



CDSS

WILL LIGHTBOURNE
DIRECTOR

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



EDMUND G. BROWN JR.
GOVERNOR

June 15, 2016

Regulation Package No. 0713-06

CDSS MANUAL LETTER NO. CWS-16-01

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

Regulation Package # 0713-06

Effective 7/1/16

Sections 31-002, 31-003, 31-075, 31-201, 31-205, 31-206, 31-225, 31-425 and 31-503

This manual letter has been posted on the Office of Regulations Development website at <http://www.cdss.ca.gov/ord/PG603.htm>.

Current law, through the Kinship Guardianship (Kin-GAP) Program, provides for ongoing financial aid on behalf of eligible children placed in the home of a relative caregiver who becomes a kinship guardian. California currently administers both a state and federal Kin-GAP Program. In order to be eligible for Kin GAP, a child must meet several requirements, including being a dependent or ward of the juvenile court. The Kin-GAP rate is equivalent to what the child received while in foster care and can be renegotiated based on the needs of the child or the circumstances of the kinship guardian.

These regulations will improve the health and welfare of California residents by improving the well-being and outcomes for eligible Kin-GAP youth and by easing their transition to adulthood. Without this added safety net, youth who are forced to leave the Kin-GAP Program at age 18 will face high rates of homelessness, incarceration and reliance on public assistance.

The regulations are necessary to implement state and federal law for the administration of both the state and federal Kin-GAP Programs and are consistent with the intent of the Legislature in adopting Assembly Bill (AB) 12, AB 212 and AB 1712.

FILING INSTRUCTIONS

Revisions to all manuals are indicated by a vertical line in the left margin. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services changes was Manual Letter No. CWS-15-01.

<u>Page(s)</u>	<u>Replace(s) Page(s)</u>
11 through 18.3	11 through 18.2
33 through 36	33 through 36
68 through 69.1	68 through 69.1
71.1 through 73	71.1 through 73
76 through 77	76 through 77
104.1 through 106	104.1 through 106
110.7 through 111.2	110.7 through 111.2

Attachment

OC

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (7) "Foster Care" means, for purposes of the Independent Living Program (ILP), 24 hour substitute care for children placed away from their parents or guardians and for whom the state or county agency has placement and care responsibility and who are likely to remain in foster care until age 18.

- (8) "Foster care" means the provision of 24-hour care and supervision to a child who has been placed by a child placing agency, including county child welfare services and probation departments, in one of the following types of foster homes:
 - (A) A licensed foster family home.
 - (B) A licensed small family home.
 - (C) A family home certified by a licensed foster family agency for its exclusive use.
 - (D) An approved foster family home.
 - (E) A licensed group home for children.
 - (F) A home, pursuant to a court order or voluntary placement agreement.

- (9) "Foster family agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home.

- (10) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. A foster family home may also be authorized to provide care for more than six children for the purpose of keeping siblings together provided that the conditions of Health and Safety Code Section 1505.2 are met.

- (11) "Foster parent" means a person whose home is licensed or approved as a foster family home or licensed as a small family home or certified by a licensed foster family agency for 24-hour care of children, and a person who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement.

31-002 **DEFINITIONS** (Continued) **31-002**

- (g) (1) "Grievance" means an expression of dissatisfaction with a child-placing agency's procedures or actions, as such procedures or actions relate to the placement or care of a child in, or removal of a child from, a particular foster home.
- (A) "Grievance review agent" means the person or panel designated by the director of the child-placing agency to conduct the grievance review and render a recommended decision to the director of the agency.
- (B) "Party to grievance review" means a foster parent, legal parent, legal guardian, or child requesting the review; and the child-placing agency responsible for the action upon which the complaint is based.
- (2) "Group home" means a nondetention privately operated residential home of any capacity that provides services in a group setting to children in need of care and supervision, as required by Paragraph (1) of Subdivision (a) of Section 1502 of the Health and Safety Code.
- (3) "Guardian" means a person appointed by the superior court pursuant to the provisions of Probate Code section 1514, or appointed by the juvenile court pursuant to the provisions of Welfare and Institutions Code sections 360, 366.26, or 728(d).

HANDBOOK BEGINS HERE

- (A) See Section 31-002(k)(3) for a definition of "kinship guardian."

HANDBOOK ENDS HERE

- (h) Reserved
- (i) (1) "Independent Living Program (ILP)" as defined in Section 477 of the Social Security Act means the program administered by counties with oversight by the Department to provide services and activities as described by the childrens' Transitional Independent Living Plans (TILPs) to assist eligible children up to the day prior to their 21st birthday to prepare them to live independently upon leaving foster care.
- (A) Repealed by Manual Letter No. CWS-02-01, effective 7/1/02.
- (2) "Independent Living Program Coordinator" means the individual who is either an employee of the county or its designee/contractor and who is responsible for administering the ILP to all eligible youth.
- (3) "Indian" means a person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in 43 USC 1606.

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (A) "Indian child(ren)" means an unmarried person under 18 years of age who is a member of an Indian tribe, or who is eligible for tribal membership and is the biological child of a tribe member.
- (B) "Indian child's extended family" means "extended family" as defined by the law or custom of the Indian child's tribe; or, in the absence of such a law or custom, a person 18 years of age or over who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.
- (C) "Indian child's parent" means a biological parent of an Indian child; or an Indian who has lawfully adopted an Indian child. Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father when paternity has not been acknowledged or established.
- (D) "Indian child's tribe" means the Indian tribe in which an Indian child is a member or is eligible for membership; or, in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
- (E) "Indian custodian" means an Indian who has legal custody of an Indian child under tribal law or custom, or under state law; or to whom temporary physical care, custody, and control has been transferred by the parent(s) of such Indian child.
- (F) "Indian organization" means a group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.
- (G) "Indian tribal court" means a court, recognized by the Secretary of the Interior, with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with jurisdiction over child custody proceedings.
- (H) "Indian tribe" means an Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in 43 USC 1602c.

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (4) "Individualized Education Program (IEP)" means an individualized education program for children with identified special educational needs. The IEP is developed by an individualized education program team which consists of a representative other than the child's teacher designated by the school administration, the child's present teacher, or the teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance, and one or both of the child's parents. The IEP includes the identification of educational needs, assessment, instructional planning, and placement.

- (5) "Infant" means a child under two years of age.

- (6) "Information" means enabling a person to have current, accurate knowledge regarding available public and private resources established to help relieve socio-health problems.

- (7) "Interagency Placement Committee" means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.

- (8) "Interstate Compact on the Placement of Children (ICPC)" means a legislatively ratified administrative process between member states to safeguard the interests of children who are placed in one state by an agency of another state.
 - (A) "Appropriate public authority" means the state's Interstate Compact Administrator.
 - (B) "Receiving agency" means a person or entity designated to receive any child from another party state.
 - (C) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

- (j) Reserved

- (k) (1) "Kinship Adoption" means the adoption of a dependent child by a relative or a relative of the child's half-sibling as defined in Family Code Section 8714.5, which may be accompanied by a kinship adoption agreement.
 - (2) "Kinship Adoption Agreement" means a written agreement pursuant to Family Code Section 8714.7.
 - (3) "Kinship guardian," as defined by Welfare and Institutions Code sections 11362(b) and 11391(b), means a person who meets both of the following requirements:

31-002 **DEFINITIONS** (Continued) **31-002**

- (A) The person has been appointed the legal guardian of a dependent child of the juvenile court pursuant to Welfare and Institutions Code sections 366.26 or 360, or the legal guardian of a ward of the juvenile court pursuant to Welfare and Institutions Code section 728(d); and
 - (B) The person is a relative of the child.
 - (4) "Kinship Guardianship Assistance Payment (Kin-GAP)," as defined by Welfare and Institutions Code sections 11362(a) and 11391(a), means the financial assistance provided on behalf of a child or nonminor former dependent eligible to receive assistance under the federal or nonfederal Kin-GAP program.
- (l) (1) "Legally emancipated minor" means, for purposes of the Independent Living Program, children under the age of 18 years who have left foster care because they have reached emancipation by meeting any of the following:
- (A) The person has entered into a valid marriage whether or not the marriage has been dissolved;
 - (B) The person is on active duty with the armed forces of the United States, or
 - (C) The person has received a declaration of emancipation pursuant to Family Code Section 7122.
- (2) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

HANDBOOK BEGINS HERE

California Code of Regulations, Title 9, Section 1901(p) states:

"Licensed mental health professional' means any of the following:

- "(1) A psychiatrist;
- "(2) A clinical psychologist;
- "(3) A licensed marriage, family and child counselor;
- "(4) A licensed clinical social worker;
- "(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

HANDBOOK ENDS HERE

This page is intentionally left blank.

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (3) "Licensing agency" means, for purposes of the Child Abuse and Neglect Reporting Act, the CDSS office responsible for the licensing and enforcement of the California Community Care Facilities Act, the California Child Day Care Act, or the county licensing agency which has contracted with the state for performance of those duties.

- (m) (1) "Mandated reporter" means a person who, pursuant to the Child Abuse and Neglect Reporting Act, is required to report knowledge or reasonable suspicion of child abuse which is obtained while acting in a professional capacity or within the scope of his/her employment. Such persons include child care custodians, health practitioners, employees of child protective agencies, child visitation monitors, and commercial film and photographic print processors, pursuant to Penal Code Sections 11165 through 11166.

- (2) "Minor" means a person under 18 years of age; or a person 18 years of age who is in a high school or vocational/technical program, provided that he/she will complete such program before he/she reaches 19 years of age.

- (3) "Minor parent" means anyone under the age of 18 years who is either pregnant or the custodial parent of a child and who has never been married.

- (4) "Minor Parent Services (MPS)" means home-based services provided to the minor parent and her/his child(ren), designed to support families and provide education to minor parents about issues such as infant health and development, nutrition, parenting skills, and life skills. Minor parent services shall include, but are not limited to, appropriate periodic in-home visits; on-going assessment of the infant and minor parent's circumstances and conditions; and referrals to appropriate community services to meet the specific safety needs of the minor parent and her/his child(ren).

- (5) "Multidisciplinary Personnel Teams," as defined in Welfare and Institutions Code Section 18951(d), means any team of three or more persons who are trained in the prevention, identification and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:
 - (A) Psychiatrists, psychologists, county mental health, or other trained counseling personnel.
 - (B) Police officers or other law enforcement agents including, but not limited to, county probation.

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (C) Medical personnel with sufficient training to provide health services.
 - (D) Social workers with experience or training in child abuse prevention.
 - (E) Any public or private school teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee.
- (n) (1) "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).
- (2) "Non-custodial Parent" means the parent of a child removed from home pursuant to Welfare and Institutions Code Section 361, with whom the minor was not residing at the time that the events or conditions arose that brought the minor within the provisions of Welfare and Institutions Code Section 300, who desires to assume custody of the minor.
- (3) "Nonminor former dependent" means, on and after January 1, 2012, either of the following pursuant to Welfare and Institutions Code section 11400(aa):
- (A) A person who reached 18 years of age while subject to an order for foster care placement, and for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court; or
 - (B) A person who is at least 18 years of age, up to and including the day prior to his or her 21st birthday, who was a dependent child or ward of the juvenile court when the guardianship was established pursuant to Welfare and Institutions Code sections 360, 366.26 or 728(d) and the juvenile court dependency or wardship was dismissed following the establishment of the guardianship.
- (4) "Nonrelative extended family member" means any adult caregiver who has an established familial or mentoring relationship with the child as substantiated by interviews with the parent and child or with one or more third parties as required in Welfare and Institutions Code Section 362.7.
- (o) (1) "Out-of-home care provider" means a person or entity who provides foster care.
- (p) (1) "Parent" means the natural or adoptive father or mother, whether married or unmarried; or other adult fulfilling the parental role.
- (2) "Parenting training" means child development, home management and consumer education provided through social services and/or specialized formal instruction and practice in parenting skill achievement in accordance with Welfare and Institutions Code Section 16507.7.

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (3) "Permanency Alternative" means the type of permanency, i.e., adoption, guardianship, and long-term foster care, or a plan for transitional independent living pursuant to Section 31-525, selected for the child if family reunification fails.

- (4) "Permanency Planning Family" means the home of a relative, a licensed foster family home as defined in Health and Safety Code Section 1502(a)(5), or a certified family home as defined in Health and Safety Code Section 1506(d) willing to assist in implementation of the child's case plan by facilitating family reunification while being prepared to provide the child with legal permanence should family reunification fail.

- (5) "Permanent placement services" means those services described in Welfare and Institutions Code Section 16501(i).

- (6) "Planning" means activity in which county staff and the child and/or his/her family mutually identify a specific goal, the specific services to be used in resolving identified problems, and service delivery methods.

- (7) "Preferential Consideration" means that relatives seeking placement for a child or relatives identified by the social worker as willing to care for a child shall be the first to be considered and investigated in determining the placement. Only the following relatives shall be given preferential consideration for placement of the child: a non-custodial parent as defined in Section 31-002(n)(2), or an adult who is a grandparent, aunt, uncle, or sibling of the child.

- (8) "Preplacement preventive services" means those services designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. Preplacement preventive services are emergency response services and family maintenance services.

- (9) "Primary Caregiver" means the nurturing adult who is assigned to specific children under the age of six for the duration of their stay in a county operated emergency shelter care facility. The Primary Caregiver provides the major portion of daily care as described in Section 31-002(p)(8) during normal working hours for their assigned children and who is not assigned more than three children at any time.

- (10) "Primary Caregiver Duties" shall be to meet the needs of the child in the following areas: physical health and well-being, self-care, motor skills, social skills, emotional development, cognition, language and communication, and other child care worker duties as defined in Title 22, Section 84065.2(b).

- (q) Reserved

31-002 **DEFINITIONS** (Continued) **31-002**

- (r) (1) "Recruitment" means activity to find and develop resources which are necessary but do not exist, or which exist but must be expanded.
- (2) "Referral to community agency" means informing another service agency that a child and/or that child's family desires or requires that agency's services; and assisting the child and/or family to avail themselves of such services.
- (3) "Relinquishment of a Child" means the action of a relinquishing parent who signs a relinquishment document in which he or she surrenders custody, control and any responsibility for the care and support of the child to the Department or any licensed public or private adoption agency pursuant to Family Code Section 8700.
- (4) "Representative" means a person authorized by a party to a grievance review, or by specified administrative review hearing participants, to act for and represent that party or participant in any and all aspects of a grievance procedure or administrative review hearing.
- (5) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "step," "great," "great-great," or "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution. For the purposes of preferential consideration for placement of a child, "relative" means an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (A) For the purposes of federal Kin-GAP only, "relative" also means any of the adults specified in Welfare and Institutions Code sections 11391(c) and (c)(2) through (c)(4).

HANDBOOK BEGINS HERE

- (B) Welfare and Institutions Code sections 11391(c) and (c)(2) through (c)(4) provide:

"(c) "Relative," . . . means any of the following [for the purposes of federal Kin-GAP only]:

. . . (2) An adult who meets the definition of an approved, nonrelated extended family member, as described in Section 362.7.

(3) An adult who is either a member of the Indian child's tribe, or an Indian custodian, as defined in Section 1903(6) of Title 25 of the United States Code.

(4) An adult who is the current foster parent of a child under the juvenile court's jurisdiction, who has established a significant and family-like relationship with the child, and the child and the county child welfare agency, probation department, Indian tribe, consortium of tribes, or tribal organization that has entered into an agreement pursuant to Section 10553.1 identify this adult as the child's permanent connection."

HANDBOOK ENDS HERE

31-002 **DEFINITIONS** (Continued) **31-002**

- (6) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care.

- (7) "Risk assessment" means documented information collected from the child(ren), caregiver, and/or collateral support persons that evaluates the protective capacity of the caregiver, any likelihood for future maltreatment, the age and vulnerability of a child or children, while including objective values of different cultures that will not result in a disparity of treatment services provided to all families receiving child welfare services.

- (s) (1) "Safety assessment" means documented information collected from the child(ren), caregiver, and/or collateral support persons that evaluates and determines whether there are present dangers and/or imminent threats of serious harm/maltreatment to a child or children, while including objective values of different cultures that will not result in a disparity of treatment services provided to all families receiving child welfare services.

- (2) "Safety plan" means a plan for providing services to promote the health and safety of the children in a family. The safety plan shall specify the number and frequency of in-home visits required.

- (3) "Senior parent" means the adult parent of a minor parent.

- (4) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3(a)(2).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

- "(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

HANDBOOK CONTINUES

HANDBOOK CONTINUES

- "(i) The child is at risk of removal from home or has already been removed from the home.
- "(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.
- "(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.
- "(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

HANDBOOK ENDS HERE

- (5) "Service funded activity" means activities which are provided as determined by each county based upon the individual child and family needs as identified in the case plan and includes, but is not limited to, those activities specified in Welfare and Institutions Code Section 16501(a)(1).
- (6) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs pursuant to Subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the Department may approve placement of children without special health care needs, up to the licensed capacity.
- (7) "Social services" or "services" means the composite of service programs funded under the Social Security Act Titles IV-B and IV-E, and Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"), and any other applicable funding sources.
- (8) "State agency" means the California Department of Social Services (CDSS).
- (9) "Substance abuse testing" means the process of chemical analysis to determine if certain drugs, including alcohol, or controlled substances are present, indicating that a person has used or has in his/her system, a specified drug or substance.
- (10) "Substantial Distance from Home" means an out-of-home placement which is farther than an adjacent, "contiguous county" from the residence of the parents or guardian.

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (t) (1) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the presence of the parent(s)/guardian(s) in the home.

- (2) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.

- (3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.

- (4) "Transitional Independent Living Plan (TILP) for the purposes of the Independent Living Program" means the written service delivery plan, available on the Child Welfare Services/Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.

- (5) "Transitional independent living plan" means the portion of the child's case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child's skills and abilities, that will help the child prepare for transition from foster care to independent living.

- (6) "Transportation" means conveying a child and/or the child's family from one place to another when mobility is necessary to support a specific case plan, and no other means of conveyance is available.

31-002	DEFINITIONS (Continued)	31-002
---------------	--------------------------------	---------------

- (u) (1) "Unfounded report" means a report of child abuse, which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.6.

- (v) (1) "Visit" means a face-to-face contact between:
 - (A) A child, the child's family, and/or the child's out-of-home care provider, individually or collectively; **and**, as authorized by MPP 31-320, a social worker, probation officer, foster family agency social worker, or caseworker in another state (who has case management responsibilities for the child under the ICPC); or

 - (B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.

- (2) "Voluntary placement" means a placement described by Welfare and Institutions Code section 11400(o).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code section 11400(o) provides:

"Voluntary placement" means an out-of-home placement of a child by (1) the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement; or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement."

HANDBOOK ENDS HERE

- (3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code section 11400(p).

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code section 11400(p) provides:

"Voluntary placement agreement' means a written agreement between either the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

- (1) The legal status of the child.
- (2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed."

HANDBOOK ENDS HERE

(w) Reserved

(x) Reserved

(y) (1) "Youth" means, for the purposes of the ILP, children who are at least 16 years of age up to the day prior to their 21st birthday.

(z) Reserved

NOTE: Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) 319, 319(f), 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 360, 361, 361.2, 361.2(h), 361.3, 361.3(a)(8), 362.7, 366.22, 366.26, 366.3(e)(4) and (e)(8), 391, 636.1(c), 706.6(o), 727, 727.2, 728(d), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10554, 10850.4, 11100, 11105, 11155.5, 11362(a) and (b), 11391(a) through (d), 11400(aa), 11400(a), 11400(o) and (p), 11400(v), 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, and 16501, 16501(a)(3), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16507.5(b), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1522, 1522.06, and 1530.8, Health and Safety Code; 42 U.S.C. Sections 673(d), and 675(5) and (8)(B); Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977); and Rule 5.552 of the California Rules of Court.

This page is intentionally left blank.

31-003	DEFINITIONS – FORMS	31-003
---------------	----------------------------	---------------

- (a) (Reserved)
- (b) (Reserved)
- (c) (Reserved)
- (d) (Reserved)
- (e) (Reserved)
- (f) (Reserved)
- (g) (Reserved)
- (h) (Reserved)
- (i) (Reserved)
- (j) (Reserved)
- (k) (1) KG 1 (12/11) Kin-GAP Mutual Agreement for 18 Year Olds, hereby incorporated by reference, is used for the purpose of obtaining an 18-year-old person’s agreement to remain in the Kin-GAP Program after his or her 18th birthday, in accordance with the age requirements of Manual of Policies and Procedures section 45-602.313.
- (2) KG 3 (12/11) Kin-GAP Mutual Agreement for Nonminor Former Dependents, hereby incorporated by reference, is used to obtain the nonminor former dependent’s agreement to remain in the Kin-GAP Program after his or her 18th birthday, in accordance with the age requirements of Manual of Policy and Procedures section 45-602.313.
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (Reserved)

31-003	DEFINITIONS – FORMS	31-003
---------------	----------------------------	---------------

- (s) (1) SOC 369 (12/10) Agency-Relative Guardianship Disclosure, hereby incorporated by reference, is used for the purpose of informing a prospective kinship guardian of the funding and program options available when choosing to take legal guardianship of a related foster child. This form, which is used in conjunction with the SOC 369A, constitutes the written agreement that memorializes the terms, conditions, rights, responsibilities and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and the relative prior to the establishment of a kinship guardianship. The SOC 369A amends and supplements the SOC 369.

- (2) SOC 369A (7/15) Kinship Guardianship Assistance Payment (Kin-GAP) Program Agreement Amendment, hereby incorporated by reference, is used for the purpose of amending and supplementing the SOC 369 to memorialize the terms, conditions, rights, responsibilities and agreements reached between the county child welfare agency, the probation department, or the Title IV-E agreement tribe and the kinship guardian. In conjunction with the SOC 369, this form implements the state and federal requirement that there be a written, binding agreement with the kinship guardian stipulating, among other things, the Kin-GAP rate of payment and the manner in which the payment can be renegotiated based upon the needs of the child and the circumstances of the kinship guardian. Thus, the SOC 369A form is used both to establish the Kin-GAP rate of payment at the initiation of the case and, as necessary, to amend the initial agreement after the Kin-GAP case has been established.

- (3) SOC 826 (Rev. 8/09) Child Fatality/Near Fatality County Statement of Findings and Information.

- (4) SOC 832 (Rev. 3/12) Notice of Child Abuse Central Index Listing, hereby incorporated by reference, is used for the purpose of notifying individuals that their name has been submitted to the Department of Justice (DOJ) for listing on the Child Abuse Central Index (CACI).

This page is intentionally left blank.

31-070	STAFF REQUIREMENTS (Continued)	31-070
---------------	--	---------------

- .13 Remaining emergency response and family maintenance services professional staff shall possess a bachelor's degree in social work or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
- .14 Bilingual staff shall be available as specified in Manual of Policies and Procedures Chapter 21-100.
- .2 At the beginning of the calendar year, the county shall determine if it meets the requirements specified in Sections 31-070.11, .12, and .13, unless the county has an approved plan pursuant to Section 31-070.21.
 - .21 If the county is unable to meet the requirements specified in Sections 31-070.11, .12, and .13, the county shall:
 - .211 Document the reason(s) for such inability in a written statement to the Department.
 - .212 Submit to the Department for approval a plan specifying the means by which the county plans to meet the requirements of Sections 31-070.11, .12, and .13, and the time frame by which the county expects to obtain compliance.
 - (a) Upon plan approval, the Department shall have the authority to defer the requirements specified in Sections 31-070.11, .12, .13, and .2 for a period up to three years.
 - .22 At the end of the time frame specified in the county's plan, but no more than three years from the date the county submits its plan to the Department, the county shall notify the Department, in writing, of its progress in obtaining compliance.
 - .221 If the county has failed to obtain compliance, the county shall follow the procedures in Section 31-070.21.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501(c) and (e), Welfare and Institutions Code and 45 CFR 1356.21(d).

31-075 CASE RECORDS 31-075

- .1 The county shall develop and maintain a current case record for each request or referral that requires child welfare services beyond the emergency response protocol specified in Section 31-105.
- .2 Case records shall be retained at a minimum of three years in accordance with Manual of Policies and Procedures section 23-353.

HANDBOOK BEGINS HERE

- .21 Manual of Policies and Procedures section 23-353 provides in pertinent part:

"The general statute in California (Welfare and Institutions Code section 10851) requires that public social services records (aid and services) be maintained for three years from the last date of aid or services...Federal law (45 CFR 74.20) requires that case records which provide the basis for fiscal claims are to be retained for three years, starting on the day the state submits the last expenditure report to HHS for the period

Under these requirements, counties shall insure that records needed to prove eligibility may not be destroyed unless three years have passed from the date the last state expenditure report was made to HHS for the period in which such records were last used to document eligibility."

HANDBOOK ENDS HERE

- .22 The case record of a child eligible to receive Kin-GAP payments, including the child's Kin-GAP eligibility case file records as specified in Manual of Policies and Procedures sections 45-604 and 45-605, shall be retained for a minimum of three years from the last date of Kin-GAP aid in accordance with the Manual of Policies and Procedures section 23-353.

HANDBOOK BEGINS HERE

- .23 The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.

HANDBOOK ENDS HERE

31-075 **CASE RECORDS** (Continued) **31-075**

- .3 Each case record shall contain at least the following information:
- (a) A face sheet with identification information regarding the child; family; and placement services provider, if any.
 - (b) Documentation of all contacts with the child, family, or other individuals regarding the child or family. All contacts shall be documented including those made by a social worker employed by a Foster Family Agency, by a probation officer, or by a social worker in another State performing the visit pursuant to the ICPC.
 - (c) Documentation of reasons why a child in out-of-home placement is not placed with sibling(s) and diligent efforts to overcome barriers of placing the siblings together.
 - (1) Documentation of the appropriateness of sibling contact, including unsupervised contact, diligent efforts to overcome barriers of visitation between siblings not placed together, and, if appropriate, a schedule of planned sibling contacts and visits with the child.
 - (d) Documentation of the justification for any exceptions allowed regarding contacts or visits pursuant to Sections 31-320 and 31-325.
 - (e) A copy of the executed Judicial Council waiver of services form if the parent of the child has advised the court that he or she is not interested in receiving family maintenance or family reunification services.

This page is intentionally left blank.

HANDBOOK BEGINS HERE

- (1) The Judicial Council is required to develop the waiver form pursuant to Welfare and Institutions Code Section 361.5(b)(13).

HANDBOOK ENDS HERE

- (f) Documentation of the results of the court's inquiry into the identification of all presumed or alleged fathers of the child, if applicable.
- (g) Documentation of the parent's information in response to the court order pursuant to Welfare and Institutions Code Section 361.3(a) to identify any maternal or paternal relatives of the child, and the social worker's attempts to locate and contact the relatives given consideration for placement.
- (h) All assessments, case plans, and case plan updates.
- (1) Documentation of the date a copy of the case plan/case plan update was provided to the parent(s)/guardian(s).
- (2) Assessments include written assessments of relatives as required by Welfare and Institutions Code Sections 309 and 361.3.
- (3) For a child for whom the permanency plan is a kinship guardianship, documentation of the assessment information specified in Sections 31-205(h) through 31-205(h)(4).
- (i) Documentation of the search for and consideration of relatives for placement and the reasons for the agency's decision to place or not to place the child with each identified relative, as specified in Welfare and Institutions Code Section 361.3.
- (j) Any data or documents, relating to the child or family, which have been received or sent by the county.
- (k) Any documents that support how the case is reported pursuant to Sections 31-082 through 31-090.

This page is intentionally left blank.

31-075	CASE RECORDS	31-075
---------------	---------------------	---------------

(Continued)

- (l) For children in out-of-home care, all available health and education reports regarding the child, including, but not limited to, dated documentation of the following:
 - (1) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6, and the acceptance or refusal of the CHDP services.
 - (2) Offering of medical/dental transportation and scheduling assistance.
- (m) Any written modifications or prohibitions to the foster parent'(s) privilege to give legal consent for the child, if applicable.
- (n) Any written parent/guardian consents required by the Division 31 regulations.
- (o) For children with histories of juvenile court involvement as actual or potential dependents, any documents submitted to or received from the court, including petitions and court reports.
- (p) For children who have been assessed as being seriously emotionally disturbed, the individualized education program designed for the child, if available.
- (q) Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- (r) Any administrative review report recommendations.
- (s) When appropriate, the following forms or equivalent documentation, which have been approved by the Department:
 - (1) Court order to county to detain and/or to place child.
 - (2) Foster Child's Data Record (FCIS).
 - (3) Placement Agreement, Child/Agency.
 - (4) Placement Agreement, Parent/Agency.

31-075	CASE RECORDS (continued)	31-075
---------------	---------------------------------	---------------

- (5) Agency/Emergency Shelter Care Provider Agreement.
- (6) Court order to county relating to the provision of child welfare services to the child and/or family.
- (7) Agency-Foster Parent Agreement.
- (8) Agency-Group Home Agreement.
- (9) Documentation that the foster family home of a relative or nonrelative extended family member meets the approval standards, including documentation of a caregiver assessment, health and safety inspection of the home and all required criminal records clearances.
- (t) Documentation of the reason(s) for the following, when applicable:
 - (1) The child's transfer to another placement location.
 - (2) The child's out-of-county or out-of-state placement.
 - (3) The child's placement in a group home, including the following:
 - (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.
- (u) Documentation of any information provided to the placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior.
- (v) For a child for whom the permanency plan is a kinship guardianship, documentation of the appointment of a kinship guardianship for the child, which shall include the court order establishing the kinship guardianship, or the letters of guardianship; and the court order terminating dependency or wardship.
- (w) Documentation of the review and the results of the child's potential for adoption, which shall specify why a child who is not reunified with his/her family is not appropriate for adoption as defined in Welfare and Institutions Code Sections 366.26(c)(1)(A) through (D).

NOTE: Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), 10851, 11363(a)(3) and (a)(4), 11386(d) and (e), 16002, 16501, and Sections 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; 45 C.F.R. 74.20; 45 C.F.R. 1356.21(d); and Section 11170(b), Penal Code.

31-201 ASSESSMENT AND CASE PLANNING PROCESS 31-201
(Continued)

1. If the case review is to address a potential relative adoption, it shall address whether a kinship adoption is in the child's best interest.
 2. When a case is referred for adoption planning, it shall remain under county supervision for purposes of providing child welfare services until dismissal of the dependency and issuance of a final decree of adoption.
- (B) Guardianship - If kinship adoption or adoption is not possible, the case shall be reviewed for guardianship. Preference shall be given to guardianships by relatives.

HANDBOOK BEGINS HERE

1. Welfare and Institutions Code section 361.3 specifies that all relative caregivers must be assessed by a specific set of criteria that includes the safety of the home, the character of the relative, and the ability to provide permanency for the child, among other elements. Welfare and Institutions Code section 309(d) also specifies that all relative caregivers must be assessed for suitability, including obtaining criminal background and child abuse index checks. Welfare and Institutions Code section 361.4 describes criminal background and child abuse index checks in more detail. All of the information required for an assessment provides the foundation for determining whether or not guardianship with the relative is appropriate and in the child's best interest.
2. For more information about the relative approval process, please see the Children and Family Services Division web page on the CDSS website at www.dss.cahwnet.gov. There are links to kinship care topics, including access to relevant All-County Letters and Information Notices.

HANDBOOK ENDS HERE

This page is intentionally left blank.

31-201	ASSESSMENT AND CASE PLANNING PROCESS (Continued)	31-201
---------------	--	---------------

- (C) Long term foster care - Only if adoption or guardianship is not possible, a recommendation for long-term foster care placement shall be made. Exercise of this option requires continued efforts to obtain adoption, guardianship or preparation for independence for the child.

- .13 Develop the case plan which shall identify the following factors and document the plan as specified in Section 31-205:
 - .131 Objectives to be achieved.
 - .132 Specific services to be provided.
 - .133 Case management activities to be performed.
 - (a) Parent(s)/guardian(s) shall be requested to participate in the development of the case plan.
 - (b) Parents shall be advised that, at any time during the child's dependency, they may request adoption counseling and services.

| NOTE: Authority Cited: Sections 10553, 10554, and 11369, Welfare and Institutions Code. Reference: Sections 358.1(e) and 361 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361.5, 366.23, 16501, 16501.1 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 16501.1(f), 16506, 16507, and 16508, Welfare and Institutions Code; Sections 8714.5 and 8714.7 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), Family Code.

31-205 ASSESSMENT DOCUMENTATION**31-205**

- .1 The social worker shall document the following assessment information:
- (a) The relevant social, cultural, and physical factors relating to the following:
 - (1) The child.
 - (2) The child's parent(s)/guardian(s) or person(s) serving in that role.
 - (3) Other significant persons, including children and siblings, who are known to reside in the home.
 - (b) The apparent problems, and possible causes of those problems, which require intervention and the family strengths which could aid in problem resolution.
 - (c) Whether the child may safely remain at home if preplacement preventive services are provided, and, if so, the specific services to be provided.
 - (d) If the child is a parent, any special needs of the child with regard to his/her role as a parent.
 - (e) If the child has been removed based on one of the findings pursuant to Welfare and Institutions Code Section 361.5(b), the circumstances relating to the finding and whether failure to order family reunification services would likely be detrimental to the child.
 - (f) Any known social services previously offered and/or delivered to the child or family and the result of those services.
 - (g) If family reunification services are recommended, relatives or others who could provide or assist with legal permanency - adoption, guardianship, or preparation for independence - should family reunification fail.
 - (h) If family reunification services are not recommended, and the permanency plan for the child is a kinship guardianship, the following:
 - (1) Being returned home or adopted are not appropriate permanency options for the child.
 - (2) The child demonstrates a strong attachment to the prospective kinship guardian.
 - (3) The kinship guardian has a strong commitment to caring permanently for the child.
 - (4) A child over 12 years of age has been consulted about the proposed kinship guardianship arrangements.
 - (A) If the child's age or physical, emotional or other condition prevents the child from giving a meaningful response, a description of the child's condition.

31-205	ASSESSMENT DOCUMENTATION (Continued)	31-205
---------------	--	---------------

- | (i) The need, if known, for any health/medical care.
 - | (j) The condition(s) which are met that allow a child under the age of six to be placed in a group home in accordance with Section 31-405.1(b).
 - | (k) The condition(s) which is met that allows a child to be placed in a community treatment facility in accordance with Section 31-406.
- .2 The county shall be permitted to combine the assessment with the case plan as one document provided that:
- .21 The assessment and the case plan are each readily identifiable as such; and
 - .22 The combined document contains all of the necessary components of both the assessment and the case plan.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361, 361.5, 361.5(g), 366.21(c), (i) and (f), 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 11467.1, 16501, 16501(e), 16501.1(e)(9), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677, and Sections 1502 and 1502(a)(8), Health and Safety Code.

This page is intentionally left blank.

HANDBOOK BEGINS HERE

California Code of Regulations, Title 9, Section 1924 states:

"(a) Continuing stay criteria used by a CTF shall include documentation by the CTF psychiatrist of the continuation of admission criteria in addition to written documentation from the appropriate interagency placement committee, or other designated external case manager, such as the probation department, county mental health department, or private insurance utilization review personnel, supporting the decision for continued placement of the child within a CTF. Continuing stay criteria shall be reviewed by a CTF in intervals not to exceed ninety (90) days. Findings shall be entered into each child's facility record.

"(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:

"(1) They continue to satisfy the requirements of subsection (a);

"(2) They have not graduated from high school;

"(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.

"(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF pursuant to Section 80024, Title 22, Division 6, Chapter 1 of the California Code of Regulations."

HANDBOOK ENDS HERE

- .317 For a child for whom the permanency plan is a kinship guardianship, the case plan shall include the following:
- (a) A description of the steps that the agency has taken to determine that it is not appropriate for the child to be returned home or adopted.
 - (b) The reason(s) for any separation of siblings during placement, as also required by Section 31-206.311.
 - (c) The reason(s) why a permanent placement with the prospective kinship guardian through a kinship guardianship assistance arrangement is in the child's best interests, as contained in the assessment documentation required in Section 31-205(h).

31-206 CASE PLAN DOCUMENTATION (Continued)**31-206**

- (d) The ways in which the child meets the eligibility requirements for Kin-GAP, as specified in Manual of Policies and Procedures section 45-600 et seq.
 - (e) The efforts the agency has made to discuss adoption by the child's relative caregiver as a more permanent alternative to legal guardianship; and, in the case of a relative caregiver who has chosen not to pursue adoption, the reason(s) for that decision.
 - (f) The efforts the agency has made to discuss the kinship guardianship assistance arrangement with the child's parent(s), or the reason(s) why such efforts were not made.
- .32 The schedule of planned parent(s)/guardian(s) contacts and visits with the child, in accordance with Section 31-340.
- .33 The schedule of planned visitation of the child by his/her grandparents as specified in Welfare and Institutions Code Section 16507(a).
- .34 The schedule of planned social worker contacts and visits with the child's out-of-home care provider, in accordance with Section 31-330.
- .35 The health and education information about the child.
- .351 This information shall include the following, as available.
- (a) The names and addresses of the child's health and educational providers.
 - (b) The child's grade level performance.
 - (c) The child's school record.
 - (d) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.
 - (e) A record of the child's immunizations.
 - (f) The child's known medical problems.
 - (g) The child's medications.

31-206	CASE PLAN DOCUMENTATION (Continued)	31-206
---------------	---	---------------

- .352 If any of the required health and education information is not contained in the case plan, the case plan shall document where the information is located.

- .36 A plan which will ensure that the child will receive medical and dental care which places attention on preventive health service 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.

- .361 Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.

- .362 Arrangements shall be made for necessary treatment.

- .37 For each youth in placement 16 years of age or older, the case plan shall incorporate the Transitional Independent Living Plan (TILP) as specified in Section 31-236.

- .38 For each child for whom a dependency petition has been filed, the recommendation that the right of the parent(s)/guardian(s) to make education decisions be limited by the court pursuant to Welfare and Institutions Code Section 361(a), if applicable.

- .4 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination in accordance with Section 31-503.

- .5 The case plan shall be considered complete only if all of the elements specified in Section 31-206 have been documented and the social worker's supervisor has signed and dated the case plan.

- .51 The social worker may complete a single case plan for the family, provided that the planned services are individually identified for each person named in the case plan.

- .52 If any of the elements specified in Section 31-206 are not immediately available, the social worker shall document in the case plan the following information:
 - .521 The social worker's attempts to obtain the information.

 - .522 The social worker's plan for obtaining the information including the time frame in which the information is expected to be obtained.

31-206 CASE PLAN DOCUMENTATION (Continued)**31-206**

NOTE: Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code; and Section 17552, Family Code; and Public Law 109-288. Reference: Sections 358.1(e), 361, 361(b), 361.5, 361.5(g), 358.1(d), 366.1(f), 366.21(c), (f) and (i), 366.22(c), 366.25(b), 706.5, 706.6, 727.3, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501.1(e) and f, and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677; Sections 7901, 7911, 7911.1, 7912, and 17552, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code; and Public Law 109-288.

**31-210 CASE PLAN TIME FRAMES AND ADMINISTRATIVE
REQUIREMENTS FOR CHILDREN FOR WHOM A
DEPENDENCY PETITION HAS BEEN FILED****31-210**

- .1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact) or initial removal, or by the date of the dispositional hearing, whichever comes first, the social worker shall:
 - .11 Complete and sign the case plan as specified in Section 31-206.
 - .12 Explain the purpose and the content of the case plan to the parent(s)/guardian(s) named in the case plan.
 - .13 Request the parent(s)/guardian(s) to sign the case plan as an indication of case plan approval and willingness to participate in service activities.
 - .131 If unable to obtain the signature of the parent(s)/guardian(s) as specified in Section 31-210.13, the county shall nevertheless provide services, but shall document in the case plan the reason(s) for the failure to obtain the signature of the parent(s)/guardian(s).
 - .14 Provide a copy of the completed case plan to the parent(s)/guardian(s).
 - .15 Obtain the signed and dated written approval of the social worker's supervisor on the case plan or the court report.
 - .151 The social worker's supervisor must sign the case plan or the court report in which the case plan is included prior to submission to the court or within 30 days of the initial removal or initial response, whichever occurs first.

31-225 CASE PLAN UPDATE DOCUMENTATION (Continued) 31-225

- (a) If the case plan's goal is family reunification, documentation shall also include the efforts to achieve the permanency alternative if family reunification fails.
- .132 Cooperation in keeping appointments.
- .133 For children in out-of-home placement, visiting patterns of the parent(s)/guardian(s) with the child, including, but not limited to, the following:
 - (a) Frequency of visits.
 - (b) Initiation by parent(s)/guardian(s).
 - (c) Cooperation in keeping appointments.
 - (d) Interaction with child and/or foster parent(s).
- .14 The case plan adequacy and continued appropriateness.
 - .141 The need, if any, for a change in the case plan.
- .15 The joint assessment conducted pursuant to Welfare and Institutions Code Sections 361.5(g), 366.21(i), or 366.22(b), when that assessment has been ordered by the court.
- .16 Any subsequent discussions with the parent(s) regarding the advisement made pursuant to Section 31-201.133(b) that he/she may request adoption counseling and services.
- .17 For a child for whom the permanency plan is a kinship guardianship, all of the information required in Sections 31-206.317(a) through (f).
- .2 The case plan update shall be considered complete only if all of the elements specified in Section 31-225 have been documented and the social worker's supervisor has signed and dated the case plan update.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361 and 361.5 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997) and 16501.1(d), Welfare and Institutions Code; and 42 U.S.C. Section 675(1).

**31-230 CASE PLAN UPDATE TIME FRAMES AND ADMINISTRATIVE
REQUIREMENTS FOR COURT-ORDERED CASES****31-230**

.1 The social worker shall:

- .11 Complete a case plan update as often as the service needs of the child and family dictate and as is necessary in order to assure achievement of service objectives. At a minimum, the social worker shall complete a case plan update in conjunction with each status review hearing, but no less often than once every six months.

HANDBOOK BEGINS HERE

- .111 Status review hearings are conducted pursuant to Sections 366.21, 366.22, 366.25, or 366.26 of the Welfare and Institutions Code.

The dispositional hearing held pursuant to Welfare and Institutions Code Section 358 may be considered the initial status review hearing if it is held within the first six months of a child's original placement date as defined in Welfare and Institutions Code Section 11400(p) and makes all of the findings required by Welfare and Institutions Code Section 366(a).

- .112 Welfare and Institutions Code Section 11400(p) specifies as follows:

"Original placement date" means the most recent date on which the court detained a child and ordered an agency to be responsible for supervising the child or the date on which an agency assumed responsibility for a child due to termination of parental rights, relinquishment, or voluntary placement.

- .113 Welfare and Institutions Code Sections 366(a) and (c) specify as follows:

"(a) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.25 or 366.26 is completed. The court shall determine the continuing necessity for and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and shall project a likely date by which the child may be returned to the home or placed for adoption or legal guardianship."

"(c) If the child has been placed out-of-state, each review described in subdivision (a), and reviews conducted pursuant to Sections 366.3 and 16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interest of the child."

HANDBOOK CONTINUES

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 and cultural background, including racial or ethnic and religious identification.
 - .13 Capability of a relative, 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.

HANDBOOK BEGINS HERE

- .133 See Sections 31-410.513(a), .514(a) and (b), and .52.

HANDBOOK ENDS HERE

- .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 child, the social worker shall adhere to the priority order specified in Sections 31-201.12(c)(2)(A) through (C).
- .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).

HANDBOOK BEGINS HERE

- .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>).

HANDBOOK ENDS HERE

- .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.

HANDBOOK BEGINS HERE

- .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.

HANDBOOK CONTINUES

31-425 PERMANENT PLACEMENT **31-425**
(Continued)

HANDBOOK CONTINUES

- (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."

HANDBOOK ENDS HERE

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 360, 361.2 and 361.3 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 361.5(g)(2), 366.21(i)(2), 366.22(c)(2), 366.25(b)(2), 366.27 (as amended by AB 2129, Chapter 1089, Statutes of 1993), 11364(a) and (e), 11376, 11387(a) and (e), 16501 and 16501.1, Welfare and Institutions Code; and Section 275, Civil Code.

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) pursuant to the provisions of Sections 16507.2, 16507.3, and 16507.4(b), Welfare and Institutions Code.
- .3 The social worker shall:
 - .31 Complete the Voluntary Placement Agreement-Parent/Agency.
 - .32 Provide a written statement informing the parent(s)/guardian(s) that he/she may be responsible for a share of the family reunification services costs.

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

- .33 Assist the parent(s)/guardian(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 16507.2, 16507.3, and 16507.4, Welfare and Institutions Code.

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

- .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**

- .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:

31-502	CHILD FATALITY REPORTING AN DISCLOSURE REQUIREMENTS	31-502
---------------	--	---------------

(Continued)

- .47 All case records shall be retained as described in Sections 31-075.2 through .21. The county is not required to retain case record documents beyond any date otherwise required by law.
- .48 The county is not required to obtain documents that are not within the child's case record as defined in MPP Section 31-002(c)(5).

NOTE: Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Reference: Penal Code Sections 11165.12, 11166, and 11169; 42 USC 5106; 45 CFR 1340.15(b), and Sections 827, 4903, and 10850.4, Welfare and Institutions Code; 42 U.S.C. 5106a(b)(2)(B)(X); *Butterfield v. Lightbourne* (Cal.Sup. Dec. 28, 2012, No 37-2011-00097858-CU-MC-CTL).

31-503	CHILD SUPPORT REFERRAL REQUIREMENTS	31-503
---------------	--	---------------

- .1 For a child receiving AFDC-FC in accordance with Welfare and Institutions Code section 11401, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.
 - .11 In making this determination, the social worker shall evaluate each case on an individual basis, considering the best interests of the child and the circumstances of the family, which may include, but not necessarily be limited to, employment status of the parent(s), housing status, impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, and connection with CalWORKs or other public assistance programs.
 - .111 If the child's case plan goal is family reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the reunification plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS (continued)

31-503

- .112 If the child's case plan goal is other than reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to a successful outcome of the case plan in that the payment of support will compromise:
- (a) The parent's ability to meet the requirements of the case plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.
- .113 If the child's case plan goal is legal guardianship with a relative and receipt of Kin-GAP is anticipated, the social worker shall consider, prior to termination of dependency or wardship, whether the payment of support by the parent will pose a barrier to a successful outcome of the permanent plan in that the payment of support will compromise:
- (a) The stability of the current placement with the proposed related guardian.
 - (b) The parent's ability to meet the needs of other children in the household who may be at risk of removal, if known.
- .2 If the social worker determines it is in the best interest of the child not to refer the parent(s) to the local child support agency, the social worker shall forward his or her determination to the appropriate county eligibility worker for appropriate action.
- .21 Under the circumstances described in MPP sections 31-503.111 and 31-503.112, the social worker shall review this decision following each court hearing held under Welfare and Institutions Code section 361.5.
- .211 If reunification services are terminated by the court, and the social worker determines that it is no longer contrary to the child's best interest, the social worker shall inform the appropriate county eligibility worker to refer the child's case to the local child support agency.
- .22 Under the circumstances described in MPP section 31-503.113, the social worker or other appropriate representative of the county child welfare department or the county probation department shall review this decision no less frequently than at each two-year reassessment of the Kin-GAP negotiated agreement pursuant to Welfare and Institutions Code sections 11364(b)(1) and 11387(b)(1).

31-503 CHILD SUPPORT REFERRAL REQUIREMENTS (Continued) 31-503

- .221 If Kin-GAP benefits are terminated, and the social worker or other appropriate county worker also determines that it is no longer contrary to the child's best interest, the appropriate county worker shall refer the child's case to the local child support agency.
 - .222 If at any time the social worker or other appropriate county worker determines that it is no longer contrary to the child's best interest, the appropriate county worker shall refer the child's case to the local child support agency.
- .3 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination.
- .4 When a determination has been made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency, the social worker shall notice the parent that the parent has access to the grievance procedures set forth in MPP Section 31-020, provided the parent appeals 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 Section 17552, Family Code. Reference: Section 17552, Family Code.

31-505 OUT-OF-COUNTY PLACEMENTS 31-505

- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(f) and (g).

HANDBOOK BEGINS HERE

- .11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

HANDBOOK ENDS HERE

- .12 Under such circumstances, the following requirements shall be met:

31-505 OUT-OF-COUNTY PLACEMENTS
(Continued)**31-505**

- .121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section 31-505.123.
- (a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.
- .122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued case plan updates.
- .123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
- (a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.
- (i) These responsibilities include, but are not limited to, complying with monthly visitation requirements as specified in 31-320.
- (b) The receiving county shall provide quarterly written reports to the sending county on the child's condition and progress in order to facilitate required case plan updates. The quarterly written reports shall also document all social worker visits conducted with the child.
- (c) The receiving county shall concur that the proposed placement meets the child's needs.
- (d) The sending county shall provide consultation and advice on the case, as needed.
- (e) The receiving county shall document all social worker visits with the child in the CWS/CMS system on a monthly basis.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.