

July 28, 2020

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 20-86

The purpose of this All County Letter (ACL) is to inform county child welfare agencies and juvenile probation departments of extended and revised guidance related to flexibilities for the operation of the Resource Family Approval (RFA) Program and emergency placements requirements due to the Novel Coronavirus Disease (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

July 28, 2020

ALL COUNTY LETTER NO. 20-86

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER CARE MANAGERS
ALL LICENSED FOSTER FAMILY AGENCIES
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES

SUBJECT: **REVISED GUIDANCE FOR THE RFA PROGRAM AND
EMERGENCY PLACEMENTS DUE TO COVID-19 IMPACTS**

REFERENCE: [RFA WRITTEN DIRECTIVES, VERSION 6.1](#); [GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY, MARCH 4, 2020](#); [EXECUTIVE ORDER \(EO\) N-53-20](#); GUIDANCE FOR THE RFA PROGRAM DUE TO COVID-19 IMPACTS [ACL 20-43](#); EMERGENCY PLACEMENT AND RATE FLEXIBILITIES DUE TO COVID-19 IMPACTS [ACL 20-44](#); [EO N-68-20](#); [EO N-71-20](#)

The purpose of this letter is to inform county child welfare agencies and juvenile probation departments of extended and revised guidance related to flexibilities for the operation of the RFA Program, as described in ACL 20-43, and emergency placement requirements for community families and Live Scan submissions, as described in ACL 20-44.

Pursuant to EO N-68-20 (June 5, 2020) and EO N-71-20 (June 30, 2020), the Department is announcing the following statewide waivers and flexibilities. Use of these waivers is subject to the Waiver Terms and Conditions set forth in this ACL.

ACL 20-43 EXTENSIONS:

Counties are encouraged to maintain a list of applicants/resource families who have been granted specific RFA waivers and/or flexibilities to ensure they are brought into compliance upon the expiration of the Executive Orders.

The following extensions, pursuant to the authority in EO N-68-20 and EO N-71-20, will expire when the Governor's declared State of Emergency due to COVID-19 ends:

- Home and Grounds/Bedroom Sharing flexibilities that may be utilized as described in [ACL 20-43](#).
- Capacity Waivers that may be utilized as described in [ACL 20-43](#). RFA staff must ensure that any modification to a resource family's capacity determination is thoughtfully evaluated to ensure the health and safety of **all** the children in care. Counties should also concurrently plan for the thoughtful transition of child(ren) to an appropriate placement once the need for extra capacity is no longer warranted or the waiver expires.
- Ending Inactive Status flexibilities that may be utilized as described in [ACL 20-43](#).
- Additional Guidance on other RFA Components, including the self-attestation allowance for RFA required documents and RFA portability flexibilities, which may be utilized as described in [ACL 20-43](#).

The RFA Complaint investigations flexibilities described in [ACL 20-43](#) are addressed in [ACL 20-71](#). The RFA Program Flexibilities for Visits and Interviews and Training Requirements, as described in [ACL 20-43](#), have been revised as follows, and will expire when the Governor's declared State of Emergency due to COVID-19 ends:

Visits and Interviews

Family evaluation interviews must be conducted in person to the extent it is safe to do so, which may include conducting the interview outdoors with physical distancing.

Prior to conducting the interview, the RFA caseworker should call the RFA applicant to pre-screen for COVID-19 [symptoms/exposure](#) by anyone in the household before making the in-person visit, by asking the RFA applicant the following questions:

- Has anyone in your home tested positive for COVID-19 in the past 14 days?
- In the past 14 days have you, your children, and/or anyone else in your household had any of the following symptoms?
 - Fever
 - Cough
 - Shortness of breath
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore Throat
 - New loss of taste or smell

- Have you, your children, and/or anyone in your household had close contact with a person who tested positive for COVID-19 with a laboratory-confirmed test in the last 14 days?

If someone in the household has been exposed to COVID-19 or is experiencing symptoms, they should be encouraged to contact their doctor and let them know about their symptoms and/or exposure. If someone in the household has been exposed to, or experiencing symptoms of, COVID-19, the caseworker should obtain proper Essential Protective Gear (EPG)¹ before going on the in-person visit, and utilize the following preventative practices:

- Practice physical distancing when in someone's home – stay six feet away from people when possible in order to accomplish the purpose of the visit.
- Wear the appropriate EPG. Please work with your county Office of Emergency Services to obtain EPG for your RFA staff, as needed.
- Caseworkers may ask the family members² or caregivers to wear a mask during an in-person visit, but they cannot require it.
- Frequently wash hands with soap and water for at least 20 seconds. If this is not feasible, use an alcohol-based hand sanitizer with 60% to 95% alcohol.
- Avoid touching eyes, nose or mouth.
- Cover your cough or sneeze with a tissue or your elbow or a tissue. Wash hands afterwards. If this is not feasible, use an alcohol-based hand sanitizer with 60% to 95% alcohol.
- Follow guidance from public health officials.

RFA workers may, on a case-by-case basis, conduct the family evaluation interviews via videoconferencing platforms (e.g., Skype, Zoom) in lieu of physical in-person contact, under the following circumstances:

- The state, county, or city public health department in the geographical area in which the child resides provides [direction](#) and/or shifts back to [Stage 1](#). In order to determine if the county is currently in Stage 1, use the California Department of Public Health [County Variance information page](#).
- The RFA applicant refuses entry due to their own health and safety concerns related to the risk of COVID-19 infection. In this case, please identify additional means for accomplishing the visit, such as conducting visits outdoors with appropriate physical distancing or utilizing videoconferencing. Staff should consult with their supervisor

¹ Inclusive of required Personal Protective Equipment (PPE), EPG may include, but is not limited to, gloves, face coverings, hand soap, hand sanitizer, and disinfectant.

² Please note that [public health guidance](#) recommends that children under the age of two or anyone who has trouble breathing or is unable to remove the mask without assistance should not wear face masks or coverings.

- for the appropriate measures and actions needed to facilitate contact.
- The RFA applicant or someone else in the household been exposed to, is experiencing symptoms of, or has tested positive for, COVID-19. Staff should consult with their supervisor for the appropriate measures and actions needed in these circumstances to facilitate contact.

If the county determines it is necessary to meet with the applicant(s) or individual(s) in-person and there is not a way to do so that is consistent with state and local public health guidelines, the in-person interview may be delayed. This delay shall be documented in the RFA applicant's file as the good cause reason for the delay of the approval of the application.

Training Requirements

Counties are encouraged to utilize online training resources or videoconferencing platforms, such as Foster Parent College or Foster and Kinship Care Education (FKCE) programs, to facilitate completion of all training requirements. If applicants are unable to complete pre-approval training online, and the county is unable to provide the pre-approval training through other allowable means as described in the Written Directives, the county may approve applicants for up to 90 days if the only pending requirement is the completion of the pre-approval training.

If a county intends to utilize this waiver they must provide CDSS at RFA@dss.ca.gov with the following information prior to the approval: (1) the applicant(s) for whom the waiver is being utilized; (2) the reason why the applicant(s) are unable to complete the pre-approval training online or by other alternative means; and (3) how the county will assist the applicant/resource family to meet the training requirement within 90 days of the RFA approval. Please see Attachment A for detail on the waiver timeframes authorized by ACL 20-43 versus this ACL.

The RFA approval certificate (RFA-05A or equivalent) must document the conditional approval status, including the 90 day due date for completion of the pre-approval training requirement as required by [Written Directives section 6-08](#), and should explicitly state that continued approval is contingent upon the completion of the training within the allowable timeframe. Counties should also inform resource families who delay their pre-approval training that they are still required to complete the minimum eight hours of post-approval training, within 12 months of initial approval, in addition to the pre-approval training requirements.

Annual Approval Update

With the passage of [Assembly Bill 79 \(Chapter 11, Statutes of 2020\)](#), the RFA Program requirement for updates to the resource family approval on an annual basis was changed to instead require the update on a biennial basis. With this statutory change, an extension to the annual approval update flexibility outlined in ACL 20-43 is no longer necessary. More information pertaining to this statutory change and its implementation will be forthcoming in Written Directives, Version 7 and an accompanying ACL, anticipated to be released in August 2020.

ACL 20-44 EXTENSIONS:

The following flexibilities may be utilized pursuant to [EO N-68-20](#) through August 4, 2020, and after that date will expire and all prior statutory, regulatory, and written guidance requirements shall be reinstated.:

- Emergency placements with an unapproved community family/home³ may be made pursuant to the process outlined in [ACL 20-44](#). As a reminder, placements with community families that have not completed the RFA process may continue to be funded through the Emergency Caregiver funding, from August 5, 2020 onwards, if the community family:
 - has completed the requirements necessary for a compelling reason placement pursuant to WIC 16519.5; **or**
 - now meets the definition of a nonrelative extended family member (NREFM) pursuant to WIC 362.7.
- For families who receive an emergency placement on or before August 4, 2020, the timeframe for the fingerprint-based criminal background check conducted through Live Scan may be delayed up to 60 days following an emergency placement of a child in an unapproved home pursuant to the process and restrictions outlined in [ACL 20-44](#). To determine if a live scan site within a reasonable distance from the caregiver's residence is open, please check the [Department of Justice](#) website.

Information regarding Emergency Caregiver funding for fiscal year 2020-21 will be provided in a forthcoming ACL.

The Indian Child Welfare Act and Children in Care

County agencies and service providers are reminded that the provisions of the Indian Child Welfare Act of 1978 (ICWA) continue in force during this emergency, and all existing federal and state ICWA requirements must be met. Counties must contact the specific Indian child's tribe(s) regarding the emergency care and placement needs of an

³ As defined in ACL 20-44.

Indian child. Collaborating closely with the child's tribe is essential to determine if an emergency placement will utilize the RFA or TAH process, and this collaboration should include informing tribal partners regarding any circumstance where an Indian child is placed into a home where a waiver or flexibility was utilized. The guidance regarding sharing information with tribes set forth in [ACL 18-140](#) continues to apply during this emergency.

Counties should contact both local tribes and any specific Indian child's tribe(s) to determine whether the tribe(s) have changed any of their own procedures in response to the COVID-19 pandemic and to ensure the accuracy of contact information for tribal representatives and service providers. The CDSS's Office of Tribal Affairs and other programs are available to provide technical assistance to all tribes on accessing child welfare services. The Office of Tribal Affairs can be reached at (916) 657-3539 or TribalAffairs@dss.ca.gov.

Questions or requests for clarification regarding the information in this letter should be directed to the assigned county RFA liaison or 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 of California
All Title IV-E Agreement Tribes

Attachment

EXECUTIVE ORDERS N-53-20, N-68-20, and N-71-20
WAIVERS/FLEXIBILITIES SPECIFIED IN ACLs 20-43 and 20-44

ALL COUNTY LETTER 20-43

Waiver/Flexibility	Description	Effective Through	Comment
Family Evaluation Interviews	Interviews should occur in person, but may be conducted via videoconferencing platforms if necessary, as specified	State of Emergency	
Capacity	Capacity requirements may be waived due to isolation or quarantine needs of a child	State of Emergency	Counties should also concurrently plan for transition of child(ren) to an appropriate placement once the need for extra capacity is no longer warranted or the waiver expires.
Home & Grounds/Bedroom Sharing	For purposes of prevention, containment, and mitigation, waiver relative to bedroom sharing and use of common areas for sleeping	State of Emergency	
Pre-Approval Training	<p>If the completion of pre-approval training is only pending requirement, approval may be issued and conditioned upon completion of training requirement</p> <ul style="list-style-type: none"> • no later than 180 days after approval if the approval occurred between 4/17/20 - 6/16/20 • no later than 90 days after approval if approval occurred on or after 6/17/20 	State of Emergency	<p>Conditional approval should be documented on the RFA Approval Certificate.</p> <p>For conditional approvals on or after 6/17/20 the county should provide information to CDSS regarding the reasons the waiver was necessary.</p>
Annual Approval Updates With Placement between 4/17/20-6/30/20	<p>An Annual Approval Update may be delayed for up to:</p> <ul style="list-style-type: none"> • 180 days if the update was due between 4/17/20 – 6/16/20 • 90 days if the update was due between 6/17/20 – 6/30/20 	No longer applicable	Additional information regarding how the transition will occur to biennial approval updates will be addressed in a forthcoming Written Directives update and associated ACL guidance, anticipated to be released in August 2020.

EXECUTIVE ORDERS N-53-20, N-68-20, and N-71-20
WAIVERS/FLEXIBILITIES SPECIFIED IN ACLs 20-43 and 20-44

Annual Approval Updates Due After July 1, 2020 With or Without Placement	Per AB 79, the update is now due biennially	No end date, as the change to biennial approval updates was a statutory change	Please be advised the post approval training requirements are still required to be completed on an annual basis.
Termination of Inactive Status	For purposes of immediate placement of a child, the requirement to complete the approval may be extended up to 90 days past the placement in lieu of the required 30 days.	State of Emergency	
Flexibility with submission of documents including self-attestation	Counties may accept scanned copies or photographs of required documents from applicants or when this is not possible, allowance of a self-attestation document.	State of Emergency	Self-attestation should be documented in the Written Report and documented as conditional approval on the Resource Family Certificate. Required verification of information is due by annual/biennial update.
Portability	Portability requests may temporarily be suspended unless critical to the immediate needs of a child or necessary to place a child with a relative	State of Emergency	

ALL COUNTY LETTER 20-44

Waiver/Flexibility	Description	Effective Through	Comment
Emergency Placements	Permits emergency placement with a not yet approved community family who is willing and able to provide immediate care using the emergency placement process pursuant to WIC 361.4 or WIC 727.05.	August 4, 2020	Claiming requirements per ACL 19-84 should be utilized for community families receiving a placement on or after June 17, 2020. (See CFL 19/20-89) Community family homes must transition to an eligible

EXECUTIVE ORDERS N-53-20, N-68-20, and N-71-20
WAIVERS/FLEXIBILITIES SPECIFIED IN ACLs 20-43 and 20-44

			placement category (compelling reason placement/NREFM) by August 5, 2020 in order to continue to receive Emergency Caregiver Funding.
Fingerprint-Based Criminal Background Check	<p>If live scan services are not available within a reasonable distance, the submission of fingerprints may be delayed</p> <ul style="list-style-type: none"> • Up to 90 days for applicants who applied to be a resource parent and received an emergency placement between 4/17/20 – 6/16/20 • Up to 60 days for applicants who applied to be a resource parent and received an emergency placement between 6/17/20 through 8/4/20 	August 4, 2020	Counties are strongly encouraged to continuously check the availability of open live scan services and to develop plans that ensure delayed fingerprint-based checks are completed expeditiously.