

SHD Paraphrased Regulations - Social Services

630 Other Services

632-1

Prior to November 1, 2001, state regulations provided as follows:

Protective services for adults means those activities, resources and support provided by social services staff to prevent or remedy danger to adults who are:

- (1) Unable to protect their own interests;
- (2) Harmed, threatened with harm, or caused physical or mental injury as a result of action or inaction by another person, or their own actions, due to ignorance, illiteracy, incompetence, or poor health;
- (3) Neglected or abused by others;
- (4) Lacking in necessary food, shelter, or clothing;
- (5) Deprived of entitlement due them;
- (6) Exploited of their income or resources.

(§30-802, repealed effective October 31, 2001)

632-2

Prior to November 1, 2001, state regulations provided as follows:

The need for protective services shall be deemed to be present in the case of any adult who is:

- (1) Living in conditions which present a health or safety hazard;
- (2) Being deprived of necessary food, clothing, or shelter due to inability to manage, or to abuse, neglect or exploitation by others;
- (3) Not obtaining or utilizing necessary medical or psychiatric care;
- (4) Unable to perform activities of daily living in his/her own home;
- (5) Unable to arrange for necessary out-of-home care;
- (6) In any other danger specified in §30-802.

(§30-810.2, repealed effective October 31, 2001)

632-3

.1 Any elder or dependent adults, regardless of income, are eligible for adult protective services if they:

.11 Reside in other than a long-term care facility, state hospital, or state developmental center;

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.12 Are alleged to have been abused and/or neglected; and

.13 Have been determined by the adult protective services agency to be in need of services.

.2 Being an elder or dependent adult in and of itself does not result in a presumption of need for adult protective services.

.3 Adult protective services shall be provided as set forth in W&IC §15610.10, set forth below in Handbook §33-115.31:

"Adult protective services" means those preventive and remedial activities performed on behalf of elders and dependent adults who are unable to protect their own interests, harmed or threatened with harm, caused physical or mental injury due to the action or inaction of another person or their own action as a result of ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health, lacking in adequate food, shelter, or clothing, exploited of their income and resources, or deprived of entitlement due them.

(§33-115, effective October 31, 2002)

632-4

State law provides as follows in regard to coverage under the adult protective services program:

"Notwithstanding Section 15753, adult protective services shall include investigations, needs assessments, remedial, and preventative social work activities, and the necessary tangible resources such as food, transportation, emergency shelter, and in-home protective care, the use of multidisciplinary teams, and a system in which reporting of abuse can occur on a 24-hour basis."

(Welfare & Institutions Code §15760)

632-5

State regulations governing the adult protective services service plan provide as follows:

".1 For each person receiving adult protective services a written service plan shall be developed based upon the assessment. The service plan shall:

".11 Be completed within 30 calendar days from the initial in-person contact; and

".12 Provide for the safety of the client in the least restrictive environment.

".2 The purpose of the service plan is as follows:

".21 To identify the problems to be alleviated, based on the assessment, and to develop the desired outcomes and strategies to be used in attaining those outcomes.

".22 To identify resources to be used in order to attain the outcomes and stabilize the situation.

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".3 The service plan shall include:

".31 The identification of priorities and desired outcomes.

".32 Strategies and resources to be used to attain the desired outcomes.

".33 Identification of the services to be provided by the adult protective services agency or other service providers.

".34 The frequency and duration of services while the case is open.

".35 The planned frequency of contact between the client and the adult protective services worker.

".36 The length of time the case is expected to remain open.

".4 The adult protective services worker shall ensure the client's input in the development of the service plan and shall discuss with the client the voluntary nature of the adult protective services program.

".5 The services identified in the service plan shall be delivered only with the consent of the elder or dependent adult.

".51 The adult protective services worker shall document in the case record the client's agreement to the service plan or shall request the client to sign a document that indicates the client's willingness to receive the services in accordance with the service plan.

".52 The client may refuse or withdraw consent to the provision of any or all services at any time.

".521 If a violation of the Penal Code has been alleged, the adult protective services agency shall continue with the investigation of the report of known or suspected abuse or neglect, even though the client refuses services.

".6 If the client refuses or withdraws consent for adult protective services, the adult protective services worker shall:

".61 Refer the client to other agencies for services, as appropriate.

".62 Document in the case file the client's refusal of services including, if available, the reasons for the refusal.

".7 Upon completion of the service plan, the adult protective services worker shall sign and date the plan.

".8 The adult protective services worker's supervisor shall document, in the case record, approval of the services plan within five working days of completion.

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"9 A copy of the service plan shall be provided to the client if requested."

(§33-535, effective October 31, 2002)

633-1

"Nonmedical out-of-home care" is a protective living arrangement outside the individual's own home where, as a minimum, he/she receives board, room, and personal nonmedical care and supervision related to his/her individual needs. (§46-140.1)

"Care and supervision" in a nonmedical out-of-home care facility includes assistance in dressing, grooming, bathing, and other hygiene; assistance with taking, storing, and distributing medications; arrangement of and assistance with medical and dental care; maintenance of house rules and of client cash resources; supervision of schedules; monitoring food intake and special diets. (Handbook §46-140.2)

634-1

State law provides that family maintenance services shall be provided or arranged for by County Welfare Department staff in order to maintain the child in his or her own home. Such services shall be limited to six months and may be extended for two three-month periods if it can be shown that the objectives of the service plan can be achieved within the extended time periods. Such services are available, without regard to income, and shall only be provided to:

- (a) Families whose child has been adjudicated a dependent of the court and the court has ordered the county to supervise while the child remains in the child's own home; and
- (b) Families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in the child's own home only with the provision of services;
- (c) Families in which the child is in the care of a previously noncustodial parent, under the supervision of the juvenile court.

(Welfare and Institutions Code §16506)

634-2

State law provides that family maintenance services shall include but are not limited to counseling, emergency shelter care, temporary in-home caretakers, out-of-home respite care, teaching and demonstrating homemakers, parenting training and transportation. (Welfare and Institutions Code §16506.1)

634-3

When the child is subject to out-of-home placement, there shall be no unsupervised visits if the child has been removed due to a finding of "severe physical abuse" under Welfare and Institutions Code §300(e). (§31-340.1)

634-3A

When the child is subject to out-of-home placement, the social worker shall arrange for visits between the child and the parent/guardian named in the case plan at least once each calendar month for children receiving family reunification services.

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This once-per-month visitation is not required when there is a court-supervised case providing for a specific visitation plan, or when the county deputy director has approved a specific visitation plan in a voluntary case. In these two situations, there must still be a visit arranged by the social worker between the child and parent/guardian at least once every six consecutive months. (§§31-340.2-.4)

634-4

State law provides that where a minor has been placed pursuant to an order of the Juvenile Court, the court shall order the probation officer to provide child welfare services to the minor and the minor's parents or guardians for the purpose of facilitating reunification of the family within a maximum time period not to exceed 12 months. When counseling or other treatment services are ordered, the parent shall be ordered to participate in those services, unless the parent's participation is deemed by the court to be inappropriate or potentially detrimental to the child. (Welfare and Institutions Code (W&IC) §361.5(a))

634-5

The county shall cease reporting a case as receiving family reunification services when the child is a dependent of the court and:

- (1) The court dismisses the dependency;
- (2) The court has ordered that family maintenance or permanent placement services be provided;
- (3) The court declares the child is emancipated;
- (4) The child reaches age 18, or is no longer eligible to receive foster care, whichever occurs later;
- (5) The statutory time limit of 18 months has expired;
- (6) The whereabouts of the child and/or family are unknown;
- (7) The child dies.

(§31-088.2)

634-6

Except as provided in Welfare and Institutions Code (W&IC) §828, a petition filed in any Juvenile Court proceeding, reports of the probation officer, and all other documents filed in any such case or made available to the probation officer in making his or her report, or to the judge, referee or other hearing officer, and thereafter retained by the probation officer, judge, referee or other hearing officer, may be inspected only by court personnel, the minor who is the subject of the proceedings, his or her parents or guardian, the attorneys for such parties, and such other persons as may be designated by court order of the judge of the Juvenile Court upon filing a petition therefor. (W&IC §827(a))

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634-7

Any order made by the Juvenile Court in the case of any person subject to its jurisdiction may at any time be changed, modified or set aside, as the judge deems meet and proper, subject to such procedural requirements as are imposed by this article. (Welfare and Institutions Code (W&IC) §775)

No order changing, modifying, or setting aside a previous order of the Juvenile Court shall be made either in chambers, or otherwise, unless prior notice of the application therefore has been given by the judge or the clerk of the court to the probation officer and prosecuting attorney and to the minor's counsel of record, or, if there is no counsel of record, to the minor and his parent or guardian. (W&IC §776)

634-8

The Juvenile Court may not give total discretion to the social services agency to determine whether or not visitation occurs, but a court order, allowing visitation at the discretion of the agency and the dependent minor(s), is proper. (*In re Danielle W.* (1989) 207 Cal.App.3d 1227, 255 Cal.Rptr. 344)

When the trial court delegated complete and total power to the State Department of Social Services to determine visitation, the court's delegation was improper. (*In re Jennifer G.* (1990) 221 Cal.App.3d 752, 270 Cal.Rptr 326)

634-9

For CalWORKs (formerly AFDC) eligibility purposes, a "minor parent" is defined as a parent or pregnant woman who is less than 18 years of age. (§80-301m.(3)) For purposes of §89-201, which implements the CalWORKs Teen Pregnancy Disincentive plan set forth in W&IC §11254, a "minor parent" is a never-married minor, under the age of 18, who is pregnant or has a dependent child in his/her care. (§89-201.1) And for purposes of the Child Welfare Services program, a "minor parent" is defined as anyone under the age of 18 who is either pregnant or the custodial parent of a child and who has never been married. (§31-002(m)(3))

634-10

Except when the minor turns 18-years-old or refuses Minor Parent Services (MPS), counties must provide MPS to minor parents (as defined in §31-002(m)(3)) and their children referred, and who meet an exemption per W&IC §11254(b), the Teen Pregnancy Disincentive, when a CWS social worker has determined that the minor parent is able to live independently. (§31-530.24; Handbook §31-530.21; W&IC§16506(d))