 through .25, the complainant shall submit the review request to the county not less than two calendar days prior to the intended date of removal.
 - .35 The county shall assist in preparation of the complaint if assistance is requested or necessary.
- .4 The review shall be held within ten working days from the date the written complaint is received by the agency.
 - .41 Notice of the date, time and place for the review shall be received by all parties not less than five calendar days prior to the hearing.

31-020	GRIEVANCE PROCEDURES (Continued)	31-020
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- .5 The review shall be conducted as follows:
 - .51 The review agent shall be:
 - .511 A staff or other person not involved in the complaint.
 - .512 Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the complaint unless the agent is the director or chief deputy of the county.
 - .513 Knowledgeable of the field and capable of objectively reviewing the complaint.
 - .52 The review agent shall, to the extent possible, conduct all reviews in a nonadversarial atmosphere.
 - .53 All parties and representatives shall be permitted to examine all documents and physical evidence introduced by parties to the hearing.
 - .54 The parties and their representatives, and witnesses while testifying, shall be the only authorized persons present during the review unless all parties and the review agent consent to the presence of other persons.
 - .55 All testimony shall be given under oath or affirmation.
 - .56 The review agent shall have the authority to continue to review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
- .6 Review decisions shall be rendered as follows:
 - .61 The review agent shall render a written recommended decision, and the county director shall issue a final written decision, within five calendar days after review completion.
 - .62 The decision shall be based upon the evidence presented at the hearing.

31-020	GRIEVANCE PROCEDURES (Continued)	31-020
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- .63 The county director's decision shall contain a summary statement of the facts, the issues involved, findings, and the basis for the decision.
- .64 A copy of the decision shall be sent to the following:
 - .641 Each party to the review.
 - .642 Every representative of each party.
 - .643 The California Department of Social Services.
- .7 Unless the child is in immediate danger, he/she shall remain with the foster parent(s), pending decision of the county director, when removal is the basis for a complaint.
- .8 The review record shall be retained for one year from the decision date, and shall include all documents, copies of documents, and physical evidence accepted as review evidence.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

31-021	CHILD ABUSE CENTRAL INDEX (CACI) GRIEVANCE PROCEDURES	31-021
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- .1 Within five (5) business days of submitting an individual's name to the Department of Justice (DOJ) for listing on the CACI pursuant to Section 31-501.4, the following forms shall be sent to the individual of his/her last known address:
 - .11 The Notice of Child Abuse Central Index Listing (SOC 832),
 - .12 Grievance Procedures for Challenging Reference to the Child Abuse Central Index (SOC 833), and
 - .13 Request for Grievance Hearing (SOC 834).
- .2 Request for a Grievance Hearing
 - .21 The complainant shall send by mail, fax or in person, a completed SOC 834 form, or a written request for grievance hearing that includes all of the information required under Section 31-021.213, signed by the complainant to request a grievance hearing. This must be received by the county within thirty (30) calendar days of the date of notice. Failure to send the completed SOC 834 form or written request within the prescribed timeframe shall constitute a waiver of the right to a grievance hearing.

31-021	CHILD ABUSE CENTRAL INDEX (CACI) GRIEVANCE PROCEDURES	31-021
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(Continued)

- .211 For purposes of this section, a complainant is deemed aware of the county decision when the county mails the notification as specified in Section 31-021.1 to the complainant's last known address.
 - .212 For individuals to whom no prior notification was mailed regarding his or her submission to the CACI, the individual shall file the completed SOC 834 form within thirty (30) calendar days of becoming aware that he or she is listed in CACI and becoming aware of the grievance process.
 - .213 A completed SOC 834 form or a written request for grievance hearing shall include the referral number, name of county, complete contact information, date of birth, a reason for grievance which the complainant believes provides a basis for reversal of the county decision, and if represented, the name of the representative and contact information for the representative.
 - .214 The county shall assist the complainant in preparation of the request for grievance hearing, pursuant to section .213 above, if assistance is requested.
- .3 The following grievance hearing procedures shall only apply for challenges to county submission for listing individuals on the CACI.
- .31 A grievance hearing request shall be denied when a court of competent jurisdiction has determined that the suspected child abuse and/or severe neglect has occurred, or when the allegation of child abuse and/or severe neglect resulting in the referral to CACI is pending before the court.
 - .311 If Section 31-021.31 no longer applies, a complainant can submit the completed SOC 834 form or written request within thirty (30) calendar days of the conclusion of the judicial matter to request a grievance hearing.
 - .312 Timeframes for conducting and completing a grievance hearing will remain as specified in Sections 31-021.4 through .85.
- .4 The grievance hearing shall be scheduled within ten (10) business days and held no later than sixty (60) calendar days from the date the request for grievance is received by the county, unless otherwise agreed to by the complainant and the county.
- .41 Notice of the date, time and place of the grievance hearing shall be mailed by the county to the complainant at least thirty (30) calendar days before the grievance hearing is scheduled, unless otherwise agreed to by the complainant and the county.
 - .42 The complainant may have an attorney or other representative present at the hearing to assist him or her.

31-021 CHILD ABUSE CENTRAL INDEX (CACI) GRIEVANCE PROCEDURES 31-021
(Continued)

- .43 Either party may request a continuance of the grievance hearing not to exceed ten (10) business days. Additional continuance or dismissal of the hearing shall be granted with mutual agreement of all parties involved or for good cause.
- .44 The county may resolve a grievance at any point by changing a finding of substantiated child abuse and/or severe neglect to a finding that is not substantiated and notifying the DOJ of the need to remove the individual's name from the CACI.
- .5 The grievance review officer conducting the grievance hearing shall be:
 - .51 A staff or other person not directly involved in the decision, or in the investigation of the action or finding, that is the subject of the grievance hearing.
 - .52 Neither a coworker nor a person directly in the chain of supervision of any of the persons involved in the finding, or in the investigation of the action or finding, that is the subject of the grievance hearing unless the grievance review officer is the director or chief deputy director of the county.
 - .521 For the purposes of this section, a coworker includes a staff person who has regular direct contact with the staff involved in the finding related to the grievance, and this person is unable to separate themselves as an impartial reviewer.
 - .53 A staff or other person who is knowledgeable of the child welfare services field and capable of objectively reviewing case information pertaining to the grievance.
 - .54 A staff or other person who is able to conduct a fair and impartial hearing. A grievance review officer shall voluntarily disqualify him or herself and withdraw from any proceeding in which he or she cannot give a fair and impartial hearing or in which he or she has an interest.
 - .541 A claimant may request at any time prior to the close of the record, that the grievance review officer be disqualified upon the grounds that a fair and impartial hearing cannot be held or a decision cannot be rendered.
 - (a) Such request shall be ruled upon by the grievance review officer prior to the close of the record. The grievance review officer's determination is subject to rehearing review and judicial review in the same manner and to the same extent as other determinations of the grievance review officer in the proceeding.

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**CHILD WELFARE SERVICES PROGRAM
GENERAL REQUIREMENTS**

Regulations

31-021 (Cont.)

- .542 If, at the beginning or during the hearing, the grievance review officer upholds a party's motion for disqualification, the matter shall be postponed. A postponement due to a disqualification of a grievance review officer shall be considered a postponement with good cause. If, after the hearing, but before the close of the record the grievance review officer determines that disqualification is appropriate, the provisions of Section 31-021.55 shall apply.
- .55 A staff or other person who is available to prepare the proposed decision. If the grievance review officer who heard the case is unavailable to prepare the proposed decision, the County Director or his or her designee shall contact the claimant and the county and notify each party that the case is being assigned to another grievance hearing officer for preparation of the decision on the record.
- .551 The notice shall inform the claimant that her or she may elect to have a new grievance hearing held in the matter, provided that he or she agrees to waive the ten (10) day or sixty (60) day period set forth in Section 31-021.4.
- .552 A grievance review officer shall be considered unavailable within the meaning of this section if he or she:
- (a) Is incapacitated.
 - (b) Has ceased employment as a grievance review officer.
 - (c) Is disqualified under Section 31-021.54-542.
- .6 The grievance review hearing shall be conducted in the following manner:
- .61 The grievance hearing shall, to the extent possible, be conducted in a non-adversarial environment.
- .62 The county, complainant and his or her representatives, if any, shall be permitted to examine all records and evidence related to the county's investigative activities and investigative findings associated with the original referral that prompted the CACI listing, except for information that is otherwise made confidential by law.
- .621 The county and the complainant shall make available for inspection all records and evidence related to the original referral that prompted the CACI listing, except for information that is otherwise made confidential by law, at least ten (10) business days prior to the hearing.
- (a) The county shall redact such names and personal identifiers from the records and other evidence as required by law and to protect the identity, health, and safety of those mandated reporters of suspected child abuse and/or neglect pursuant to Penal Code Section 11167. The county may further redact information regarding the mandated reporter's observations of the evidence indicating child abuse and/or neglect.

31-021	CHILD ABUSE CENTRAL INDEX (CACI) GRIEVANCE PROCEDURES	31-021
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(Continued)

- .622 The county shall release disclosable information to the complainants' attorney or representative only if the complainant has provided the county with a signed consent to do so.
- .623 Witness lists shall be available for exchange in advance of the hearing. The county and the complainant shall provide a list of witnesses they intend to call at the grievance hearing at least ten (10) business days prior to the grievance hearing.
- .624 Failure to disclose evidence or witness lists in advance of the grievance hearing can constitute grounds for objecting to consideration of the evidence or allowing testimony of a witness during the hearing.
- .63 Each party and their attorney or representative, and witnesses while testifying, shall be the only persons authorized to be present during the grievance hearing unless all parties and the grievance review officer consent to the presence of other persons.
- .64 The information disclosed at the grievance hearing may not be used for any other purpose unless otherwise required by law. No information presented at the grievance hearing shall be disclosed to any person other than those directly involved in the matter. Any records and other evidence disclosed by the county to the complainant or the complainant's representative shall be returned to the county at the conclusion of the hearing.
- .65 All testimony shall be given under oath or affirmation.
- .66 The grievance review officer has no subpoena power. However, the parties may call witnesses to the hearing and question the witnesses called by the other party.
 - .661 The grievance review officer may limit the questioning of the witness to protect the witness from unwarranted embarrassment, oppression, or harassment.
 - .662 The grievance review officer may prevent the presence and/or examination of a child at the grievance hearing for good cause, including but not limited to protecting the child from trauma or to protect his or her health, safety, and/or well-being.
 - .663 The grievance review officer may permit the testimony and/or presence of a child only if the child's participation in the grievance hearing is voluntary and the child is capable of providing voluntary consent.
 - (a) The grievance review officer may interview the child outside the presence of county staff, complainant and/or any other party in order to determine whether the participation of the child is voluntary, or whether good cause exists for preventing the child from being present or testifying at the grievance hearing.

31-021 CHILD ABUSE CENTRAL INDEX (CACI) GRIEVANCE PROCEDURES 31-021
(Continued)

- .67 The county employee(s) who conducted the investigation that is the subject of the grievance hearing shall be present at the hearing if that person is employed by the county and is available to participate in the grievance hearing.
 - .671 For purposes of this paragraph, a conflict in work assignments shall not render the county employee who conducted the investigation unavailable to participate in the hearing.
- .68 The county shall first present its evidence supporting its action or findings that are the subject of the grievance. The complainant will then provide evidence supporting his or her claim that the county's decision should be withdrawn or changed. The county shall then be allowed to present rebuttal evidence in further support of its finding. Thereafter, the grievance review officer may, at his or her discretion, allow the parties to submit any additional evidence as may be warranted to fully evaluate the matter under review.
 - .681 The grievance review officer shall have the authority to continue to review for a period not to exceed ten (10) calendar days if additional evidence or witnesses are necessary to make a determination on the issue.
- .7 The county shall have the proceedings of the grievance hearing audio recorded as part of the official administrative record. The county shall possess and maintain the administrative record of the grievance hearing.
 - .71 The complainant or the complainant's attorney and/or representative shall be entitled to inspect the recording and any transcripts made thereof, however the county shall keep possession of the recording and transcript and its contents will remain under seal.
 - .711 Where the complainant seeks to inspect the transcript, the costs for transcribing a recording of the hearing shall be assessed to the complainant.
 - .72 The county shall lodge the administrative record with the court if any party seeks judicial review of the final decision of the county director.
- .8 Grievance hearing decisions shall be rendered as follows:
 - .81 The grievance review officer shall make a determination based upon the evidence presented at the grievance hearing, whether the allegation of child abuse and/or severe neglect is substantiated as defined by the Penal Code Section 11165.12.
 - .82 The grievance review officer shall render a written recommended decision within thirty (30) calendar days of the completion of the grievance hearing. The decision shall contain a summary statement of facts, the issues involved, findings, and the basis for the decision.

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31-021 CHILD ABUSE CENTRAL INDEX (CACI) GRIEVANCE PROCEDURES 31-021
(Continued)

- .83 The county director shall issue a final written decision adopting, rejecting, or modifying the recommended decision within ten (10) business days after the recommended decision is rendered. The final written decision shall explain why a recommended decision was rejected or modified by the county director.
- .84 A copy of the recommended and final decision shall be sent to the following:
 - .841 The complainant that requested the grievance hearing;
 - .842 The complainant's attorney or representative, if any; and
 - .843 The California Department of Social Services.
- .85 If the complainant chooses to challenge the final decision of the county director, the evidence and information disclosed at the grievance hearing may be part of an administrative record for a writ of mandate and kept confidential. The administrative record shall be kept confidential, including, if any of the parties request, that it be filed with the court under seal.
- .86 The grievance hearing administrative record shall be retained for a length of time consistent with current law, regulations, or judicial order which governs the retention of the underlying record, but not less than one year from the decision date in any circumstance, and shall include the documents and other information accepted as evidence at the hearing.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: *Gomez v. Saenz* Settlement Agreement and Court Order, Case No: BC284896; Sections 11165.12, 11166(g) and 11167, Penal Code and Sections 827, 10850, and 16503, Welfare and Institutions Code.

31-025 ADMINISTRATIVE REVIEWS 31-025

- .1 Administrative reviews shall be conducted as specified in Welfare and Institutions Code Sections 366.3, 16503, and 16507.3; and 42 USC 675(6).

HANDBOOK BEGINS HERE

- .11 These statutes identify the children in foster care placement who are to receive administrative reviews and specifies that each child's status is to be reviewed periodically, but no less frequently than once every six months.

HANDBOOK ENDS HERE

- .2 Administrative reviews shall not be required for children for whom a legal guardian has been appointed as a permanent plan unless the child has been removed from the guardian pursuant to Welfare and Institutions Code Section 300.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 366.3, 16503, and 16507.3, Welfare and Institutions Code and 42 USC Section 675(6).

31-030 PURPOSE OF REVIEWS 31-030

- .1 The administrative review panels shall make determinations as specified in Welfare and Institutions Code Section 16503 and 42 USC 675(5).

NOTE: Authority Cited: Sections 10533 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code and 42 USC 675(5).

31-035 COUNTY RESPONSIBILITIES 31-035

- .1 Each administrative review panel shall include three or more members as follows:
 - .11 At least one member shall be outside the direct line of supervision of the case under review.
 - .111 Such member shall not be the worker, his/her supervisor, or persons at other levels of supervision or administration who could directly influence the placement of the child.
- .2 Hearing procedures shall be established to address the objectives specified in Welfare and Institutions Code Section 16503.
- .3 The county shall develop, maintain, and implement a written administrative review plan.
 - .31 The plan shall include the following:
 - .311 The number and size of review panels established as specified in Sections 31-035.1 through .111.
 - .312 A summary of the training to be provided to review panels.
 - .313 Procedures for notification of participating parties, as specified in Sections 31-045.1 and .2.
 - .314 Procedures for conduct of hearings, as specified in Sections 31-050.1 and .2.

31-035	COUNTY RESPONSIBILITIES (Continued)	31-035
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- .315 Standards and procedures under which hearings will be scheduled, postponed, or continued, as specified in Sections 31-050.3 through .33.

- .4 Prior to implementing the administrative review plan the county shall submit to the Department written certification that their plan meets all requirements specified in Sections 31-035.3 through .315.

- .5 If the plan is modified, the county shall recertify to the CDSS that the county's plan continues to meet all the requirements.
 - .51 The county shall document and maintain records of all modifications to the administrative review plan.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

31-040	PARTICIPANTS IN THE REVIEW	31-040
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- .1 The following parties to the case under review shall be allowed to participate in the administrative review hearing:
 - .11 The parent(s)/guardian(s)/Indian custodian(s) from whom the child has been removed, provided that such person'(s) parental rights have not been voluntarily relinquished, or terminated by court action.
 - .12 In the case of an Indian child, the child's tribe.
 - .13 Any other relative of the child who has been significantly involved in his/her care.
 - .14 The child, if 10 years of age or older.
 - .15 The current foster care provider(s).
 - .16 The social worker(s) responsible for the case management or service delivery of the child or parent(s)/guardian(s)/Indian custodian(s).

31-040 PARTICIPANTS IN THE REVIEW 31-040
(Continued)

.17 The representative(s), as defined in Section 31-002(r)(4).

.171 Such representative(s) shall be allowed to attend the review in the party's place or company.

NOTE: Authority Cited: Sections 10553, 10554 and 16503, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code; and 25 USC 1911(c).

31-045 NOTIFICATION REGARDING THE REVIEW 31-045

.1 At the time of initial placement in foster care, the requirements specified in Section 31-401.2 shall be met.

.2 At least 15 calendar days prior to a scheduled administrative review hearing, the agency shall provide written notice of the hearing to the parties specified in Sections 31-040.11, .13, .14, and .16.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

31-050 CONDUCT OF THE REVIEW HEARING 31-050

.1 The services social worker or other qualified person familiar with the case shall present the case plan and any additional information to the administrative review panel in the detail necessary to enable panel members to meet the objectives specified in Welfare and Institutions Code Section 16503.

.2 The review panel shall allow comments by all hearing participants.

.3 Hearings shall be postponed or continued only at the request of the child, or of the parent(s)/guardian(s); or if the review panel determines that additional time is necessary to obtain or evaluate information necessary to make an appropriate case-related decision.

31-050	CONDUCT OF THE REVIEW HEARING (Continued)	31-050
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- .31 No delay shall be allowed unless it is in the best interest of the child.
- .32 The delay shall not exceed ten working days.
- .33 No more than one postponement or continuance shall be granted for each six-month review period.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501.1 and 16503, Welfare and Institutions Code.

31-055	AUTHORITY OF THE REVIEW PANEL	31-055
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- .1 The panel shall have the authority to modify the placement, the permanent placement plan, and the county's current individual case plan goals and services, consistent with the determinations specified in Welfare and Institutions Code Section 16503.
 - .11 If the panel determined that a necessary change in the permanent placement plan, or in individual case plan goals and services, requires modification or termination of an existing court order, the panel shall direct the county to petition the court for the recommended change.
 - .111 The county shall continue to provide services pursuant to the requirements of the court order pending court consideration of recommended changes.
 - .112 If the court does not modify the court order as recommended by the review panel, the county shall notify the panel and shall continue to provide services consistent with the court order.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

31-060 REPORTS FROM THE REVIEW PANEL 31-060

- .1 The administrative review panel shall complete or direct the completion of a written report including, but not limited to the following information:
 - .11 The panel shall be permitted to use a copy of the case plan to fully or partially comply with the requirement specified in Section 31-060.1, provided that the requirements specified in Sections 31-060.2 and .3 are met.
- .2 The report shall include determinations as specified in Welfare and Institutions Code Section 16503 and 42 USC 675(5).
- .3 Each report shall be completed within 15 calendar days of the hearing.
- .4 The report shall be signed by the chairperson of the review panel.
- .5 The county shall, within 15 calendar days following the hearing, distribute copies of the administrative review panel recommendations to:
 - .51 The child, if 10 years of age or older.
 - .52 The parent(s)/guardian(s) of the child; and his/her representative(s), as defined in Section 31-002(r)(3).
 - .53 The child's case record.
 - .54 The juvenile court, except for voluntary cases.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code and 42 USC 675(5).

31-065 SPECIAL PROVISIONS 31-065

- .1 The regulations in this chapter shall not be interpreted as interfering with the right of hearing participants to petition the court as otherwise specified in law.
- .2 In all activities connected with the administrative review, confidentiality of information shall be assured as specified in Manual of Policies and Procedures Division 19-000.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

31-066 MULTIDISCIPLINARY TEAM ASSESSMENT AND RECOMMENDATION FOR PLACEMENT IN AN OUT-OF-STATE GROUP HOME 31-066

- .1 A multidisciplinary team assessment and placement recommendation shall be required prior to placing a child in an out-of-state group home facility as specified in Family Code Sections 7911 and 7911.1.
- .2 For out-of-state group home placement purposes a "Multidisciplinary Team" means a team composed of county social services, county mental health, county probation, county superintendents of schools, and other members as determined by the county. With the addition of a county superintendent of schools member, a county's Interagency Placement Committee, as defined in Welfare and Institutions Code Section 4096, may also act as a county Multidisciplinary Team.
 - .21 In the case of an Indian child, pursuant to WIC section 361.31(g), the Multidisciplinary Team shall include a tribal social worker, or a representative of the child's tribe at team meetings in order to provide relevant information about the child.
 - .211 In making a decision whether to place the Indian child in an out of state group home, any placement decision shall be made consistent with ICWA placement preference requirements as specified in Section 31-420.3, and the agency's duties to engage in Active Efforts to comply with those placement preferences.
- .3 Family Code Sections 7911 and 7911.1 provide, in part, that for each county social service agency or probation department child residing in an out-of-state group home on August 17, 1998, an assessment and placement recommendation shall be required from a multidisciplinary team by February 18, 1999.
 - .31 These statutes provide, in part, that for each child placed in a group home out-of-state on or after August 18, 1998 and prior to March 1, 1999, the county social service agency or probation department has six months from the date of placement, to obtain an assessment and placement recommendation from a county multidisciplinary team in order to continue that out-of-state group home placement.
 - .32 On or after March 1, 1999, a county shall be required to obtain an assessment and placement recommendation by a county multidisciplinary team prior to placement of a child in an out-of-state group home facility. The multidisciplinary team recommendation shall be presented to the court.
- .4 In assessing a child's need for an out-of-state placement, the multidisciplinary team shall consider, but is not limited to, a review of the current circumstances precipitating the request for an out-of-state placement, including a review of the reasonable efforts/services provided prior to the placement of the child in foster care or to make it possible for the child to return home, the services provided to prevent an out-of-home placement, the current location of the child and length of time there, situation and location of parents/siblings, descriptions of out-of-state placement resource(s) or type of placement resource being sought, the child's attitude toward placement, and the parents' attitude towards placement.
 - .41 An assessment of the child shall include a physical description; a current evaluation of behavioral, emotional, and social skills; relationships/interactions with parents, caregivers, and peers; health (diagnosis, treatment, and prognosis); education (grades, achievements, and classroom behavior); placement history (why in-state services or facilities were not adequate); and special needs, if any.

31-066 MULTIDISCIPLINARY TEAM ASSESSMENT AND RECOMMENDATION FOR PLACEMENT IN AN OUT-OF-STATE GROUP HOME (Continued) 31-066

- .42 An assessment of the child shall include the history of the family including current functioning (education, employment, social and health) and the family's anticipated involvement with child.
- .421 In the case of an Indian child, the assessment shall include consultation with the Indian child's tribe regarding the impact of the child's out of state placement on the child's retention of connections with his or her family, extended family and tribe or tribal community and the tribe's position on the placement. Where the tribe's position is that the out of state placement is contrary to the ICWA placement preferences, only the court can determine that there is good cause to deviate from the preferences.
- .43 Permanent plan for the child: Documentation of other options available for the child's permanent placement (reunification, adoption, Tribal Customary Adoption, guardianship or preparation for independent living), anticipated duration of the proposed placement, and the relationship of proposed placement to the permanent plan.

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MPP Section 31-002(a)(5) defines "assessment" as a written document which contains information relevant to the case situation and an appraisal of case services needs.

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- .5 The multidisciplinary team shall make a decision as to whether out-of-state placement is in the child's best interest or not. The team shall rule out in-state placement options before recommending an out-of-state placement. This shall be documented in the case plan.
- .51 Documentation shall include, but shall not be limited to:
 - .511 Which in-state programs were identified that offer services necessary to meet the child's needs including, but not limited to:
 - (a) The activities that were undertaken by the multidisciplinary team to determine whether in-state programs offer services necessary to meet the child's needs, including, but not limited to, communication with in-state group home programs, other county probation offices, county welfare departments, regional placement review committees, and the CDSS Out-of-State Placement Policy Unit.
 - .512 If in-state programs offer services necessary to meet the child's needs, identify those programs, and the activities undertaken by the multidisciplinary team to determine whether those programs can accept the child into placement.

31-066 MULTIDISCIPLINARY TEAM ASSESSMENT AND RECOMMENDATION FOR PLACEMENT IN AN OUT-OF-STATE GROUP HOME (Continued) 31-066

- .513 The multidisciplinary team shall determine whether a delay in placement to accommodate an in-state program exists, because the in-state placement does not have available space, at the time of the contact, to accept the child into placement, when such space in that program may become available, and whether postponing placement in an out-of-state placement until such space becomes available is feasible and is in the best interest of the child.

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- .514 For the purpose of this section, a county's Interagency Placement Committee, as established pursuant to MPP Section 11-402.182, may perform this assessment and placement recommendation as long as the members of this team have met the definition of a "Multidisciplinary Team" found in MPP Section 31-066.2.

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- .6 Recommendations shall be submitted, in writing, to the court and shall document why the out-of-state placement is the most appropriate placement selection and in the best interest of the child. Documentation shall include, but is not limited to, the case plan, mental health assessment, descriptions of services the group home shall provide and other relevant information used to make the placement recommendations.

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- .61 Family Code Sections 7900 et seq., the Interstate Compact on Placement of Children (ICPC), applies, but is not limited to, whenever a California court or county social service/probation department wishes to place a child out-of-state. The CDSS Compact Administrator is responsible for the activities under the ICPC and shall carry out the terms and provisions of the ICPC.

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NOTE: Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code. Reference: Sections 7901, 7911, 7911.1, and 7912, Family Code; Sections 361.21, 361.31, 366.24, 727.1, 16516.5, 18951, and 18964, Welfare and Institutions Code; and 25 USC 1915.

31-070 STAFF REQUIREMENTS 31-070

- .1 County staff who provide emergency response and family maintenance services shall meet the following qualifications:

31-070	STAFF REQUIREMENTS (Continued)	31-070
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- .11 At least 50 percent of the professional staff providing emergency response services, and at least 50 percent of the professional staff providing family maintenance services, shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
- .12 One hundred (100) percent of the supervisors of staff providing emergency response and family maintenance services shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
- .13 Remaining emergency response and family maintenance services professional staff shall possess a bachelor's degree in social work or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
- .14 Bilingual staff shall be available as specified in Manual of Policies and Procedures Chapter 21-100.
- .2 At the beginning of the calendar year, the county shall determine if it meets the requirements specified in Sections 31-070.11, .12, and .13, unless the county has an approved plan pursuant to Section 31-070.21.
 - .21 If the county is unable to meet the requirements specified in Sections 31-070.11, .12, and .13, the county shall:
 - .211 Document the reason(s) for such inability in a written statement to the Department.
 - .212 Submit to the Department for approval a plan specifying the means by which the county plans to meet the requirements of Sections 31-070.11, .12, and .13, and the time frame by which the county expects to obtain compliance.
 - (a) Upon plan approval, the Department shall have the authority to defer the requirements specified in Sections 31-070.11, .12, .13, and .2 for a period up to three years.
 - .22 At the end of the time frame specified in the county's plan, but no more than three years from the date the county submits its plan to the Department, the county shall notify the Department, in writing, of its progress in obtaining compliance.
 - .221 If the county has failed to obtain compliance, the county shall follow the procedures in Section 31-070.21.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501(c) and (e), Welfare and Institutions Code and 45 CFR 1356.21(d).

31-075 CASE RECORDS 31-075

- .1 The county shall develop and maintain a current case record for each request or referral that requires child welfare services beyond the emergency response protocol specified in Section 31-105.
- .2 With the exception of an Indian child as stated below, case records shall be maintained a minimum of three years in accordance with Operations Manual section 23-353. The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.

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Manual of Policies and Procedures section 23-353 provides in pertinent part:

"The general statute in California (Welfare and Institutions Code section 10851) requires that public social services records (aid and services) be maintained for three years from the last date of aid or services...Federal law (45 CFR 74.20) requires that case records which provide the basis for fiscal claims are to be retained for three years, starting on the day the state submits the last expenditure report to HHS for the period

Under these requirements, counties shall insure that records needed to prove eligibility may not be destroyed unless three years have passed from the date the last state expenditure report was made to HHS for the period in which such records were last used to document eligibility."

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- .21 An Indian child's case records, including eligibility records, shall be maintained in perpetuity and made available at any time upon request of the Secretary of the Interior or the Indian child's tribe as required by 25 U.S.C. 1915 (e) and Welfare and Institutions Code section 361.31(k). Records and information regarding an Indian child must be entered into the Statewide Automated Child Welfare Information System (SACWIS) and shall never be removed via Data Deletion Requests.
 - .22 The case record of a child eligible to receive Kin-GAP payments, including the child's Kin-GAP eligibility case file records as specified in Manual of Policies and Procedures sections 45-604 and 45-605, shall be retained for a minimum of three years from the last date of Kin-GAP aid in accordance with the Manual of Policies and Procedures section 23-353.
- .3 Each case record shall contain at least the following information:
- (a) A face sheet with identification information regarding the child; family; Indian ancestry, tribal membership or eligibility for tribal membership; and the placement services provider, if any.
 - (b) Documentation of each contact with the child, the child's family and extended family; the child's Indian custodian; an Indian tribe, where there is reason to know that a child is or may be an Indian child, or any other individuals regarding the child or family. All contacts shall be documented including those made by a social worker employed by a Foster Family Agency, by a probation officer, or by a social worker in another state performing the visits pursuant to the ICPC.

31-075 CASE RECORDS (Continued)**31-075**

- (c) Documentation of each contact identified and the results of an inquiry conducted as to whether the child is or may be an Indian child as set forth in Section 31-125.223. The documentation shall include, but is not limited to, copies of the completed Judicial Council's Indian Child Inquiry Attachments ICWA-010(A) required by California Rules of Court, rule 5.481(a), and the ICWA-020 Parental Notification Of Indian Status required by California Rules of Court, rule 5.481(a)(2).

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California Rules of Court rule 5.481(a) requires completion of the ICWA-010(A) and the ICWA-020 in each case where a party is seeking a foster care placement of a child. The ICWA forms are available on the Judicial Council's website at <http://www.courts.ca.gov>. The Judicial Council website contains resources pertaining to ICWA requirements and best practices for meeting the ICWA and court requirements. Additionally, Judicial Council staff is available to answer questions and provide technical assistance. They can be reached at:

Judicial Council
Center for Families, Children & the Courts
Tribal/State Programs Unit
455 Golden Gate Avenue, 6th Floor
San Francisco, California
94102-3688

E-mail
cfcc@jud.ca.gov

HANDBOOK ENDS HERE

- (d) Copies of each Notice of Child Custody Proceeding for Indian Child (ICWA-030) must be sent to an Indian child's parent(s) or Indian custodian, if any, the Indian child's tribe and to the Secretary of the Interior. The case record shall include the registered or certified mail return receipt and each response, including documentation of all verbal communications, such as notes of conversations or meetings with tribal representatives, parent(s), guardian(s), or Indian custodian(s).

31-075 **CASE RECORDS** (Continued) **31-075**

- (e) In the case of an Indian child, documentation of the Active Efforts taken to identify and provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and whether these efforts proved unsuccessful and why as described in Section 31-135.23. "Documentation of Active Efforts must be included in the case plan which is required as an attachment to all court reports."
- (f) In the case of an Indian child, documentation of the Active Efforts taken to comply with the ICWA placement preferences as described in Section 31-420.3 including whether these efforts proved unsuccessful. If unsuccessful, document the reasons why. "Documentation of Active Efforts must be included in the case plan which is required as an attachment to all court reports."

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Welfare and Institutions Code section 361.31(k) states: "A record of each foster care placement or adoptive placement of an Indian child shall be maintained in perpetuity by the State Department of Social Services. The record shall document the Active Efforts to comply with the applicable order of preference specified in this Section."

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- (g) Documentation of reasons why a child in out-of-home placement is not placed with sibling(s) and diligent efforts to overcome barriers of placing the siblings together.
 - (1) Documentation of the appropriateness of sibling contact, including unsupervised contact, diligent efforts to overcome barriers of visitation between siblings not placed together, and, if appropriate, a schedule of planned sibling contacts and visits with the child.
- (h) Documentation of the justification for any exceptions allowed regarding contacts or visits pursuant to Sections 31-320 and 31-325.
- (i) A copy of the executed Judicial Council waiver of services form if the parent of the child has advised the court that he or she is not interested in receiving family maintenance or family reunification services.

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The Judicial Council is required to develop the waiver form pursuant to Welfare and Institutions Code Section 361.5(b)(13).

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- (j) Documentation of the results of the court's inquiry into the identification of all presumed or alleged fathers of the child, if applicable.
- (k) Documentation of the parent's information in response to the court order pursuant to Welfare and Institutions Code Section 361.3(a) to identify any maternal or paternal relatives of the child, and the social worker's attempts to locate and contact the relatives given consideration for placement.
- (l) All assessments, case plans, and case plan updates.
 - (1) Documentation of the date a copy of the case plan/case plan update was provided to the parent(s)/guardian(s).
 - (2) Assessments include written assessments of relatives as required by Welfare and Institutions Code Sections 309 and 361.3.
 - (3) For a child for whom the permanency plan is a kinship guardianship, documentation of the assessment information specified in Sections 31-205(h) through 31-205(h)(4).
- (m) Documentation of the search for and consideration of relatives for placement and the reasons for the agency's decision to place or not to place the child with each identified relative, as specified in Welfare and Institutions Code Section 361.3.
- (n) Any data or documents, relating to the child or family, which have been received or sent by the county.
- (o) Any documents that support how the case is reported pursuant to Sections 31-082 through 31-090.
- (p) 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.

31-075	CASE RECORDS (Continued)	31-075
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- (q) Any written modifications or prohibitions to the foster parent'(s) privilege to give legal consent for the child, if applicable.
- (r) Any written parent/guardian consents required by the Division 31 regulations.
- (s) 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.
- (t) For children who have been assessed as being seriously emotionally disturbed, the individualized education program designed for the child, if available.
- (u) Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- (v) Any administrative review report recommendations.
- (w) 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.
 - (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, including documentation of a caregiver assessment, health and safety inspection of the home and all required criminal records clearances.
 - (10) For a Tribally Approved Home, documentation from the tribe, such as a tribal council resolution, or a letter on tribal letterhead confirming tribal approval of the home as meeting tribal standards for the purposes of foster or adoptive placement.

31-075 **CASE RECORDS (Continued)** **31-075**

- (A) Documentation that prior to placement of a child in a Tribally Approved Home, criminal record and child abuse registry background checks have been completed.
- (B) If the tribe has a Tribal Agency that is authorized, pursuant to Welfare and Institutions Code section 10553.12, to receive criminal and child abuse registry information from the California Department of Justice, documentation of the following:
 - 1. The Tribal Agency's certification that it has completed caregiver background checks pursuant to the standards set forth in Sections 1522 and 1522.1 of the Health and Safety Code, with respect to the following:
 - a. any prospective foster parent,
 - b. adoptive parent,
 - c. any adult who resides with the applicant,
 - d. any adult employed in the Tribally Approved Home,
 - e. any person who has a familial or intimate relationship with any person living in the home of an applicant.
 - f. The certification must provide the address of the home, the names of the individuals in the household that have been cleared, the date of the completion of the clearance for each individual, and if any exemptions were granted.
 - 2. Documentation that the Tribal Agency has agreed to report, within 24 hours to the county social worker responsible for the child placed in the Tribally Approved Home, any notification to the Tribal Agency by the Department of Justice of a subsequent state or federal arrest or disposition notification involving an individual associated with the Tribally Approved Home.

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Tribes are not required to have a Title IV-E agreement in order for counties to be authorized to use Tribally Approved Homes for the placement of children under county care.

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31-075	CASE RECORDS (continued)	31-075
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- (x) 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.
- (y) Documentation of any information provided to the placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior.
- (z) For a child for whom the permanency plan is a kinship guardianship, documentation of the appointment of a kinship guardianship for the child, which shall include the court order establishing the kinship guardianship, or the letters of guardianship; and the court order terminating dependency or wardship.
- (aa) 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). In the case of an Indian child, documentation shall also include the review and results of discussions with the child's tribe concerning concurrent planning including the potential for Tribal Customary Adoption as a permanency option for the Indian child. Courts reports shall include information and supporting evidence on the outcome of consultation with the tribe regarding Tribal Customary Adoption.

NOTE: Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21, Chapter 653, Statutes of 2001. Reference: Sections 224.2, 224.3, 309, 319, 358(b), 361.2, 361.3, 361.31, 361.4, 361.5, 361.7, 366.21, 366.26, 727, 10553.12, 10851, 11363, 11386, 11402, 16002, 16501, and 16507.5, Welfare and Institutions Code; Sections 1505, 1522, and 1522.1, Health and Safety Code; Sections 11105.08 and 11170, Penal Code; California Rules of Court, rules 5.481 and 5.690; 45 CFR 74.20, 1355.20, and 1356.21(d); and 25 USC 1912, 1915, and 1931.

31-082 CRITERIA FOR IDENTIFYING CHILD WELFARE SERVICES 31-082
CASES FOR PURPOSES OF CASELOAD REPORTING

- .1 When identifying child welfare services cases for purposes of caseload reporting, the county shall identify cases as receiving emergency response, family maintenance, family reunification, or permanent placement services based on the criteria specified in Sections 31-084 through 31-090.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10852, 10853, and 16512, Welfare and Institutions Code and 42 CFR 1356.60.

31-084 IDENTIFICATION OF CASES RECEIVING EMERGENCY 31-084
RESPONSE SERVICES

- .1 The county shall report a referral as an emergency response referral when the referral alleges child abuse, neglect, or exploitation as defined in Penal Code Section 11165 et seq.
- .11 The effective date for reporting an emergency response referral shall be the date the referral is received by the county.
- .2 The county shall report an emergency response referral as an emergency response assessment case when the social worker determines based upon the completed emergency response protocol that an in-person investigation is not required.
- .21 The effective date for reporting an emergency response assessment case shall be the date that the emergency response protocol is completed in accordance with Section 31-105.21.
- .3 The county shall report an emergency response referral as an emergency response in-person investigation case when the social worker completes the in-person investigation and no further child welfare services are provided.
- .31 The effective date for reporting an emergency response in-person investigation shall be the date the social worker's supervisor approves case closure.
- .4 The county shall report an emergency response referral as an emergency response services case disposition under any one of the following circumstances:

31-084	IDENTIFICATION OF CASES RECEIVING EMERGENCY RESPONSE SERVICES (Continued)	31-084
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- .41 The social worker has completed an in-person investigation and has provided emergency response services beyond the in-person investigation, but services beyond emergency response services are not provided.
 - .411 The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor approves case closure.

- .42 A petition for detention and/or jurisdiction has been filed and subsequently dismissed by the court and the parent(s)/guardian(s) has not consented to a program of supervision of the child.
 - .421 The effective date for reporting an emergency response services case disposition shall be the date of the hearing at which the petition is dismissed.

- .43 Prior to the court dispositional hearing only if all of the following criteria are met:
 - .431 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance, family reunification, or permanent placement services.
 - .432 The social worker's supervisor has approved the case plan recommending family maintenance, family reunification, or permanent placement services.
 - (a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.

- .44 At the court dispositional hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family maintenance, family reunification, or permanent placement services be provided.
 - .441 The effective date for reporting an emergency response services case disposition shall be the date of the dispositional hearing at which family maintenance, family reunification, or permanent placement services are ordered.

31-084	IDENTIFICATION OF CASES RECEIVING EMERGENCY RESPONSE SERVICES (Continued)	31-084
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- .45 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; and the family is voluntarily accepting family maintenance or family reunification services; and all of the following criteria have been met:
 - .451 The social worker has completed a case plan recommending voluntary family maintenance or voluntary family reunification services.
 - .452 The parent(s)/guardian(s) has reviewed and signed the case plan.
 - .453 The social worker's supervisor has approved the case plan recommending voluntary family maintenance or voluntary family reunification services.
 - (a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.
- .5 The county shall not report an in-person investigation or an emergency response services case disposition on a referral of a child for whom there is an open case unless one of the following circumstances exist:
 - .51 A social worker skilled in emergency response, other than the social worker assigned to the open case, conducts an in-person investigation as a result of the referral.
 - .52 The social worker skilled in emergency response files a petition for detention and/or jurisdiction, as a result of the in-person investigation.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10852, 10853, 16208, and 16512, Welfare and Institutions Code.

**31-086 IDENTIFICATION OF CASES RECEIVING FAMILY
MAINTENANCE SERVICES****31-086**

- .1 The county shall report a case as receiving family maintenance services under any one of the following circumstances:
 - .11 Prior to the court dispositional hearing only if all of the following criteria are met:
 - .111 The child is receiving emergency response services.
 - .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance services.
 - .113 The social worker's supervisor has approved the case plan recommending family maintenance services.
 - (a) The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.
 - .12 At the court dispositional hearing or at a status review hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, the court has ordered that family maintenance services be provided.
 - .121 The effective date for reporting a family maintenance services case shall be the date of the hearing at which family maintenance services are ordered.
 - .13 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family maintenance services; and all of the following criteria have been met:
 - .131 The social worker has completed a case plan recommending voluntary family maintenance services.
 - .132 The parent(s)/guardian(s) has reviewed and signed the case plan.
 - .133 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.

31-086 IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued) **31-086**

- (a) The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.
- .2 The county shall no longer report a case as receiving family maintenance services when the child is a dependent of the court under any one of the following circumstances:
- .21 The court dismisses the dependency.
 - .211 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the dependency is dismissed.
 - .22 The court has ordered that family reunification services or permanent placement services be provided.
 - .221 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the services are ordered.
 - .23 The court declares the child is emancipated.
 - .231 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declared the child emancipated.
 - .24 The child reaches age 18.
 - .25 The statutory time limit allowed under Welfare and Institutions Code Section 16506 has expired.
 - .251 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
 - (a) If family maintenance services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan recommending family maintenance services.

31-086	IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued)	31-086
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- (b) If family maintenance services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing or status review hearing at which family maintenance services were ordered.

- .26 The whereabouts of the child and/or family are unknown.
 - .261 The effective date of closure of the family maintenance services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.

- .27 The child dies.
 - .271 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

- .3 The county shall no longer report a case as receiving family maintenance services when the child is a nondependent child receiving services voluntarily, or provided to the family of such child, under any one of the following circumstances:
 - .31 The case plan objectives are achieved and/or the child is no longer endangered.
 - .311 The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor approves case closure.

 - .32 The maximum length of time agreed upon in the case plan or allowed under Welfare and Institutions Code Section 16506, whichever occurs first, expires.

 - .33 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:

31-086	IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued)	31-086
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- .331 The social worker has completed a case plan recommending voluntary family reunification services.
- .332 The parent(s)/guardian(s) has reviewed and signed the case plan.
- .333 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.
 - (a) The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor signs the case plan.
- .34 The child is receiving family maintenance services voluntarily and the court orders family reunification services.
 - .341 The effective date of closure of the family maintenance services case shall be the date of the court hearing at which family reunification services were ordered.
- .35 The parent(s)/guardian(s) requests termination of family maintenance services.
 - .351 The effective date of closure of the family maintenance services case shall be the date the parent(s)/guardian(s) requests termination of the services.
- .36 The court declares the child is emancipated.
 - .361 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declares the child is emancipated.
- .37 The child reaches age 18.
- .38 The whereabouts of the child and/or family are unknown.

31-086	IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued)	31-086
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- .381 The effective date of closure of the family maintenance services case shall be the earlier of the following dates:
 - (a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or
 - (b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.

.39 The child dies.

- .391 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10852, 10853, 16506, and 16512, Welfare and Institutions Code.

31-088	IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES	31-088
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- .1 The county shall report a case as receiving family reunification services under any one of the following circumstances:
 - .11 Prior to the court dispositional hearing only if all of the following criteria are met:
 - .111 The child is receiving emergency response or voluntary family maintenance services.
 - .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family reunification services.
 - .113 The social worker's supervisor has approved the case plan recommending family reunification services.

31-088 IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued) 31-088

- (a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.

- .12 At the court dispositional hearing or at a status review hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family reunification services be provided.
 - .121 The effective date for reporting a family reunification services case shall be the date of the hearing at which family reunification services are ordered.

- .13 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:
 - .131 The social worker has completed a case plan recommending voluntary family reunification services.
 - .132 The parent(s)/guardian(s) has reviewed and signed the case plan.
 - .133 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.
 - (a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.

- .2 The county shall no longer report a case as receiving family reunification services when the child is a dependent of the court under any one of the following circumstances:
 - .21 The court dismisses the dependency.

31-088	IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued)	31-088
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- .211 The effective date of closure of the family reunification services case shall be the date of the hearing at which the dependency is dismissed.

- .22 The court has ordered that family maintenance or permanent placement services be provided.
 - .221 The effective date of closure of the family reunification services case shall be the date of the hearing at which the services are ordered.

- .23 The court has ordered the termination of family reunification services pending a hearing pursuant to Welfare and Institutions Code Section 366.26.
 - .231 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court terminates family reunification services.

- .24 The court declares the child is emancipated.
 - .241 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declared the child emancipated.

- .25 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.

- .26 The statutory time limit of 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired.
 - .261 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
 - (a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.
 - (b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.

- .27 The whereabouts of the child and/or family are unknown.

31-088 IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued) 31-088

- | .271 The effective date of closure of the family reunification services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.
- | .28 The child dies.
- | .281 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.
- .3 The county shall no longer report a case as receiving family reunification services when a nondependent child is receiving services voluntarily, or when services are provided to the family of such child, under any one of the following circumstances:
 - .31 The case plan objectives are achieved and/or the child is no longer endangered.
 - .311 The effective date of closure of the family reunification services case shall be the date the social worker's supervisor approves case closure.
 - .32 The maximum length of time agreed upon in the case plan or allowed under Welfare and Institutions Code Section 16507, whichever occurs first, expires.
 - .33 The family withdraws the child from voluntary placement.
 - .331 The effective date of closure of the family reunification services case shall be the date the parent(s)/guardian(s) requests termination of family reunification services.
 - .34 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family maintenance services; and all of the following criteria have been met:
 - .341 The social worker has completed a case plan recommending voluntary family maintenance services.

31-088	IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued)	31-088
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- .342 The parent(s)/guardian(s) has reviewed and signed the case plan.
- .343 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.
 - (a) The effective date of closure of the family reunification services case shall be the date the social worker's supervisor signs the case plan.
- .35 The court declares the child is emancipated.
- .351 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declares the child is emancipated.
- .36 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.
- .37 The whereabouts of the child and/or family are unknown.
 - .371 The effective date of closure of the family reunification services case shall be the earlier of the following dates:
 - (a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or
 - (b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.
- .38 The child dies.
 - .381 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10852, 10853, 16507, and 16512, Welfare and Institutions Code.

31-090 IDENTIFICATION OF CASES RECEIVING PERMANENT PLACEMENT SERVICES 31-090

- .1 The county shall report a case as receiving permanent placement services under any one of the following circumstances:
 - .11 Prior to the court dispositional hearing only if all of the following criteria are met:
 - .111 The child is receiving emergency response services.
 - .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending permanent placement services.
 - .113 The social worker's supervisor has approved the case plan recommending permanent placement services.
 - (a) The effective date for reporting a permanent placement services case shall be the date the social worker's supervisor signs the case plan.
 - .12 At the court hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300 and the court has ordered permanent placement services be provided, or the court has ordered the termination of family reunification services pending a hearing pursuant to Welfare and Institutions Code Section 366.26.
 - .121 The effective date for reporting a permanent placement services case shall be the date of the hearing at which permanent placement services are ordered, or family reunification services are terminated and a dependency is not dismissed.
 - .13 The statutory time limit of 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired.
 - .131 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
 - (a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.

31-090	IDENTIFICATION OF CASES RECEIVING PERMANENT PLACEMENT SERVICES (Continued)	31-090
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- (b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.

- .14 The case is a guardianship case requiring an open case plan in order for the nonrelated legal guardians of minors to maintain eligibility for AFDC-FC payments pursuant to Welfare and Institutions Code Section 11405.
 - .141 The effective date for reporting a permanent placement services case shall be the date the legal guardian is eligible to receive AFDC-FC payments.

- .2 The county shall no longer report a case as receiving permanent placement services under any one of the following circumstances:
 - .21 The court has ordered that family maintenance or family reunification services be provided.
 - .211 The effective date of closure of the permanent placement services case shall be the date of the hearing at which family maintenance or family reunification services are ordered.

 - .22 The court dismisses the dependency.
 - .221 The effective date of closure of the permanent placement services case shall be the date of the hearing at which the dependency is dismissed.

 - .23 A guardian is appointed for the child and AFDC-FC is discontinued.
 - .231 The effective date of closure of the permanent placement services case shall be the date AFDC-FC is discontinued.

31-090	IDENTIFICATION OF CASES RECEIVING PERMANENT PLACEMENT SERVICES (Continued)	31-090
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- .24 The court declares the child is emancipated.
 - .241 The effective date of closure of the permanent placement services cases shall be the date of the hearing at which the court declared the child emancipated.
- .25 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.
- .26 The whereabouts of the child are unknown.
 - .261 The effective date of closure of the permanent placement services case shall be no later than six months from the date the county informs the court that the whereabouts of the child are unknown.
- .27 The child dies.
 - .271 The effective date of closure of the permanent placement services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 366.25, 366.26, 10852, 10853, 16507, 16508, and 16512, Welfare and Institutions Code.

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