



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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REASON FOR THIS TRANSMITTAL

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

October 19, 2016

ALL COUNTY INFORMATION NOTICE NO. I-75-16

TO: ALL COUNTY CHILD WELFARE DIRECTORS  
 ALL COUNTY CHILD WELFARE PROGRAM MANAGERS  
 ALL CHIEF PROBATION OFFICERS  
 ALL FOSTER FAMILY AGENCY DIRECTORS  
 ALL ADOPTION REGIONAL AND FIELD OFFICES  
 ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: PLACEMENT OF DEPENDENTS AND WARDS OF THE JUVENILE COURT

REFERENCE: ASSEMBLY BILL ([AB](#)) [403 \(CHAPTER 773, STATUTES OF 2015\)](#);  
 ALL COUNTY LETTERS (ACLS) [15-100](#) AND [16-05](#);  
[IN RE GAVIN T. \(1998\)](#); WELFARE AND INSTITUTIONS CODE (WIC)  
 SECTIONS [300](#), [361.3](#), [601](#), [602](#), [707](#), [16002](#), [16501.1](#) AND [16514](#)

The purpose of this All County Information Notice (ACIN) is to clarify existing law which allows dependents and wards of the juvenile court to live together in the same placement if the requirements of WIC section 16514 are met. The California Department of Social Services (CDSS) wishes to remind counties of the importance of ensuring that every youth in foster care, including those who are supervised by probation, receives the loving, committed and skilled parenting that is needed to heal and thrive, consistent with the Quality Parenting Initiative and the Continuum of Care Reform (CCR). The WIC section 16514 permits voluntarily placed minors, minors with a pending WIC 300 petition, dependent minors, or non-minor dependents to be placed with WIC 601 or WIC 602 wards in a short-term residential therapeutic program, group home, licensed foster family home, resource family home or licensed foster family agency home as long as the social worker or probation officer with placement authority has determined that the placement setting has a program that meets the specific needs of the youth being placed and there is a commonality of needs with the other youth in the placement setting. This statute requires counties to conduct an individualized, case specific determination as to whether a home is able to meet the needs of the youth. These provisions also apply to dual status/dual jurisdiction youths.

Placement decisions are always individualized decisions that include the consideration of the specific needs of the child being placed and the ability of the placement to meet those needs. It is also critical to consider the compatibility of the needs of any other children already living in the placement. Ultimately, the social worker or probation officer with the placement authority (whichever department is exploring the placement option) should use their best judgment when making placement decisions in accordance with WIC section 16501.1 which provides in part:

The decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs. Placing agencies should always first consider available placement settings that are in close proximity to the parent's home as well as the child's school, and those that are best suited to meet the child's special needs and best interests.

#### Best Practices for Placement Decisions

The CDSS also encourages the social worker or probation officer with placement authority to collaborate (with each other, the provider, the mental health provider, child family therapist, teachers, parents, etc.) when making individual case plan decisions for the concurrent placement of dependents and wards of the juvenile court. There are many circumstances in which cohabitation between these two populations should be considered and the following are examples of best practices when making placement decisions. In addition, the placement decision, including the assessment of the placement, should be documented in the Child Welfare Services/Case Management System in the case planning case notes and court reports.

#### *Nature of the offense:*

The individualized placement decision for any probation youth is based on the risk and need levels of the youth using a validated assessment. Further, the individual circumstances of the offense should be evaluated to examine the needs of the youth, the nature of the offense, and the suitability of the placement. For example, in the case of *In re Gavin T.* (1998) 66 Cal. App.4th 238, the juvenile court sustained a petition alleging that a minor committed an assault by any means of force likely to produce great bodily injury. This specific adjudication was a result of the youth throwing an apple core at a wall that sailed through a window of a classroom and hit a teacher.<sup>1</sup> This example illustrates that a particular charge or adjudication alone may not be a reason to conclude that a ward is unfit for a particular placement or would be a danger to other children in a placement setting. The specific factors of the criminal event need to be

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<sup>1</sup> Note that in the case of *Gavin T.*, the Court of Appeals reversed and vacated the conviction on the basis of lack of evidence to commit the intentional assault.

assessed to best determine the level of risk that youth may or may not pose to others within a placement setting.

*Commonality of needs:*

In all placement decisions, the social worker and/or probation officer considers the emotional, physical and behavioral needs of the child being placed, and the ability of the placement setting to address the youth's individual needs and support the case plan objectives. This consideration focuses on similar service needs and not similar behaviors/symptoms of the youths being placed. If the youth needs specific behavioral interventions, these interventions should be either provided directly by the provider or readily accessible to the youth in the placement. In addition to the placement meeting the needs of the youth, the other youths in the placement settings should have similar needs and services in common.

*Pre-existing relationships with the caregiver and children in the home:*

The fact that a youth is a ward of the juvenile court may be irrelevant for the consideration of placement in a family based setting in which the child has a permanent connection. A youth's relationship with a prior caregiver, whether related or non-related, may be a positive factor to consider when examining whether the placement will meet the needs of the youth because a relationship has already been established to foster a permanent connection/home. This preexisting relationship may form a foundation for the youth to thrive in placement while meeting case plan objectives. For example, a crossover youth (a dependent of juvenile court who is also adjudged a ward of the juvenile court) should not automatically be excluded from a kinship placement with other children in the home due to a fight in school when the related caregiver continues to be willing and able to meet the particular needs of the youth while continuing to care for the other children in the home. Conversely, other dependent children should not be removed from such a home if the related caregiver accepts the ward back into the family-based setting and there is a commonality of needs. Keeping families together and maintaining connections remains a fundamental component of child welfare and should be supported in placement decisions regarding wards as well. If the commonality of needs are not evident between the ward and the other dependent children, or if it is determined that the ward needed a higher level of care, probation and the related caregiver may seek other placement options.

*Sibling Sets:*

Current law, WIC sections 361.3(a)(4) and 16002, recognizes the importance of sibling placements and provides preferential consideration for placing siblings together. Due to the strong preference for placing siblings together, wardship, in and of itself, should not be used as reason to separate siblings when the placement would otherwise be appropriate. Placement with siblings should be encouraged absent issues of victimization or other factors that would potentially harm the other sibling. It is in the

best interest to place siblings together because familial relationships form one basis for a commonality of needs.

*Less Restrictive Home Based Settings:*

The foundation of CCR, enacted by AB 403 (Chapter 773, Statutes of 2015) is the placement of youth in less restrictive, family based settings. A youth adjudged a ward of the juvenile court pursuant to WIC section 602 who is assessed and recommended for a less restrictive placement setting may be appropriately placed in a setting with dependent children if there is a commonality of needs. For example, a crossover youth should not be excluded from a stable foster home placement because he/she is declared a ward. The decision regarding where to place a youth should be driven by the youth's specific needs not merely based on their status as a dependent or ward of the juvenile court. Ultimately, the agency with the placement authority is responsible for the final placement decision of the youth even if consensus cannot be reached between the social worker and probation officer.

The CDSS understands the challenges when making placement decisions and encourages the social worker and/or probation officer to collaborate with placement provider to determine whether the placement can meet the needs of the child considered for placement and whether there is a commonality of needs with the children already residing in the placement setting.

If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau at (916) 657-1858 or via email at [ConcurrentPlanningPolicyUnit@dss.ca.gov](mailto:ConcurrentPlanningPolicyUnit@dss.ca.gov).

Sincerely,

***Original Document Signed By:***

VALERIE EARLEY, Chief  
Child and Youth Permanency Branch  
Children and Family Services Division

c: County Welfare Directors Association  
Chief Probation Officers of California  
Judicial Council of California