

From Vision to Reality:  
Achieving the Vision of the Continuum of Care

**REFORM THROUGH  
ENGAGEMENT,  
RECRUITMENT AND  
SUPPORT OF FAMILY**

**Children Thrive in Relative Placements**



\* See Children Thrive in Grandfamilies fact sheet, available at [www.grandfamilies.org](http://www.grandfamilies.org) and [www.gu.org](http://www.gu.org)

## Relative Placement Preference: Federal Law

- **42 U.S.C.A. § 671(a) (19):** Federal preference for placement with a relative.
  - State plan for foster care and adoption assistance requires State consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child,
    - ✦ Provided that the relative caregiver meets all relevant State child protection standards.

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## California's Legislative Intent Language

- Intent of the Legislature to preserve and strengthen a child's family ties whenever possible...If a child is removed from the physical custody of his or her parents, preferential consideration shall be given whenever possible to the placement of the child with the relative. **WIC 16000 (a)**
- Placement shall, if possible, be made in the home of a relative, unless the placement would not be in the best interest of the child. **FC 7950(a)**
- Legislative intent for children to be placed **immediately** with a relative. **WIC 361.3(b)**

## Relative Defined

- The following relatives receive “preferential consideration” for placement: **an adult 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 “great,” “great-great,” or “grand,” or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. *WIC 319 & 361.3*
- **New Law (AB 404, takes effect 1/1/18): Preferential consideration no longer limited to grandparent, aunt, uncle, or sibling**
- **“Preferential Consideration”** is a specific legal term, meaning the home shall be the first placement to be considered and investigated. *WIC 361.3*

## NREFM Defined

- A **“nonrelative extended family member” (NREFM)** is defined as an adult caregiver who:
  - Has an established familial relationship with a relative of the child, or
  - A familial or mentoring relationship with the child
- This may include relatives of the child, teachers, medical professionals, clergy, neighbors, and family friends. *WIC 362.7*



## Important New Legislation

- 1. AB 404: CCR CLEANUP**
- 2. SB 213: ASSESSING CRIMINAL BACKGROUND**
- 3. CHILDCARE BRIDGE**

### AB 404: Relative Placement (1 of 2)

- Moves the language describing the assessment necessary for an emergency placement to *WIC 361.4* (currently in *WIC 309, 319, 361.3, 361.45 & 16519.5(e)*)
  - *Requires CLETS, CACI & walk-through*
  - *Requires fingerprint check within 10 days of CLETS or 5 days of emergency placement, whichever comes first*
- Removes undefined terms relating to relatives, i.e. “approved,” “responsible,” “willing and able,” (currently in *WIC 309, 361.3 & 361.45*)
- Full equity in funding for relatives – all counties must opt-into ARC and relatives eligible for all supplemental rates, including infant supplement, dual agency, etc.

## AB 404: Relative Placement (2 of 2)

- Clarifies that at dispo a placement can be made with a relative/NREFM/caregiver prior to RFA if placement made on an emergency basis or due to a compelling reason (*WIC 361.2*)
- Amends preferential consideration language by striking “only the following relatives shall be given preferential consideration for placement of the child: an adult who is a grandparent, aunt, uncle, or sibling of the child” (currently in *WIC 319 & 361.3*)
- Broadens situations in which *WIC 361.45* applies by removing language that temporary placement must be “pending resolution of emergency situation”
- Codifies child specific RFA when consideration of the familial/tribal relationship is of such sufficient significance that it outweighs concerns identified through the psychosocial assessment *HS 1517(a)(4)(B)*; *WIC 16519.5(c)(4)(B)*

## AB 404: Due Process

- RFA/criminal record exemption **denial** - may file written appeal within 90 days of service of Notice of Action + 30 days additional time for “good cause”
- **Rescission** must file within 25 days + 30 days additional time for good cause
- **Exclusion Order** (immediate removal of an individual to protect a child from physical or mental abuse, abandonment, or any other substantial threat to his or her health or safety) must file within 25 days + 30 days additional time for good cause
- Hearings are to be confidential and not open to the public, with a case by case exception
- Protections for testimony of a child witness, i.e. may be taken outside the presence of the respondent in specified circumstances

*WIC 16519.6*

## SB 213: Criminal Conviction Assessment

- Re-structures criminal exemption process to create three categories:
  1. Crimes that are non-exemptible *HS 1522(g)(2)(A)(i-iii)*
  2. Crimes that exemptible after consideration of all of the factors listed in *HS 1522(g)(2)(b) & (C)*
    - ✦ NOTE: Some crimes moved from non-exemptible to this category
  3. All other crimes can be exempted just based on person's state or federal criminal history *HS 1522(g)(2)(D)*
    - ✦ NOTE: Dept/county discretion to require investigation of factors in category 2 as necessary to protect health & safety of a child
- Enables emergency placements **prior** to an exemption for specified crimes if deputy director/director of county welfare department, or his or her designee, determines that placement is in the best interests of the child and a party to the case does not object *WIC 361.4(b)(3)*

## Child Care Bridge Program

- Top barrier for families is access to child care following immediate placement of a child
- The state budget allocated \$15.5 million in fiscal year 2017-2018 to the Child Care Bridge Program (and higher amounts for future years)
- The Bridge Program is a county-optional program

## Child Care Bridge: Child Care Voucher

- **Who is eligible for the child care voucher:**

- Caregivers completing the approval process, where a child was placed with them on an emergency basis or a compelling reason pursuant to 361.4
- Caregivers approved as resource families pursuant to WIC § 16519.5
- Parenting youth in foster care under the jurisdiction of juvenile court, including non-minor dependent parents

- **Caregivers or parenting youth must:**

- Have work or school responsibilities,
- Parenting activities beyond scope of ordinary parental duties, or
- Must attend court hearings and trainings related to the child or parenting youth's dependency case.

- **Six month voucher, but can be extended for an additional six months if the family is unable to secure long-term, subsidized child care**

## Child Care Bridge: Remaining Components

- **The Child Care Navigator**

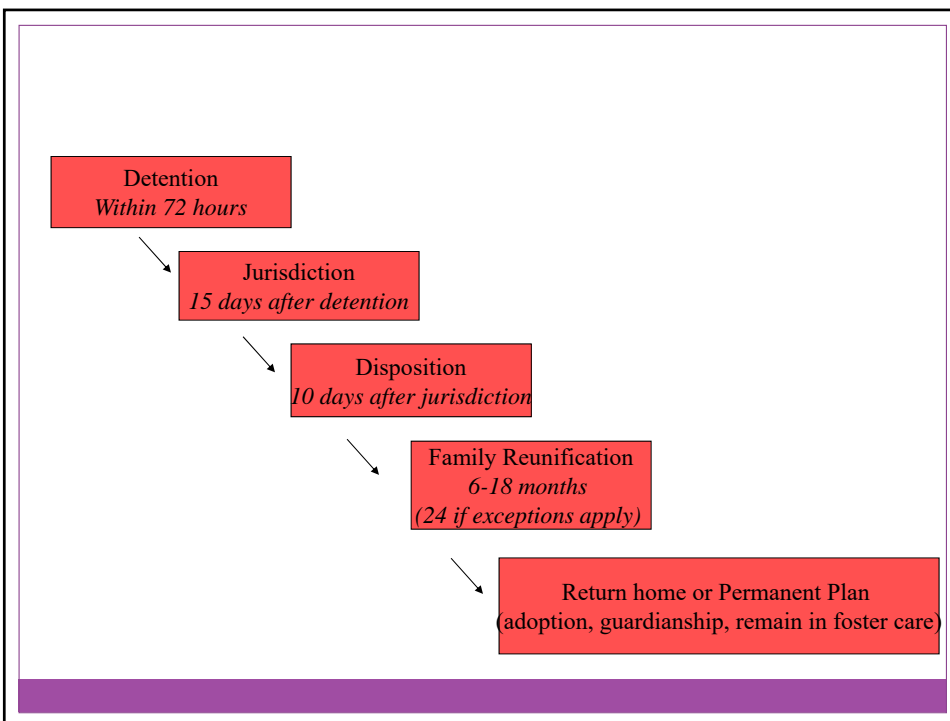
- Employed by a local R&R
- Works with the family, child welfare agency worker, and family team
- Help secure child care at the time of placement and long-term high-quality child care
- Assist with any necessary applications to receive child care
- Ensure families are informed regarding benefits of child care and education

- **Training**

- Training provided to child care providers
- Training topics include trauma-informed best practices

# PUTTING IT TOGETHER

## UNDERSTANDING RELATIVE PLACEMENT ACCORDING TO DEPENDENCY COURT TIMELINES





## Pre-Detention to Detention: *WIC 309*

### Consider Relative First

- If a child is taken into temporary custody, the social worker **shall** immediately release the child to the custody of the child's parent, guardian, or **relative**.

### Duty to Assess

- If a relative/NREFM requests temporary placement, the social worker **shall initiate an emergency placement assessment pursuant to *WIC 361.4***

### Required for Placement

- **Child may be placed on an emergency basis upon completion of an assessment pursuant to *WIC 361.4***, which includes a CLETS, CACI and walk-through of the home.

### Family Finding Requirements

- Within 30 days, **social worker shall use due diligence to identify and locate relatives**, and shall provide all adult relatives notice that the child has been removed from parents and options to participate in the care and placement.

## FAQs

- **Can the social worker place with a relative before the detention hearing?**
  - Yes, in fact the social worker has an obligation to assess relatives/NREFM immediately and the social worker has the authority to release a child to relatives before any court hearing has taken place pursuant to *WIC § 309*.
- **Does the social worker need to wait for a fingerprint clearance before a child can be placed with a relative?**
  - No, the background check for an emergency placement only requires a CLETS, CACI and an in-home inspection to assess the safety of the home and the ability of the relative/NREFM to care for the child's needs. *WIC 361.4(a)*
  - The social worker must ensure a fingerprint clearance check is done within 10 calendar days of the CLETS or 5 business days of making an emergency placement, whichever is sooner. *WIC 361.4(c)*

## FAQs

### • What if the CLETS indicates the person has a criminal history?

- ✦ A child cannot be placed if there is a non-exemptible conviction.
- ✦ A child can be placed for any other conviction once an exemption has been granted.
- ✦ A child can also be placed pending an exemption if the deputy director or director of the county welfare department, or his or her designee, determines that the placement is in the best interests of the child and a party to the case does not object.

*WIC 361.4*

Placement pending an exemption is new law from SB 213, takes effect 01/01/18

## Detention Hearing: *WIC 319*

### Consider Relative First

- If the child cannot be returned home, the court shall determine if there is a relative able and willing to care for child. Relatives shall be given **preferential consideration** for placement.

### Duty to Assess

- Per *WIC 309*, emergency placement/*361.4* assessment should have been done for relatives. The report must indicate whether there are relatives able/willing to take temporary custody of the child.

### Required for Placement

- The court shall consider the recommendations of the social worker based on an emergency placement/*361.4* assessment prior to ordering that the child be placed with a relative or NREFM.

### Family Finding Requirements

- The court shall order the parents to disclose to the social worker names, residences and any identifying information of maternal/paternal relatives.

## FAQs

- **Can the court still order a child to be placed with a relative if the county welfare agency completes an assessment pursuant to *WIC 361.4* but is not recommending placement with the relative?**
  - ✦ Yes, whether or not the county approves a relative's home is just one factor for the Court to consider under *WIC 361.3*; the Court must exercise its own discretion. *In re Miguel E.* (2004) 120 Cal.App.4<sup>th</sup> 521
  - Exception: The court does not have authority to place if there is a criminal conviction unless there has been an exemption OR all parties agree to placement pending the exemption process.

## Detention to Disposition

### Consider Relative First

- Continuing preferential consideration for placement with relatives.

### Duty to Assess

- Continuing obligation to assess a relative or NREFM's suitability for emergency placement pursuant to *WIC 361.4*. *WIC 309(d)(1)*
- In addition, social worker must initiate a *WIC 361.3* assessment of any relative to be considered for continuing placement. *WIC 319*

### Required for Placement

- *WIC 361.4*/emergency placement assessment if RFA not yet completed.

### Family Finding Requirements

- Continuing obligation to identify and locate relatives, and to provide notice of the child's removal and information about becoming a caretaker. *WIC 309 (e)(1)*

## Disposition Hearing

### Consider Relative First

- Continuing preferential consideration for placement with relatives. *WIC 361.3*
- If the court does not place with a relative, the court shall state for the record the reasons placement was denied.

### Duty to Assess

- Per *WIC 358.1*, report must address appropriateness of any relative pursuant to the factors described in *WIC 361.3*.

### Required for Placement

- Resource family approval, OR the relative/NREFM has been assessed pursuant to the emergency placement assessment in *WIC 361.4*, OR placement based on a compelling reason pursuant to *WIC 16519.5(e)*. *WIC 361.2(e)(2-4)*

### Family Finding Requirements

- The court shall must find that the social worker exercised due diligence in identifying, locating & notifying relatives. *WIC 358(b)*

## FAQs



- **What does it mean for a social worker to exercise “due diligence” in identifying, locating, and notifying relatives?**
  - Examples listed in statute (*WIC 358(b)*):
    - ✦ Asked the child
    - ✦ Reviewed the case file
    - ✦ Telephoned, emailed, or visited all identified relatives.
    - ✦ Asked located relatives for the names/locations of other relatives.
    - ✦ Used Internet search tools to locate relatives identified as supports.
- This list is not all-inclusive. Juvenile court retained wide latitude when making a finding of due diligence. *ACL 17-65*

## FAQs



- **What if the assessment pursuant to 361.3 is not completed by the dispositional hearing date?**
  - ✦ Failure to do the investigation is not good cause to continue the dispositional hearing.
  - ✦ However, a relative requesting placement still has a right to be assessed and his/her request for placement must be given preferential consideration. *In re R.T.* (2015) 232 Cal.App.4th 1284, 1300
  - ✦ The relative is entitled to a hearing under *WIC 361.3*. *In re Isabella G.* (2016) 246 Cal.App.4th 708, 722-723

## FAQs



- **What if there are multiple relatives requesting preferential consideration?**
  - ✦ The social worker has an obligation to assess all appropriate relatives requesting preferential consideration.
  - ✦ This does not limit the social worker's ability to place a child in the home of an appropriate relative or NREFM pending the consideration of other relatives. *WIC 361.3*
  - ✦ If a relative comes forward even if the child is already placed with another relative, the new relative must be assessed, but significant weight should be given to the stability and benefits of the current placement in placement decisions. *ACL 17-65*, p. 3

## Family Reunification (1 of 2)

- **Recent case law and state policy indicate relative preference/duty to assess per WIC 361.3 applies throughout reunification and possibly beyond.**
- *In re Isabella G.* (2016) 246 Cal.App.4th 708, 721: Relative placement preference applies after disposition and through reunification, even if no new placement is required. Left open the issue of whether the preference applies even after reunification services have been terminated.
- *ACL 17-65, p. 3-4*: Counties reminded that relative assessments are not, by statute, limited to a particular timeframe prior to the Termination of Parental Rights (TPR). Relative assessment requirements of *WIC 361.3* apply until court has approved a permanent plan for adoption or TPR.

## Family Reunification (2 of 2)

- **Some disagreement re prior case law:**
  - *In re Joseph T.* (2008) 163 Cal.App.4th 787, 797-798: Relative placement preference applies throughout the reunification period, regardless of whether a new placement is necessary or is otherwise being considered by the dependency court., and
  - *In re Sara S.* (1996) 43 Cal.App.4th 274, 285-286: Section 361.3 assures interested relatives that pending determination whether reunification is possible, the relative's application will be considered before a stranger.
  - *In re Lauren R.* (2007) 148 Cal.App.4th 841, 854: Where adoption has been identified as the permanent plan, the relative preference under Section 361.3 did not apply because no new placement was necessary and the caretaker preference under section 366.26(k) applied.

## FAQs



- **Is resource family approval required for placement with a relative or NREFM post-disposition?**

No, the following pre-approval placement options are available...

1. **Emergency placement/361.4:** Both *WIC 361.3(a)(8)(A)* & *361.45* allow for use of emergency placements post-disposition. A recently released DCFS Policy (FYI 17-03) also clarified that a child can be placed after an emergency placement assessment at any point in the case.
2. **Placement based on a compelling reason:** This option is available to any perspective caregiver based on the needs of the child. It requires a home environment approval. *WIC 16519.5(e)*

## Post-Permanency



- For children 16 and up in another planned permanent living arrangement (APPLA), per federal law efforts must include the use of technology including social media to find biological or other family members of the child. Codified in *WIC 16501.1(g)(15)(C)*
- When a change in placement is required, the county welfare department must assess any relative and NREFM requesting placement pursuant to *WIC 361.4*. Upon completion of the assessment, the child may be placed on an emergency basis. *WIC 361.45*

NOW ONTO APPROVAL...

## RESOURCE FAMILY APPROVAL

### RFA Timelines Following Pre-Approval Placements

#### **Emergency Placements** – *Effect. 1/1/18 WIC 361.4 (Current WIC 309, 361.45)*

- Must be with relative or nonrelative extended family member
- Requires WIC 361.4 assessment (Formerly WIC 309 or 361.45 requirements)
- RFA application must be submitted and Home Environment assessment initiated within 5 business days (Includes background checks and home health and safety assessment)
- Comprehensive assessment to be completed within 90 days unless documented good cause exists

#### **Compelling Reason Placements** - *WIC 16519.5(e)*

- Based on needs of the child
- After home environment assessment completed
- Permanency assessment to be completed within 90 days unless documented good cause exists



## FAQ



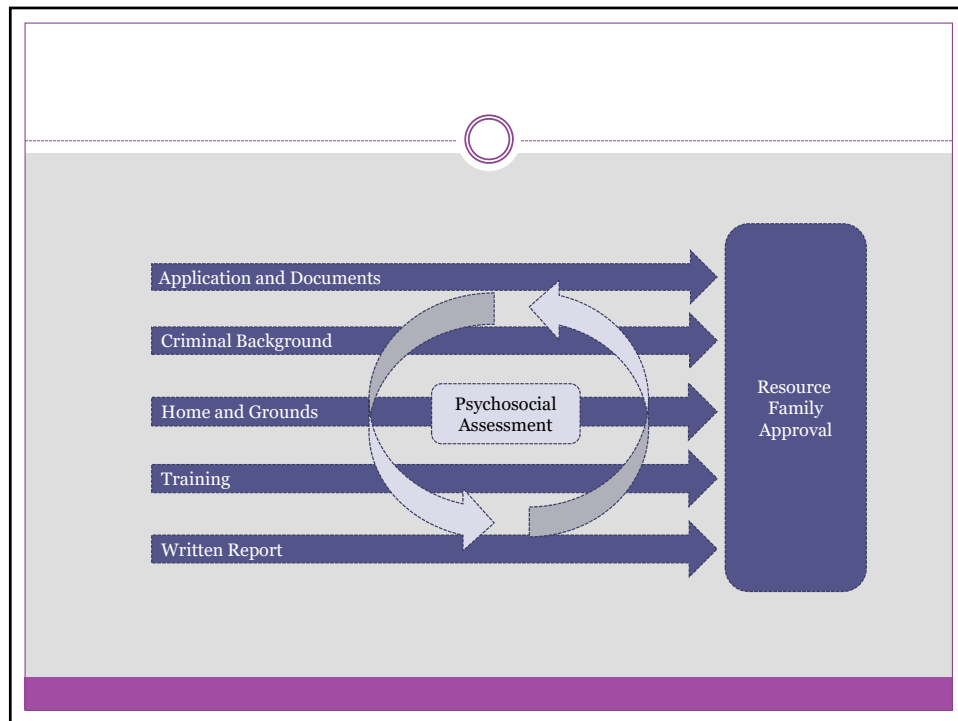
- Is a caregiver eligible for funding when a child is placed pre-approval?
  - A caregiver is **not** eligible for AFDC-FC benefits until approved as a resource family. Funding begins the day of approval.
    - ✦ BUT counties can use Calworks, Foster Parent Recruitment and Retention Funds, and/or Emergency Assistance to bridge the gap
    - ✦ At a minimum, relatives must be provided the Calworks application. Relatives are eligible for non-needy Calworks pending approval. The rate is lower than AFDC-FC, but it can provide much needed support for the family while going through RFA. There is a simplified application available. ACL 16-45
  - Unfortunately CalWORKS is not available for NREFM.

## Core Elements of RFA



- **One standard** – relatives and recruited families treated the same
- **One process** – approved for any child in foster care, approved in any county, and approved for guardianships & adoptions (**EXCEPTION**: child specific approvals)
- **Comprehensive assessment** required, includes:
  - Home Environment Assessment
  - Permanency Assessment
- Pre- and post-approval **training** required for all families





## Home Environment Assessment

- Home environment assessment requires:
  - 1) Criminal record clearance (and any necessary exemptions) of each applicant and all adults residing in, or regularly present in, the home
  - 2) Consideration of substantiated allegations of child abuse or neglect
  - 3) Other background checks (LIS, AARs, Megan's Law, DMV)
  - 4) Home and grounds evaluation that ensure health and safety of children
  - 5) Total # of children not more than family can properly care for – shall not exceed six children.
    - **Exception:** Exceptional circumstances exist that are documented in the foster child's case file, including but not limited to the need to place children together
  - 6) Applicant must understand:
    - Rights of children and his/her responsibility to safeguard those rights
    - Responsibility to act as a reasonable and prudent parent and maintaining the least restrictive environment serving the child's needs.

*WIC 16519.5(d)(2)*

## Permanency Assessment

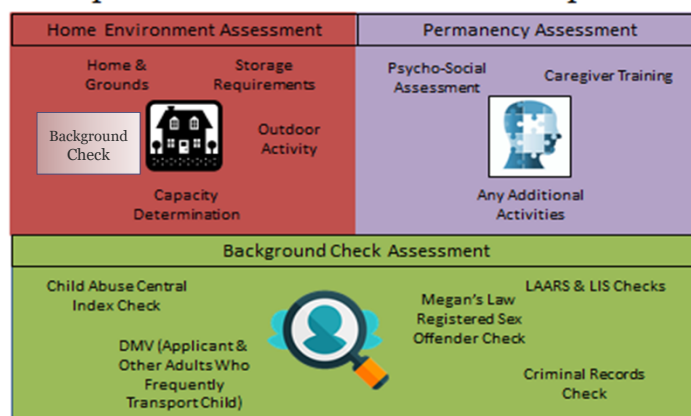
Permanency assessment requires:

- Caregiver training – minimum of **12** hours pre-approval & **8** post-approval hours annually
- Psychosocial assessment, which shall include a risk assessment of:
  - Physical and mental health,
  - Alcohol and other substance use and abuse,
  - Family and domestic violence, and
  - Caregiver’s understanding of the needs of children in care and ability to meet those needs
- Completion of any other activities that relate to the ability of an applicant or a resource family to achieve permanency with

NOTE: When the applicant is a relative/NREFM, psychosocial assessment shall consider nature of relationship between the applicant and the child.  
 WIC § 16519.5(d)(3)

NOTE #2: The applicant’s preference to provide a specific level of permanency shall not be a basis to deny an application. *WIC § (g)(5)(A)(i)(II)*

### Comprehensive Assessment Components



Written Report

<b>Approval Standards</b>	<b>Adoption (Existing)</b>	<b>Relative/NR EFM (Existing)</b>	<b>Foster Home (Existing)</b>	<b>RFA</b>
Criminal Records/Child Abuse Review	✓	✓	✓	✓
Standardized Criteria for Criminal Record Exemptions		✓	✓	✓
Homes and Ground Safety Evaluation	✓	✓	✓	✓
Training Required			✓	✓
Psychosocial Assessment	✓			✓
Applicant References	✓			✓
Annual Review of all families		✓		✓

## Written Directives

- Written Directives provide more detailed guidance based off the statute
- Have the same force and effect as regulations until regs adopted.
- Version 4.1 (effective date: 06/09/17):  
<http://www.cdss.ca.gov/inforesources/Resource-Family-Approval-Program>
- Provides specific guidance for RFA implementation, processes, requirements, oversight and due process.
- Requires supporting documentation listed in addition to Home Environment and Permanency Assessment requirements

## Making RFA Work for Relatives

- Help families complete applications and be clear about deadlines
- Provide support at time of placement with purchasing of bedding and other items
- Provide temporary stipends while completing RFA



## Provide relatives with the RFA toolkit

- Step by step instructions for families navigating RFA
- Vetted with relative caregivers
- Available online at [www.stepupforkin.org](http://www.stepupforkin.org)
- January 2018 - version two release date



## Maintaining RFA

- RFA must be updated annually or more often if “significant changes”
  - Must begin 60 days prior to approval anniversary and be completed no later than 30 days after
  - Post approval training
  - Update home environment and permanency assessment
- If a resource family moves from one county to another
  - RFA must be updated within 30 days
  - Completed update begins new annual period

## Conversion of Existing Families – ACL 17-16

- By 12/31/19, all licensed or certified foster families and approved relatives must be converted to RFA
- Families with an approved adoptive homestudy by 1/1/18 and are currently licensed, certified or approved as a relative/NREFM are deemed a Resource Family
- Approved relatives and licensed and certified foster families with placement in 2017 (including respite providers) may be approved as a Resource Family upon successful completion of a psychosocial assessment
- License or certification forfeited upon operation of law on 1/1/18 if they had no placement in 2017 - May apply to be a Resource Family

## FAQ

- **Does a legal guardian need to convert to a Resource Family?**
  - A legal guardian does not need to convert if:
    - ✓ Guardianship is finalized & dependency jurisdiction has been terminated; OR
    - ✓ Guardianship is finalized and the case is open, as jurisdiction will be terminated before December 31, 2019; OR
    - ✓ the guardian already completed an adoption home study before 1/1/18.
  - A legal guardian must convert if:
    - ✓ The case remains open after the guardianship is established and the case is not closed by December 31, 2019; OR
    - ✓ the guardian wishes to accept placement of other children in his/her home; OR
    - ✓ prior to adopting the child, unless there was already a completed adoption home study (completed by 1/1/18).

# LOS ANGELES UPFRONT FAMILY-FINDING PROTOCOL PILOT

## Pilot Elements

- **Two Department of Children and Family Services Offices (19 total in L.A.)**
- **Front-end training of children's social workers on the importance and necessity for finding/assessing relatives**
- **Consistent oversight**
- **Front-end incorporation of family-finding experts and technology**
- **Engagement of non-placement relatives and non-relative extended family members as soon as possible**
- **Agency support**

## Results

- **Project evaluation by Child Trends**
- **Six-Month+ Results**
  - **Relative placement rate: 81% and 71% in the two offices**
  - **Emerging data on relative engagement: 20+%**