

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 15, 1992

ALL-COUNTY LETTER NO. 92-92

TO: ALL COUNTY WELFARE DIRECTORS
 ALL PUBLIC AND PRIVATE ADOPTION
 AGENCIES
 ALL SDSS ADOPTIONS DISTRICT OFFICES

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation
 Change
 Court Order or Settlement
 Agreement
 Clarification Requested by
 One or More Counties
 Initiated by SDSS

SUBJECT: ADDENDUM TO ALL-COUNTY LETTER NO. 92-23; FOSTER CARE AND ADOPTIVE
 PLACEMENT PRIORITIES

The Department recently received a letter from Assembly Member Gwen Moore expressing concerns about the manner in which some agencies have implemented the provisions of legislation she authored, AB 548 (Chapter 1581, Statutes of 1990), which established foster care and adoptive placement priorities. Assembly Member Moore's concerns stem from complaints she has received indicating some counties and agencies are not following child placement policies and guidelines set forth in Department regulations and All-County Letter (ACL) No. 92-23. Assembly Member Moore concurs that the stated policies and guidelines accurately reflect legislative intent.

The purpose of this Letter is to supplement ACL No. 92-23 to provide counties and agencies with policy direction and guidelines for implementing AB 548. This Letter will re-emphasize key placement priority provisions of AB 548 as they apply to dependent children of the court in the public foster care system. This restatement of requirements is intended to dispel any possible misunderstanding of foster care and adoptive placement preference criteria in the law and to ensure that inappropriate and incorrect agency placement practices cease.

The foster care and adoptive placement priorities in AB 548 were intended to serve as a guide in initial placements and whenever a planned change in a child's placement is required. In the priority placement scheme, the overriding principle is the best interests of the child. The priorities must be utilized in that spirit.

Statutes governing court and public agency planning decisions for dependent children of the court clearly establish adoption as the priority permanent plan for those children who are unable to be reunified with the parents or caretakers from whom they were removed. (See Welfare and Institutions Code [W&IC] Section 366.25(d)(1) and Section 366.26(b)(1).) Further, W&IC Section 366.25(g) and Section 366.26(j) establish that preferential consideration must be given to the

adoption application of foster parents who wish to adopt their foster child and with whom the child has developed emotional ties. Given these statutory directives, there is no justification for agencies to remove a child from the home of foster parents where mutual emotional ties have developed, and the family wishes to adopt, solely for purposes of placing the child in a same race home.

The primary purpose of placement preference in AB 548 is to compel agencies to place children with family members or a same race family at the time of initial out-of-home placement or upon subsequent change in placement required as part of the court-approved case plan for the child. As previously stated, the overriding principle in child welfare service and adoption law and practice is to act in the best interests of the child. If the agency has placed a child in a stable, supportive different race home after unsuccessfully attempting to place the child with a family member or same race family in the time frame specified by law, it is not in the child's best interests to disrupt the placement solely to satisfy racial matching criteria.

It is also in a foster child's best interests to be adopted whenever feasible rather than remain in long-term foster care. After an agency has, for the period specified in law, unsuccessfully sought a family member or same race adoptive home for an otherwise adoptable child whose foster parents do not wish to exercise any statutorily guaranteed prerogatives to retain the child, there is no justification for placing the child in long-term foster care in lieu of seeking other adoption alternatives.

Pursuant to this reiteration of statutory requirements and State policy governing foster care and adoptive placement preferences, please review the manner in which your agency is implementing the provisions of law and regulation to ensure that the intent of the law is fulfilled.

Questions regarding this subject should be addressed to the Adoptions Policy Bureau at the above address or at (916) 324-4228 or (ATSS) 492-4228.


LOREN D. SUTER
Deputy Director
Adult and Family Services

cc: CWDA