

October 25, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

**ALL COUNTY LETTER NO. 24-77
PROVIDER INFORMATION NOTICE 24-15-CRP**

The purpose of this All County Letter and Provider Information Notice is to provide information to county child welfare and probation departments and Foster Family Agencies regarding the closure of some Foster Family Agencies due to loss of insurance and the option for Resource Families to be subsequently approved by a county or other Foster Family Agency through an expedited portability process.



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GAVIN NEWSOM
GOVERNOR

October 25, 2024

ALL COUNTY LETTER NO. 24-77
PROVIDER INFORMATION NOTICE 24-15-CRP

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL CHIEF PROBATION OFFICERS
COUNTY WELFARE DIRECTORS' ASSOCIATION OF CALIFORNIA
ALL CDSS ADOPTION REGIONAL AND FIELD OFFICES
ALL TITLE IV-E AGREEMENT TRIBES
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF
ALL LICENSED FOSTER FAMILY AGENCIES

SUBJECT: RESOURCE FAMILY APPROVAL - EXPEDITED PORTABILITY

REFERENCE: [ASSEMBLY BILL 2496 \(CHAPTER 403, STATUTES OF 2017\);](#)
[HEALTH AND SAFETY CODE \(HSC\) SECTION 1517.5;](#)
[HSC 1522\(H\)\(3\); WELFARE AND INSTITUTIONS CODE \(WIC\)](#)
[SECTION 16519.55; WIC SECTION 16519.58; WIC SECTION](#)
[11461; PROVIDER INFORMATION NOTICE \(PIN\) 22-15-CRP;](#)
[ALL COUNTY LETTER \(ACL\) NO. 21-17; RESOURCE FAMILY](#)
[APPROVAL WRITTEN DIRECTIVES; INTERIM LICENSING](#)
[STANDARDS FOR FOSTER FAMILY AGENCIES](#)

PURPOSE

The purpose of this All County Letter (ACL) and Provider Information Notice (PIN) is to provide county child welfare agencies, probation departments, licensed foster family agencies (FFAs), Tribes, and other community partners with information regarding an expedited portability process for Resource Families (RFs) when a FFA closes due to loss of insurance.

For the purpose of this ACL/PIN, the following definitions shall be noted:

- “County” means the county child welfare department or probation department.
- “Department” means the California Department of Social Services (CDSS).
- “Current agency” means the FFA by which a RF is currently approved.
- “Subsequent agency” means a county or FFA to which a RF has submitted a request to initiate the expedited portability process.

BACKGROUND

The Department is aware liability insurance coverage for many FFAs in California has recently been impacted by notices of nonrenewal or potential nonrenewal of liability insurance. The Department is in the process of coordinating with counties, FFAs, and community partners to further examine long-term solutions to make insurance available to FFAs. Although insurance is not a licensing requirement, it is understandable that without liability insurance, some FFAs may forfeit their license. The Department will also be engaging with Tribes on this issue given the significant impact on tribal children and families. In the event of FFA closures, to maintain approval of RFs with a child or non-minor dependent (NMD) in placement, the transfer of those families to a subsequent agency is required.

Portability allows a RF the option of transferring their Resource Family Approval (RFA) to a subsequent agency that will best serve the needs of the RF and children in care. Existing law requires certain aspects of the portability process to be completed at the request of the RF and does not allow them to be initiated by a county or FFA. The following resources outline the requirements specific to portability and the responsibilities for each agency and the RF:

- [Health and Safety Code \(HSC\) section 1517.5](#),
- [Welfare and Institutions Code \(WIC\) section 16519.58](#)
- [CDSS Resource Family Written Directives](#) (WD)
- [FFA Interim Licensing Standards](#) (ILS)

In the event an FFA announces their closure due to a loss of liability insurance, RFs approved by that FFA must transfer their approval to a subsequent agency through portability to maintain approval. When an FFA is planning to close, the FFA is required to initiate contact with their RFs, the Department, the county placing agency, and Tribe in the case of an Indian child, and to assist RFs and their subsequent agency until the portability process is complete. In the case of an Indian child, the county should also be engaging with the Tribe on placement options pursuant to the Indian Child Welfare Act.

The intent of this letter is to outline a seamless transition process for children placed with FFAs affected by a loss of insurance to minimize both placement disruptions and further trauma. This ACL and PIN outlines an expedited portability process for FFAs that

are closing and transferring many RFs. **The expedited portability process covers this specific situation only.** This ACL and PIN provides some variation from WDs and ILS but does not waive any requirement in HSC and WIC related to approvals or transfers of RFs. For all RFs who are interested in portability, not related to a loss of insurance, counties, FFAs, and RFs shall continue to follow the portability process outlined in HSC section 1517.5, WIC section 16519.58, and the FFA ILS section 88336.1 (Update to an Existing Written Report: Portability) or the RFA WD Section 9-04 (Approval Update Due to Portability).

CLOSURE PLANS AND NOTICE REQUIREMENT

When an FFA is planning to close or may close due to loss of insurance, the FFA shall develop a closure plan as outlined in FFA ILS section 88237 and assist their RFs through the process of portability or in forfeiting their approval. The FFA shall develop a closure plan that includes the closure date or potential closure date, a list of children and NMDs in placement, a plan for continued service provision for RFs and children and NMDs through portability, and a staffing plan for operation until the closure date.

The FFA shall provide the Department, all applicable placing agencies, and, in the case of an Indian child, an Indian child's Tribe(s) with a notice of intent to forfeit the license **no later than 60 days** before the forfeiture of the license.

The Department is aware that FFAs may not be able to contract for new insurance coverage until 30 days prior to their current contract expiration. As circumstances change, FFAs are expected to communicate with the Department, RFs, applicants, regional centers, Tribes, service providers, and all applicable placing agencies and conduct concurrent planning in preparation for the possibility that new coverage cannot be obtained, and RFs will need to transfer their approval to a subsequent agency.

EXPEDITED PORTABILITY

The expedited portability process will begin with a closing FFA providing all their RFs with the [RFA 10E](#). Then each RF will complete the RFA 10E and return it to the appropriate agency. If the RF requests to forfeit their approval, they will return the RFA 10E to the closing FFA. If the RF requests to transfer their approval, either the RF or the closing FFA will give the RFA 10E to a subsequent agency. Complete details of the expedited portability process are included below.

Closing FFA Responsibility

- A. As part of the FFA's closure plan, the FFA shall provide all their RFs the RFA 10E for each RF to complete, indicating their intent to transfer to a subsequent agency or forfeit their approval. The Department recommends providing the RFs with the RFA

10E within **10 business days** of submitting a closure plan to the Department, or as early as possible.

B. If a RF returns the completed RFA 10E to the current agency and indicates their intent to transfer to a subsequent agency, the current agency will give the RFA 10E and the RF's case file to the subsequent agency.

(1) If a RF submits the RFA 10E directly to the subsequent agency, the subsequent agency will provide a copy of the RFA 10E to the current agency as a request for the RF's case file, as specified in WD section 5.1-01(c)(2) and FFA ILS section 88336(f)(1)(B).

a. Within **10 business days** of the subsequent agency providing the RFA 10E, the current agency shall provide the subsequent agency with a copy of all records in compliance with FFA ILS section 88336.

(2) In accordance with FFA ILS Section 88336 (f)(1)(C), if there is a child or NMD currently placed in the home, the FFA shall notify the child's or NMD's social worker of the RF's intent to be approved by a subsequent FFA. In the case of an Indian child, the current agency shall also notify the Indian child's Tribe(s) of the RF's intent to transfer their approval to a subsequent agency within **10 business days** of receiving the completed RFA 10E, or as soon as possible.

C. The closing FFA shall work with subsequent agencies to ensure completion of portability for each RF in accordance with their approved closure plan.

(1) For RFs porting to a subsequent FFA, the criminal background check clearance or exemption in Guardian may be transferred to the subsequent FFA. There are two ways to complete this:

- Complete Criminal Record Exemption Transfer Request Form (LIC 9188) and email to CPMBTransfers@dss.ca.gov.

OR

- FFAs may conduct a transfer online (in real time) in the Guardian Portal using instructions in the Licensing and Home Care Agencies Guardian User Guide that start on Page 75.

- Note: The RF and all adults residing or regularly present in the home must still submit new fingerprints via Live Scan to establish subsequent arrest notifications ("RAP back").

- (2) For RFs porting to a subsequent county, the subsequent county will need to request or complete the criminal background check. See Section A. in “Subsequent Agency Responsibility” below.

D. If a RF chooses not to port to a subsequent agency, as indicated on the RFA 10E, their approval shall be forfeited by operation of law when their current agency closes. If the RF has children placed with them, the FFA shall immediately contact and engage with the placing county to determine next steps.

Resource Family Responsibility

- A. The RFs who do not have a child in placement and choose to forfeit their approval shall complete Section I of the RFA 10E and submit it to their current FFA. No further action is required by the RF.
- B. The RFs who do not have a child in placement and would like to maintain their approval by porting to a subsequent agency shall complete Section II through Section V of the RFA 10E and submit it to either their current agency, or directly to a subsequent agency. The RFs should contact their current agency with any questions about how to proceed.
- C. The RFs who have a child in placement and wish to seek approval from a subsequent agency shall complete Section II through Section V of the RFA 10E and submit it to either their current agency, or directly to a subsequent agency. The RFs should contact their current agency with any questions about how to proceed. By signing the RFA 10E, the RF indicates they understand and agree it is their responsibility to cooperate with the subsequent agency through the expedited portability process and, when needed, the approval update process.
 - (1) The RFs porting to a subsequent FFA must submit new fingerprints for all adults residing or regularly present in the home. The RF and all adults residing or regularly present in the home shall submit new fingerprints via Live Scan within **10 business days of the subsequent agency receiving the RFA 10E form**. The RFs porting to a county are not required to reprint, but a county may request a RF to reprint if it will facilitate a speedier transfer. See [PIN 22-15 CRP: Guidance Regarding Fingerprint Association Requirements for a Resource Family](#).
- D. If the RF does nothing – they do not submit the RFA 10E – the RF’s approval will be automatically forfeited by operation of law when the FFA closes, and the RF will no longer be approved. If there are children placed in the home, the RF and FFA shall immediately contact and engage with the placing county to determine next steps.

SUBSEQUENT AGENCY RESPONSIBILITY

Upon receipt of a RF's completed RFA 10E, the subsequent agency shall complete all of the following:

A. Complete the required criminal background checks as follows:

- (1) For a subsequent FFA, the FFA shall ensure the RF and all adults residing or regularly present in the home submit new fingerprints within **10 business days of the subsequent agency receiving the RFA 10E form**. The subsequent FFA shall also ensure that the RF's clearance or exemption in Guardian has been transferred, contact the Community Care Licensing Division's Care Provider Management Branch (CPMB) with additional questions.
- (2) For a county, the county may choose from the following options:
 - a. The county may choose to submit a request to the Department to transfer the criminal record clearances and exemptions issued to the RF and all adults residing or regularly present in the home from the Department to the subsequent county.
 - i. The county shall submit the BCIA 9002 to Department of Justice (DOJ) to authorize the transfer of subsequent arrest notification service to the county.
 - ii. The county shall access the CDSS County Transparency Website to view whether a clearance or exemption was granted for the RF and all adults residing or regularly present. If exemptions were granted, the county shall request the exemption documents from the CPMB by emailing CPMBLiaison@dss.ca.gov.

OR

- b. The county may choose to have the RF and all adults residing or regularly present in the home submit new fingerprints to facilitate an expedited transfer.
 - i. If the Criminal Offender Record Information received from DOJ indicates the individual has a conviction(s) that requires a criminal record exemption, the county shall access the CDSS [County Transparency Website](#) to view whether an exemption was granted by CPMB to that individual. The county shall request the exemption documents from CPMB by emailing CPMBLiaison@dss.ca.gov.
 1. If, after review of all relevant information, no circumstances exist that require the county to make a new determination regarding the issuance of a criminal record clearance or exemption, the criminal record clearance or exemption processed by CPMB shall be accepted by the county pursuant to [HSC section 1522\(h\)\(3\)](#).

- c. Counties should refer to Section 122 of the [RFA Background Assessment Guide](#) for guidance regarding the transferring of criminal record exemptions and when additional information may require a new determination on issuing a criminal record exemption.
- B. Complete the approval update. A subsequent agency may choose between the following two options to complete an approval update for the RF:
 - (1) Complete an update in accordance with FFA ILS section 88336.1 (Update to an Existing Written Report: Portability) or the RFA WD Section 9-04 (Approval Update Due to Portability).

OR

 - (2) The portability update may be waived, and an update may be completed on the RFs current 24-month due date per FFA ILS section 88371(a) or WD Section 9-02(b)(5), or sooner when applicable, as specified in FFA ILS section 88371(b)(1)-(4) or (c) or RFA WD Section 9-02(b)(1)-(4) or (c).
 - a. When completing the 24-month update or an update sooner, as applicable, information regarding the transfer to the subsequent agency shall be included in the update, including the reason for the transfer and date the transfer was accepted.
- C. After the subsequent agency completes the background check and the approval update according to paragraph B(1) or B(2), and receives the RF case record, a subsequent FFA shall complete the required reference check pursuant to Health and Safety Code (HSC) section 1517.5(a)(2)(A)(ii). If the subsequent agency is a county, the county is not required to, but may complete a reference check in accordance with [WIC section 16519.55](#).
- D. After completing all these steps, the subsequent agency shall complete the LIC/RFA 05A (Resource Family Approval Certificate) or an equivalent certificate that complies with the requirements of FFA ILS section 88336(e), or WD Section 5.101(d)(2). If the update is conducted according to paragraph B(2), the subsequent agency is not required to complete the update prior to issuing the certificate of approval.
- E. A copy of the LIC/RFA 05A (Resource Family Approval Certificate), or an equivalent certificate, shall be provided to the RF and the former FFA.

Continuance of Rate Paid on Behalf of Child or Non-Minor Dependent

The [Assembly Bill \(AB\) 2496](#) (Chapter 403, Statutes of 2024), effective October 1, 2024 and codified, in part, at HSC section 1517.5 and WIC section 16519.58, clarifies that the rate paid on behalf of a child or NMD to an approved RF approved by a licensed FFA

that has applied to transfer their approval to either another licensed FFA or to a county must be the rate most recently established for the child or NMD under [WIC section 11461](#). (See HSC section 1517.5(e) and WIC section 16519.58(e).) Upon approval of the RF by the county or the FFA, the rate may be adjusted, as applicable, consistent with the Department's existing Level of Care Protocol guidance in [ACL 21-17](#). Further guidance will be forthcoming.

If you have any questions or need additional guidance regarding the information in this letter, contact the Children's Residential Policy Unit at CRPOPpolicy@dss.ca.gov or the RFA Policy Unit at (916) 651-1101 or via email at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

KEVIN GAINES
Deputy Director
Community Care Licensing Division

cc: All Federally Recognized Tribes

FREQUENTLY ASKED QUESTIONS

1. What can a subsequent agency do if the current FFA closes sooner than expected and before the expedited portability process is complete?

The FFAs are required to follow their closure plan as outlined in the ILS. Best practice is for the FFA and subsequent agency to work collaboratively and have ongoing communication throughout the process to ensure a seamless transition for the RFs and the children in placement. In the event this does occur, the subsequent agency should contact the appropriate [Community Care Licensing Regional Office](#) as soon as possible to help determine next steps on a case-by-case basis. If the subsequent agency is a county, also contact RFA@dss.ca.gov to determine next steps.

2. Does the RFA 10-Portability Application have to be submitted in addition to the RFA 10E-Request to Transfer or Surrender Approval-FFA Closure?

No. The RFA 10E is a new form created for the specific scenario of FFAs closing due to a loss of insurance and is to be used in lieu of the RFA 10.

3. Can a RF submit the RFA 10E directly to the agency that they wish to be subsequently approved?

Yes. Either the RF or the closing FFA may submit the RFA 10E to the subsequent agency. If a RF submits the RFA 10E to the current agency, the current agency will submit the RFA 10E and the case file to the subsequent agency. If a RF submits the RFA 10E directly to the subsequent agency, the subsequent agency should notify the current FFA to request the RF's case file and begin the expedited portability process.

4. What does the subsequent agency do if the RF who is requesting to be subsequently approved through the expedited portability process has a pending complaint investigation?

If there is a child currently placed with the RF, the subsequent agency may work with the county of jurisdiction, and Tribe in the case of an Indian child, to determine the next steps regarding the continued health and safety of the child. For the expedited portability request, the subsequent agency should contact the appropriate Community Care Licensing Regional Office to determine the next steps.

5. How does a RF know which agency to request to be subsequently approved?

The FFAs are encouraged to communicate with RFs to inform them of their choices. If there is a child in placement, the FFA, the county of jurisdiction, and Tribe in the case of an Indian child, should work collaboratively to help RFs make a decision. Ultimately, it is the RF's decision when choosing a subsequent agency.

6. Does submission of the RFA 10E guarantee approval by a subsequent agency?

No. A subsequent agency must accept the RFA 10E, however, if a subsequent agency chooses to complete the update outlined in WDs 9-04 or FFA ILS section 88336.1, the subsequent agency may determine the RF does not meet RFA standards and may deny portability. If a subsequent agency elects the alternative option to waive the update, the subsequent agency would be electing to accept the RF as approved by the current FFA.

If there is a child placed with the RF, it is best practice to work with the RF to complete portability and ensure the child does not experience disruptions or unnecessary trauma.

7. If the subsequent agency denies the expedited portability request for the RF, what can the RF do?

If the RF's current FFA is still open, the RF would maintain their approval with the current FFA and may seek subsequent approval with a different agency. If the current FFA is closed, the RF may re-apply with a different agency.

If there is a child in placement, the county of jurisdiction, and Tribe in the case of an Indian child, should be apprised of the status of the RF so they can plan accordingly. The current FFA, subsequent agency, county of jurisdiction, child and family team, and Tribe should work collaboratively to avoid unnecessary placement disruption and assist children and families with a seamless transition. Ongoing communication will be essential in the expedited portability process.

8. What date does the subsequent agency document on the RFA/LIC 05A for the approval date?

The approval date does not change. A RF maintains their approval unless approval is rescinded, or the RF chooses to forfeit their approval.

9. Does the subsequent agency have to complete additional background checks such as the Licensing Information System, Administrative Action Records System, Megan's Law, or California Department of Motor Vehicles check?

It depends. A county is only required to transfer the clearances and exemptions that were issued by the current FFA and request to transfer the subsequent arrest notifications unless the county chooses to re-fingerprint the RF and adults residing or regularly present in the home. If the county elects to re-fingerprint the applicant and other adults, then they must complete the criminal record clearance as set forth in subdivision (b) of section 1522 of the Health and Safety Code. As part of their background clearance, the county can rely on records of the current FFA, like the Department of Motor Vehicles report, or request that the RF provide updated reports.

A subsequent FFA is required to ensure the RF and all adults residing or regularly present in the home submit new fingerprints and ensure that the clearance has been transferred in Guardian, which includes the review of the Licensing Information System, Administrative Action Records System, and Megan's Law. The FFA can rely on the Department of Motor Vehicles report provided by the current FFA or request that the RF provide an updated report.