



CDSS

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DEPARTMENT OF SOCIAL SERVICES

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EDMUND G. BROWN JR.
GOVERNOR

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

August 21, 2015

ALL COUNTY INFORMATION NOTICE NO. I-39-15

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL COUNTY ELIGIBILITY SUPERVISORS
 ALL FOSTER CARE MANAGERS
 ALL ADMINISTRATIVE LAW JUDGES
 TITLE IV-E AGREEMENT TRIBES
 JUDICIAL COUNCIL
 NEW CWS/CMS SYSTEM

SUBJECT: EXPANDED DEFINITION OF A NONRELATIVE EXTENDED
 FAMILY MEMBER (NREFM)

REFERENCE: ASSEMBLY BILL (AB) 545 (CHAPTER 294, STATUTES OF 2013);
 WELFARE AND INSTITUTIONS CODE (W&IC) 361.3(c)(2) and 362.7

This All County Information Notice (ACIN) provides counties with information regarding the broadened definition of a Nonrelative Extended Family Member (NREFM) enacted by AB 545. By expanding the definition of NREFM, the new definition expands NREFM placement options that may enable a child to be placed in the least restrictive, most family-like setting. As a result, the child may remain more connected to his or her extended family, community, and culture, which ultimately reaffirms a commitment to the best interest of the child.

BACKGROUND

A NREFM was previously defined as any adult caregiver with a familial or mentoring relationship *with the child*. This definition of a NREFM prevented the timely placement of children with nonrelated adult caregivers who had a relationship with family members of the child but not directly with the child. It was also difficult, if not impossible, for a

caregiver to establish or demonstrate a pre-existing relationship with a newborn or an infant. With the enactment of this legislation, an increased number of adult caregivers will qualify as a NREFM.

EXPANDED DEFINITION

AB 545 amended W&IC section 362.7 to read:

A “nonrelative extended family member” is defined as an adult caregiver who has an established *familial relationship with a relative of the child, as defined in paragraph (2) of subdivision (c) of Section 361.3, or a familial or mentoring relationship with the child.* (Emphasis added)

Section 361.3(c)(2) provides that:

"Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution.

Thus, the following can qualify as a NREFM:

- Any adult caregiver who has an established familial relationship with a relative of the child; and
- Any adult caregiver who has a familial or mentoring relationship with the child.

Before a child can be considered for placement with a NREFM caregiver, the suitability of the NREFM must be assessed. The approval of the home will be granted or denied, pursuant to the same standards set forth for foster family home licensure and will include, but is not limited to, the following:

- In-home inspection to assess the safety of the home;
- Assessment of the NREFM's ability to care for the child's needs;
- Criminal record background check; and
- Consideration of any allegations of prior child abuse or neglect.

Note: The approval of the home does not guarantee placement.

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QUESTIONS

Any questions regarding this ACIN should be directed to the California Department of Social Services' Foster Caregiver Policy and Support Unit at (916) 651-7465 or via email at kinship.care@dss.ca.gov.

Sincerely,

Original Document Signed By:

KAREN B. GUNDERSON
Child and Youth Permanency Branch
Children and Family Services Division