
**CHILD WELFARE SERVICES PROGRAM
SERVICE DELIVERY**

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CHAPTER 31-300 SERVICE DELIVERY

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CHAPTER 31-300 SERVICE DELIVERY

31-301 GENERAL REQUIREMENTS FOR SERVICE DELIVERY 31-301

- .1 The individual child's case plan shall be the guiding principle in the provision of child welfare services.
 - .11 The social worker shall ensure that the provision of all services is consistent with the case plan goals specified in the child's case plan.
- .2 The county shall meet the requirements specified in Welfare and Institutions Code Section 16501(c) when purchasing services.
 - .21 Counties shall not contract for case management services and any activities which are mandated by the Division 31 regulations to be performed by the social worker.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501.1, Welfare and Institutions Code.

31-305 USE OF VOLUNTEERS 31-305

- .1 The county may use volunteers to supplement professional child welfare services.
 - .11 The county shall ensure that volunteers comply with all statutes and regulations governing the child welfare services program.
 - .12 The county shall not delegate to volunteers any responsibilities and activities that are mandated by statute or regulation to be performed by social workers.
 - .13 The county shall not use volunteers to supplant social workers.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501(e), Welfare and Institutions Code.

31-310 SOCIAL WORKER RESPONSIBILITIES FOR SERVICE DELIVERY 31-310

- .1 In providing or arranging for the provision of services identified in the case plan, the social worker shall:
 - .11 Assist each child to understand through the provision of age-appropriate counseling the reason(s) for providing service to handle associated emotional problems.
 - .12 Monitor the child's physical and emotional condition.
 - .13 When a child's family is being provided services in order to maintain the child in the home, take action as necessary to ensure that the child's protective needs continue to be met.
 - .131 In the case of an Indian child, the services to maintain the child in the home must be provided in accordance with the requirement to engage in Active Efforts to provide remedial and rehabilitative services to prevent the breakup of the Indian family as further specified in Section 31-135.23. This standard requires additional efforts on the part of the social worker to work with the child's family and tribe to identify and utilize tribally based resources that may be available to the family, such as tribal and other Indian social service agencies and organizations.
 - .14 Assist the parent(s)/guardian(s) to understand agency procedures, the orders of the courts, if any, or arrangements between the county and other agencies.
 - .15 Provide to the parent(s)/guardian(s) of a child voluntarily receiving services both verbal and written information regarding the possibility that legal action may be taken which could result in removal of the child from the home if parenting problems are not solved and the child remains at risk of abuse, neglect, or exploitation.
 - .16 Provide respite and out-of-home care providers information of any known or suspected dangerous behavior of the child.
 - .161 The social worker shall document in the case record any information provided to the respite and out-of-home care provider regarding the child's known or suspected dangerous behavior, including the following:
 - (a) Date information was provided.
 - (b) Name of person receiving information.
 - (c) Specific facts provided.
 - (d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a fine up to \$1,000.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 224.6, 361.2, 361.31, 361.7, 10850, and 16501.1, Welfare and Institutions Code; Section 19, Penal Code; and 25 USC 1912(d).

31-315 SERVICE-FUNDED ACTIVITIES**31-315**

- .1 Service-funded activities shall be available to children and their families in all phases of the Child Welfare Services program as specifically identified in the child's case plan.
 - .11 In the case of an Indian child, social workers shall seek and make available to Indian children and their families service-funded activities that reflect the unique values of the Indian culture and promote the stability and security of Indian children, Indian families and Indian communities. Sources of such services may be found in the Indian child's tribe, Tribal TANF programs, and other Indian organizations. ICWA requires documentation when Active Efforts to provide these services prove unsuccessful.
- .2 Service-funded activities shall be provided as necessary to ensure the protection of the child.
- .3 State funding of service-funded activities shall be limited to the amount allocated to each county by the Department from funds appropriated to the Department in the annual Budget Act for the purpose of funding child welfare services.
 - .31 If service-funded activities are available through other public and private sources, the county shall exhaust those sources prior to authorizing the expenditure of state funds appropriated for the purpose of funding child welfare services.
- .4 The range of service-funded activities shall include, but not be limited to, the following:
 - (a) Case management.
 - (b) Counseling.
 - (c) Emergency shelter care, as specified in Section 31-415.
 - (d) Emergency/Temporary in-home caretakers.
 - (e) Therapeutic day services.
 - (f) Teaching and demonstrating homemakers.
 - (g) Parenting training.
 - (h) Substance abuse testing.
 - (i) Transportation.
 - (j) Respite care.

31-315	SERVICE-FUNDED ACTIVITIES (Continued)	31-315
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- (1) Respite care services shall be provided only when there is a clear understanding of the time at which the parent(s)/foster parent(s) is expected to return to the home or be prepared to accept the child back into the home or to undertake alternative courses of action to arrange for the child's future care.
- (2) Respite care services shall not exceed 72 hours per session.
- (3) Respite care services shall not be provided for the purpose of routine ongoing child day care.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501, and 16501, Welfare and Institutions Code; and 25 USC 1912(a) and (d).

31-320	SOCIAL WORKER/PROBATION OFFICER CONTACTS WITH THE CHILD	31-320
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- .1 The social worker/probation officer shall arrange for visitation, as determined in the child's case plan, for each child.
- .2 The social worker shall visit the child at least three times in the first 30 calendar days, including the initial in-person response.
 - .21 If the case plan is completed in the first 21 calendar days after the initial removal of the child or in-person response, the social worker shall be permitted to have less frequent visits, up to a minimum of twice in the first 21 calendar days.
- .3 The social worker shall visit each child with an approved case plan who remains in the home at least once each calendar month.
 - .31 The social worker shall be permitted to have less frequent visits, up to a minimum of once every two months, only if all the following criteria are met and written supervisory approval has been obtained:
 - .311 The child has no severe physical or emotional problems caused or aggravated by remaining in his/her own home.
 - .312 The child is visited at least once a week by a family preservation social worker or public health nurse when such persons are providing services pursuant to the case plan; and there is a verbal or written agreement with any such services provider, documented in the case record, that he/she will provide contact reports to the social worker.
 - (a) The social worker shall ensure that verbal or written reports are received and documented in the case record.

**31-320 SOCIAL WORKER/PROBATION OFFICER CONTACTS
WITH THE CHILD (Continued)**

31-320

- .4 The majority of visits with the child in each calendar year shall take place in the child's foster home/placement.
- .41 Whenever possible and practicable, the social worker shall visit the child alone and in a quiet and private setting.
- .5 The purpose of social worker contact with the child is to assess the safety and well being of the child and to achieve the following objectives:
- .51 Verify the location of the child.
- .52 Monitor the child's physical, emotional, social, and educational development.
- .53 To the extent possible, engage and involve the child and the caregiver in the development of the case plan.
- .54 Gather information about the child to identify needed services to be included in the case plan and monitor the effectiveness of those services provided to meet the child's needs.
- .55 Ensure the child is able to maintain a relationship with siblings, relatives, and adults who are important to the child.
- .56 Assist the child in preserving and maintaining religious and ethnic identity.
- .57 Establish and maintain a helping relationship between social worker and child to provide continuity and a stability point for the child.
- .58 Solicit the child's input on his/her future and to inform the child as to current and future placement plans and progress, and discuss these plans and progress with the child.
- .59 Evaluate and assess the child's educational needs and progress and the potential need for special educational services such as an Individual Education Plan.

31-320	SOCIAL WORKER/PROBATION OFFICER CONTACTS WITH THE CHILD (Continued)	31-320
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- .6 The social worker/probation officer shall do the following for each child with an approved case plan who is placed in out-of-home care with a relative, foster family home, FFA, or a legal guardian:
 - .61 Visit the child at least once each calendar month.
 - .611 The social worker shall be permitted to have less frequent visits, no less than necessary to ensure the safety and well being of the child as specified in 31-320.5. In no case shall the visits be less frequent than once every six calendar months, provided the following criteria are met and documented in the case plan, and written supervisory approval has been obtained:
 - (a) The child has no severe physical or emotional problems caused or aggravated by the placement.
 - (b) The child has been in the same placement for at least six months and the social worker has determined that the placement is stable.
 - (c) The child is visited once each calendar month by social worker staff of a foster family agency provided they meet the minimum qualifications at Title 22, Section 88065.3 and are providing services pursuant to a case plan. A written placement agreement shall be required between the foster family agency and the county and documented in the case record.
 - (d) The social worker shall ensure that at least one written report of a visit is received each calendar month and documented in the CWS/CMS case record.
 - .612 The social worker shall be permitted to have less frequent visits, up to a minimum of once every six consecutive calendar months if the child is receiving permanent placement services, is in placement with a legal guardian, and dependency has been dismissed or the child has never been a dependent.
 - .613 If the child is placed in a group home, whether in-state or out-of-state, or a community treatment facility, the social worker/probation officer shall visit the child at least once each calendar month, with at least a two-week time frame between visits and document the visits in the child's case plan.

31-320	SOCIAL WORKER/PROBATION OFFICER CONTACTS WITH THE CHILD (Continued)	31-320
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.7 The minimum visitation requirements by the county social worker/probation officer are not applicable under the following circumstances:

.71 The child has an approved case plan, is a dependent or ward of the court and either:

.711 The child's whereabouts are unknown and the court has been informed. The county social worker/probation officer must attempt to locate the child and document those attempts in the case record. The social worker must confirm and document in the child's case record that the child's whereabouts are unknown once every 30 days from the date of the initial discovery, or

.712 The child is residing out of state in a relative, guardian or foster family home under the provisions of the Interstate Compact on the Placement of Children, is receiving services from the receiving state, and the receiving state is providing written or verbal reports to the social worker that are documented in the case record.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. Sections 675 and 677; Sections 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 11008.15, 11155.5, 16501(a), 16501.1(b), (d), and (f)(4), 16504, and 16516.5, Welfare and Institutions Code; Sections 7901, 7911 and 7911.1, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code.

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31-325 SOCIAL WORKER CONTACTS WITH THE PARENT/GUARDIAN 31-325

.1 The social worker shall arrange for contact, as determined in the case plan, for each parent/guardian.

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- .11 The purpose of social worker contact with the parent(s)/guardian(s) named in the case plan is to achieve the following objectives:
 - .111 Verify the location of the parent(s)/guardian(s), assess the functioning of the parent(s)/guardian(s) as it pertains to meeting the child's basic and special care needs, and the safe maintenance of the child in the home.
 - .112 Gather information to assess the effectiveness of services provided to meet the needs of the parent(s)/guardian(s), to monitor the progress of the parent(s)/guardian(s), and to meet identified goals.
 - .113 Establish and maintain a helping relationship between the social worker and the parent(s)/guardian(s).
 - .114 Counsel the parent(s)/guardian(s) as to current placement and progress.

HANDBOOK ENDS HERE

.2 The social worker shall visit each parent(s)/guardian(s) named in the case plan receiving in-home services a minimum of once each calendar month.

- .21 The social worker shall be permitted to have less frequent visits, up to a minimum of once every two calendar months, only if all of the following criteria are met and written supervisory approval has been obtained:
 - .211 The parent(s)/guardian(s) has no severe physical or emotional problems that affect his/her ability to parent the child.
 - .212 The parent(s)/guardian(s) is visited at least once a week by a family preservation social worker or public health nurse when such persons are providing services pursuant to the case plan, and there is a verbal or written agreement with any such services provider, documented in the case record, that he/she will provide contact reports to the social worker.

31-325	SOCIAL WORKER CONTACTS WITH THE PARENT/GUARDIAN (Continued)	31-325
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- .213 The social worker shall ensure that verbal or written reports are received and documented in the case record.
- .3 The social worker shall visit each parent/guardian named in the case plan whose child(ren) is placed in out-of-home care at least once each calendar month, unless the case plan contains documentation justifying less frequent visits and written supervisory approval has been obtained.
 - .31 If the parent(s)/guardian(s) is not available for monthly visits, the social worker shall maintain monthly written or telephone contact with him/her regarding the child's status and the parent(s)/guardian(s) actions that should be occurring in order to facilitate reunification.
 - .32 If all the following criteria are met, the social worker shall be permitted to maintain monthly written or telephone contact, rather than visits, with the parent(s)/guardian(s):
 - .321 The parent(s)/guardian(s) is visited once each calendar month by one or more of the following service providers when such persons are providing services pursuant to the case plan; and there is a verbal or written agreement with any such service provider, documented in the case record, that he/she will provide contact reports to the social worker.
 - (a) Other social services staff of the county.
 - (b) Staff of another services agency.
 - (c) A physician or other health professional.
 - .322 The social worker shall ensure that verbal or written reports are received and documented in the case record.
 - .33 If the whereabouts of the parent(s)/guardian(s) are unknown and a due diligence affidavit has been filed with the court pursuant to Welfare and Institutions Code Section 366.23(b)(7), monthly contact is not required.
- .4 Additional exceptions to the visitation requirement up to a minimum of once every six months shall be permitted only in the following circumstances:

31-325 SOCIAL WORKER CONTACTS WITH THE PARENT/GUARDIAN 31-325
(Continued)

- .41 For court supervised cases, court approval of a specific visitation plan.
- .42 For voluntary cases, county deputy director approval of a specific visitation plan.

.5 Repealed by Manual Letter No. CWS-94-01, effective 4/8/94.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 366.23(b)(7) and 16501.1(f)(4), Welfare and Institutions Code.

31-330 SOCIAL WORKER CONTACTS WITH THE OUT-OF-HOME 31-330
CARE PROVIDER

- .1 The social worker shall arrange for contact, as determined in the child's case plan, for each out-of-home care provider.

HANDBOOK BEGINS HERE

- .11 The purpose of social worker/out-of-home care provider contact is to achieve the following objectives:
 - .111 Monitor and assess the quality of care provided including the location and safety of the child and the ability of the out of home care provider to meet the child's basic and special needs, if any (e.g. health and educational needs).
 - .112 Gather information to assess the effectiveness of services provided to meet identified goals. Verify and synthesize data and information for court report. Maintain a case plan that is responsive to current and future needs.
 - .113 Establish and maintain mutually cooperative relationship between the social worker and the out-of-home care provider.
 - .114 Counsel the out-of-home care provider as to progress.

HANDBOOK ENDS HERE

31-330	SOCIAL WORKER CONTACTS WITH THE OUT-OF-HOME CARE PROVIDER (Continued)	31-330
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- .2 The social worker shall do the following for the out-of-home care provider(s):
 - .21 Have contact at least once each calendar month.
 - .211 Social workers shall not be required to contact the out-of-home care provider if the child has been receiving permanent placement services and one of the following criteria is met:
 - (a) The child has been placed with a legal guardian.
 - (b) The child has been placed with the same relative for five years or longer and there are no problems with the child's placement.
 - .22 Visit no less frequently than once every six calendar months.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501.1(f)(4), (5), and (6), Welfare and Institutions Code.

31-335 SOCIAL WORKER CONTACTS WITH OTHER SERVICE PROVIDERS 31-335

- .1 The social worker shall have contact with other professionals working with the child, parents/guardians/Indian custodians and the out-of-home care provider including, but not limited to, the following:
 - .11 Public Health Nurse
 - .12 Professional group home staff
 - .13 Physician
 - .14 Therapist
 - .15 Infant specialist
 - .16 Social workers from other counties or states providing services.
 - .17 In the case of an Indian child, social workers must establish and maintain contact with representatives from the child's tribe, other Indian social service agencies, Indian agencies, Indian organizations or individual Indian service providers that assist Indian children and families.

HANDBOOK BEGINS HERE

The purpose of social worker contact with other professionals is to achieve the following objectives:

- 1. Confer and collaborate toward the most effective, efficient identification and meeting of the child's or the parent's needs.
- 2. Monitor safety of the child (e.g., daycare center, public health nurse, etc.) and obtain their perception of the child's well-being.
- 3. Determine whether parent is following through with commitments.
- 4. Document reasonable efforts.
- 5. Document "Active Efforts" in cases involving Indian child(ren).

HANDBOOK ENDS HERE

- .2 The social worker shall request written reports from the professionals specified in Section 31-335.1, when their services are being provided to a child, parent/guardian/Indian custodian, or the out-of-home care provider as part of a case plan.

31-335 SOCIAL WORKER CONTACTS WITH OTHER SERVICE PROVIDERS 31-335
(Continued)

HANDBOOK BEGINS HERE

Examples of other service providers that often work with an Indian child and family include: a tribal ICWA advocate, a tribal designated representative, a tribal spiritual leader, a Tribal TANF program, Indian health Services, an Indian education program, or a non-tribal community agency.

HANDBOOK ENDS HERE

- .21 The social worker shall ensure that such reports are received and documented in the case record.
 - .211 If the social worker is unable to obtain a written report, a verbal report shall be obtained and documented in the case record.
 - (a) In addition, in the case of an Indian child, social workers shall document in the case record all reports, written or verbal, obtained from tribal representatives or service providers as specified in Section 31-335.17. It is critical to maintain a clear record of all Active Efforts being provided to the Indian child and his/her family as part of the case plan. See case record requirements in Section 31-075.3(e).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.3, 361.31, 361.7, 16501.1, Welfare and Institutions Code; and 25 USC 1912 and 1913.

31-340 PARENT/GUARDIAN CONTACTS WITH THE CHILD 31-340

- .1 The social worker shall not arrange unsupervised visits, unless the court orders unsupervised visits, if the child has been removed pursuant to a finding of "severe physical abuse" as provided for in Welfare and Institutions Code Section 300(e).
- .2 The social worker shall arrange for visits between child and the parent(s)/guardian(s) named in the case plan no less frequently than once each calendar month for children receiving family reunification services.
 - .21 Exceptions to the visitation requirement up to a minimum of once every six months shall be permitted only in the following circumstances:
 - .211 For court supervised cases, court approval of a specific visitation plan.
 - .212 For voluntary cases, county deputy director approval of a specific visitation plan.
 - .22 If the whereabouts of the child or parent are unknown and the social worker has followed the procedures specified in Section 31-320.53 or Section 31-325.33, the social worker shall not be required to arrange monthly visits between the child and the parent/guardian.
- .3 Renumbered to Section 31-340.21 by Manual Letter No. CWS-94-01, effective 4/8/94.
- .4 Repealed by Manual Letter No. CWS-94-01, effective 4/8/94.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501.1(f)(5) and (6), Welfare and Institutions Code.

31-345 GRANDPARENT CONTACTS WITH THE CHILD 31-345

- .1 The social worker shall arrange for visits between the child and grandparents, as determined in the child's case plan, for children receiving court-ordered family reunification services.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16507(a), Welfare and Institutions Code.

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**CHILD WELFARE SERVICES PROGRAM
PLACEMENT**

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CHAPTER 31-400 PLACEMENT

31-401 GENERAL REQUIREMENTS FOR PLACEMENT **31-401**

- .1 The social worker, other representative of the placing agency or another agency providing services, or other adult with whom the child is familiar, shall be present at the time of placement unless the child is placed out of state.
- .2 At the time of initial placement in foster care of a child who is a dependent of the court, the agency responsible for placement and care shall provide information describing the review process, including the permanency planning hearing, and subsequent court and administrative reviews, to the parent(s)/guardian(s); and to the child, if 10 years of age or older.
- .3 The placement of children in the same home or facility when such children have different legal status shall be subject to the provisions of Welfare and Institutions Code Sections 206 and 16514.
- .4 A foster parent providing out-of-home care to a child pursuant to court orders or providing such services to a voluntarily placed child shall have the legal consent authority specified in Health and Safety Code Section 1530.6.

HANDBOOK BEGINS HERE

- .41 This statute provides that such foster parents may give the same legal consent for such child as would a parent except as specified in Sections 31-401.411 through .413.
 - .411 A foster parent does not have the authority to give legal consent for any of the following:
 - (a) Marriage.
 - (b) Entry into the armed forces.
 - (c) Medical or dental treatment which is not ordinary.
 - (1) Ordinary medical or dental treatment includes but is not limited to the following routine services provided by or under the supervision of licensed practitioners of medicine and dentistry to protect or enhance a child's health:
 - (A) Immunizations.
 - (B) Physical examinations.
 - (C) X-rays.

HANDBOOK CONTINUES

31-401 GENERAL REQUIREMENTS FOR PLACEMENT **31-401**
(Continued)

HANDBOOK CONTINUES

- .412 A parent of a voluntarily placed child has the authority to modify or prohibit consent by a foster parent if a written agreement regarding such modification or prohibition exists between the agency and the parent.
- .413 A court of competent jurisdiction has the authority to issue an order limiting foster parent's authority to give such consent.

HANDBOOK ENDS HERE

- .5 For a child placed in-state or out-of-state, the placement shall be in an appropriately licensed or approved facility which accords the child the same personal rights afforded children in California as specified in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Section 89372 and incorporated in MPP Section 31-445.3.

NOTE: Authority Cited: Sections 16001.9, 10553, and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code and Assembly Bill 1695, Section 21. Reference: Sections 309(d), 319(f), 361.2(h), 727, 1601.9, and 11402 (as amended by AB 1695, Chapter 653, Statutes of 2001) and 16501, Welfare and Institutions Code; Sections 1501, 1505, 1530.6, and 1531, Health and Safety Code, and 42 U.S.C. 677.

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT **31-405**

- .1 When arranging for a child's placement the social worker shall:
 - .11 Consider the non-custodial parent pursuant to Welfare and Institutions Code Section 361.2.
 - .12 Give preferential consideration for placement of the child to an adult who is a grandparent, aunt, uncle or sibling of the child.
 - .121 In the case of an Indian child Active Efforts shall be made to comply with the ICWA placement preferences and standards as required by Section 31-420.3. The first preference shall be placement with a member of the child's extended family, as defined in Section 1903(2), of 25 U.S.C.
 - .122 As required by Welfare and Institutions Code Section 361.3, a finding that the relative is not willing to adopt or seek guardianship for the child cannot be used as the sole basis for denying placement with a relative.
 - .123 As assessment shall be conducted for the relative(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT
(Continued)

31-405

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The ICWA Section 1903(2) provides that an Indian child's ""extended family member" shall be as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent."

HANDBOOK ENDS HERE

- .13 Consider relatives identified by the social worker as willing and appropriate to care for the child if no non-custodial parent or relative given preferential consideration is available.

- .131 In the case of an Indian child, Active Efforts shall be made to comply with the ICWA placement preferences and standards as required by Section 31-420.3 for foster care placement and shall:
 - (a) Consider the placement preferences of the child's tribe.
 - (b) Consider the Tribally Specified Home when designated as the preference of the Indian child's tribe.
 - (c) If adoption of the child is being considered the social worker shall take into account the ICWA preferences for adoptive placement which, absent good cause to the contrary as determined by the court, are a placement with:
 - (1) A member of the child's extended family
 - (2) Other members of the Indian Tribe or
 - (3) Other Indian families.

- .132 As required by Welfare and Institutions Code Section 361.3, a finding that the relative is not willing to adopt or seek guardianship for the child cannot be used as the sole basis for denying placement with a relative.

- .133 An assessment shall be conducted for the relative(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.

**CHILD WELFARE SERVICES PROGRAM
PLACEMENT**

31-405 (Cont.)

Regulations

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT
(Continued)

31-405

- .14 Consider nonrelative extended family members identified by the social worker/probation officer as willing and appropriate to care for the child if no noncustodial parent, relative given preferential consideration, or relatives identified by the social worker/probation officer as willing and appropriate is available.
 - .141 An assessment shall be conducted for the nonrelative extended family member(s) and shall include but not be limited to the factors required in Welfare and Institutions Code Section 361.3.
- .15 Ensure that the requirements specified in Section 31-445 have been met prior to the placement of the child in the home of a relative or nonrelative extended family member.
- .16 When considering the placement of an Indian child in a Tribally Approved Home, the following requirements shall apply:
 - .161 The social worker must conduct the caregiver background checks on all adults (over age 18) living in the home or persons that may have significant contact with the child unless the tribe has an authorized Tribal Agency that conducts the caregiver background checks pursuant to Welfare and Institutions Code section 10553.12.
 - .162 If the tribe has a Tribal Agency that is approved to receive criminal and child abuse registry information from the California Department of Justice pursuant to Welfare and Institutions Code section 10553.12 the social worker shall secure documentation of the following:
 - (a) The Tribal Agency's certification that it has completed caregiver background checks, pursuant to the standards set forth in Sections 1522 and 1522.1 of the Health and Safety Code, with respect to any prospective foster parent, adoptive parent, or any adult who resides or is employed in the Tribally Approved Home.
 - (1) The certification must provide the address of the home, the names of the individuals in the household that have been cleared, the date of the completion of the clearance for each individual, and if any exemptions were granted.
 - (2) Documentation that the Tribal Agency has agreed to report, within 24 hours to the county social worker responsible for the child placed in the Tribally Approved Home, any notification to the Tribal Agency by the Department of Justice of a subsequent state or federal arrest or disposition notification involving an individual associated with the Tribally Approved Home.
 - (b) The social worker shall conduct the verifications required by Section 31-445.14.

31-405 SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT 31-405
(Continued)

- .163 Should the social worker have any concerns about the safety of the home, the social worker must consult and collaborate with the tribe to address any concerns.

- .164 The social worker must follow the ICWA placement preferences, which include the Tribally Approved or Tribally Specified Home designated by the child's tribe. Deviation from the preference order may occur only with good cause, as determined by the court. The social worker must provide the court with facts and supporting evidence that justify a request to deviate from the placement preferences and must ask the court for a finding that there is good cause to deviate from the ICWA placement preferences.

- .17 Meet the requirements specified below when placing a child under the age of six in a group home:
 - .171 A child under the age of six shall not be placed in a group home unless one or more of the following conditions are met, and the placement facility meets the licensing standards specified in Title 22, Division 6, Subchapter 2:
 - (a) The placement will provide comprehensive diagnostic assessment to enable long-term decisions about the child's future.
 - (b) The placement meets the child's special treatment needs which can be met by the group home while program planning and testing occur to prepare the child for a less restrictive, permanent placement;
 - (c) The placement enhances and supports the case plan goal of family reunification with parents or kin or for adoption when no other suitable, less restrictive placement is available;
 - (d) The placement is for temporary shelter care and shall not be for more than thirty days and no other, less restrictive placement is available; or
 - (e) The placement will keep a sibling group together until a more suitable, less restrictive placement is found.

31-405	SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT (Continued)	31-405
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- (f) Effective 1/1/2000, any child under the age of six shall be placed in a family like setting as defined in Title 22, Section 84201(f)(2). In the event such a setting is unavailable, the county shall request approval from the Department for any alternative placement in excess of 30 days. The Department has the authority to approve these placements if the request is in the best interest of the child and shall in no instance be detrimental to the health and safety of the child. The county welfare director shall submit the request to the Department with substantiating evidence supporting the request and specifying that the child has special needs that render the child extremely difficult to place, and there is no family like setting that can meet the child's special needs. The Department shall provide a written approval or denial of the request within 5 days of receipt of the request.

- .18 Ensure that a child under the age of six placed for temporary shelter care in a county operated or county contracted emergency shelter care facility, shall not be placed in the facility for more than thirty days.

- .181 A county operated or county contracted emergency shelter care facility shall conform to all regulations in Title 22, Division 6, Subchapter 2 except as noted below:
 - (a) The facility shall be exempt from the licensing standards specified in Sections 84200(a)(2)(A) through (C).

 - (b) For an unlicensed county operated emergency shelter care facility only, the Plan of Operation required by Section 84222 must be kept only on file at the facility and need not be submitted to the Department for approval.

- .19 Assist each child in understanding the reason(s) for placement.

- .20 Arrange for preplacement visitation between the child and the out-of-home care provider, if possible.

- .21 Assist each child to maintain his/her cultural and ethnic identity.

- .22 Monitor the child's physical and emotional condition, and take necessary actions to safeguard the child's growth and development while in placement.

31-405	SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT (Continued)	31-405
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- | .23 Ensure that information regarding available CHDP services is provided to the out-of-home care provider within 30 days of the date of placement.

- | .24 Ensure that the child receives medical and dental care which places attention on preventive health services through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
 - | .241 Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.

- | .25 Make certain that arrangements for, and monitoring of, the child's educational progress while in placement are undertaken.

- | .26 Make arrangements for the out-of-home care provider to have telephone access to a social worker 24 hours a day, seven days a week in case of emergencies involving his/her foster child(ren).

- | .27 Ensure that the out-of-home care provider understands and supports the child's case plan, and is aware of any change(s) thereto.

- | .28 Provide the out-of-home care provider the child's case plan that identifies the child's needs and services.

- | .29 Provide the out-of-home care provider the child's background information as available, including, but not limited to, the following histories:
 - | .291 Educational.
 - | .292 Medical.
 - | .293 Placement.
 - | .294 Family.
 - | .295 Behavioral.

31-405	SOCIAL WORKER RESPONSIBILITIES FOR PLACEMENT (Continued)	31-405
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- .30 Provide the out-of-home care provider(s) information of any known or suspected dangerous behavior of the child being placed.

- .301 The social worker shall document in the case record any information provided to the out-of-home care provider(s) regarding the child's known or suspected dangerous behavior, including the following:
 - (a) Date information was provided.
 - (b) Name of person receiving information.
 - (c) Specific facts provided.
 - (d) Affirmation that the person informed was advised that the facts were confidential and that unauthorized disclosure could result in a fine up to \$1,000.

- .31 Ensure completion of the documentation necessary to initiate AFDC-FC payments, as appropriate.

- .32 Assist the parents to understand their rights and responsibilities while their child is in foster care.

- .33 Document the reason(s) for the following, when applicable:
 - .331 The child's transfer to another placement location.
 - (a) In the case of an Indian child, in addition to documenting the reasons for the transfer, also document the Active Efforts taken to make the transfer within the order of ICWA placement preferences as required by Section 31-420.3, which shall include making contact with the child's tribe to solicit assistance and support in identifying an appropriate placement for the child.
 - .332 The child's out-of-county or out-of-state placement.

- .34 Develop a discharge plan for any child who:
 - .341 Is under six years of age; and
 - .342 Is leaving a group home placement to return to parent(s), guardian(s), or Indian custodian(s), relative(s) or extended family member(s) or an adoptive family or to a placement in a foster family home.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 224.6, 309, 319, 361.2, 361.3, 361.31, 361.4, 361.7, 362.7, 10553.12, 11467.1, and 16501, Welfare and Institutions Code; Sections 1505 and 1530.8, Health and Safety Code; 25 USC 1915 and 1931; and 45 CFR 1355.20.

31-406 SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES FOR PLACEMENT IN A COMMUNITY TREATMENT FACILITY 31-406

- .1 In addition to the requirements specified in Section 31-405, when arranging for a child's placement in a community treatment facility, the social worker/probation officer shall obtain the following documentation:
 - .11 A written statement, signed by an appropriate licensed mental health professional, certifying that the child is seriously emotionally disturbed; requires a period of containment to participate in and benefit from mental health treatment; that a proposed treatment program is reasonably expected to improve the child's mental disorder; and that the child meets one of the following requirements:
 - .111 The child must have participated in other less restrictive mental health interventions, including, but not limited to, outpatient therapy, family counseling, case management, family preservation efforts, special education classes, or nonpublic schooling.
 - .112 The child is currently placed in a psychiatric or state hospital or a facility outside the state for mental health treatment.
 - .12 A written consent to treatment on behalf of each child in one of the following forms:
 - .121 An application for a child of any age under the jurisdiction of the juvenile court and the court's consent to treatment documented by a copy of the juvenile court ruling making the findings specified in Section 6552 of the Welfare and Institutions Code, together with the child's application for treatment.
 - .122 An application made by the conservator for a child of any age in custody of a conservator documented by the court papers appointing the conservator and delineating the conservator's authorization to place the child in a community treatment facility, as well as any other powers that may be relevant in this setting, along with the conservator's written consent for treatment.
 - .123 An application made by the parent(s) of a child under the age of 14 documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that he or she has sole legal custody and control of the child.
 - .124 An application for a child 14 through 17 years of age not within the jurisdiction of the juvenile court documented by a written consent to treatment signed by both parents or the admitting parent must submit a court order demonstrating that he or she has sole legal custody and control of the child and one of the following:

31-406	SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES FOR PLACEMENT IN A COMMUNITY TREATMENT FACILITY (Continued)	31-406
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- (a) A statement signed by the child and the child's attorney or patients' rights advocate that the child has made a knowing and voluntary waiver of his or her right to a pre-admission hearing after being advised by the attorney or notified by the advocate of his or her right to a pre-admission hearing in accordance with In re Roger S. (1977) 19 Cal. 3d 921. If the child waives his or her right to a pre-admission hearing based on the notification of rights by the advocate, the child's statement must also indicate that he or she has been notified of his or her right to receive the advice of an attorney and has made a knowing and voluntary waiver of that right; or

- (b) The findings and order from a pre-admission hearing conducted in accordance with Section 1923(b)(4)(B) of the California Code of Regulations, Title 9, Chapter 11, pursuant to Section 4094(g) of the Welfare and Institutions Code that specifies all of the following findings:
 - (1) The child suffers from a mental disorder;
 - (2) There is a substantial probability that treatment will significantly improve the child's mental disorder;
 - (3) The proposed placement is the least restrictive setting necessary to achieve the purposes of treatment; and
 - (4) There is no suitable alternative to community treatment facility placement.

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Title 9, California Code of Regulations Section 1923(b)(4)(B) states in pertinent part:

"...A hearing held in accordance with this provision shall include but not be limited to the following:

"1. A neutral and detached fact finder and decision maker who shall have no personal, administrative or financial ties to any parties represented at the hearing nor to the proposed placement facility;

"2. Adequate written notice to the child before the hearing stating the basis for the proposed admission to a CTF;

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**CHILD WELFARE SERVICES PROGRAM
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31-406 (Cont.)

31-406 SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES FOR PLACEMENT IN A COMMUNITY TREATMENT FACILITY **31-406**
(Continued)

HANDBOOK CONTINUES

"3. An informal setting to minimize the anxiety of both parents and children and to promote cooperation and communication between all parties. All parties shall speak in terms the child understands and shall explain any terminology with which he is unfamiliar;

"4. The stipulation that formal rules of evidence are not applicable and that the standard for decision shall be by a preponderance of the evidence;

"5. The requirement that the hearing shall be closed to anyone other than the child, his parents or parent, the child's attorney, the person conducting the hearing, the professional person presenting evidence in favor of the commitment, and other persons requested to be in attendance by the child or by the child's attorney.

"6. Assistance provided by an attorney to the child who shall be allowed to call witnesses, examine evidence, present evidence on his own behalf and question persons presenting evidence in support of the admission; and

"7. Maintenance of a record of the proceedings adequate to permit meaningful judicial or appellate review which shall be confidential in accordance with Section 5328 of the Welfare and Institutions Code."

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.13 A written authorization from the placing county's Interagency Placement Committee certifying that the child is in need of the level of care and services provided by the community treatment facility and to the appropriateness of the following documentation:

.131 The written statement by a licensed mental health professional that demonstrates the child meets the requirements of Section 31-406.11.

.132 Informed consent is given by the child, the child's parents or the parent having sole legal custody and control of the child, or the conservator as specified in Section 31-406.12.

.133 The findings and order by the pre-admission administrative hearing officer specifying that all of the findings specified in Section 31-406.124 have been made for a child 14 through 17 years of age under parental custody who has not waived his or her right to a pre-admission hearing.

**CHILD WELFARE SERVICES PROGRAM
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31-406 (Cont.)

Regulations

31-406 SOCIAL WORKER/PROBATION OFFICER RESPONSIBILITIES FOR PLACEMENT IN A COMMUNITY TREATMENT FACILITY **31-406**
(Continued)

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 4094, 4094.5, 4094.6, 4094.7, 5585.58, and 5600.3, Welfare and Institutions Code; Section 1502, Health and Safety Code, and In re Roger S. (1977) 19 Cal. 3d 921.

31-410 TEMPORARY PLACEMENT **31-410**

- .1 Temporary placement services shall consist of emergency shelter care and out-of-home respite care.
- .2 Temporary placement services shall be provided when the social worker has considered and/or used in-home services and has determined that the provision or continued provision of these services will not safely maintain the child in his/her own home.
- .3 For temporary placement services involving an Indian child, the social worker shall to the extent possible, collaborate with the child's tribe in an attempt to prevent the removal of the child and to solicit tribal assistance and support in the placement of the child.
 - .31 When selecting a temporary placement for an Indian child, the social worker shall, engage in Active Efforts to place the child in compliance with the ICWA placement preference order required in Section 31-420.3.
- .4 Emergency shelter care services shall be provided as specified in Section 31-415.
- .5 When selecting a temporary placement for the child, the social worker shall adhere to the following priority order:
 - .51 The home of a relative, including the non-custodial parent, in which the child can be safely placed on a temporary basis. Such a determination shall be based on an emergency assessment as defined in Section 31-002(e)(2).
 - .52 A licensed or approved foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency, a county-operated emergency shelter care facility.
 - .521 A child under the age of six who is placed in a county operated or county contracted emergency shelter care facility for thirty days or less shall be cared for by a Primary Caregiver as defined in Section 31-002(p)(7).

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Welfare and Institutions Code Section 309(d) provides:

“(d)(1) If an able and willing relative, as defined in Section 319, or an able and willing nonrelative extended family member, as defined in Section 362.7, is available and requests temporary placement of the child pending the detention hearing, the county welfare department shall initiate an assessment of the relative’s or nonrelative extended family member’s suitability, which shall include an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child’s needs, and a consideration of the results of a criminal records check and a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home. Upon completion of this assessment, the child may be placed in the approved home.

“(2) The standards used to evaluate and grant or deny approval of the home of the relative and of the home of a nonrelative extended family member, as described in Section 362.7, shall be the same standards set forth in regulations for the licensing of foster family homes which prescribe standards of safety and sanitation for the physical plant and standards for basic personal care, supervision, and services provided by the caregiver.

“(3) If a relative or nonrelative extended family member meets all other conditions for approval, except for the receipt of the Federal Bureau of Investigation’s criminal history information for the relative or nonrelative extended family member, and other adults in the home, as indicated, the county welfare department may approve the home and document that approval, if the relative or nonrelative extended family member, and each adult in the home, has signed and submitted a statement that he or she has never been convicted of a crime in the United States, other than a traffic infraction as defined in paragraph (1) of subdivision (a) of Section 42001 of the Vehicle Code. If, after the approval has been granted, the department determines that the relative or nonrelative extended family member or other adult in the home has a criminal record, the approval may be terminated.”

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- .613 As assessment of the relative's ability to provide temporary care for the child.
- .614 The results of a criminal records check conducted through the California Law Enforcement Telecommunications System (CLETS) on all persons 18 years of age or older residing in the home, pending the receipt of DOJ fingerprint clearance.

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Penal Code Section 16504.5 specifies in pertinent part:

(a) Notwithstanding any other provision of law, pursuant to subdivision (b) of Section 11105 of the Penal Code, a child welfare agency may secure from an appropriate governmental agency the state summary criminal history information, as defined in subdivision (a) of Section 11105 of the Penal Code, through the California Law Enforcement Telecommunications System for the following purposes: ...

(f) Nothing in this section shall preclude a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the criminal records check revealed erroneous information.

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- .615 The results of a Child Abuse Central Index (CACI) check conducted on all persons 18 years of age and older residing in the home.
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Penal Code Section 11170(c) in summary states that when Child Abuse Central Index information is released by the Department of Justice for the temporary placement of a child, the child protective services agency or court investigator is responsible for notifying, in writing, the person listed in the Child Abuse Central Index that he/she is in the index. The notification shall include the name of the reporting agency and the date of the report.

Penal Code Section 11170(b)(6)(10)(A) in summary requires persons or agencies who receive Child Abuse Central Index information for purposes of licensing, adopting or placing a child to obtain the underlying report from the reporting agency and make their own independent assessment regarding the quality of the evidence disclosed and its sufficiency for making decisions regarding the placement of a child which will be the most appropriate placement and in the best interest of the child.

HANDBOOK ENDS HERE

- .616 A CACI listing does not necessarily preclude placement with a relative or non-related extended family member. Instead, the relative or non-related extended family member may still be entitled to placement upon consideration of all relevant factors. These factors include but are not limited to the following:
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31-410	TEMPORARY PLACEMENT (Continued)	31-410
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- (a) The nature of the substantiated or inconclusive child abuse/neglect report that led to the CACI listing;
- (b) The period of time that has elapsed since the substantiated or inconclusive child abuse/neglect was committed and the number of offenses;
- (c) The circumstances surrounding the commission of the substantiated or inconclusive child abuse/neglect that would demonstrate the likelihood of repetition; and
- (d) Character references.

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A copy of the written assessment may be made available to the appropriate adoption agency in the event that the relative(s) considered is assessed as being able and willing to provide a legally permanent home for the child, so that an abbreviated adoption assessment may be made if adoption becomes the permanency alternative implemented for the child.

HANDBOOK ENDS HERE

- .7 The temporary placement shall be based on the following needs of the child including, but not limited to:
 - .71 The least restrictive, most family-like environment.
 - .72 The child's age and sex.
 - .73 The child's health and any special needs of diet, medical or psychological care.
 - .74 The possible need for access to or protection from the child's parent(s)/guardian(s).
 - .75 The protective needs of the community.
 - .76 The most appropriate placement selection.
- .8 In addition to those needs specified in Section 31-410.7, the temporary placement of an Indian child shall require Active Efforts to comply with the ICWA placement preference requirements as specified in Section 31-420.3 and shall also be based on the following:
 - .81 The least restrictive setting which most approximates a family-like environment and in which the child's special needs, if any, can be met.
 - .82 The reasonable proximity to the child's home, taking into account any special needs of the child.
 - .83 The prevailing social and cultural standards of the Indian child's tribe and community in which the parent or extended family members reside or maintain social and cultural ties.

31-410 **TEMPORARY PLACEMENT** (Continued) **31-410**

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21 (Chapter 653, Statutes of 2001). Reference: Sections 309, 319, 361.2(b), 361.2(g), 361.2(h), 361.2(e)(7), 361.31, 361.7, 362.7, 366, 727, 11402, 11467.1, 16501.1, and 16507.5, Welfare and Institutions Code; Sections 1505 and 1530.8, Health and Safety Code; Section 11170, Penal Code; 25 USC 1901 et. seq. and 42 USC 675(1)(A); and *Gomez v. Saenz* Settlement Agreement and Court Order, Case No: BC284896.

31-415 **EMERGENCY SHELTER CARE** **31-415**

- .1 Provision of emergency shelter care shall not exceed 30 calendar days in any one episode that requires removal of the child except as follows:
 - .11 The county shall be permitted to provide emergency shelter care beyond 30 calendar days only when the case record documents the existence of one of the following circumstances:
 - .111 Emergency shelter care is necessary to meet the continuing protective needs of the child, and there is no other location wherein these protective needs can be met.
 - .112 The child has special needs which render him/her extremely difficult to place, and there is no other location available wherein these special needs can be met.
 - .12 The circumstances permitting extension of emergency shelter care beyond 30 calendar days shall be reviewed and the extension approved in writing by an administrative official higher than a first-level supervisor.
- .2 In no event shall federal and/or state funds appropriated for the purpose of providing any of the child welfare services specified in Division 31 be provided for emergency shelter care beyond 30 calendar days in any one episode except as follows:
 - .21 Each county is permitted to utilize county-only funds to draw down federal financial participation under the Emergency Assistance program, with no state share of cost, in order to provide emergency shelter care beyond 30 calendar days in any one episode if:
 - .211 the child is from a needy family authorized to receive Emergency Assistance funding in accordance with provisions in the Title IV-A State Plan implementing 45 CFR 233.120; and
 - .212 the circumstances specified in Section 31-415.1 are documented in the child's case record.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16501(a)(3), Welfare and Institutions Code and 45 CFR 233.120.

**CHILD WELFARE SERVICES PROGRAM
PLACEMENT**

Regulations

31-420 (Cont.)

31-420 FOSTER CARE PLACEMENT

31-420

- .1 The foster care placement shall be based on the following needs of the child including, but not limited to:
 - .11 The least restrictive, most family-like environment.
 - .12 The child's age, sex and cultural background, including racial or ethnic and religious identification.
 - .13 In the case of an Indian child, the child's tribal affiliation and the cultural and traditional practices of the tribe shall be considered.
 - .14 Planned parent/guardian-child contacts during the separation, and the specific actions to be taken by the parent(s)/guardian(s) which will facilitate reunification.
 - .15 Capability, willingness and ability of the caregiver to meet specific needs of the child, to facilitate family reunification, and provide the child's permanency alternative, if necessary.
 - .16 Appropriateness of attempting to maintain the child in his/her current school.
 - .17 The child's health and emotional factors.
 - .18 Anticipated special needs of the child, including but not limited to transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
 - .19 The most appropriate placement selection.
- .2 When selecting a foster care placement for the child, the social worker shall adhere to the following priority order:
 - .21 The home of a relative, including the non-custodial parent, in which the child can be safely placed as assessed according, but not limited to, the requirements specified in Welfare and Institutions Code Section 361.3.
 - .211 Preferential consideration for placement of the child shall be given to a non-custodial parent, then an adult who is a grandparent, aunt, uncle or sibling of the child, except that if the child is an Indian child and the non-custodial parent is not available or appropriate for placement of the child, then the placement requirements of Section 31-420.3 shall apply.
 - (a) As required by Welfare and Institutions Code Section 361.3, a finding that the relative cannot provide legal permanence for the child shall not be used as the sole basis for denying placement with a relative.

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A copy of the written assessment made pursuant to Welfare and Institutions Code Section 361.3 may be made available to the appropriate adoption agency in the event that the relative(s) considered agree to become a permanency planning family, so that an abbreviated adoption assessment may be made if adoption becomes the permanency alternative implemented for the child. See Handbook Sections 31-410.614 and .615.

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- .212 When a child is placed under such circumstances, the foster home shall be exempt from licensure pursuant to Health and Safety Code Section 1505. Prior to placement, the exempt home shall be approved as meeting the requirements specified in Section 31-445 which incorporates California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Foster Family Home.

- .22 A licensed foster family home, licensed small family home, or a licensed foster family agency for placement in a family home which has been certified by the foster family agency.

- .23 A licensed group home.
 - .231 Placements in group homes shall be subject to the following additional requirements:
 - (a) The following conditions shall exist and shall be documented in the case plan:
 - (1) Placement is necessary to meet the treatment needs of the child.
 - (2) The group home has a treatment program that meets such treatment needs.
 - (b) The social worker shall also document in the case record the reason(s) for the following:

 - .232 For a child under the age of six, the social worker shall document in the case plan that the placement meets the requirements specified in Section 31-405.1(b) or in Section 31-405.1(c), whichever is applicable.
 - (a) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (b) A description of the types and modalities of treatment program(s) offered and delivered to the child.

31-420 FOSTER CARE PLACEMENT (Continued) 31-420

- .24 A licensed community treatment facility.
- .241 Placements in community treatment facilities shall be subject to the following additional requirements.
 - (a) The following conditions shall exist and shall be documented in the case plan:
 - (1) Placement is necessary to meet the mental health needs of the child.
 - (2) The community treatment facility has a program that meets such mental health needs.
 - (b) The social worker/probation officer shall also document in the case record the reason(s) for the following:
 - (1) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (2) A description of the types and modalities of treatment program(s) offered and delivered to the child.
- .3 When selecting a foster care placement for an Indian child the social worker shall engage in Active Efforts to adhere to the following ICWA placement preference requirements:
 - .31 The prevailing social and cultural standards of the Indian community in which the parent or extended family members reside or maintain social and cultural ties, or the prevailing social and cultural standards of the Indian child's tribe shall be applied.
 - .311 A determination of the applicable prevailing social and cultural standards may be confirmed by the Indian child's tribe or by the testimony or other documented support of a qualified expert witness who is knowledgeable regarding the social and cultural standards of the Indian child's tribe.
 - .32 The services of the Indian child's tribe shall be used, when available, in seeking to secure a placement that meets their placement preference order.
 - .33 The social worker shall select the least restrictive placement that most approximates a family-like environment and in which the child's special needs, if any, may be met. The placement shall be within reasonable proximity to the child's home, taking into account any special needs of the child.

31-420 FOSTER CARE PLACEMENT (Continued)**31-420**

- .331 Preference shall be given to the child's placement with one of the following, in descending order:
- (a) A member of the Indian child's extended family, which shall be defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, bother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.
 - (b) A Tribally Approved Home or a Tribally Specified Home as so designated by the Indian child's tribe.
 - (c) An Indian foster home licensed or approved by an authorized non-Indian licensing authority (a state licensed home; a home certified by a licensed foster family agency).
 - (d) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
- .332 A tribe may establish a different preference order, which must be followed so long as the placement is in the least restrictive setting appropriate to the particular needs of the child.
- .333 Deviation from the preference order may occur only with good cause, as determined by the court, which may include but not necessarily be limited to the following:
- (a) The request of the parent or Indian custodian;
 - (b) The request of the Indian child, when of sufficient age;
 - (c) The extraordinary physical or emotional needs of the Indian child as established by a qualified expert witness; or
 - (d) The unavailability of suitable families based on documented Active Efforts to identify families meeting the preference criteria.
- .334 The social worker must provide the court with facts and supporting evidence that justify the request to deviate from the placement preferences and must ask the court for a finding that there is good cause to deviate from the ICWA placement preferences.

CHILD WELFARE SERVICES PROGRAM**Regulations****PLACEMENT****31-425 (Cont.)**

31-420 FOSTER CARE PLACEMENT (Continued)**31-420**

- .34 When no preferred placement is available, Active Efforts shall be made and documented to place the child with a family committed to enabling the child to have extended family visitation and participation in the cultural and ceremonial events of the child's tribe.
- .35 A record of each placement shall be maintained in perpetuity, including the Active Efforts made to comply with the placement preference order, and the placement history shall be available to the Secretary of the Interior and/or the child's Indian tribe, upon request to the county.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21 (Chapter 653, Statutes of 2001). Reference: Sections 309, 319, 361.2, 361.3, 361.31, 361.7, 366, 727, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11402, 11467.1, 16501.1, and 16507.5, Welfare and Institutions Code; Sections 1502 and 1530.8, Health and Safety Code; Section 275, Civil Code; 25 USC 1915; 42 USC 671(1)(A); and Public Law 105-89 (Adoption and Safe Families Act of 1997).

31-425 PERMANENT PLACEMENT**31-425**

- .1 The permanent placement shall be based on the following needs of the child including, but not limited to:
 - .11 The degree of permanency of the available alternatives.
 - .12 The child's age, sex, tribal affiliation and cultural background, including racial or ethnic and religious identification.
 - .13 Capability of a relative, Indian custodian, the out-of-home care provider(s), adoptive parent(s), or guardian(s) to meet specific needs of the child.
 - .131 If the child is not placed with a permanency planning family or if the permanency alternative identified in the case plan fails, preferential consideration for placement of the child shall be given the non-custodial parent, then to an adult who is a grandparent, aunt, uncle or sibling of the child, as required in Welfare and Institutions Code Section 361.3.
 - .132 The home of a relative, including the non-custodial parent, considered for placement shall be assessed according to the requirements in Welfare and Institutions Code Section 361.3.

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See Handbook Sections 31-410.614, .615, and .616(d).

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- .133 In the case of an Indian child, capacity to encourage and protect the child's retention of connections to its tribe.
- .14 Appropriateness of attempting to maintain the child in his/her current school.
- .15 The child's health and emotional factors.
- .16 Anticipated special needs of the child, including but not limited to, transportation, diet, medical and/or psychological care, clothing, recreation, and special education.
- .2 When selecting a permanent placement for the Indian child, the social worker shall adhere to the priority order specified in Sections 31-201.121(c)(3)(A)2 through 7.
- .21 When selecting a permanent placement for an Indian child that may involve the adoption of the child or termination of parental rights, the social worker shall adhere to the adoptive placement preference standards specified in Sections 31-201.121(c)(3)(A)2 through 7.

31-425 PERMANENT PLACEMENT (Continued) 31-425

- .22 When the permanent placement of an Indian child may involve a foster care or guardianship placement the social worker shall adhere to the placement preference standards specified in Section 31-420.3.
- .23 When selecting a permanent placement of the Indian child, the social worker shall consider and consult with the child's tribe regarding Tribal Customary Adoption.

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The Indian child's tribe is the only entity that can elect Tribal Customary Adoption as the permanency option for the child. The tribe may express a preference for a different option. (WIC section 366.26(c)(1)(B)(VI)). No tribe is required to elect Tribal Customary Adoption.

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- .3 When the court, pursuant to Section 366.26 of the Welfare and Institutions Code, orders placement of a child in long-term foster care with a relative, the court may authorize the relative to provide the same legal consent for the child's medical, surgical, and dental care, and education as the custodial parent of the child.
- .4 When it is anticipated that the permanent placement for a child will be a kinship guardianship, the relative caregiver shall be provided with the following information:

31-425 PERMANENT PLACEMENT (Continued)

31-425

- .41 Written information on the availability of the Kin-GAP program, including an explanation of the difference between Kin-GAP and Adoption Assistance Program benefits, and between Kin-GAP and AFDC-FC benefits, as specified in Welfare and Institutions Code sections 11364(e) and 11387(e).

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- .412 Providing the relative caregiver with a copy of both the SOC 369 form and the SOC 369A form, as required in Section 31-425.42, will help counties meet the requirement in Section 31-425.41. Two other resources available to help counties meet the requirement in Section 31-425.41 are: 1) PUB 344, *Giving a Child a Permanent Home—Choices for Relatives*, available in both English (www.cdss.ca.gov/cdssweb/entres/forms/English/pub344.pdf) and Spanish (www.cdss.ca.gov/cdssweb/entres/forms/Spanish/PUB344SP.pdf); and 2) *A Guide to Permanency Options for Youth* (<http://calswec.berkeley.edu/training-resource-permanency-planning-options>).

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- .42 Prior to the establishment of a kinship guardianship and the termination of the child's dependency or wardship, a copy of and an explanation of both the SOC 369 form and the SOC 369A form.
- .43 Information on the availability of mental health services through Medi-Cal or other programs, as specified in Welfare and Institutions Code sections 11364(e) and 11387(e).
- .44 Information on access to medically necessary specialty mental health services pursuant to Welfare and Institutions Code section 11376.

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- .441 Welfare and Institutions Code section 11376 provides:

"A foster child who has become the subject of a legal guardianship, who is receiving assistance under the Kin-GAP Program under this article or under Article 4.7 (commencing with Section 11385), including Medi-Cal, and whose foster care court supervision has been terminated, shall be provided medically necessary specialty mental health services by the local mental health plan in the county of residence of his or her legal guardian, pursuant to all of the following:

- (a) The host county mental health plan shall be responsible for submitting the treatment authorization request (TAR) to the mental health plan in the county of origin.

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31-425 PERMANENT PLACEMENT 31-425
(Continued)

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- (b) The requesting public or private service provider shall prepare the TAR.
- (c) The county of origin shall retain responsibility for authorization and reauthorization of services utilizing an expedited TAR process."

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NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 224, 360, 361.2, 361.3, 361.5, 361.31, 366.21, 366.22, 366.24, 366.25, 366.26, 366.27, 11364, 11376, 11387, 16501 and 16501.1, Welfare and Institutions Code; Section 275, Civil Code; and 25 USC 1915.

31-430 ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS 31-430

- .1 In addition to the general requirements specified in other Division 31 regulations, the provisions specified below shall apply to voluntary placements.
- .2 Voluntary placement of a nondependent child shall occur only when there is a written voluntary placement agreement between the county and the parent(s)/guardians(s)/Indian custodian(s) pursuant to the provisions of Sections 16507.2, 16507.3, and 16507.4(b), Welfare and Institutions Code.
 - .21 If the voluntary placement is of an Indian child, the consent to the placement shall be the written consent of a parent or Indian custodian and comply with the following:
 - .211 The consent must be recorded no less than ten days after the birth of the child, in the presence of the judge of the Superior Court on SOC form 155C;
 - .212 The judge must certify that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language the person understood; and
 - .213 The parent or Indian custodian is informed that consent may be withdrawn for any reason at which time the child must be returned to the parent or Indian custodian.
 - .214 If the child is or may be an Indian child, ICWA notice shall be conducted as set forth in Section 31-125.7.

CHILD WELFARE SERVICES PROGRAM**31-430 (Cont.)****PLACEMENT****Regulations**

31-430 ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS 31-430
(Continued)

- .22 In the situation where the placement may no longer be voluntary, in that there is a determination the child will not be returned to the parent(s)/guardian(s)/Indian custodian(s), the social worker must comply with the requirement to engage in Active Efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and to comply with the ICWA placement preferences.
- .3 The social worker shall:
- .31 Complete the Voluntary Placement Agreement-Parent/Agency.
- .32 Provide a written statement informing the parent(s)/guardian(s)/Indian custodian(s) that he/she may be responsible for a share of the family reunification services costs.
- .33 Assist the parent(s)/guardian(s)/Indian custodian(s) of voluntarily placed children to understand that he/she still retains legal custody of the child even though he/she voluntarily places the child with the agency; and that he/she may limit, by written agreement, the scope of the foster parent's authority to give parental consent.
- .34 Ensure that the computation of the share of costs is completed pursuant to Welfare and Institutions Code Section 16507.4(a).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 224.3, 16507.2, 16507.3, and 16507.4, Welfare and Institutions Code; Sections 8606.5 and 8620, Family Code; 25 USC 1903 et. seq.; and California Rules of Court, rule 5.481.

31-435 OUT-OF-COUNTY AND OUT-OF-STATE PLACEMENT REQUIREMENTS 31-435

- .1 Out-of-county placements shall be subject to the additional criteria specified in Section 31-505.
- .2 Out-of-state placements shall be subject to the additional criteria specified in Section 31-510.
- .21 Prior to placing a child in an out-of-state group home, the county multidisciplinary team shall assess the child's need for an out-of-state group home placement and make a placement recommendation to the court. Upon an order from the court, the county placing agency shall make the placement pursuant to the Interstate Compact on the Placement of Children (Section 31-510).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 361.2, Welfare and Institutions Code; and Sections 7901, 7911, 7911.1, and 7912, Family Code.

31-440	FOSTER PARENT(S) NOTIFICATION REQUIREMENTS	31-440
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- .1 The foster parent(s) shall be given at least seven calendar days' advance written notice of intent to remove a child, and of the right to request a grievance review.
 - .11 The county shall have the authority to include a waiver of the notice requirement specified in Section 31-440.1 in the written placement agreement with the foster parent(s).
 - .111 Waivers shall not exceed six months from the date of placement.
 - .112 Waivers shall be considered exceptions used solely to meet unusual individual needs.
- .2 The county shall not be required to provide the notice specified in Section 31-440.1 if one or more of the following conditions exist:
 - .21 The child is in immediate danger.
 - .22 A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11.
 - .23 A court has ordered the child's removal.
 - .24 Adverse licensing or approval actions have occurred that prohibit the foster parent(s) from continuing to provide services.
 - .25 Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.
 - .26 The child is removed from an emergency placement.
- .3 For foster parents providing permanent placement services the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated.
 - .31 The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.
- .4 A relative or nonrelative extended family member whose home has been deemed not to meet the approval standards shall be given notice that their home does not meet approval standards and that they have access to the grievance procedures set forth in MPP Section 31-020, provided they appeal the agency's decision in writing within 5 working days of their receipt of the notice.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21. Reference: Section 16501, Welfare and Institutions Code; and Assembly Bill 1695 (Chapter 653, Statutes of 2001).

**31-445 REQUIREMENTS FOR APPROVAL OF RELATIVE AND NONRELATIVE 31-445
EXTENDED FAMILY MEMBER FOSTER FAMILY HOMES**

- .1 Prior to the placement of a child in a relative or nonrelative extended family member home, the child welfare agency shall assess the home and the caregiver to the approval standards by completing the following requirements:
 - .11 An assessment of the prospective caregiver's ability and desire to meet the child's specific needs.
 - .12 An in-home evaluation of the home to verify that the home meets the health and safety standards set out in Title 22, Division 6, Chapter 9.5, Article 3 of the California Code of Regulations and has no safety defects that could pose a hazard to the child; except in the case of an Indian child being placed in a Tribally Specified or Approved Home, the home shall be evaluated as specified in Section 31-405.16.
 - .13 Verification that the proposed caregiver, all adults living in the home and all other non-exempt adults having routine contact with the child have a criminal record clearance or exemption and Child Abuse Index Clearance pursuant to Health and Safety Code Sections 1522 and 1522.1 and Welfare and Institutions Code Section 361.4.

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Approval will be denied if the Child Abuse Central Index Clearance request is denied pursuant to Health and Safety Code Section 1522.1 and Welfare and Institutions Code Section 361.4(c).

Approval will be denied if the Department of Justice fingerprint clearance request is denied and a criminal record exemption is not granted pursuant to Health and Safety Code Sections 1522(d) and 1522(g), and Welfare and Institutions Code Section 361.4(c).

If, subsequent to approval, an FBI rap sheet is received indicating an arrest(s), the approval agency must investigate the underlying facts of the arrest. If, subsequent to approval, an FBI rap sheet is received indicating a conviction, the approval agency must process it as an initial or subsequent conviction as applicable, pursuant to Health and Safety Code Section 1522(d)(4)(D).

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31-445 REQUIREMENTS FOR APPROVAL OF RELATIVE AND NONRELATIVE 31-445
EXTENDED FAMILY MEMBER FOSTER FAMILY HOMES (Continued)

- .14 Verification shall be obtained that the following have occurred:
 - .141 The caregiver has been provided an orientation on the child welfare system, the caregiver's role and responsibilities as a foster parent, and a summary of the approval standards for foster family homes.
 - .142 The caregiver has been provided with a summary of the rights of children in out-of-home care and has agreed to provide a copy to the child upon placement.

- .2 Prior to the issuance of an approval document the agency must ensure the caregiver and home meet all the standards in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Caregiver Standards; except that in the case of an Indian child being placed in a Tribally Approved Home, the home shall be evaluated as specified in Section 31-405.16.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21 (Chapter 653, Statutes of 2001). Reference: Sections 309, 319, 361.2, 361.3, 361.31, 361.4, 361.5, 362.7, 366, 366.1, 727, 11400, 11401, 11402, 11461, 16504.5, 16507.5 and 16518, Welfare and Institutions Code; Section 11105.2, Penal Code; Sections 1505, 1521.5, 1521.6, 1522, and 1525.5, Health and Safety Code; and 25 USC 1915 and 1931.

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