

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Social Worker Visits

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements, or arguments, orally or in writing relevant to the proposed regulations at a public hearing to be held November 17, 2010, as follows:

November 17, 2010
Office Building # 8
744 P St., Check in at Security Desk
Sacramento, California

The public hearing will convene at 10:00 a.m. and remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing, including sign language, please notify the agency representative identified below at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 17, 2010.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons, and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

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CHAPTERS

Manual of Policies and Procedures (MPP), Division 31 (Child Welfare Services Program), Chapter 31-000 (General Requirements), Section 31-002 (Definitions), Section 31-003 (Definitions - Forms), and Section 31-075 (Case Records); Chapter 31-200 (Assessment and Case Plan), Section 31-206 (Case Plan Documentation); Chapter 31-300 (Service Delivery), Section 31-320 (Social Worker/Probation Officer Contacts with the Child); and Chapter 31-500 (Special Requirements), Section 31-505 (Out-of-County Placements), and Section 31-510 (Interstate Compact on the Placement of Children (ICPC)).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, foster children should be visited at least monthly by a social worker. However, some foster children who are in long term foster care, placed with relatives, guardians, or non-related extended family members can be granted exceptions to monthly visitation due to the stability and longevity of the placement. In addition, children placed with foster family agencies (FFA) are often exempted from monthly visits by a county caseworker due to the frequent visits of the FFA caseworker.

The federal government passed the Child and Family Services Improvement Act of 2006 [Public Law (PL) 109-288], which set forth new guidelines related to monthly visitation by social workers. In passing the Act, it was noted by Congress that there was a strong correlation between frequent caseworker visits with foster children and positive outcomes for these children, such as timely achievement of permanency and other positive indicators of child welfare. PL109-288 required that states visit each and every foster child in placement once a month. If the state is not in 90 percent compliance with this new mandate by 2011, fiscal penalties will be levied.

These regulations include the requirement that foster children be visited monthly with a majority of those visits occurring in the child's home. The regulations also clarify who is qualified to visit a child and what that visit should include.

COST ESTIMATE

1. Costs or Savings to State Agencies: The additional expenditure of \$5.1 million is budgeted for State Fiscal Year (FY) 2009-10 in May 2010 Revise. State Budget Year (BY) 2010-11 and out year costs each total \$3.6 million.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500 - 17630: N/A

3. Nondiscretionary Costs or Savings to Local Agencies: The additional expenditure of \$2.2 million is budgeted for FY 2009-10 in May 2010 Revise. BY 2010-11 and out year costs each total \$1.5 million.
4. Federal Funding to State Agencies: The additional expenditure of \$4.8 million is budgeted for FY 2009-10 in May 2010 Revise. BY 2010-11 and out year costs each total \$4.4 million.

LOCAL MANDATE STATEMENT

These regulations implement new federal mandates contained in PL 109-288, which require states to provide caseworker visits to children in foster care on a monthly basis. PL 109-288 set a mandatory goal that 90 percent of children in foster care be visited monthly by the year 2011.

At this time, it is unknown what fiscal impact these new and revised federal mandated regulations will have on CDSS, local agencies, or school districts. The CDSS does not anticipate an impact on small business.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting private persons or businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses, or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Welfare and Institutions Code sections 10553, 10554, 10850.4, 16002, 16501, and 16501.1; Family Code section 17552; Assembly Bill 1695, Section 21, Statutes of 2001; and, the Child and Family Services Improvement Act of 2006 [Public Law (PL) 109-288].

Subject regulations implement and make specific Sections 7901, 7911, 7911.1, 7912, and 17552, Family Code; Sections 1502 and 1502(a)(8), Health and Safety Code; Section 11170(b), Penal Code; Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), Sections 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), and Sections 358.1(e), 361, 361(b), 361.2(c) and (d), 361.5, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 11008.15, 11155.5, 16002, 16501, 16501(a), 16501.1(b), (d), (e), and (f)(4), 16504, 16507, and 16516.5, Welfare and Institutions Code; 42 U.S.C. Sections 675, 675(1), and 677; 45 CFR 1356.21(d); and Public Law 109-288.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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