

December 9, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-92

The purpose of this All County Letter is to provide guidance to county child welfare services agencies and probation departments on the passage of [Assembly Bill 670 \(Chapter 585, Statutes of 2021\)](#) which amends Welfare and Institutions Code Sections [361.5](#) and [361.8](#), as well as Penal Code Section [11166.1](#). This bill helps strengthen protections and supports for minor and nonminor dependents and wards who are parents.



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

December 9, 2022

ALL COUNTY LETTER NO. 22-92

TO: ALL COUNTY WELFARE DIRECTORS
ALL EMERGENCY RESPONSE STAFF
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: ADDITIONAL PROTECTIONS ESTABLISHED BY ASSEMBLY
BILL 670 FOR DEPENDENTS AND WARDS WHO ARE PARENTS

REFERENCE: [ASSEMBLY BILL 670 \(CHAPTER 585, STATUTES OF 2021\);](#)
[WELFARE AND INSTITUTIONS CODE SECTIONS 300, 301,](#)
[361.5; 361.8, 366.21, 366.22, AND 16002.5;](#)
[PENAL CODE SECTIONS 11166 AND 11166.1](#)

The purpose of this All County Letter (ACL) is to provide guidance to county child welfare services (CWS) agencies and probation departments on the passage of [Assembly Bill \(AB\) 670 \(Chapter 585, Statutes of 2021\)](#) which amends [Welfare and Institutions Code \(WIC\) §§ 361.5 and 361.8](#) as well as [Penal Code \(PC\) § 11166.1](#). This bill strengthens protections and supports for minor and nonminor dependents and wards who are parents.

BACKGROUND

California's passage of AB 670 recognizes the unique challenges and barriers often faced by minor and nonminor dependent parents and wards who are parents (hereinafter referred to as parenting dependents and wards). The amendments made by AB 670 are intended to build upon existing protections for parenting dependents and wards whose children may be at risk of child welfare system involvement, and to provide them with strength-based supports to successfully maintain a safe and permanent home for their children. This ACL provides an overview of the existing safeguards for parenting dependents and wards, and describes the changes made by AB 670 to provide expanded protections for this population.

EXISTING PROTECTIONS FOR PARENTING DEPENDENTS AND WARDS

Prior to the passage of AB 670, existing statutory provisions have provided safeguards for parenting dependents and wards, including the opportunity to consult with their legal counsel under the following circumstances:

- Prior to a social worker undertaking a program of informal supervision of the parenting dependent or ward's child, including voluntary family maintenance or voluntary family reunification services ([WIC § 301\(c\)](#)).
- Prior to a social worker or probation officer arranging any informal or formal custody agreement that includes a temporary or permanent voluntary relinquishment of custody of the parenting dependent or ward's child.
- Prior to a social worker or probation officer recommending a legal guardianship be pursued for the parenting dependent or ward's child ([WIC § 361.8\(c\)](#)).

Additionally, when arranging any custody agreement that includes a voluntary relinquishment of the parenting dependent or ward's child, or recommending a guardianship, the social worker or probation officer is required under [WIC § 361.8\(c\)](#) to note in the case file, whether the parent consulted with their legal counsel, or if the opportunity for consultation was provided and did not occur, the reason why it did not occur.

Existing law also requires parenting dependents to have access to services supporting their ability to provide a safe home for their child as follows:

- Parenting dependents and their children shall be provided with access to existing services that are specifically targeted at supporting, maintaining, and developing both the parent-child bond and the parent's ability to provide a permanent and safe home for the child, to the greatest extent possible. ([WIC § 16002.5\(a\)](#)).
- Parenting dependents shall be given the ability to attend school, complete homework, and participate in age and developmentally appropriate activities unrelated to and separate from parenting ([WIC § 16002.5\(c\)](#)).
- Foster care placements for parenting dependents and their children shall demonstrate a willingness and ability to provide support and assistance to parenting dependents and their children, shall support the preservation of the family unit, and shall refer a parenting dependent to preventive services to address any concerns regarding the safety, health, or well-being of the child, and to help prevent, whenever possible, the filing of a petition to declare the child a dependent of the juvenile court under [WIC § 300](#) ([WIC § 16002.5\(e\)](#)).

There are also existing safeguards when determining risk for a parenting dependent's child which include:

- A child whose parent has been adjudged a dependent of the court shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent ([WIC § 300\(j\)](#)).
- A child of a parenting dependent shall not be considered to be at risk of abuse or neglect solely based upon information concerning the parent's placement history, past behaviors, or health or mental health diagnoses prior to the pregnancy, although this information may be taken into account when considering other risk factors ([WIC § 361.8\(a\)](#)).

Additionally, in accordance with [WIC § 361.8\(b\)\(2\) and \(3\)](#), any party seeking involuntary foster care placement of, or termination of parental rights over, a parenting minor dependent or ward's child, must demonstrate to the court that reasonable efforts were made to provide remedial services to prevent the child's removal, and these efforts have proved unsuccessful. These efforts must utilize available resources of the child and the parenting minor dependent or parenting ward's extended family, social services agencies, caregivers, and other available service providers.

Prior existing law ([WIC § 361.8\(b\)\(1\)](#)) establishes that family reunification services for parenting minor dependents or wards cannot be denied on the basis outlined in [WIC § 361.5\(b\)\(10\) and \(11\)](#), which include a prior court-ordered termination of reunification services or parental rights over any sibling or half-sibling of the child, unless one or more of the circumstances exist under [WIC § 361.5\(b\)\(1\) through \(9\) or \(12\) through \(17\)](#).

Lastly, when a child is removed from a parenting dependent and family reunification services are provided, the court must take into the account the particular barriers to that parent in accessing services and the ability to maintain contact with their child at each review hearing held under [WIC §§ 366.21\(e\), 366.21\(f\)](#), and [366.22](#). The court is also authorized to order an additional six months of family reunification services at the review hearing ([WIC § 366.22](#)) for a parent who was a minor or nonminor dependent at the time of the initial hearing and who is making substantial progress in establishing a safe home for the child's return.

ADDITIONAL PROTECTIONS UNDER ASSEMBLY BILL 670

The goal of AB 670 is to further reduce potential issues that may be caused by increased scrutiny parenting dependents or wards often face and expands existing protections for them and their children. The provisions of AB 670 are effective as of January 1, 2022.

Under AB 670, [PC § 11166.1](#) was amended, to require, any law enforcement agency, county welfare department or probation department to notify the attorney of the

parenting dependent within 36 hours of receiving a report alleging abuse or neglect of their child.

This 36-hour time limit provides an opportunity for their attorney to provide legal advice and support to the parenting dependent and allows for efforts to be made to connect the parent to services as soon as possible and attempt to mitigate the problem that led or may lead to the removal of the child. The requirement to notify the parenting dependent's attorney should not delay the county CWS agency's response priority for referrals requiring an in-person investigation.

The provisions under AB 670 also added [WIC § 361.8\(b\)\(4\)](#), requiring a social worker or probation officer to use a strengths-based approach to support a parenting dependent in providing a safe and permanent home for their child, including while conducting an investigation. A strengths-based approach means emphasizing a parenting dependent's strengths in both themselves and their network of support, seeing them holistically, motivating them and assisting them to tap into the identified strengths and lean on their support system when needed. For example, a worker may emphasize a youth's large support network as a resource for the youth to learn parenting skills through natural connections, rather than focusing on a perceived lack of parenting skills. This section also prohibits an investigation of the parenting dependent's child unless a report of child abuse or neglect has been made under [PC § 11166](#).

Additionally, AB 670 amended [WIC § 361.8\(b\)](#), extending the existing safeguards to include nonminor dependents within its protections, as this previously only applied to minor parenting dependents and wards. Under the changes implemented under AB 670, a party seeking an involuntary foster care placement of, or termination of parental rights over, a child born to a nonminor dependent parent at the time of the child's birth must demonstrate to the court that reasonable efforts were made to provide remedial services designed to prevent the removal of the child, and that these efforts have proved unsuccessful. Furthermore, the provisions authorizing the denial of family reunification services under [WIC § 361.5 \(b\)\(10\) and \(11\)](#) are not applicable in the case of a nonminor dependent parent, unless one or more circumstances described in [WIC § 361.5\(b\)\(1\) through \(9\) or \(12\) through \(17\)](#) exist.

Lastly, AB 670 makes the family reunification bypass provisions under [WIC § 361.5\(b\)\(10\) and \(11\)](#) inapplicable if the only time the court previously terminated reunification services or parental rights over a sibling or half sibling of the child, was when the parent was a dependent, nonminor dependent, or ward ([WIC § 361.5\(b\)\(10\)\(B\) and \(11\)\(B\)](#)).

If you have any questions or need additional guidance regarding the information in this letter, please contact the Family Centered Safety and Support Bureau at (916) 651-6160 or by sending an email to childprotection@dss.ca.gov.

Sincerely,

Original Document Signed By:

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division