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DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**  
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EDMUND G. BROWN JR.  
GOVERNOR

July 28, 2017

ALL COUNTY LETTER NO. 17-81

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CHILD WELFARE PROGRAM MANAGERS  
ALL COUNTY CHIEF PROBATION OFFICERS  
ALL CDSS ADOPTION REGIONAL AND FIELD OFFICES  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: OUT OF COUNTY PLACEMENT OF DEPENDENTS  
IN FOSTER CARE

REFERENCE: ASSEMBLY BILL (AB) 1688 (CHAPTER 605, STATUTES  
OF 2016); WELFARE AND INSTITUTIONS (WIC) SECTION 36.2

PURPOSE

The purpose of this All County Letter (ACL) is to instruct counties on the implementation of [Assembly Bill \(AB\) 1688](#) (Chapter 605, Statutes of 2016) which amends [Welfare & Institutions Code 361.2](#) as it relates to out-of-county placements of dependents in the foster care system.

NOTICING REQUIREMENTS

The statute specifies that when the placement of a child in foster care must be changed, the social worker is unable to find a suitable placement within the county and placement must be made outside the county, written notice must now be served on the child's attorney, and the child if he or she is ten years of age or older. This notice must be provided at least 14 days prior to the placement change unless the child's health or well-being would be endangered by delaying the placement or by giving prior notice. The statute further provides that he or she may object to the out-of-county placement within seven days of receiving the written notice and that upon objection the court shall hold a hearing no later than five days after the objection and prior to the placement. This is in addition to existing law under which the parent must receive notice and may object to the placement change.

REASON FOR THIS TRANSMITTAL

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

## DOCUMENTATION

There can be a number of reasons for the decision to place a child in another county. Examples include:

- The most appropriate relative lives in another county;
- A child's special needs can be more fully met by a specific caregiver out-of-county;
- The special circumstances of the case plan make an out-of-county placement the best viable option for substitute care; or
- The unique circumstance of the child or the family warrant an out-of-county placement.

Under any circumstance, documenting all issues, barriers and steps taken to find solutions is essential both for a successful court placement hearing and to identify the best possible placement for the child.

**Question #1:** What steps should the social worker take when they receive a 7-day notice from the caregiver and the only appropriate placement is out-of-county?

**Answer:** Utilize practical social work skills to help mitigate the conflict with the caregiver and youth, such as using the Child Family Team process to find ways to maintain the placement, locate temporary relative or non-relative placements. Ultimately if the placement is not able to be maintained the social worker must place the child/youth in the most appropriate, least restrictive placement available including those out of county. Note that Section 361.2 provides for an exception to the general rule that notice must be provided 14 days prior to the placement when the child's health or well-being is endangered by delaying the placement or would be endangered if prior notice were given. In those rare cases, the child may be moved before the expiration of the 14 days' notice. Additionally, the social worker must still provide the attorney and youth with the notice of the out-of-county placement and allow for the opportunity to object to the placement.

**Question #2:** What if the child is already in an out-of-county placement and needs to be moved to another out-of-county placement?

**Answer:** The child and the child's attorney must still be given notice in such cases, and a court hearing may still be required to approve the new out-of-county placement.

**Question #3:** What does the social worker need to do when the child/youth states that they object to the placement?

**Answer:** The social worker should document the objection in their contact notes and contact the child's/youth's attorney to inform them of the child's/youth's objection. The child's/youth's attorney will schedule the hearing for their client.

If you have any questions regarding this ACL please call CDSS Concurrent Planning & Policy Unit at (916)651-7464 or email [concurrentplanningpolicyunit@dss.ca.gov](mailto:concurrentplanningpolicyunit@dss.ca.gov) .

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE  
Deputy Director  
Children and Family Services Division

cc: County Welfare Directors Association  
Chief Probation Officers of California  
Judicial Council of California