STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

April 7, 1987

ALL COUNTY INFORMATION NOTICE NO. I-24-87

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS

SUBJECT: IMPLEMENTATION OF CHAPTER 1017, STATUTES OF 1986, AB 3327

REFERENCE: ALL COUNTY LETTER 80-59 AND ALL COUNTY LETTER 86-95

This All County Information Notice (ACIN) will provide county welfare departments (CWD) with information on Chapter 1017, Statutes of 1986, (AB 3327), which changes existing Probate Code Sections related to the appointment and investigation of guardians.

Where the proposed guardian is a nonrelative, this act requires that unless waived by the court, the county agency designated to investigate potential dependency shall conduct the guardianship investigation and file a report with the court (Probate Code Section 1513). Probate Code Section 1513 also contains specific guidelines for the content of the court report. Counties are advised that the guidelines in Probate Code Section 1513 supersede the guidelines for guardianship reports contained in All County Letter 80-59. Probate Code Section 1513 does not apply to guardianships resulting from a permanency planning hearing for a dependent child pursuant to Welfare & Institutions Code (W&IC) Section 366.25. Probate Code Section 1513(c) applies to both relative and nonrelative guardianships.

If an adoption petition has been filed, Section 1543 continues to require the adoption agency to prepare a report to the court on proposed guardianship. In such cases, the county may wish to ask the court to waive the report required by Section 1513.

The bill also requires that the local social services agency providing child protective services screen guardianship petitioners for prior referrals of neglect or abuse of minors (Probate Code Section 1516). Probate Code Section 1516 applies to both relative and nonrelative guardians. This Section does not apply to guardianships resulting from a permanency planning hearing for a dependent child pursuant to W&IC Section 366.25. To facilitate this screening procedure guardianship petitions received by the Department will be forwarded to the counties so that they

can comply with this requirement. It is recommended that the county counsel and the probate court develop an agreement which describes the information that the CWD will provide to the probate court in the event that the CWD determines that a guardianship petitioner has a prior abuse/neglect referral. It is further recommended that CWD's refer any questions regarding the sharing of prior abuse/neglect referral information which may be restricted pursuant to federal or State confidentiality statutes to their county counsel for resolution. Also, since these new requirements are imposed under the authority of the Probate Code and are not authorized as child welfare services (CWS) pursuant to W&IC Section 16500 et seq., no reimbursement for these activities is available to the counties from CWS funds administered by this Department. An exception to this restriction on availability of CWS funds is when the court report specified in Probate Code Section 1513 is required for a child who has been referred to the CWD because of abuse/neglect and for whom a current CWS case is open.

For further information regarding CWS reimbursement, it is recommended that counties review ACL 86-95, Reimbursement for Court-Ordered Guardianship Reports, prior to submitting a claim for guardianship reports or screening activities.

If you have questions regarding the forwarding of guardianship petitions from the Department to the CWD, please contact the Adoptions Branch, Policy Bureau at (916) 322-4228.

If you have any other questions, please contact your Adult and Family Services Operations Consultant at (916) 445-0623.

LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA
Assembly Member Lloyd Connelly