

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814

**REASON FOR THIS TRANSMITTAL**

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

October 25, 2007

ALL COUNTY LETTER NO. 07-39

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY LICENSING PROGRAM MANAGERS
TITLE IV-E TRIBES

SUBJECT: TEMPORARY PLACEMENT OF FOSTER CHILD WITH RELATIVE
OR NONRELATIVE EXTENDED FAMILY MEMBER (NREFM) IN AN
EMERGENCY SITUATION

REFERENCE: WELFARE AND INSTITUTIONS CODE (W&IC) SECTION 361.45
ASSEMBLY BILL (AB) 2195 (Chapter 383, Statutes of 2006)

The purpose of this All County Letter (ACL) is to advise county personnel with responsibility for licensing, certifying a foster family home, approving a relative, or NREFM of legislation that impacts their responsibilities and/or programs.

Enactment of AB 2195 added Section 361.45 to the W&IC, which became effective January 1, 2007. This statute provides an additional safe placement option for children in out-of-home care. It establishes the criteria and process for temporary placement on an emergency basis of a court-dependent child with a relative or NREFM when the current foster caregiver suddenly becomes unavailable to continue providing care.

The statute establishes requirements for assessment and approval of a relative or NREFM on an emergency basis, which are the same requirements as those for the emergency placement of foster children with an able and willing relative when the child is initially taken into protective custody. If an able and willing relative or NREFM is available and requests temporary placement in an emergency situation, the county child welfare agency shall initiate an assessment of the relative's or NREFM's suitability for placement.

The requirements for assessment and approval of a relative or NREFM in an emergency situation for the placement of a foster child are:

- An in-home safety inspection (SOC 817);
- An assessment of the ability of the relative or NREFM to care for the child's needs (SOC 818);
- A criminal record check via the California Law Enforcement Telecommunications System (CLETS) for the relative/NREFM and each adult residing in the home (and includes criminal record exemptions, if needed, and completion of the LIC 508D for each adult);
- A Child Abuse Central Index (CACI) check for allegations of prior child abuse and neglect involving the relative/NREFM and any other adult residing in the home; and
- A Child Welfare Services/Case Management System (CWS/CMS) search for allegations of prior child abuse and neglect involving the relative/NREFM and each adult residing in the home.

The statute also establishes that immediately following the emergency placement of a child with a relative/NREFM, the county child welfare agency shall evaluate and approve or deny the home for purposes of AFDC-FC eligibility. The standards for approving a relative/NREFM home are found in W&IC Section 361.4; Manual of Policies and Procedures (MPP) Division 31-445; and, California Code of Regulations (CCR), Title 22, Division 6, Chapter 9.5, Article 3, Sections 89317 through 89388.

As for any emergency placement with a relative/NREFM, Title IV-E funds will not be available until the assessment/approval requirements have been met and properly documented. The three forms used to document emergency or permanent assessment/approval of a relative or NREFM (the SOC 815, 817, and 818) are to be used for documenting the emergency placements made pursuant to W&IC Section 361.45.

The county child welfare agency should determine, once the emergency is resolved, whether the child will remain with the relative/NREFM or be returned to placement with the original caregiver. Prior to returning the child to the original placement, the county should determine whether the previous caregiver remains licensed or approved; reassessment may be necessary if the original placement was with a relative or NREFM and the emergency period exceeded six months or reassessment was due during the emergency period. Consideration should be given to the child's relationship to the original caregiver and to the emergency relative/NREFM caregiver; input from the child

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regarding placement preference, if of an age or ability to offer such, should also be taken into consideration.

If you have any questions regarding the emergency placement of dependent children with a relative or NREFM, please contact the Kinship Care Policy and Support Unit at (916) 657-1858.

Sincerely,

Original Document Signed By:

MARY L. AULT
Deputy Director
Children and Family Services Division

c: County Welfare Directors Association (CWDA)
Chief Probation Officers of California (CPOC)