

DEPARTMENT OF SOCIAL SERVICES

P Street, Sacramento, CA 95814
(916) 323-1263



June 21, 1982

ALL-COUNTY INFORMATION NOTICE I-73-82

TO: ALL-COUNTY WELFARE DIRECTORS
ALL LICENSED ADOPTION AGENCIES
ALL DISTRICT ADOPTIONS OFFICES OF SDSS

SUBJECT: ASSEMBLY BILL 2315

REFERENCE:

The purpose of this letter is to inform you of pending legislation affecting AFDC-FC eligibility for emotionally disturbed children. The legislation contains four major provisions which are discussed below.

Six-Month Limit on Voluntary Placements

For children placed voluntarily on or after January 1, 1981, current statute and regulations impose a six-month limit on AFDC-FC funding beginning January 1, 1982. Assembly Bill 2315, an urgency measure introduced by Assemblyman William Lockyer at the request of the Local Conference of Mental Health Directors, would remove the six-month limit on AFDC-FC funding until January 1, 1984 for any voluntarily placed child when all of the following criteria are met:

- (1) The County Welfare Department (CWD) has received a mental health assessment by a qualified mental health professional which:
 - (a) Documents that all appropriate efforts were made to treat the child while living in his/her home in an attempt to keep the family together prior to the child being voluntarily placed; and
 - (b) Indicates the need for placement in a 24-hour setting.
- (2) The child requires placement due to severe emotional disturbance and receives appropriate treatment for the emotional disturbance while in placement.
- (3) The child is not determined to be abused, neglected, or exploited pursuant to W&IC Section 300.

- (4) The child's parent or guardian cooperates with:
- (a) The CWD in the provision of services required in EAS 45-201.4;
 - (b) The county mental health department (CMH) or a qualified mental health professional in arranging for the child's treatment; and
 - (c) The treatment program of the facility in which the child is placed.

The bill is an urgency measure and, if passed, will provide that any child meeting the following criteria shall continue to receive AFDC-FC funding until January 1, 1984:

1. Who is receiving AFDC-FC funding in a voluntary placement on June 30, 1982;
2. For whom the CWD has received a clinical determination of emotional disturbance from CMH or a qualified mental health professional; and
3. Who meets all criteria in (1)-(4) above.

In addition, children accepted for voluntary placement by a CWD on or after July 1, 1982, who meet the criteria in (1)-(4), will not be subject to a six-month limit on AFDC-FC funding.

Administrative Reviews

For any emotionally disturbed child placed under provisions of AB 2315, the bill requires an administrative review at six-month intervals for the purpose of determining the continuing need for and appropriateness of the child's placement. The composition and duties of the review panel are set forth and the bill specifies that the panel may continue the voluntary placement in the existing setting, continue the placement in a more appropriate setting, terminate the voluntary placement or recommend that proceedings begin to declare the child a dependent of the court.

Coordination with CMH or a Qualified Mental Health Professional

The bill would also require that, for any emotionally disturbed child placed under provisions of AB 2315, the CWD, as the agency responsible for providing services to the child, work with CMH or a qualified mental health professional

in developing and updating the child's initial and subsequent service plans and written assessments required by EAS 45-201.4. This requirement applies to emotionally disturbed children voluntarily placed prior to July 1, 1982 as well as children accepted for voluntary placement on or after July 1, 1982.

Department of Mental Health Study

Lastly, AB 2315 would require the Department of Mental Health to complete a study to be submitted to the Legislature by January 1, 1983 which shall contain:

1. An evaluation of existing delivery of services to severely emotionally disturbed children requiring residential and day treatment services and the number of children in these programs.
2. Development of a plan for a single, comprehensive funding and service system for emotionally disturbed children requiring residential and day treatment services.
3. Recommendations for amending, repealing or expanding the appropriate statutes concerning care and services to emotionally disturbed children.

The study will be subject to the approval of the Department of Social Services and performed in consultation with CWDA, the Local Conference of Mental Health Directors and the California Association of Services to Children.

Assuming AB 2315 is signed and becomes effective on July 1, 1982, the Department of Mental Health will have a very short period of time during which to complete this study. Of major concern is the lack of data available regarding emotionally disturbed AFDC-FC children who would comprise the AB 2315 population. Therefore, we are asking for CWDs to maintain listings of all voluntarily placed AFDC-FC children for whom the CWD has received a clinical determination of emotional disturbance and who:

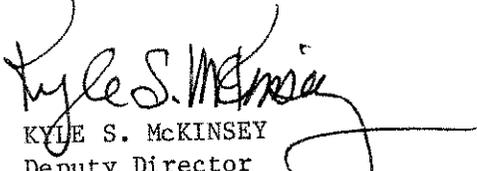
1. Reached their six-month limit but whose AFDC-FC payments were not discontinued due to passage of AB 2315; or
2. Were accepted for voluntary placement on or after July 1, 1982.

We anticipate a collection of data concerning this population in October or November 1982.

If AB 2315 is signed into law, its provisions will be in effect until January 1, 1984, by which time it is hoped that legislation, introduced in response to the study results, will have been passed to permanently resolve the issue of the appropriate funding source and supervisory responsibility for emotionally disturbed children in out-of-home care.

If AB 2315 is signed into law, the Department will notify you immediately (enclosing a copy of the statute) that these children do not become ineligible for AFDC-FC payments on July 1, 1982. Regulations will be implemented on an emergency basis and forwarded to you as quickly as possible following enactment of the bill.

If you have questions regarding this letter, please contact your AFDC Management Consultant at (916) 445-4458.


KYLE S. MCKINSEY
Deputy Director
Welfare Program Operations

cc: County Welfare Directors Association