

April 2, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 24-20**

The purpose of this All-County Letter is to announce the passage of Assembly Bill 954 and address its impact on child welfare services agencies, juvenile probation departments and Tribes with Title IV-E Agreements with the California Department of Social Services. Assembly Bill 954 (Chapter 552, Statutes of 2023) amends the Welfare and Institutions Code section 362 to require courts to inquire whether a parent, guardian, or Indian Custodian can afford court-ordered services and adds Welfare and Institutions Code section 362.8 to declare that a parent, guardian, or Indian Custodian shall not be found non-compliant with the court-ordered case plan if the court finds that they are unable to pay for a service or that payment would create an undue hardship.



KIM JOHNSON  
DIRECTOR

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

April 2, 2024

ALL COUNTY LETTER NO. 24-20

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: **THE INABILITY TO PAY FOR ANY COURT ORDERED  
SERVICES SHALL NOT BE A BARRIER TO REUNIFICATION  
OR A BASIS FOR REMOVAL**

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 300](#),  
[WIC SECTION 300.2](#), [WIC SECTION 362](#), [WIC SECTION 362.8](#),  
[WIC SECTION 16506](#); [PENAL CODE \(PC\) SECTION 11165.2](#),  
[PC SECTION 11166](#), [PC SECTION 11167](#); [ASSEMBLY BILL \(AB\)  
954 \(CHAPTER 552, STATUTES OF 2023\)](#), [AB 2085 \(CHAPTER  
770, STATUTES OF 2022\)](#); [SENATE BILL 1085 \(CHAPTER 832,  
STATUTES OF 2022\)](#); [ALL COUNTY INFORMATION NOTICE  
\(ACIN\) NO. I-21-18](#), [ACIN NO. I-23-04](#)

## **PURPOSE**

The purpose of this All-County Letter (ACL) is to announce the passage of Assembly Bill (AB) 954 and address its impact on child welfare services agencies, juvenile probation departments and title IV-E Tribes. [Assembly Bill 954](#) (Chapter 552, Statutes of 2023) amends the [Welfare and Institutions Code \(WIC\) section 362](#) to require courts to inquire whether a parent, guardian, or Indian Custodian can afford court-ordered services and adds [WIC section 362.8](#) to declare that a parent, guardian, or Indian Custodian shall **not** be found non-compliant with the court-ordered case plan if the court finds that they are unable to pay for a service or that payment would create an undue hardship. The AB 954 provides that a parent, guardian, or Indian custodian that cannot afford ordered services shall not be found non-compliant with their court ordered service case plan if the caseworker has not provided them with a comparable free service that is accessible.

## **BACKGROUND**

California has been implementing policies to help eliminate barriers to reunification and family maintenance efforts for families statewide. The AB 954 is in alignment with these new policies as it aims to remove a parent's financial circumstances as a barrier to successfully completing court ordered services. This bill aligns with recent legislation passed in 2022, [Senate Bill \(SB\) 1085 \(Chapter 832, Statutes of 2022\)](#) and [AB 2085 \(Chapter 770, Statutes of 2022\)](#), which removed poverty and parent's economic disadvantage as a sole basis for establishing abuse or neglect. The AB 2085 amended [Penal Code \(PC\) section 11165.2](#), [PC section 11166](#), and [PC section 11167](#). The amendments to [PC section 11165.2](#) specify that "general neglect" does not include a parent's economic disadvantage. Furthermore, SB 1085 amended [WIC section 300](#) and [WIC section 300.2](#) to prohibit a child from being found within the jurisdiction of the juvenile court solely based on indigence or other conditions of financial difficulty.

Additionally, [WIC section 16506](#) requires family maintenance services to be provided or arranged for by county welfare department staff to maintain a child in their own home and requires the services to be available *without regard to income* to specified families, including families in which the child is in the care of a previously noncustodial parent under the supervision of the juvenile court. Assembly Bill 954 declares that a parent(s), guardian(s), or Indian custodian(s) failure to complete services due to inability to pay is not a valid legal basis for terminating reunification or family maintenance services. Under AB 954, caseworkers are responsible to mitigate financial barriers for parents, guardians, and Indian custodians when developing a case plan and making service referrals. If a family can pay full or partial services fees, they should, but if they cannot and financial barriers exist, this needs to be addressed and comparable free services need to be offered.

## **ASSEMBLY BILL 954**

Under AB 954, the juvenile court is now required to inquire whether a parent, guardian, or Indian custodian can afford the court-ordered services when making orders for a dependent child. The AB 954 prohibits the juvenile court from declaring that a parent, guardian or Indian custodian is noncompliant with a court-ordered case plan at specified review hearings when the juvenile court finds that the parent, guardian, or Indian custodian is "unable to pay for a service or that payment for a service would create an undue financial hardship for them, and the caseworker did not provide a comparable free service that was accessible and available" to them, as specified in the court order for services.

Specifically, AB 954 added section 362.8 to the WIC code:

*At a review hearing where a parent or guardian's participation in reunification or family maintenance services is considered by the court, the parent or guardian shall not be considered to be noncompliant with the court-ordered case plan when the court finds that the parent or guardian is unable to pay for a service or that payment for a service would create an undue financial hardship for the parent, guardian, or Indian custodian and the caseworker did not provide a comparable free service that was accessible and available to the parent, guardian, or Indian custodian to comply with the case plan during the period subject to the court's review.*

*A parent or guardian who qualifies for the services of-court-appointed counsel is presumed to be unable to pay the cost of court-ordered services.*

The goal of AB 954 is to ensure that the termination of reunification or family maintenance services does **not** occur solely due to a parent, guardian, or Indian custodian being unable to complete their case plan because they cannot afford court ordered services and the caseworker has not offered accessible, available, and comparable free service(s). It is important that caseworkers are engaging parent(s), guardians, and Indian custodian(s) in identifying appropriate services to address the reason(s) that the family has come to the attention of the juvenile court. This includes the caseworker understanding the family's financials and making service referrals that are compatible with their financial resources when they are developing a case plan. When there is reason to know the child is or may be an Indian child, the county must collaborate with the Indian child's Tribe to identify and provide services to the family and child. Additionally, the Integrated Core Practice Model (ICPM) provides practical guidance and direction to support county child welfare, juvenile probation, mental health providers, Tribes, and their partners in collaboration to identify services that are reflective of the most current best practices for the delivery of timely, effective, and collaborative services to children, youth, nonminor dependents (NMDs), and families. The ICPM behaviors found in [All County Information Notice \(ACIN\) No. I-21-18](#) provides key practice behaviors that support the collaborative work with children, youth and families. The thoughtful and planned use of these practice elements, combined with quality case worker visits, and ensuring that services are culturally appropriate, and trauma informed are the foundation for developing a dynamic relationship with parents, guardians, and Indian custodians. The caseworker should be prepared to include a description of the appropriateness of the services being provided, their efforts to secure the services at a reduced or free cost to the parents, confirmation that the services are accessible, and the progress being made in those services, in the report provided at the specific review hearings.

Caseworkers need to be intentional in their rapport building with the child(ren) and families to conduct thorough and accurate assessments. The case plan services should

be directly related to the reason a family has come before the dependency court and in the case of an Indian child, the case plan should be completed in collaboration with the Tribe. If, at the dispositional hearing, it is determined that a child may remain in the care of their parent(s)/guardian(s) /Indian custodian(s), then the case plan should be focused on addressing the safety or wellbeing issues that placed the family under the court's jurisdiction. If it is determined that a child cannot safely remain in the care of their parent/guardian/Indian custodian then the case plan needs to focus on the reason a child was removed from the family, and the top three goals of the case plan should relate specifically to the efforts of reunification. In both family maintenance and family reunification cases, the case plan must be a working document; meaning that as the strengths and needs of families evolve, the case plan changes to reflect those things. Also, in the case plan there needs to be an identifiable and actionable concurrent plan. This is the permanency plan that is actively pursued should reunification services be terminated. For more information on concurrent planning please see [ACIN I-23-04](#).

The California Department of Social Services (CDSS) recognizes that many counties hold service contracts or Memorandums of Understandings (MOU's) with service providers, including Tribal organizations. These providers will often provide services at reduced or no cost to the families involved in court ordered services. Special attention should be given to ensuring that a county has adequate, culturally appropriate and trauma informed services and resources available to meet the needs of the families being served. The CDSS is encouraging counties to review their county resources and assess them according to cost and availability. It would be advantageous for counties to include the service and payee, or comparable free service being offered in their court reports. This would demonstrate to the court that the caseworker has been diligent in their efforts to provide affordable, accessible services, and there is no financial barrier to parent(s), guardian(s) or Indian custodian(s) completing court ordered services.

If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau at (916) 651-7394 or the Family Reunification and Pathways to Permanency Policy Unit at [Reunification-Permanency@dss.ca.gov](mailto:Reunification-Permanency@dss.ca.gov).

Sincerely,

***Original Document Signed By***

ANGIE SCHWARTZ  
Deputy Director  
Children and Family Services Division

cc: All Federally Recognized Tribes