

November 14, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

**ALL COUNTY LETTER NO. 24-69
PROVIDER INFORMATION NOTICE NO. 24-14-CRP**

The purpose of this combined All County Letter and Provider Information Notice is to inform county child welfare agencies, probation departments, and licensed foster family agencies of new provisions related to a Resource Family's ability and willingness to meet the needs of a child or a non-minor dependent inclusive of their sexual orientation, gender identity, or gender expression, which was clarified in Senate Bill 407 (Chapter 225, Statutes of 2023).



JENNIFER TROIA
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GAVIN NEWSOM
GOVERNOR

November 14, 2024

ALL COUNTY LETTER NO. 24-69
PROVIDER INFORMATION NOTICE NO. 24-14-CRP

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER CARE MANAGERS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ADOPTION AGENCIES
ALL LICENSED FOSTER FAMILY AGENCIES

SUBJECT: **RESOURCE FAMILY APPROVAL PROGRAM REQUIREMENTS
ASSOCIATED TO THE ASSESSMENT OF A FAMILY'S ABILITY
AND WILLINGNESS TO MEET THE NEEDS OF A CHILD OR
NON-MINOR DEPENDENT INCLUSIVE OF SEXUAL
ORIENTATION, GENDER IDENTITY OR EXPRESSION**

REFERENCE: [SENATE BILL\(SB\) SECTION 407 \(CH 226, STATUTES OF 2023\);](#)
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 16519.5;](#)
[WIC SECTION 16001.9; WIC SECTION 361.31;](#)
[RESOURCE FAMILY APPROVAL WRITTEN DIRECTIVES;](#)
[ALL COUNTY INFORMATION NOTICE NO. 1-38-24](#)

The purpose of this combined All County Letter and Provider Information Notice is to inform county child welfare agencies, probation departments, and licensed foster family agencies (FFA) of new provisions relating to the Resource Family Approval (RFA) Program as a result of [Senate Bill \(SB\) 407 \(Chapter 226, Statutes of 2023\)](#). Please note these new provisions in no way change the application of the Indian Child Welfare Act and the placement preferences set forth for Indian children in the [Welfare Institutions Code \(WIC\) section 361.31](#).

SENATE BILL 407

The [Senate Bill \(SB\) 407](#) strengthens the RFA Program by adding language to [WIC section 16519.5](#) that states a Resource Family (RF) applicant and approved RF must demonstrate an ability and willingness to meet the needs of a child or a non-minor

dependent (NMD) inclusive of their sexual orientation, gender identity, or gender expression (SOGIE). It goes on to state that should challenges or difficulties around SOGIE arise prior to, upon, or after approval, a RF applicant or approved RF must demonstrate a willingness to access resources offered by the agency to resolve or mitigate those challenges and meet the needs of the child or NMD. The bill also requires that RFA pre- and post-approval training curriculum provide a caregiver with the knowledge, skills, and ability to parent any child or NMD in foster care inclusive of their race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. In addition, all caregivers must receive training on cultural sensitivity regarding SOGIE and best practices for providing care to lesbian, gay, bisexual, transgender, queer/questioning (LGBTQ+) children and NMDs. It should be noted that the “+” is utilized in LGTBQ+ to capture the various and diverse identities not captured in the acronym. While these specific legal requirements are mandated by [SB 407](#), it is critical to remember that existing law in the Foster Youth Bill of Rights, as specified in [WIC section 16001.9](#), requires caregivers to provide a safe and comfortable home for all children and NMDs consistent with legal prohibitions on all forms of specified discrimination.

THE RESOURCE FAMILY APPROVAL PROGRAM

The RFA program is the family friendly, child-centered process for the approval of caregivers who wish to provide family-based, out-of-home care for children and NMDs in foster care on a temporary or permanent basis. The RFA process is comprised of various assessments that evaluate the applicant’s home environment, as well as the applicant’s ability, willingness, and capacity to provide children and NMDs with a healthy, safe, and affirming home environment. In the case of an Indian child for whom the child’s Tribe is not exercising its right to approve a home, the county must apply the prevailing social and cultural standards of the Indian community to the RF’s approval for that child.

FAMILY EVALUATION

Embedded in the RFA process is the Family Evaluation (FE) component. This includes a series of interviews with members of the family that provide an opportunity for the RFA worker to learn more about the family as a unit and its individual members. These conversations allow the RFA worker to assess family structures, values, discipline practices, coping strategies, etc. The FE interviews provide an opportunity for areas of concerns or challenges to be identified and mitigated with additional training, support, or other activities, as necessary or appropriate.

The FE interviews are also intended to assess the family’s ability, willingness, and capacity to provide a safe, accepting, and affirming home to prevent additional trauma to any child or NMD who could be placed with them by asking direct and open-ended questions about their ability and capacity to care for LGBTQ+ children and NMDs.

Studies estimate at least 30 percent of children and NMDs in care identify as LGBTQ+¹ and, more importantly, may be in care as a direct result of challenges in their family of origin related to their SOGIE or LGBTQ+ identification. It would be harmful for children and NMDs to live with a RF who does not support and respect their identity. The amendments to [WIC section 16519.5](#) made via the passage of [SB 407](#) stress the need for deeper discussion and exploration during the FE interviews to evaluate if the caregiver has a clear understanding of, but not limited to, the following:

1. The high number of youth in foster care who enter foster care as LGBTQ+ and/or may come out as LGBTQ+ during their time in care.
2. Their own strengths and needs related to providing affirming care.
3. The rights afforded to children and NMDs under the care of the child welfare and/or probation agency.
4. The availability of support and resources to help them develop or further enhance their capacity to be affirming.

Each RF must have the capacity, ability, and willingness to safeguard a child's or NMD's personal rights and respect and honor the child's identities regardless of their own values and beliefs.

If concerns are identified during the FE regarding a caregiver's capacity, ability, or willingness to safeguard a child's or NMD's personal rights, and to provide affirming and nondiscriminatory care, it is incumbent upon the worker to offer supports and training. The caregiver must be open and willing to accept the offered resources to mitigate those concerns. These tools are provided to assist the caregiver in better understanding the personal rights of each child.

PRE-AND POST APPROVAL TRAINING/ADDITIONAL ACTIVITIES

The current RFA training curriculum is comprised of a wide range of topics intended to provide caregivers with the knowledge, skills, and tools to meet the needs of any child or NMD, inclusive of race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. With the amendments made to [WIC section 16519.5](#) via the passage of [SB 407](#), all agencies should review their existing training curriculum to ensure it reflects the diversity of children and NMDs served by child welfare and probation systems. The training curriculum must be provided through a culturally sensitive and trauma informed perspective that educates the caregiver on providing care that affirms the child or NMD's various identities, particularly in the areas of SOGIE.

¹ [LGBTQ+ Youth in Foster Care 2023 Fact Sheet \(childrensrights.org\)](#)

THE WRITTEN REPORT

The Written Report (WR) is the culminating document that summarizes and evaluates all the collected information, documentation, interviews, and assessments conducted during the RFA process. The WR documents if the applicant has the ability, capacity, willingness, and commitment to meet the unique needs and uphold the personal rights of any child or NMD. The WR also documents any concerns or barriers regarding the caregiver and/or home environment. The WR details how the caregiver, county, and Tribe in the case of an Indian child or NMD, worked collaboratively to mitigate or resolve those concerns or barriers with training, specialized resources, and/or physical items. Additionally, the WR is where the agency documents their decision to approve or deny the applicant and notes the characteristics of a child or NMD which that applicant may best serve, enabling the agency to make better informed placement decisions. Upon approval of a RF, the WR should also describe and suggest any supports and resources for the family to help them build their skill set and further mitigate any concerns or areas noted in need of further growth. This includes RFs who initially expressed uncertainty about LGBTQ+ children but were open to further educating themselves and demonstrating a willingness to support their personal rights.

If the agency determines during, or after, the approval process that the RF is unwilling or unable to parent any child or NMD with affirmation and acceptance, and safeguard their personal rights, this must be considered conduct that poses a risk or threat to the health, safety, and well-being of a child or NMD. If such a risk or threat is determined to be present in the assessment, the agency must deny the application or initiate the rescission of the approval.

FREQUENTLY ASKED QUESTIONS

Q1: Is the county required to place a self-identified LGBTQ+ child or NMD with a LGBTQ+ caregiver?

A1: No. There is no requirement that a county must place with a LGBTQ+ caregiver. Placement decisions are individualized and based upon the RF who will best meet the specific needs of the child or NMD.

Q2: Are RFs required to accept all placements they are contacted about?

A2: No. It remains the case that a RF is not required to accept all placements. However, a RF must comply with all federal and state laws related to the prohibition on discrimination.

Q3: May an applicant request to have a “Child Specific Approval” to ensure they only receive placement of particular type of child or NMD?

A3: No. The “Child Specific Approval,” as defined in [RFA Written Directives](#), Section 3-01(a)(2), means an approval as a RF to care only for a specific child or nonminor dependent based on the following circumstances:

- (A) The family is a relative or nonrelative extended family member who has an established familial or tribal relationship of such significance that it outweighs any concerns about the RF identified through the family evaluation.
- (B) The relative applicant or other adult living in the home was granted a criminal record exemption outlined in 6-03B(b)(1).
- (C) The Tribe did not exercise its right to approve a family for a specific child, and the County, in collaboration with the Tribe, applied the prevailing social and cultural standards of the Indian community when approving the family for that child.

Q4: Can RFs refuse placement of a child or NMD who does not match their placement preferences?

A4: Yes. The placing agency cannot require a RF to accept placements that fall outside their placement preferences. A key feature of the FE component is the RFA program staff explore with the applicant family their rationale for a particular preference.

Q5: During the initial FE interview, the applicant indicates their disapproval of LGBTQ+ children and NMDs, but also states they would “treat them well” if placed with them. What next steps need to be taken?

A5: During the FE interviews, it is incumbent upon RFA program staff to thoroughly explore and assess with the applicant their reason(s) for disapproval of LGBTQ+ children and NMDs and to further discern if the applicant is willing to accept opportunities to learn about the LGBTQ+ community. Some possible lines of inquiry or criteria to consider are:

- Is the disapproval based upon fear, myths, or stereotypes?
- Is the disapproval based upon the applicant’s lack of experience, exposure, understanding, or awareness of LGBTQ+ populations and SOGIE related concerns?
- Is the applicant open to receiving and accepting (pre- and post-approval) resources and tools, i.e., webinars, training classes, support groups, etc., that educate them on how to support the child or NMD and respect their identity?

- Will the county continue to monitor and provide relevant support to the RF after approval when the caregiver initially expressed disapproval or ambivalence to ensure the RF continues to be able and willing to safeguard a child's or NMD's personal rights and not just "treating them well"?
- Is the caregiver's disapproval or personal beliefs regarding the LGBTQ+ population and SOGIE entrenched and unchangeable?

The above lines of inquiry or criteria to consider are not exhaustive, and each FE will warrant different conversations depending on the applicant.

When a caregiver is unwilling or refuses to accept educational or supportive resources and unable and unwilling to affirmatively support a LGBTQ+ child or NMD, as well as respect their identity and personal rights, the approving agency must deny the application. In the case of an approved RF, a rescission of the approval must be initiated as well.

RESOURCES FOR RESOURCE FAMILY APPROVAL PROGRAM STAFF

The following resources are available to assist the RFA program staff in assessing and supporting RFs:

- Sexual Orientation, Gender Identity, and Expression Information Webpage: [SOGIE \(ca.gov\)](#)
- California Foster Care Ombudsperson: [Foster Youth Resources | FYH \(ca.gov\)](#)
- [Get Real - Family Builders](#)
- [The National SOGIE Center](#)
- [The Trevor Project](#)
- Child Welfare Information Gateway (2023): [Protecting the rights and providing appropriate services to LGBTQIA2S+ youth in out of home care](#)

RESOURCES FOR APPLICANTS AND RESOURCE FAMILIES

The following resources are available to assist caregivers:

- Sexual Orientation, Gender Identity and Expression Resource Guide issued by CDSS's Community Care Licensing Division: [CRP SOGIE Guide \(ca.gov\)](#)
- Supporting LGBTQ+ Youth: A Guide for Foster Parents: [Supporting Your LGBTQ Youth: A Guide for Foster Parents](#) (childwelfare.gov)
- [The National SOGIE Center](#)
- [The Trevor Project](#)
- AdoptUSKids blog: [Creating an affirming home for LGBTQ+ youth as a foster or adoptive parent](#)

In conjunction with the above national and statewide-wide resources, the county and FFAs are encouraged to source and compile community-based organizations that provide services and supports for applicants, RFs and children and youth.

If you have any questions or need additional guidance regarding the information in this letter, contact the Resource Family Approval Policy Unit at (916) 651-1101 or by emailing RFA@dss.ca.gov. For licensing questions, contact your Children's Residential local regional office or reach out to the Children's Residential Program Office – Policy Unit at CRPOPpolicy@dss.ca.gov or by calling (916) 651-5380.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

Original Document Signed By

KEVIN GAINES
Deputy Director
Community Care Licensing Division

cc: Federally Recognized Tribes