

December 6, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-100

The purpose of this letter is to provide answers to frequently asked questions by child welfare services agencies and probation departments regarding the placement preservation strategy found in All County Letter 19-26.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

December 6, 2022

ALL COUNTY LETTER NO. 22-100

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FEDERALLY RECOGNIZED TRIBES
ALL FOSTER CARE MANAGERS
ALL FOSTER FAMILY AGENCIES
ALL TRANSITIONAL HOUSING COORDINATORS
ALL COURT APPOINTED SPECIAL ADVOCATE PROGRAMS

SUBJECT: **PLACEMENT PRESERVATION STRATEGY FREQUENTLY
ASKED QUESTIONS**

REFERENCE: [ASSEMBLY BILL 2247 \(GIPSON\) CHAPTER 674, STATUTES OF 2018; \(ASSEMBLY BILL 1061, CHAPTER 817, STATUTES OF 2019\); WELFARE AND INSTITUTIONS CODE SECTIONS 224.1, WIC 777, WIC 16002, WIC 16010.7, AND WIC 16501; ALL COUNTY LETTER NO. 18-23, 19-26, 16-84 MENTAL HEALTH SUBSTANCE USE DISORDER SERVICES INFORMATION NOTICE NO.16-049, AND 22-35; THE INTEGRATED CORE PRACTICE MODEL; CALIFORNIA RULES OF COURT 5.651\(e\)](#)

PURPOSE

The purpose of this All County Letter (ACL) is to provide answers to frequently asked questions (FAQs) by child welfare services (CWS) agencies and probation departments (PD) regarding the placement preservation strategy found in [ACL 19-26](#). The [Welfare and Institutions Code \(WIC\) 16010.7](#) requires CWS agencies and PDs to develop, implement, and document a placement preservation strategy with the caregiver in consultation with the child and family team (CFT) for most dependent foster youth placement changes, but also provides exemptions to this requirement. This law also prohibits any foster youth placement change to occur between the hours of 9 p.m. and 7 a.m. with certain limited exceptions. In addition, [WIC section 16010.7](#) requires the CWS agency or PD to serve written notice of the placement change to the parties listed in [WIC 16010.7\(e\)](#), 14 days prior to the change of placement, unless certain conditions apply. Further, this law requires the California Department of Social Services' State Foster Care Ombudsperson's Office to report its investigation findings of complaints in

violation of these provisions, to the county CWS director, or designee, or to the chief probation officer, or designee, for purposes of training, technical assistance, and quality improvement. In addition, [Assembly Bill \(AB\) 1061](#) (Chapter 817, Statutes of 2019) clarified that the placement change requirements in [WIC 16010.7](#) apply to probation agencies, caregivers, and providers. [AB 1061](#) also clarified that the child's representative means the attorney or another individual as authorized by the child's attorney.

If you have any questions or need additional guidance regarding the information in this letter, contact the Family Reunification and Pathways to Permanency Unit at Reunification-Permanency@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

FREQUENTLY ASKED QUESTIONS FOR THE PLACEMENT PRESERVATION STRATEGY

(AS OUTLINED IN ALL COUNTY LETTER 19-26)

EMERGENCY PLACEMENT

1. Is a placement preservation strategy and a 14-day notice required for emergency placements?

A placement preservation strategy and a 14-day notice are not required for emergency placements made prior to Disposition. [WIC 361.4](#) provides provisions for emergency placement when a child or nonminor dependent must be immediately removed, pursuant to [WIC 300](#), from their own home or current foster care placement, and who cannot be immediately returned to their own home or foster care placement.

2. May a grievance be filed for the removal of the child from an emergency placement?

Yes, a grievance hearing is required because the [CWS Manual of Policies and Procedures \(MPP\) Division 31-020.2](#) does not exempt emergency placements from the grievance hearing procedure. [CWS MPP Division 31 Section 31-020.32 states](#), "A review request shall be filed in the form of a written statement signed by the complainant."

3. Do emergency placements that are entitled to file a grievance for placement changes need to file within the 2-day time frame?

Grievance hearings for emergency placements do not need to be requested within the 2-day timeframe required in [CWS MPP Division 31 Section 31-020.341](#) because it is exempt from review pursuant to [CWS MPP Division 31 Section 31-440.21 through .25](#).

PLACEMENT PRESERVATION STRATEGY

1. Does the placement preservation strategy need to be documented?

The placement preservation strategy must be documented in the child's case contact notes in the statewide child welfare information system, or equivalent. A CFT meeting may be convened to identify and implement best practice strategies or conflict resolution strategies to support placement preservation at the first indication of placement disruption. In the case of an Indian child, the Tribe should be included in these meetings, and information shared with the Tribe indicating that the child's placement is at risk, so that the Tribe can assist with creating conflict resolution and

placement preservation strategies prior to any placement changes. The CFT must be consulted in the development of the placement preservation strategy. The social worker (SW) or probation officer (PO) should review previous CFT meeting notes to identify any delays or barriers to implementing recommendations agreed to by the previous CFT meetings that may impact placement stability, or a youth meeting their goals and must consult with the CFT to develop additional placement strategies as needed. When a placement preservation strategy is being developed, it is an important opportunity to share information with caregivers and youth about supports available through the [Family Urgent Response System \(FURS\)](#). Through FURS, caregivers and youth can receive 24-hour, seven-days per week, trauma-informed text, phone, chat, and in-person support to help deescalate conflicts, preserve relationships, stabilize living situations, and promote stability. The FURS can also help ensure that a thoughtful transition occurs when a placement change is necessary and can help support the youth and their new caregiver.

Whenever possible and from the onset of the case, the placement change transition plan should be documented in the case plan goals and reviewed/updated at each CFT meeting. For example, if placement with a pending relative is discussed at a meeting, including this as a case plan goal will assure an easy transition to the relative without a placement preservation requirement under [WIC 16010.7\(k\)](#). Similarly, a placement change is intended to comply with the placement preferences of the Indian Child Welfare Act (ICWA). In the case of an Indian child, adding this as a case plan goal can help ensure all parties understand and are participating in the plan to transition the child to the preferred placement.

CHILD AND FAMILY TEAM

1. Is a child and family team meeting required prior to a placement change?

While a CFT meeting is not required, a placement preservation strategy must be implemented in consultation with the CFT prior to a placement change. If a placement change is planned, a placement preservation strategy is not required as this should have been a part of a prior CFT discussion. Unplanned placement changes must be implemented in consultation with the CFT, meaning that all members of the CFT must be informed of placement disruptions so that conflict resolution and placement preservation strategies, which may include a CFT meeting, can be created at the earliest possible time. Often this means that a CFT meeting is the best way to receive input and insight from all team members. Based on the circumstances or specific makeup of the team, it may be beneficial to also engage the team's support in other ways. If a meeting is not held, the caseworker (SW or PO) should ensure that all team members are aware of the need for a placement preservation strategy and have an opportunity to support the family and youth. Caseworkers should ensure that family

members and natural supports are engaged, and that the consultation is not simply a "staffing" of the issue with other county employees and service providers.

The placement preservation strategy may include, but is not limited to, conflict resolution practices, a CFT meeting, and added communication between the youth, caregiver, and other members of the CFT. The CFT can support the development and implementation of a placement preservation strategy. If the strategy is unsuccessful, the CFT can support the youth and caregiver through the placement change transition. Attempts at preserving the placement shall be made prior to an official 14-day notice unless the placement change is planned. The FURS is an important resource that can support youth experiencing placement instability and their caregivers. When a placement preservation strategy is being developed, it is an important time to ensure caregivers and youth are informed and aware that they can access 24-hour, seven days per week, support through FURS. The caseworker should work with the CFT to develop and implement a placement preservation strategy to preserve the youth's placement prior to making a placement change.

2. Who are the required CFT members to discuss the placement preservation strategy?

A CFT shall include the following: youth, family members, and other people important to the family or youth. As defined in [WIC 16501\(4\)\(B\)\(i\)](#), the CFT shall also include representatives who provide formal supports to the youth and family when appropriate, including the current caregiver, placing agency caseworker, representative from the foster family agency or Short Term Residential Therapeutic Programs (STRTP) placement, county mental health representative, representative of the youth's Tribe or Indian custodian if applicable, Court Appointed Special Advocate (CASA) (unless the youth objects), the youth's Educational Rights Holder, the youth's court appointed attorney, community service providers, Child & Adolescent Needs & Strengths (CANS) assessor, a regional center representative if the youth is eligible for regional center services, and other persons that the youth has identified as a support.

A CFT must also include the youth's court-appointed educational rights holder when the team will:

- develop and implement a placement preservation strategy; or
- discuss the possibility of a placement change.

In addition to formal team members, an effective CFT process supports and encourages family members to invite the participation of individuals who are part of their own network of support. This may include extended family, friends, neighbors, foster caregiver, Independent Living Program coordinator (ILP), coaches, clergy, co-workers, tribal service providers or cultural providers, or others as identified by the youth and family as potential sources of support. Determining CFT members is dependent on the

youth and caregiver's current circumstances, family preferences, and consideration of privacy and confidentiality matters.

At times, family members' choices about team membership may be shaped or limited by practical or legal considerations. However, the family should be supported to make informed decisions about who should be part of the team outside of those required to participate. In the event that any individual member is unable or unwilling to participate in the meeting, the caseworker or CFT facilitator should take steps to solicit that team member's input so that their perspective can be shared with, and considered by, the rest of the team. In addition, changes to team membership should always be discussed with the entire team, including the child, youth, and family. Please see [ACL 18-23](#) for further clarification and information. The CFT participation should be in accordance with these laws, best practices, and CDSS policy guidance provided in letters ([ACL 16-84](#), [ACL 18-23](#), [ACL 21-105](#)).

3. Is the Indian child's tribe required to be invited to participate in the Child Family Team and the placement preservation strategy?

Yes, in any case where a child is identified as an Indian child, the child's Tribe/s should be invited to participate in all aspects of the CFT. [WIC 16501\(B\)\(i\)\(VII\)](#) requires the Indian child's tribal representative and Indian custodian to be included in the CFT; this includes discussions and meetings pertaining to the placement preservation strategy. The child's tribal representative may be an attorney or other individual, which is at the discretion of the Tribe. [WIC 224.1\(f\)](#) requires active efforts (non-exhaustive list of affirmative, active, timely and thorough services) be made when identifying, notifying, and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues. In regards to engaging the Tribe in the CFT meeting, [ACL 22-35](#) notes the practice expectation for Child Welfare Services (CWS) and Juvenile Probation Departments (JPD) is to collaborate with the Tribe to determine a time, date, and location for the CFT meeting so that the Tribe may participate. Additionally, CWS or JPD should make active efforts to allow the tribal representative to participate in the CFT consult, including telephonic, digital, or virtual access to the CFT meeting. If CWS or JPD have made every effort to include the Tribe in the CFT meeting, and the Tribe has notified CWS or JPD they are not available to meet, the practice expectation is to determine next steps together with the Tribe, including postponing the meeting. The child's Tribe is an essential party in determining the best placement for the child and in meeting the placement preferences under the ICWA.

4. Does the caseworker need to consult with the Child Family Team a second time if the placing agency and/or Tribe have ongoing concerns that were not mitigated after the initial placement preservation strategy?

Yes, the caseworker must work with caregivers and the youth to develop and implement a placement preservation strategy, in consultation with the CFT, to preserve the youth's placement prior to making a placement change. It should be noted that a placement preservation strategy is a plan that should be continuously reassessed by the caseworker to ensure it is working, or adjustments need to be made, to minimize a possible disruption. For example, the caseworker may need to make additional check-in phone calls/visits with the caregiver, therapist, and the youth to properly assess the current circumstances and provide that information to other members of the team, which may include a CFT meeting.

5. Is the youth's attorney required to participate in the Child Family Team meeting and the placement preservation strategy?

Court appointed attorneys, including the youth's attorney, are neither required nor prohibited from participating in CFT activities and the placement preservation strategy. Generally, it is good practice to provide notice to all CFT members and attorneys involved in the case.

6. If Child Family Team meetings take place prior to the conclusion of the Disposition Hearing when a youth is declared a dependent or ward of the court, can those Child Family Team meetings be considered as the placement preservation Child Family Team meeting? Or would such a meeting be considered a placement preservation Child Family Team meeting only after a youth is declared a dependent or ward of the court?

No, CFT meetings that occur prior to the conclusion of the Disposition Hearing are not considered placement preservation CFT meetings. The placement preservation strategy is required for maintaining placements for youth in a foster care placement, which occurs after the court takes jurisdiction and the child is declared a dependent or ward of the court. [WIC 16010.7\(b\)](#) requires a placement preservation strategy with the caregiver in consultation with the CFT to occur before an unplanned placement change.

For more information regarding CFTs please see the [Child and Family Team & Child and Adolescent Needs and Strengths Tool brochure](#) or [CDSS' Child and Family Teams Resources website](#).

14 DAY NOTICE

1. Does the 14-day notice have to be written by the caseworker and does the time period start on the date of the written notice?

If, after implementing the placement preservation strategy, the SW or PO receives a placement change request from the caregiver or provider, or otherwise finds that a foster care placement change is necessary, the SW or PO is required to write and serve written notice of a placement change to the following parties at least 14 calendar days prior to the change:

- Foster youth's parent/guardian
- Foster youth's caregiver, including, but not limited to, resource families, foster family agencies and short-term residential therapeutic programs
- Foster youth's attorney
- Foster youth, if they are 10 years of age or older; and
- Foster youth's Tribe/s as required by [WIC 224.1\(f\)\(3\)](#).

Electronic notification such as via email is acceptable. The 14-day period starts upon *receipt* of the written notice by the necessary parties, not when the caregiver or the provider makes the request to the caseworker. If a caseworker has questions regarding how to serve proper notice pursuant to WIC section 16010.7, they should consult their county counsel.

2. Is there a time frame required for a caregiver to notify the agency that they want the child removed from their home? For example, caregiver must provide the agency # days advance notice when requesting that the child be removed.

No, the caregiver is not required to provide advanced notice of a request for placement change. If the placement preservation strategy fails, the law requires that the SW, PO, or placement agency serve written notice to the necessary parties under [WIC 16010.7\(e\)](#) at least 14 calendar days prior to the placement change. The 14-day period should start once the SW or PO provides the written notice of the placement change due to the failure of the placement preservation strategy.

3. Does the county placing agency need to provide the 14-day notice and ensure placement preservation strategy occurs when an RFA license is rescinded?

County placing agencies should ensure that they are complying with licensing laws and should consult their county counsel if they have questions regarding specific cases. The placement preservation and the 14-day notice are required unless it is exempt due to:

- Imminent risk, to the health or safety of the child, youth, other children, or others in the home or facility, or
- All members listed in [WIC 16010.7\(f\)](#), agree to the placement change.

Although it is not required, informing the CFT that a youth must be removed from their current placement without a 14-day notice for any urgent reason (such as an adverse licensing or approval action) is a best practice. The CFT should be notified of any

placement change and should be convened to offer strategies and support to the youth in identifying an appropriate long-term placement option or any other transition support the youth needs.

EXEMPTIONS FROM PLACEMENT CHANGE REQUIREMENTS

1. Is a placement preservation strategy required if a substitute care provider withdraws from the RFA process?

The placement preservation strategy is required if the substitute care provider withdraws from the RFA process. However, [WIC 16010.7\(h\)\(2\)](#) exempts the placement preservation strategy if all parties agree with the placement change.

2. Is the Social Worker or Probation Officer exempt from the 14-day written notice in some cases?

Yes, some exceptions to the 14-day written notice can be found in the [CWS MPP Division 31-440.2](#), as well as in [WIC 16010.7\(h\)](#). For example, as stated in the CWS MPP, notice is not required when the court orders removal, removal of a voluntarily placed child is requested by a parent, or the child is removed from a pre-disposition emergency placement. Additionally, the 14-day notice is not required under [WIC section 16010.7\(h\)\(2\)](#) if remaining in the placement poses imminent risk to the health or safety of the foster youth, or the foster youth's CFT and the foster youth, if the foster youth is 10 years of age or older, or their representative as defined in [WIC section 16010.7\(d\)\(4\)](#), if the foster youth is younger than 10 years of age, unanimously agree to waive the notice requirements. County counsel should be consulted for any questions regarding the exceptions to the 14-day notice.

3. What are the requirements to waive a placement preservation strategy?

The placement preservation strategy may be waived if:

- It is determined that remaining in the existing placement or providing prior written notice of that placement change poses an imminent risk to the health or safety of the foster youth or other children in the home or facility; or
- The foster youth's CFT and the dependent foster youth, if they are 10 years of age or older, or their representative as defined in [WIC 16010.7\(d\)\(4\)](#), if they are younger than 10 years of age, unanimously agree to waive the placement change requirements, which includes the current caregiver.

4. What constitutes an imminent risk to the health and safety of a foster youth, for which the written notice and placement preservation strategy are not necessary?

As specified in [CWS MPP Division 31-115](#) et. seq. the SW or PO must conduct an immediate investigation if the situation indicates imminent danger to a child, when it is determined that, or law enforcement states that, the child is at immediate risk of abuse, neglect, or exploitation. A placement change made days or weeks after the imminent danger occurred may not fall under this exception and a written notice and a placement preservation strategy may be required.

5. Is a placement preservation strategy required if the caregiver or placement is the one giving the notice?

Yes, the placement preservation strategy must be done if all parties do NOT agree to the placement change per the exemption requirements. The SW or PO may initiate a CFT meeting to collaboratively develop and implement an individual plan designed to meet the youth and family's needs.

6. Is a minor that is placed in a Transitional House Program Placement exempt from the 14-day notice and placement preservation strategy?

A minor residing in a Transitional House Program (THP) placement is not exempt from the requirements of [WIC 16010.7\(b\) and \(e\)](#). This statute explicitly exempts nonminor dependents from the placement preservation strategy under [WIC 16010.7\(j\)](#). Therefore, if a minor is being moved for a reason other than a planned move, a placement preservation strategy must occur prior to a placement change from a THP unless there is an imminent risk to the health and safety of the minor.