

August 26, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 19-72

The purpose of this ACL is to provide general information on specific provisions of Assembly Bill 1930, effective January 1, 2019, as it relates to the ongoing statewide implementation of the Resource Family Approval program.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

August 26, 2019

ALL COUNTY LETTER (ACL) NO. 19-72

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

SUBJECT: GENERAL INFORMATION ON ASSEMBLY BILL (AB) 1930 AS IT
RELATES TO THE RESOURCE FAMILY APPROVAL (RFA)
PROGRAM

REFERENCE: [AB 1930, CHAPTER 910, STATUTES OF 2018](#); [WELFARE AND INSTITUTIONS CODE \(WIC\) 16519.5](#), [WIC 16519.555](#) AND [WIC 16519.58](#); [HEALTH AND SAFETY CODE \(HSC\) 1517.5](#) AND [HSC 1527 ET SEQ.](#); [FAMILY CODE \(FAM\) 8513](#) AND [FAM 8530](#)

The purpose of this ACL is to provide county child welfare, probation departments, and other interested stakeholders with general information on specific provisions of AB 1930 as it relates to the ongoing statewide implementation of the RFA program. AB 1930, effective January 1, 2019, is a recent piece of legislation in a series of Continuum of Care Reform (CCR) bills ([AB 403](#), Chapter 773, Statutes of 2015; [AB 1997](#), Chapter 612, Statutes of 2016; and [AB 404](#), Chapter 732, Statutes of 2017) that aim to support and clarify the vision of CCR in order to improve outcomes for California's most vulnerable children, youth, and non-minor dependents (NMDs) under the jurisdiction of county child welfare agencies or probation departments.

The following provisions are highlighted in this ACL:

- Extension of Foster Family Home and Small Family Home Insurance (FSH) Fund to approved Resource Families (RFs)

- Civil liability immunity
- Confidentiality and sharing of the Written Report (WR)

BACKGROUND

The statewide RFA program, effective, January 1, 2017, implemented a unified, family-friendly, and child-centered approval process with the goal of eliminating duplicative assessments and documentation and delays in permanency for children and families. The RFA program replaced the prior licensing and approval structure for foster family homes, relatives, and non-relative extended family members (NREFMs) interested in caring for children in foster care.

The following sections provide information on several statutory changes provided in AB 1930 as they relate to the RFA program.

FOSTER FAMILY HOME AND SMALL FAMILY HOME INSURANCE FUND

Previously, the FSH Fund only applied to licensed foster family homes or small family homes. With the passage of AB 1930, the FSH Fund now includes approved RFs (See [HSC 1527.1](#), [HSC 1527.2](#), [HSC 1527.4](#) and [HSC 1527.5](#)). The FSH Fund covers certain valid claims of bodily or personal injury to foster children that occur during the foster care relationship, during the provision of foster care services, and during the time foster children are in the home. For purposes of the FSH Fund, a foster child means a person under 19 years of age. Additional information relative to the FSH Fund can be found on the California Department of Social Services (CDSS) [CCR webpage](#).

CIVIL LIABILITY

The passage of [WIC 362.06](#) provides for caregiver immunity from liability in a civil action to recover damages from injury, death, or loss to person or property caused by either of the following:

- An act or omission made by the caregiver while exercising a reasonable and prudent parent standard; or
- An act or omission of a child or NMD while the child or NMD is placed in the home of the caregiver.

Nevertheless, the statute also contains language that limits the immunity protections if any of the following apply:

- The act of the caregiver exceeded a caregiver's duty or authority as defined by statute, regulation, licensing standards, or similar written instructions;
- The act or omission of the caregiver was made with malice or in bad faith or was a result of recklessness or gross negligence on the part of the caregiver;

- The act or omission of the caregiver did not comply with instructions received from the county placing agency regarding specific care and supervision of the child; or
- Liability for the act or omission of the caregiver is expressly imposed by any other law.

CONFIDENTIALITY AND SHARING OF THE WRITTEN REPORT

The [WIC 16519.555](#) was enacted to explicitly authorize the release of the Written Report (WR) and any updates to the WR to the following individuals and entities:

- The applicant or RF;
- A tribal agency;
- A county child welfare agency or county probation department;
- The CDSS;
- A licensed foster family agency;
- A county adoption agency as defined in [FAM 8513](#) or a licensed adoption agency as defined in [FAM 8530](#); and
- To the child welfare agency of a sending state as it relates to the Interstate Compact on the Placement of Children (ICPC).

Agencies should remain mindful that the dissemination of the WR and any updates to the WR beyond the entities described above is prohibited; however, the RF is not prohibited from sharing all or any portion of their own WR. Additional information regarding the sharing of confidential documents and information can be found in [Version 6 of the Written Directives](#).

If you have questions about this ACL or the RFA program, please contact the RFA Mailbox at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

c: County Welfare Directors Association