



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

April 27, 2016

ALL COUNTY LETTER NO. 16-30

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY WELFARE FISCAL OFFICERS
 ALL CHIEF PROBATION OFFICERS
 ALL INDEPENDENT LIVING PROGRAM COORDINATORS
 ALL COUNTY TRANSITIONAL HOUSING COORDINATORS
 ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: CASE PLAN CHANGES FOR YOUTH AGE 14 YEARS AND OLDER

REFERENCE: THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT PUBLIC LAW [\(PL\) 113-183](#); [SENATE BILL \(SB\) 794 \(CHAPTER 425, STATUTES OF 2015\)](#); [CALIFORNIA WELFARE AND INSTITUTIONS CODE SECTIONS \(W&IC\) 16501.1 AND 16001.9](#); AND [FEDERAL PROGRAM INSTRUCTION LOG NO. ACYF-CB-PI-15-07](#).

The purpose of this All County Letter (ACL) is to provide instructions to counties regarding new case plan requirements that affect youth 14 years of age and older. These case plan requirements were enacted in federal legislation and subsequently by state law (SB 794) which became effective January 1, 2016. The new case plan requirements address the following:

- The case planning team;
- Documentation of foster youth rights; and
- Written description of programs and services that will help the youth successfully transition to adulthood.

Background

On September 29, 2014, PL 113-183, the Preventing Sex Trafficking and Strengthening Families Act, was signed by President Barack Obama. This federal legislation amended Titles IV-B and IV-E of the Social Security Act. New provisions were added for the case plan requirements for children age 14 years of age and older. In addition, other provisions included the prudent parent standard as in developmentally appropriate activities for children in foster care; case review system requirements for youth with a plan of another planned permanent living arrangement; protocols related to children missing from care; and children and youth who may be victims of sex trafficking, etc.

Case Planning Team

With the passage of SB 794, youth 14 years of age and older and Non-Minor Dependents (NMDs) shall be consulted in the development of their case plan and may, at their option, select up to two people to participate in the case planning team to develop the case plan. These two members may not include the caseworker or foster parent; and the agency may reject an individual selected by the youth if the agency has good cause to believe that the chosen person would not act in the youth's best interest. One individual may be designated to be the youth's adviser and advocate with respect to the application of the reasonable and prudent parent standard, as necessary. A forthcoming ACL will discuss the reasonable and prudent parent standard.

Case Plan Document of Rights of Youth in Foster Care, Discussion, and Acknowledgement Form

Current law requires that all youth in foster care receive information about their rights every six months. For youth 14 years of age and older and NMDs, counties shall provide a document to the youth listing specified rights including, but not limited to, the right to:

- Work and develop job skills at an age-appropriate level, consistent with state law;
- Attend Independent Living Program classes and activities if age requirements are met;
- Have access at 16 years of age or older, to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education;
- School stability by remaining in their original school when they enter foster care or move (if it is in the youth's best interests);

- Immediate enrollment in a new school (absent or pending health/education records);
- Partial or full credit for work completed at other schools, consistent with state law;
- Being treated fairly by the school by not being punished for court-related absences;
- Have their records transferred to a new school within two business days;
- Attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with your age and developmental level, with minimal disruptions to school attendance and educational stability;
- Receive medical, dental, vision, and mental health services;
- Be free of the administration of medication or chemical substances, unless authorized by a physician;
- Have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections at 12 years of age or older;
- Contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates, or probation officers;
- Visit and contact siblings, unless prohibited by court order;
- Attend court hearings and the opportunity to speak to the judge;
- Confidentiality of all juvenile court records consistent with existing law;
- Receive after reaching 14 years of age free copies of any credit reports until discharged from care, and to receive assistance (including, when feasible, from any court-appointed advocate) in interpreting and resolving any inaccuracies in the report; and
- Be safe and free from physical, sexual, emotional, or other abuse, corporal punishment, and sexual exploitation.

The California Department of Social Services (CDSS) is developing a form counties may use to inform youth of their rights, document that the youth has been provided a copy of those rights, and document that those rights have been explained in an age appropriate manner. Until that form is available and as a best practice, counties may use the CDSS Foster Care Ombudsman's Brochure, *You have Rights Too!* (PUB 395) as the required document to inform youth of their rights.

The social worker or probation officer shall explain and review the documented rights with the youth in an age appropriate manner every six months as is required for all

youth in out-of-home placement. Until the form described above is developed, the social worker or probation officer shall request that the youth sign an acknowledgement form that shall be contained in or attached to the case plan. The acknowledgement form documents that the youth acknowledged receipt of a copy of the document listing their rights and that those rights were explained to the youth in an age appropriate manner. The provision of the document of rights and the corresponding acknowledgement shall occur every six months.

Written description of programs and services that will help the youth successfully transition to adulthood

The case plan shall include, for youths 14 and 15 years of age, a written description of programs and services that will help them, consistent with their best interests, to successfully transition to adulthood. The described programs and services are those that would benefit the youth to prepare for the goals listed on the Transitional Independent Living Plan (TILP). This written description of programs and services does not replace the TILP which is required to be developed when the youth is 15 ½ years of age. However, a best practice would be to utilize this written description of programs and services as a foundation for developing the TILP.

Social workers and probation officers may include this written description of programs and services on the document of foster youth rights or in the narrative section of the case plan.

If you have any questions about these changes in the case plan for youths 14 years of age and older, please contact Mary Allard in the Transition Age Youth Policy Unit at Mary.Allard@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

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