

May 7, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

**EXECUTIVE SUMMARY**

**ALL COUNTY LETTER NO. 24-33**

The purpose of this All County Letter (ACL) is to inform county child welfare (CW) agencies and county probation departments (PD) of amendments to Welfare and Institutions Code (WIC) sections 361.5 and 366.22 made by Assembly Bill 937 (Stats. 2023, Ch.458). The amendments require extension of reunification services beyond 18 months when a court finds at the 18-month review hearing that reasonable reunification services were not offered or provided the parent, legal guardian, or Indian Custodian and/or that active efforts were not made, unless the court “finds by clear and convincing evidence based on competent evidence from a mental health profession that extending the time period for reunification services would be detrimental to the child. . . .” (WIC 366.22(b)(2)(B).)



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GAVIN NEWSOM  
GOVERNOR

May 7, 2024

ALL COUNTY LETTER NO. 24-33

TO: ALL COUNTY WELFARE DIRECTORS  
ALL CHIEF PROBATION OFFICERS  
ALL CHILD WELFARE SERVICE PROGRAM MANAGERS  
ALL FOSTER FAMILY AGENCY DIRECTORS  
ALL TITLE IV-E TRIBES

SUBJECT: **JUVENILE COURT EXTENSION OF REUNIFICATION SERVICES**

REFERENCE: [ASSEMBLY BILL 2866 \(CHAPTER 165, STATUTES of 2022\);](#)  
[ASSEMBLY BILL 2805 \( CHAPTER 356, STATUTES of 2020\);](#)  
[ASSEMBLY BILL 1702 \(124, STATUTES of 2016\);](#)  
[SENATE BILL 463 \( CHAPTER 714, STATUTES of 2023\);](#)  
[ASSEMBLY BILL 954 \(CHAPTER 552, STATUTES of 2023\);](#)  
[ASSEMBLY BILL 954 \( CHAPTER 552, STATUTES of 2023\);](#)  
[ASSEMBLY BILL 937 \(CHAPTER 458, STATUTES OF 2023\);](#)  
[WELFARE AND INSTITUTION CODE \(WIC\) SECTION 366.22\(b\);](#)  
[WIC SECTION 361.5; WIC SECTION 224.1\(f\);](#)  
[ALL COUNTY LETTER NO. 22-35](#)

## **PURPOSE**

The purpose of this All-County Letter (ACL) is to inform county child welfare (CW) agencies and probation departments (PD) of amendments to Welfare and Institutions Code (WIC) sections 361.5 and 366.22 made by [Assembly Bill \(AB\) 937](#) (Stats. 2023, Ch. 458).<sup>1</sup> The amendments require extension of reunification services beyond 18 months when a court finds at the 18-month review hearing that reasonable reunification services were not offered or provided to the parent, legal guardian, or Indian custodian and/or that active efforts were not made, unless the court “finds by clear and convincing evidence based on competent evidence from a mental health professional that

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<sup>1</sup> The amendments described here passed the Legislature via AB 937. Technically, the amendments were enacted when the Governor signed Senate Bill (SB) 463 (Stats. 2023, Ch. 714). Both bills amended WIC section 366.22, but SB 463 was signed last by the Governor. Because of chaptering language in both bills, the language of both would go into effect based on whichever bill was signed last.

extending the time period for reunification services would be detrimental to the child. . . ” (WIC § 366.22(b)(2)(B).)

## **BACKGROUND**

Prior to the amendments made by AB 937, California law limited the time-period for the provision of reunification services in dependency cases to a maximum of 18 months, except in very limited circumstances where the juvenile court found that there is a substantial probability that the child will be returned to the custody of the parents, legal guardian or Indian custodian if an additional period of reunification, not to exceed 24 months from the initial removal, is provided.<sup>2</sup> Although the law required extension of services at the 6- and 12-month review hearings upon a court finding that the county failed to offer or provide reasonable reunification services to the parents (WIC §§ 366.21, subds. (e)(3), (e)(7), & (g)(1)), former WIC section 366.22 did not include that as a mandatory basis for extending services up to 24 months. Additionally, the California Supreme Court interpreted the relevant statutes and concluded that the extension of reunification services at the 18-month review when reasonable services were not offered is discretionary, not mandatory. It also concluded that to extend reunification services under those circumstances, the juvenile court must find that the extended reunification period is not contrary to the child’s best interests. (*Michael G. v. Superior Court* (2023) 14 Cal.5th 609, 626-630.)

Also prior to the amendments made by AB 937, the statutes were silent as to what must occur in cases involving an Indian child, as defined in WIC section 224.1, when a court determined that the agency had not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. Although WIC section 366(a)(1)(B) requires the court to determine whether the agency has made active efforts, neither that statute nor the review hearing statutes (WIC §§ 366.21 & 366.22) provided a remedy if the court made a negative finding at a hearing to review reunification. Although at least one appellate court implied that the remedy for failure to make active efforts would be extension of reunification services (*In re Michael G.* (1998) 63 Cal. App. 4th 700, 715-716), that implication was never made explicit in statute.

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<sup>2</sup> The limited circumstances are where the parent, legal guardian or Indian custodian 1) is making significant and consistent progress in a court-ordered residential substance abuse treatment program, 2) was a minor parent or nonminor dependent parent at the time of the initial hearing for their child and is making significant and consistent progress in establishing a safe home for the child’s return, or 3) was recently discharged from incarceration, institutionalization, or the custody of the United States Department of Homeland Security, and is making significant and consistent progress in establishing a safe home for the child’s return. (WIC § 366.22, subd. (b).)

## **NEW GUIDANCE**

The amendments made by AB 937 override the Supreme Court's statutory interpretation by making extension of the reunification period mandatory when the juvenile court finds that agency failed to offer or provide reasonable reunification services during the period between the 12 and 18-month review hearings. Similarly, the amendments make explicit what was implied in law in cases involving an Indian child. Now, section 366.22 expressly requires the extension of reunification services at the 18-month review hearing when, in the case of an Indian child, a juvenile court finds that the agency failed to make the requisite active efforts.

The amendments to WIC section 361.5 and 366.22, require the juvenile court to extend reunification services to the 24-month date in either or both of the following circumstances:

- the county agency failed to offer or provide reasonable reunification services and/or,
- in the case of an Indian child, the court finds active efforts to reunite the child with their family have not been made. For more information about ensuring active efforts are made, see [ICWA Active Efforts, All County Letter No. 24-18](#).

Under these circumstances, the juvenile court may terminate reunification services at the 18-month review hearing only if it finds "by clear and convincing evidence based on competent evidence from a mental health professional" that it would be detrimental to the child to extend reunification services.

## **IN PRACTICE**

The amendments made to WIC sections 361.5 and 366.22 are intended to ensure that county agencies provide families with adequate services and supports to reunify and, in the case of an Indian child, the necessary required services that constitute active efforts as described in subdivision (f) of WIC section 224.1. Families face many challenges when striving towards reunification which may include managing adjustment issues, obtaining mental health services, reinstating public benefits, obtaining childcare, gaining employment, obtaining housing, and sometimes lack of clarity about how to get help. Caseworkers are charged with managing the case to assist families in overcoming barriers, including but not limited to family engagement, maintaining family and cultural connections, and connecting families to evidence-based services in their community. In cases involving Indian children, active efforts require engagement with the child's Tribe, linking the family to culturally responsive services, actively engaging the family, including extended family members as defined by WIC section 224.1, to ensure that the

parents, legal guardian, or Indian custodian and the child are able to participate in the appropriate services.

None of the amendments made by AB 937 modified the bases for extending reunification services to the 24-month date based on the parents' progress and circumstances. As such, the court still may order further reunification services if it finds, by clear and convincing evidence, that it would be in the best interest of the child to provide additional reunification services under the following circumstances:

- Parent/legal guardian/Indian custodian is making significant and consistent progress in a court-ordered residential substance abuse treatment program.
- Parent/legal guardian/Indian custodian discharged from incarceration, institutionalization, or custody of the U.S. Department of Homeland Security is making significant and consistent progress establishing a safe home for the child.

When reunification services are extended, all prior requirements for case planning apply to the case plans for the extended Family Reunification (FR) period. The case plans should be individualized to reflect the problems which led to the family's involvement with the county agency and reflect the services that address the family's specific needs.

When working with family's, it is the Child and Family Team (CFT) meetings which serve as the primary engagement tool to enable a collaborative discussion when identifying the strengths and needs of the youth and family. Most importantly, it is an opportunity for the youth to engage in a discussion about their rights and specifically how it relates to their case planning during the CFT process. For further guidance regarding CFT process and expectations, refer to [All County Letter NO. 22-73](#).

The [Integrated Core Practice Model \(ICPM\)](#) has particular use in supporting voice and choice, sharing of decision-making power, and establishing authentic cultural humility as a central tenet of intervention. Communicating with a family in a way that facilitates opportunity to identify underlying needs and services to address these, is an important casework component of California's ICPM to facilitate authentic connection with the children and family during the process of engagement. Inquiry should be made with the child as well as the parent/legal guardian/Indian custodian early and often to assess their progress towards meeting their goals of reunification so that case plans can be adapted to reflect their needs in a timely manner and to improve service planning and delivery outcomes.

Compromise and flexibility are key components in the process of teaming with families and county agencies working together to identify solutions to obstacles and meeting their needs. It is intended to facilitate a common strategic and practical framework that integrates service planning, delivery, coordination, and management among all those involved in working with children in multiple service systems.

The ICPM Practice Behaviors that support teaming during a caseworker visit might include:

- Engaging the youth and caregiver, and, in the case of an Indian child, the child's Tribe, in the planning and decision-making
- Identifying family's strengths and resources to enhance the case plan.

Caseworker visits are also a key component in service planning and provide opportunity to genuinely communicate that children, youth, and family members are consistently heard, the needs chosen for initial focus in the plan are ones the family members want to work on, and that the interventions or other activities selected by the CFT have a reasonable chance of helping them meet these needs.

ICPM Practice Behaviors that support service planning and delivery during a casework visit include:

- Work with the family and, in the case of an Indian child, the Indian child's Tribe, to identify culturally relevant community-based supports and services.
- Check in with families to ensure they understand and agree with the case plan goals and current needs.
- Emphasize reliance on informal supports and resources while planning intervention strategies.

[ACL 19-87](#) provides even further guidance on the application of ICPM for quality caseworker visits.

If you have any questions or need additional guidance regarding the information in this letter, contact 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