



CDSS

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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 6, 2011

ALL COUNTY LETTER NO. 11-67

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY WELFARE SERVICES PROGRAM MANAGERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL CHIEF PROBATION OFFICERS

SUBJECT: CASE PLAN AND KINSHIP GUARDIANSHIP ASSISTANCE
PAYMENT (Kin-GAP) PROGRAM

REFERENCE: WELFARE AND INSTITUTIONS CODE (W&IC), SECTIONS 358.1, 361(a), 361.5(g)(1), 361.7, 362, 362.1, 365, 366, 366.1, 366.21, 366.215, 366.22, 366.25, 366.26, 706.5, 706.6, 727.3(a)(1), 16010, 16002.5, 16501(a), 16501.1; ALL COUNTY LETTER NO. 11-15 and ALL COUNTY LETTER NO. 11-15E.

This All County Letter (ACL) clarifies how California satisfies the federal case plan requirements for a child for whom the permanency plan is a kinship guardianship to meet criteria of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law [PL] 110-351). The ACL clarifies current processes and those required for the new Kin-GAP program.

The PL 110-351 requires that for a child with respect to whom the permanency plan is guardianship with a relative, and receipt of kinship guardian assistance payments is anticipated, the agency shall include in the case plan the following:

- A description of the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted;
- The reason(s) for any separation of siblings during placement;
- The reason(s) why a permanent placement (guardianship) with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests;

- The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment;
- The efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reason(s); and
- The efforts made by the agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reasons why the efforts were not made.

Under California statute, these requirements are found in the case plan as defined in multiple W&IC sections, including but not limited to, sections 706.6, 16002(a) and (b), 16010, 16501.1(f)(12)(A), and 16501.1(f)(15), and other documents (court reports, social studies, assessments, case plan updates, etc.) described below.

Case Plan

California law considers the case plan to be the foundation and central unifying tool in child welfare services. The purpose of a case plan is to ensure “that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.” See W&IC 16501.1(a)(2). The case plan as defined in W&IC section 16501.1 is a planning document, which is prospective in nature.

Development of the case plan is a collaborative process which requires the social worker or probation officer to assess the circumstances which required child welfare services intervention, identify case plan goals, and the services and case management activities necessary to achieve those goals. California's case planning and court processes are collaborative and ensure all parties, including the parents, the child, and the child welfare or probation agency, have opportunity to provide input prior to the court's ordering of the case plan. This process includes consideration of documents containing historical information and assessments that parallel the federal requirements as described in 42 USC 675(1)(F)(i)-(vi), under the federal definition of “case plan.”

Therefore, the federal case plan requirements are met by the following additional documents that are considered part of the child's case plan:

- Any updates to the case plan which contains changes regarding the information in the case plan or case plan goals and includes specific information about the current condition of the child and family, services that are planned or delivered.
 - *Examples: case plans and service plans based on W&IC sections 16501(a), 16501(c), 706.5(c) and 706.6(m); Health and Education Passport pursuant to W&IC section 16010; Transitional Independent Living Plan, etc.; and, reports from the holder of educational rights pursuant to W&IC section 361(a).*
- Any assessments, evaluations or other material that the case plan or case plan updates or reports are based upon.
 - *Examples: social studies completed pursuant to W&IC section 358.1 and 706.5; assessments prepared for hearings pursuant to W&IC section 366.26 regarding adoption or related guardianship; pre-placement assessments pursuant to W&IC section 16501.1(b)(1); physical, developmental or mental health screenings, psychological evaluations, and any progress from service providers rendering treatment specified in the case plan pursuant to W&IC section 16501(c); reports on efforts to place siblings together and/or maintain visits pursuant to W&IC sections 16002 and 362.1; reports on services to dependent teen parents pursuant to W&IC sections 16002.5 and 362.1; reports from Indian tribes pursuant to W&IC section 361.7; reports from the current caregiver pursuant to W&IC section 366.21(d); and, reports on services provided to incarcerated/institutionalized parents pursuant to W&IC section 366.215.*
- Any reports to the court about the case plan activities or actions that document the steps that were taken to determine the case plan, implement or change the case plan, or achieve case plan goals.
 - *Examples: court hearings pursuant to W&IC section 361.5(g)(1); supplemental reports pursuant to W&IC section 366.1; supplemental reports for status review hearings based on W&IC sections 366 and 366.21; court ordered services pursuant to W&IC sections 362 and 365; social studies or evaluations pursuant to W&IC section 358.1; permanency planning hearings pursuant to W&IC sections 727.3(a)(1); and, the periodic status reviews W&IC sections 366.21, 366.22, 366.25, 366.26.*

The Federal Kin-GAP Program

In order to establish eligibility for federal participation in a Kin-GAP payment, federal law requires that the following information be documented in the child's case plan prior to the guardianship being ordered. Once guardianship is ordered and the dependency is dismissed, a case plan is no longer required. The following chart describes the documents in the child's case record that typically contain the federally required information.

| Federal requirements for the Case Plan 42 USC 675(1)(F) | Addressed in California Codes, Regulations and/or Policies |
|--|--|
| a) The steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted. | Required in the Preliminary Assessment pursuant to W&IC 366.21(c) & (f), 366.22(c)(1)(F) & (G), 366.25(b)(1)(F) & (G) and 727.3; include in the case plan update. |
| b) The reasons for any separation of siblings during placement. | Required in the Assessment pursuant to WI&C 306.5; reports pursuant to W&IC 358.1(d), 366.1(f) and 706.6(i); include in the case plan update. |
| c) The reasons why a permanent placement (guardianship) with a fit and willing relative through a kinship guardianship assistance arrangement is in the child's best interests. | Assessment pursuant to W&IC 366.21(c) & (f), 366.22(c)(2), 366.25(b)(2), 361.5(g)(1)(D) & (E), 706.5(c)(4), and 706.6(m); information included in the case plan as updated. |
| d) The ways in which the child meets the eligibility requirements for a kinship guardianship assistance payment. | Required in the Case Plan pursuant to W&IC 706.6 and 16501.1(f)(15). May be in the Preliminary Assessment pursuant to W&IC 366.21(c) & (f), 366.22(c)(2), and 366.25(b)(2). |
| e) The efforts the agency has made to discuss adoption by the child's relative foster parent as a more permanent alternative to legal guardianship and, in the case of a relative foster parent who has chosen not to pursue adoption, documentation of the reasons therefore. | Required in the Preliminary Assessment pursuant to WI&C 366.21(i)(2)(B), 366.22 (c)(2)(B), 366.25 (b)(2)(B), 361.5 (g)(2)(B) and 727.3(a)(3); include in the case plan update. |
| f) The efforts made by the State agency to discuss with the child's parent or parents the kinship guardianship assistance arrangement, or the reason why the efforts were not made. | Case plan is required pursuant to W&IC 16501.1(f)(12)(A) and 706.6(o). |

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If you have any questions about this ACL, please call the Child and Youth Permanency Branch at (916) 651-7464.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division