STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
**DEPARTMENT OF SOCIAL SERVICES**
744 P Street • Sacramento, CA 95814 • *www.cdss.ca.gov*

CDSS
JOHN A. WAGNER
DIRECTOR

ARNOLD SCHWARZENEGGER
GOVERNOR

REASON FOR THIS TRANSMITTAL

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

June 9, 2010

ALL COUNTY LETTER NO. 10-31

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL CDSS ADOPTION DISTRICT OFFICES
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES

SUBJECT: REQUIREMENTS FOR INTERSTATE PLACEMENT OF CHILDREN PURSUANT TO FEDERAL SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT OF 2006

REFERENCE: U.S. Public Law (PL) 109-239 (Safe and Timely Interstate Placement of Foster Children Act of 2006); Senate Bill (SB) 703, Chapter 583 as filed on October 13, 2007; Welfare and Institutions Code sections 291, 293-295, 361.5, 366.21, 366.22, 366.26; Family Code sections 7901.1, 7906.5; Manual of Policies and Procedures Division 31-510.53; All County Information Notice I-95-06; All County Letter (ACL) 08-26

The purpose of this ACL is to remind county Child Welfare Services/Probation agencies and the California Department of Social Services (CDSS) Adoptions District Offices (DOs) of the requirements of the Safe and Timely Interstate Placement of Foster Children Act of 2006 as instructed in ACL 08-26. The Safe and Timely Interstate Placement of Foster Children Act of 2006 required among other things that states develop a process to ensure that foster care and adoptive home studies for children placed across state lines are completed within 60 calendar days. SB 703, Chapter 583, Statutes of 2007 effective January 1, 2008, was enacted to bring California statute into conformity with federal law.

During calendar year 2009, CDSS was required to compile data with respect to the state's compliance with these timeline requirements for calendar year 2008 for the Title IV-B Annual Child and Family Services Five Year Plan. Since CDSS may be required to report on the on-going compliance data in future Annual Progress and

Services Reports, it is critical that county agencies and CDSS DO staff continue to comply with these federal and state requirements and maintain sufficient data to demonstrate compliance.

Sixty-Day Home Study Requirement

California agencies are responsible for conducting adoptive and foster home studies requested by other states for children to be placed in California. The report must be completed and returned to the requesting state with the results of the study within 60 days. The report must address the extent to which the placement in the home would meet the needs of the child. In order to complete the home study within the 60-day time frame, counties, private adoption agencies and DOs will not be required to have completed the parts of the home study involving the education and training of the prospective foster or adoptive parents.

A county child welfare agency shall treat any report that is received from another state, an Indian tribe, or a private agency under contract with another agency, as meeting any requirements imposed by the other state for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, a county child welfare agency determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child. Should the county child welfare agency make such a determination within the 14-day period, it is advised, as a courtesy, that the agency inform the jurisdiction that conducted the home study that such a determination was made.

Extended Time Periods No Longer Available

California agencies are reminded that the exemptions provided in Family Code sections 7901.1 and 7906.5 regarding a 15-day extension period, when an agency is unable to meet the 60-day requirement because of circumstances beyond their control, were no longer available after September 30, 2008. Therefore, all out-of-state home study requests are subject to the 60-day time frame requirement as of October 1, 2008.

Status Updates to Requesting State

There may be some cases in which California agencies are unable to complete a home study within the required 60-day time frame because of circumstances beyond the agencies' control; i.e., waiting for criminal background checks information, etc. To enable the agency to receive necessary final documentation within the 60-day period, it is important that an agency request information needed to complete the home study as early in the process as possible. If the agency determines that a home study will not be completed within the 60-day time frame, for circumstances beyond the agency's control, California agencies are reminded that it is critical to continue to provide status updates in a timely manner to the requesting state. Counties and DOs should inform the

requesting state prior to the expiration of the 60-day time frame which home study elements have been completed to date and what additional information is still pending. In the event that there are unusual delays, counties may consider providing the requesting state with multiple status updates, as needed. Counties and DOs should also inform the requesting state when the final report is completed.

Data Tracking

The Safe and Timely Interstate Placement of Foster Children Act of 2006 includes specific data-reporting requirements regarding the total number of interstate home studies that were requested and completed by each state. As previously stated, CDSS may be required in the future to report on compliance with timeline requirements as part of California's Title IV-B Progress Report. As a result, it is important that counties continue to gather and retain documentation to demonstrate compliance with the new timeline requirements. Agencies must continue to manually track the information outlined in ACL 08-26 until such time as CWS/CMS can accommodate these data elements. The CDSS will continue to collect this data on an annual basis via county survey until the information can be gathered from CWS/CMS.

Counties are reminded that the Federal Administration on Children, Youth and Families has the authority to apply the partial review process described in 45 CFR 1355.32(d) to determine the state's compliance with its State Plan. A partial review could lead to a program improvement plan and/or a penalty, depending on the individual state circumstances.

Should you have any questions regarding the 60-day home study requirements or contents of this letter, please contact the Out-of-State Placement Policy Unit, Children's Services Operations Bureau at (916) 651-8100.

Sincerely,

***Original Document Signed By:***

GREGORY E. ROSE
Deputy Director
Children and Family Services Division