

May 19, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-58

This All County Letter (ACL) provides county child welfare agencies, Title IV-E agreement tribes, and probation departments with guidance regarding reunification assessments during the Novel Coronavirus (COVID-19) state of emergency.



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

May 19, 2020

ALL COUNTY LETTER NO. 20-58

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL FOSTER CARE MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES
ALL LICENSED CHILDREN'S RESIDENTIAL FACILITIES
ALL LICENSED CHILDREN'S RESIDENTIAL PROVIDERS

SUBJECT: CHILD WELFARE REUNIFICATION ASSESSMENTS DURING
THE COVID-19 RELATED CALIFORNIA STATE OF EMERGENCY

REFERENCE: CHILD WELFARE, PROBATION, AND DISASTER PLAN
GUIDANCE DUE TO COVID-19 [ACL 20-23](#); PROVIDING CHILD
WELFARE/PROBATION SERVICES DURING COVID-19
EMERGENCY [ACL 20-25](#); [GOVERNOR'S PROCLAMATION OF
A STATE OF EMERGENCY, MARCH 4, 2020](#)

The purpose of this letter is to provide county child welfare agencies, Title IV-E agreement tribes,¹ and juvenile probation departments with guidance on family support and reunification for children and families² during the current state of emergency related to COVID-19. As the Department continues to address COVID-19 impacts for children, families, and caregivers, it is important for agencies to reassess casework practices and placement needs to determine the best interest of children³ in care under these emergency circumstances.

¹ For the purpose of this letter, a Title IV-E Agreement tribe means those with an agreement pursuant to WIC section 10553.1

² For the purpose of this ACL, family/parent includes legal guardian(s) and Indian custodians

³ For the purpose of this letter, child includes minors and nonminor dependents that are child welfare and probation supervised, as applicable.

REASSESSING CASE PLANS AND SERVICES FOR REUNIFICATION

With the COVID-19 emergency causing court hearing, service, and placement disruptions or delays, county placing agencies and Title IV-E tribes are reminded of the ability to reassess the continuing appropriateness of the foster care placement and are encouraged to assess current circumstances. When assessing the circumstances of a child, it is vital to consider, or reconsider, the possibility of safely reunifying children with their families when appropriate, using increased caseworker contact for oversight, and extra supports and services to stabilize the home, as appropriate. As with any potential placement or significant case plan change, these considerations should be reviewed in the context of the [Integrated Core Practice Model](#) framework, and be discussed during a Child and Family Team (CFT) meeting whenever possible, with the required and recommended entities outlined in [ACLs 16-84](#) and [18-23 \(Question 15\)](#). This method of consultation allows all relevant parties and county agencies to work together on the development of a transition plan that helps ensure a safe and successful reunification with necessary supports.

For Indian children, as defined in the Indian Child Welfare Act (ICWA), the child's tribe should be actively consulted during all stages of decision-making regarding reunification. The tribe is a required member of the CFT, and the considerations regarding changes of Indian children's care must include the prevailing social and cultural conditions and way of life of the Indian child's tribe. The tribe should be consulted when developing a plan for services and assessing safety issues, as well as making use of tribal services, Indian community service agencies, and/or ICWA program resources to assist the family. County placing agencies must work closely with the Indian child's tribe to determine if reunification is appropriate.

When considering the circumstances and best interest of a child, an assessment of the child's individualized needs and the family's ability to safely provide care for the child is paramount. The caseworker should consider factors including, but not limited to, whether the parent(s) have shown significant progress in their case plan services, or progress in addressing the reasons the child entered the child welfare system, the frequency and quality of visitation between the parent(s) and the child, what a successful transition plan must include for the child, the parent(s), and the current foster caregiver, how that transition plan will mitigate further trauma to the child and protects and promotes relationships that are important to the child, and the special circumstances of the COVID-19 emergency.

An assessment, or reassessment, of the appropriateness of family reunification should be done for all children in cases where the child is not in a permanent, stable placement with an identified prospective adoptive (including tribal customary adoption), prospective

guardian or guardian caregiver, or a fit and willing relative. Family reunification may be appropriate at a variety of stages within the dependency case, which may include, but are not limited to:

- Cases where the pre-permanency or permanency hearings have been, or will be, held pursuant to Sections 366.21(e),⁴ 366.21(f), 366.22, or 266.25.
- Cases where the 366.26 hearing already occurred and the goal is adoption or guardianship, but no family is yet identified and parental rights have not been terminated.
- Post-permanency hearings held pursuant to Section 366.3(d), including hearings for children for whom the court has terminated parental rights more than three years prior, but who have not been ordered placed for adoption and involvement with the parent has been maintained. Note that Sections 366.26(i)(3) and 388 control the conditions and procedures for reinstatement of parental rights.

To the extent that reunification is appropriate, county placing agencies and Title IV-E tribes should work with their county juvenile courts in order to obtain appropriate orders regarding reunification, including a transition plan and placement, whether it is through a court hearing, or through a stipulated agreement if all parties to the case are in agreement that reunification is in the child's best interest, and can be safely accomplished.

The federal [Administration for Children and Families](#) and/or the [Judicial Council of California](#) have authorized dependency proceedings to occur remotely and authorized the use of stipulated agreements in circumstances where all parties to a case agree with the order. County placing agencies and Title IV-E tribes should work with their local courts in utilizing these flexibilities when appropriate to ensure all necessary placement orders or hearings related to the guidance contained in this letter are able to occur.

Considerations

County placing agencies and Title IV-E tribes should review each child's case plan and assess whether risks to the child's health, safety, and well-being have been minimized and supports can be put in place which would ensure the family is well supported and would allow the child to be returned home. This would be a decision supported by the CFT process. If this assessment is not currently authorized by the court orders, the agency or tribe would need to ensure that the court process is completed.

⁴ All Sections referenced in this letter are Welfare and Institutions Code Sections.

In order to facilitate this case review and assessment process, the Department has included an Attachment to this letter with recommendations for areas of consideration when assessing if a child and family are ready for reunification.

If the caseworker's assessment, in collaboration with the CFT and child's counsel, and, in the case of an Indian child, the child's tribe, determines that safety concerns have been addressed or sufficiently reduced, and risks have been minimized through supports that address the reasons why the child was brought into care, then the county should initiate the appropriate action with the court, whether through an existing review hearing or through a 388 petition. The results of the CFT should be documented in the case file consistent with ACLs [17-104](#) and [17-104E](#).

Post-Reunification / Family Maintenance Services

When children are returned home to the care of their parents, it is crucial to support the parent(s) in meeting their children's basic needs. These needs include all typical FM supports, and those not typical as a result of COVID-19, i.e. housing, food, distance learning, clothing, etc. Additionally, the following social needs should be addressed:

- Communication Plan
Before determining that in-person visits between the caseworker and the family are not appropriate due to health and safety concerns arising from the pandemic, the caseworker must ensure that the family has the resources needed for video conferencing, phone calls, etc., and should assist the family with obtaining such resources if they do not already have them, such as by utilizing Title IV-B funds as discussed in [ACL 20-51](#). A plan for when and how often the family will have contact with the caseworker should also be included. If visits are not in-person, the caseworker should plan on more frequent contact with the family, including having private interviews/contacts with the child to assess the overall level of hardship that the family is experiencing, and to ensure they are able to support the family with meeting their needs and keeping the children safe. If the caseworker determines that the needs or circumstances of the child or family indicate that face-to-face visits would be more appropriate, such visits should occur in person.
- Contact with Other Professionals, Collaterals, or Tribal Representatives
The caseworker should inquire into how County Behavioral Health, County Offices of Education, other professionals, and service providers are able to maintain contact with the family, whether the contact is in-person, by videoconference, or by telephone. In the case of an Indian child, the child's tribe and tribal service providers, together with the caseworker will ensure other professionals and service providers are able to maintain contact with the family as noted above.

- Plan for Alternative Care and Supervision of Children if Parent Becomes Ill
When a child is placed in the home of the parent(s), the caseworker should ensure the parent(s) have an alternative plan for care, should the parent(s) become ill and/or need to be hospitalized or quarantined with COVID-19. The caseworker should also ask the parent(s) if they have discussed the plan with the identified temporary caregiver.
- Plan for In-Person Visits to Resume
Plan for in-person post-reunification visits, in-home inspections and re-assessment of the family's needs once public health guidance changes to allow for increased face-to-face contact, if such visits are not already occurring in person.

CASE PLAN SERVICES AND RESOURCES DURING STAY-AT-HOME ORDER

During this time, it may not be possible or prudent to attend in-person parenting classes, domestic violence classes, or other court-ordered services. However, some services may still be available in different delivery modalities. Counties are encouraged to contact local service providers to determine which services continue to be offered, any changes to locations, modalities or hours of services, and to share this information with their families to encourage them to stay connected and on track with their case plan.

In addition, the caseworker should provide the family with resources that the family can access for parent(s) to continue working on their case plans so that this emergency does not cause unnecessary delays in reunification. CDSS recommends caseworkers use these tools to talk with parents about how they are using their new skills in parenting their children. Case managers may also request written documentation from parent(s) with a summary of the new parenting skills or knowledge obtained to improve their ability to properly care for their children, using material provided by the caseworker or through on-line resources, such as those contained in the Attachment to this letter.

EFFECTIVE PERIOD OF THIS GUIDANCE

The guidance in this ACL as it relates to the consideration of COVID-19 impacts shall only be in effect until June 30, 2020, or sooner if determined by the Department. Once the COVID-19 related guidance has expired, all prior statutory, regulatory, and written guidance requirements modified herein shall be reinstated, unless this waiver is extended.

All County Letter No. 20-58
Page Six

If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau at (916) 657-1858 or CFSD@dss.ca.gov

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

ATTACHMENT

Reunification Assessment Recommendations for County Placing Agencies and Title IV-E tribes:

- What brought the child/ren into foster care?
- What has occurred during the Family Reunification period?
 - ☐ What are the safety requirements set forth by the case plan and are the parent(s) making substantive progress at reducing any safety concerns related to the child?
 - ☐ Have the parent(s) been in regular communication with their caseworker, tribal representative/caseworker, therapist, sponsors from AA or NA (when substance abuse was an issue in the case), parent partners, other service providers such as foster family agency caseworkers, and their child?
 - ☐ Were the services provided effective to meet the needs of the parent(s), to monitor the progress of the parent(s), and to meet identified goals?
 - ☐ How long have visits been taking place? What is the quality of the visitation?
 - ☐ Have visits been positive, consistent and have parent(s) demonstrated protective parenting skills?
 - ☐ Have there been unsupervised, overnight visits, or extended visits?
 - ☐ Are there positive developments in the court-ordered case plan that demonstrate the parent's commitment to reunifying with the child?
 - ☐ Does the child want to return home?
 - ☐ Do the parents feel, with supports, reunification can take place now?
 - ☐ What is the reunification transition plan?
 - ☐ How can the foster caregiver support this transition and remain in the child's life?
- Are there any practical supports and mitigating factors that could overcome the safety concerns and enable reunification to occur?
- Can the child/ren return home with the continuation of services in order to minimize trauma?
- Can Wraparound, Full-Service Partnerships, or other similar family-centered services be made available to support the family?
- Can additional mental health supports be made available to enable safe reunification?
- What needs does the family have which can be met by a community-based agency? Can community-based organizations be utilized to provide additional support and address unmet needs due to the emergency?
- Which informal supports from the CFT are willing to assist in the family's reunification plan?

- Will parents and children have access to internet and cell phone or laptop post-reunification to engage in video or telephonic communication with service providers, tribal representative/caseworker, and county caseworker?

Online Training Resources:

- <http://www.qpicalifornia.org/>
- <http://qpi4kids.org/>
- Positive Discipline for Toddlers:
<https://www.youtube.com/watch?v=sX0MQ5ZXVio>
- Love and Logic YouTube videos:
<https://www.youtube.com/watch?v=GTi2HQy34I4&list=PLeJdPVoRGPY-AhrxRZbjA3cUK3ftL-xf5>
- Nurturing Parents Program (7 - 13 segment):
https://www.youtube.com/watch?v=gdy9jGyHUpQ&list=PL8Xv4JL_d94r1kLCiZQHOkO4R6Lzz_4ft
- Jo Frost Techniques:
<http://www.jofrost.com/techniques/>
- The National Domestic Violence Webpage:
<https://www.thehotline.org/resources/download-materials/>
- The Domestic Violence Survival Workbook:
<https://wholeperson.com/pdf/DomesticViolenceWorkbook.pdf>