



CDSS

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

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GOVERNOR

REASON FOR THIS TRANSMITTAL

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

February 14, 2017

ALL COUNTY LETTER (ACL) NO. 17-16

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL COUNTY AUDITOR CONTROLLERS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY WELFARE DIRECTORS ASSOCIATION
ALL CDSS ADOPTION REGIONAL AND FIELD OFFICES
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: RESOURCE FAMILY APPROVAL PROGRAM – CONVERSION OF EXISTING APPROVED AND LICENSED FOSTER CAREGIVERS TO RESOURCE FAMILIES

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 16519.5;](#)
[ALL COUNTY LETTERS \(ACL\) NO. 16-10 Resource Family Approval Program AND ACL NO. 16-58 Resource Family Approval Program Clarifying Instructions for State-Wide Program](#)

The purpose of this ACL is to provide county child welfare, probation departments and other interested stakeholders with information on the conversion process of all currently licensed foster family homes, approved relatives and Non-Relative Extended Family Members (NREFMs) for the mandated statewide implementation of Resource Family Approval (RFA). This ACL provides instructions on which aspects of RFA are to be completed for existing caregivers and what to include in the new Resource Family (RF) file (see Attachment “A”) as well as a Frequently Asked Questions document (see Attachment “B”).

This ACL describes the conversion process for the following existing caregivers:

- Approved relatives/NREFMs and licensed foster family homes with an approved adoption home study – (see page 3),
- Approved relatives/NREFMs and licensed foster family homes with placement of a child or Non-Minor Dependent (NMD) at any time during calendar year 2017 – (see page 4), and

- Licensed foster family homes and approved relatives/NREFMs without placement of a child at any time during calendar year 2017 – (see page 6).

Notification to Families

The W&IC section 16519.5 and Health and Safety Code section 1517.1 requires that *all* currently licensed foster family homes and approved relative/NREFM caregivers must be approved as RFs no later than December 31, 2019, in order to care or continue to care for a child or NMD.

Additionally, no later than July 1, 2017, each county shall provide the following information to its county-licensed foster family homes and approved relatives and NREFMs:

- A detailed description of the RFA Program;
- Notification that in order to care for, or continue to care for, a child or NMD placed by a public or private placement agency, court order, or voluntarily placed by a parent or guardian, RFA is required by December 31, 2019; and
- Notification that a foster family home license or approval of a relative/NREFM shall be forfeited by operation of law on December 31, 2019, except as follows:
 - If the caregiver has not had any children or NMDs placed in the home during the calendar year of 2017, their license or approval shall be forfeited by operation of law on January 1, 2018;
 - If the conversion to a RF has begun but has not been completed by December 31, 2019, the license or approval will remain in effect until the date of RF approval or on the date of completion of due process for a denied application; and
 - A license or approval shall be forfeited upon approval as a RF.

The California Department of Social Services (CDSS) does not have a prescribed format for this notification. It is each county's responsibility to provide this information to caregivers in a way that best meets the needs of the county and the families while fulfilling this requirement.

The Community Care Licensing Division (CCLD) of CDSS will provide the notification to all department-licensed foster family homes. If a county prefers to notify these licensees instead, it may request a list of the department-licensed foster family homes within that county by emailing RFA@dss.ca.gov by March 17, 2017.

Approved Relatives/NREFMs and Licensed Foster Family Homes with an Approved Adoption Home Study

Approved relatives/NREFMS and licensed foster family homes will be deemed to be a RF upon confirmation by the county that (one) the caregiver has an approved adoption home study that was completed prior to January 1, 2018, and (two) that the home study has been updated pursuant to [Title 22, Division 2, Adoptions Manual section 35183.1](#). These caregivers are not required to have a placement in 2017 in order to officially change their status to a RF.

In cases where an approved relative/NREFM caregiver or licensed foster family home was referred to an Adoption Regional Office or licensed adoption agency to complete the adoption home study, the referring county will retain authority and oversight responsibilities of the RF.

The following shall occur to officially change the status of a licensed foster family home or approved relative/NREFM to that of a RF:

- The prospective RF shall submit a Conversion to Resource Family: Release of Information (RFA 00);
- Within 20 calendar days of receiving the RFA 00, the Adoption Regional Office or licensed adoption agency shall disclose an adoption home study and any updates to an adoption home study to the county;
 - The Adoption Regional Office or licensed adoption agency shall redact the names of foster children including the child to be adopted and other identifying information from the adoption home study and any updates to an adoption home study,
 - Adoption files for the family and the child(ren) should remain with the adoption agency and adhere to adoption laws and regulations pertaining to content and storage,
- See Attachment “A” for instructions on how to convert the existing file to a RF file. (Identifying information about any child or NMD shall be redacted from the documents);
- Upon approval the county shall issue a Resource Family Approval Certificate (RFA 05A or equivalent) and include the date the family was approved as a RF. The approval date begins the period for annual updates;
- Once a Resource Family Approval Certificate has been issued, the county shall notify the Adoption Regional Office or licensed adoption agency. The Adoption Regional Office or licensed adoption agency shall terminate Department of Justice (DOJ) notifications related to the family using the No Longer Interested notification

form. Licensing and approval agencies should adhere to regular record retention policies in case of an audit;

- Complete Child Welfare Services/Case Management System (CWS/CMS) instructions for conversion of the family to RF status;
- If a department-licensed foster family home informs a county of their interest in converting to a RF, the county shall notify the CCLD Regional Office (RO) that licensed the home. Upon approval of the RF, the county shall notify the RO so the licensing file can be closed; and
- Once the family is approved as a RF, their relative or NREFM approval or foster family home license is forfeited by operation of law.

Conversion of Approved Relatives/NREFMs and Licensed Foster Family Homes with Placement of a Child or NMD at Any Time During 2017

For approved relatives/NREFMs and licensed foster family homes who have a child or NMD placed in their home at any point in time during the calendar year of 2017, the following shall be completed to convert to a RF:

- The prospective RF must submit a Conversion RFA application (RFA 00A) and show proof of identity;
- Complete a Conversion to Resource Family: Release of Information (RFA 00);
- Create a RF Family File:
 - See Attachment “A”, for instructions on how to create or convert the existing file to a RF file.
- Conduct a psychosocial assessment pursuant to RFA Written Directives section 6-05;
- - In cases in which only one member of a family was approved as a relative/NREFM or licensed as a foster family home, and another family member now wants to be approved as a RF, the unapproved or unlicensed family member will need to complete the RFA process as a new applicant,
 - It is best practice to approve both caregivers as the RF, if possible. This allows both caregivers to adopt or provide guardianship to a child in their care;

- Ensure each caregiver and adult residing in or regularly present in the home has a current criminal record clearance or exemption, and the subsequent arrest notification is still open and active. If not, then the county must complete a background check for that individual pursuant to RFA Written Directives section 6-03A;
- Complete a RF Written Report for conversion using form RFA 05C or an equivalent that includes the content contained in form RFA 05C;
- Upon approval, the county shall issue a Resource Family Approval Certificate (RFA 05A or equivalent) including the date the family was approved as a RF. The approval date begins the period for annual updates;
- Complete CWS/CMS instructions for conversion of the family to RF status;
- Once the family is approved as a RF, their relative or NREFM approval or foster family home license is forfeited by operation of law;
- If a department-licensed foster family home informs a county of their interest in converting to a RF, the county shall notify the CCLD Regional Office (RO) that licensed the home. Upon approval of the RF, the county shall notify the RO so the licensing file can be closed; and
- The county and CCLD shall work cooperatively to transfer the family's licensing file to the county.

If an approved relative or NREFM or licensed foster family home indicates they would like to adopt a child in their care or to adopt another prospective child, the county shall require the RF to submit fingerprints for a new federal and state level criminal record clearance pursuant to Family Code section 8712. The county must then update the Written Report to consider the criminal history of the RF, including the effects of any criminal history on the ability of the prospective RF to provide adequate and proper care and guidance to the child to be adopted.

If an approved relative or NREFM who had a placement in 2017, would like to continue to provide care for other children or NMDs, the caregiver is able to convert to a RF as long as there is a valid criminal record clearance or exemption on all adults residing or regularly present in the home and subsequent DOJ notifications about those individuals are being sent to the approving county. If subsequent DOJ notifications have been terminated, the family would need to complete the process outlined above.

If a county has approved a relative/NREFM home on behalf of another county, the approving county is responsible for the conversion of that home to a RF. A county may establish a joint agreement with the placing county for conversion of the family.

Licensed Foster Family Homes and Approved Relative/NREFMs without a Placement Of a Child or NMD at Any Time During 2017

All licensed foster family homes and approved relatives/NREFMS that do not have a child or nonminor dependent in placement at any time between January 1, 2017, and December 31, 2017, shall forfeit their license or approval by operation of law on January 1, 2018. The family's licensure or approval status will need to be updated in CWS/CMS and the county shall close out the subsequent arrest notification with DOJ related to the caregiver(s) and the other adults in the home.

On and after January 1, 2018, if the family is interested in providing care again for a child or NMD, they will need to submit a Resource Family Application (RFA-01A) and complete the entire RFA process.

Background Check Processes for Converting Existing Families

An approved relative/NREFM or licensed foster family home may transfer an existing criminal record clearance/exemption for RFA conversion purposes without having to submit new livescan fingerprints. If an individual was printed by another county or CDSS, the county converting the home for RFA purposes must (one) request a transfer of the existing clearance/exemption from the originating agency, and (two) request a transfer of subsequent criminal history notifications from the DOJ using the Substitute Agency Notification Request form (BCII 9002).

In order for a clearance/exemption to be transferred for conversion purposes subsequent disposition and arrest notifications from DOJ must be available, as well as subsequent notifications of any substantiated Child Abuse Central Index (CACI) reports. Note that if an individual was approved before January 1, 1999, the county shall complete a new CACI check for the individual in order to receive subsequent CACI reports.

Further information regarding background checks, subsequent arrest notifications and other background check- related matters will be forthcoming.

Conversion Practice Considerations

There is no requirement as to which families will be converted to RFA first; however, prioritization is helpful to ensure that all families will be converted to RF status by December 31, 2019. Each county should consider the various levels of permanency when determining the conversion priority. Families with foster children who will be moving towards permanency with the current caregiver could be converted first. Families with placements in which reunification will not be occurring soon, could be converted next. Families who are caring for children in which reunification will be soon and the caregiver does not intend to care for other children, could be converted last.

The RFA program is a new approval process with new and different continuing requirements for caregivers. It may be helpful to provide information on the changes in caregiver responsibilities to families who are converted to Resource Families.

If there are any case specific situations that were not addressed in this ACL, please email the RFA Program Unit at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

Attachment A

Documents Needed to Create a New Resource Family File

Each Resource Family (RF) file that is created or converted will have form RFA-00. This form will serve as a coversheet for the new/existing file to document the conversion date and act as a release of information for necessary documents to be copied from the existing file into the new RF file.

Each file will need to separately maintain confidential information. The Written Report, any updates to the Written Report and any notes related to these documents or a psychosocial assessment shall be maintained in the confidential section. County RFA programs may share the Written Report with placement workers for placement and matching purposes only.

Any criminal background check information and child abuse/neglect allegation information will continue to be maintained in the confidential section of the file.

For an approved relative/Non-Relative Extended Family Member (NREFM) *with an approved adoption home study* completed before January 1, 2018, the following records shall be used to create a new RF file:

- RFA-00,
- RFA-05(A) or equivalent,
- The approved adoption home study and any updates to the adoption home study,*
- SOC 815,
- SOC 817,
- SOC 818,
- Any documentation of complaints, *and
- Any criminal background check information, including exemptions, investigations of arrest-only crimes, Adam Walsh out-of-state abuse/neglect registry checks, and Child Abuse Central Index (CACI) investigations.*

For a licensed foster family home *with an approved adoption home study* completed before January 1, 2018, the existing licensing file shall be used for the new RF file. The following records shall be used to convert to a RF file:

- RFA-00,
- RFA-05(A) or equivalent, and
- The approved adoption home study and any updates to the adoption home study.*

Attachment A

For an approved relative/NREFM and licensed foster family home *without an adoption home study* but with a placement of a child or non-minor dependent at any point during the calendar year 2017 the following shall be copied from the child's or non-minor dependent's file or placed in the new file to create a RF file:

Approved Relative/NREFM:

- RFA-00,
- RFA-00A,*
- RFA-05(C) or equivalent,*
- RFA-05(A) or equivalent,
- SOC 815,
- SOC 817,
- SOC 818,
- Any documentation of complaints,* and
- Any criminal background check information, including exemptions, investigations of arrest-only crimes, Adam Walsh out-of-state abuse/neglect registry checks, and CACI investigations.*

Licensed foster family home:

The existing licensing file will be used as the new RF file. The RFA-00 will serve as the cover sheet or divider from the licensing file to the RF file. The county and Community Care Licensing will work together on the transfer of the licensing file to the county. The forms below will be added to the existing licensing file:

- RFA-00,
- RFA-00A,*
- RFA-05(C) or equivalent,* and
- RFA-05(A) or equivalent

*For all files, items marked by an * are considered confidential and should be placed in the confidential section of the RF file.

Frequently Asked Questions

- 1. Will existing foster family homes or approved relatives or Non-Relative Extended Family Members (NREFM) have to re-fingerprint under the Resource Family approval (RFA) Live Scan code?**

Current licensed or approved families will not have to re-fingerprint when they convert to RFA. However, if that family would like to pursue adoption, they will have to fingerprint using the Resource Family Live Scan code.

- 2. For relative or NREFM caregivers, with a placement in 2017 and their current approval expires in 2017, what should the county do with the family's approval?**

The family would need to convert to a Resource Family or have a reassessment of their relative/NREFM approval in 2017

- 3. Does a licensed foster family home or approved relative or NREFM family have to have a placement to be deemed a Resource Family if they have an open adoption home study?**

No. If the family has an adoption home study that has been updated to [Title 22, Division 2, Adoptions Manual section 35183.1](#) and was approved prior to January 1, 2018, they are deemed to be a Resource Family.

- 4. Do placements with respite providers qualify as a placement for conversion?**

A respite placement meets the requirement for having a placement in 2017 for conversion if the SOC 156 or a county equivalent form was completed for the placement.

5. Can a certified family home of a licensed foster family agency convert to a county-approved Resource Family?

No. If a certified family home wants to be approved by a county, then it must apply for RFA with the county and complete the entire approval process. Otherwise, the certified family home may be converted by the foster family agency if that agency approves Resource Families. Further information regarding the conversion of certified family homes will be contained in a forthcoming Provider Information Notice issued by the CDSS Community Care Licensing Division.

6. If a licensed foster family home or approved relative or NREFM does not have an approved adoption home study, do they have to complete pre-approval training?

No. Current caregivers without an approved adoption home study need to submit a Conversion RFA Application (RFA-00), show proof of identity, and participate in a psychosocial assessment. Once completed, the county will then complete a Written Report. Any additional training or support the family may need to mitigate any concerns that arose in the psychosocial assessment should be documented in the Written Report.

7. Do relative caregivers, who are caring for probation youth, have to convert to a Resource Family?

If the placement is a foster care placement, then the approved caregiver must convert to RFA. If the placement is not a foster care placement and the youth was released to the relative/NREFM, the caregiver does not need to convert to RFA.

8. Does a caregiver with guardianship of a child have to convert to be a Resource Family?

No. If the guardianship has already finalized, dependency has been terminated, and there are no other foster children in the home, the guardian does not have to convert to a Resource Family. However, if the individual wishes to care for other children or non-minor dependents or adopt the child over whom guardianship was approved, then he or she must go through the entire RFA process.

Attachment B

Additionally, if dependency remains open after the guardianship is established, the guardian's home must be converted to a Resource Family home, or dependency must be terminated, by 12/31/19.

9. Can a family be denied Resource Family Approval if, during conversion, concerns arise that are not able to be mitigated?

Yes. Resource Family Approval can be denied if concerns arise related to the psychosocial assessment. However, if possible, the county shall work with the family to mitigate any concerns so the family can be approved and is able to continue to provide care. If RFA is denied, the family would be afforded due process.