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DEPARTMENT OF SOCIAL SERVICES
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ARNOLD SCHWARZENEGGER
GOVERNOR

April 9, 2009

ALL COUNTY LETTER NO. 09-11

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL FOSTER FAMILY AGENCY DIRECTORS

SUBJECT: MONTHLY CASEWORKER VISITS WITH FOSTER CHILDREN

REFERENCE: WELFARE AND INSTITUTIONS CODE (W&IC) SECTION 16501.1(k),
SENATE BILL (SB) 703 (Chapter 583, Statutes of 2007), and COUNTY
FISCAL LETTER (CFL) 08/09-37

The purpose of this All County Letter (ACL) is to convey new federal requirements contained in the Child and Family Services Improvement Act (the Act) of 2006 [Public Law (PL) 109-288] and implemented via SB 703. This ACL will provide a summary of federal requirements and instructions to counties regarding meeting goals related to improving the frequency, location and quality of caseworker visits. The CFL 08/09-37 allocates approximately \$4.8 million dollars in federal funds to cover the increased costs associated with the new monthly visit requirement.

Background

In passing the Act, it was noted that there was a strong correlation between frequent caseworker visits with foster children and positive outcomes for these children, such as timely achievement of permanency and other indicators of child welfare. The Act appropriated \$40 million nationwide of Promoting Safe and Stable Families program resources to support monthly visits with children who are in foster care under the responsibility of the state. California received \$4.3 million in Federal Fiscal Year (FFY) 2006 and \$508,439 in FFY 2008, which is to be spent by September 30, 2009 (see CFL 08/09-37).

REASON FOR THIS TRANSMITTAL

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

Federal Requirements

The PL 109-288 requires that California's Title IV-B State Plan describe the frequency of caseworker visits with foster care children, which at a minimum ensure that children are visited on at least a monthly basis. The PL 109-288 also established enforcement standards and penalties for non-compliance. By FFY 2011, at least 90 percent of children in foster care under the jurisdiction of the court must be visited each month the child is in foster care and a majority of those visits must occur in the child's home. States, in consultation with the United States Department of Health and Human Services (HHS), were required to provide baseline data by October 31, 2007 for the twelve month period beginning October 1, 2006 through September 30, 2007 on:

- The number of children served in foster care, including children on runaway status,
- The number of children visited *each and every* calendar month that they were in foster care,
- The total number of visit months for children who were visited *each and every* month that they were in foster care, and
- The total number of visit months in which at least one child visit occurred in the child's residence.

In addition, the California Department of Social Services (CDSS) provided a plan to HHS in June 2008, which insures that 90 percent of foster children are visited by their caseworker on a monthly basis by October 1, 2011 and that the majority of these visits take place in the residence of the child. In addition to risking California's entire IV-B allocation, new federal penalties for not meeting the 90 percent monthly visit goals range from one to five percent of Title IV-B, Subpart 1 Funds.

Caseworker Visit Workgroup

To meet these objectives, CDSS convened a workgroup of representatives from the county welfare and probation departments, the County Welfare Directors Association (CWDA), the Chief Probation Officers of California (CPOC), and the California Alliance for Child and Family Services (CACFS) from July 2007 through June 2008. Initial discussions focused on determining the factors that would formulate the baseline data. The group then turned their attention to determining the most effective way to improve the number of foster children seen by their caseworker monthly, with the majority of those visits conducted in the child's residence.

The group focused on the following methods to meet the requirements of the Act:

- Improve data collection for:

- Visits performed by social workers employed by foster family agencies;
 - Visits performed by probation officers in the probation system;
 - Visits performed by adoption case workers in pre-adoption cases; and
 - Visits performed by caseworkers in other counties (courtesy supervision)
- Analysis of the possibility of phasing out exceptions allowed in current regulations that allow children to be seen less often than monthly, and the costs of additional visits.
 - Improve the timing and reporting of caseworker visits on children who are placed out-of-state and subject to the Interstate Compact for the Placement of Children.
 - Revision and reauthorization of the CWDA intercountry transfer protocol to ensure visits are conducted and recorded during the transfer.

Baseline Data Submitted to the Administration for Children and Families (ACF)

The CDSS will be submitting updated baseline data to the ACF reflecting corrected methodology:

- The percentage of children in foster care under the responsibility of the state who over the year were visited each month (calendar month) by the caseworker handling the case of the child—56.7 percent; and
- The percentage of visits that occurred in the residence of the child—69.9 percent.

This data will form the basis for future data reporting, which is required annually (CDSS to ACF) and the baseline from which the CDSS will have to increase to 90 percent by FFY 2011.

NOTE: The methodology for this measure is substantially different than Measure 2C of the California Outcome and Accountability System, in Placement via Assembly Bill 636 (Chapter 678, Statutes of 2001). In addition, unlike Measure 2C, it is important to note that this data does include children in runaway status and only includes children age 17 years old and younger.

Improving Data Collection

Current Contacts

Due to state fiscal constraints and limited federal funds provided, CDSS will first focus on improving current data collection methods of children already seen monthly by caseworkers. In order to meet the 90 percent standard by 2011, it is imperative that

face-to-face child contacts by the caseworker be entered into the Child Welfare Services/Case Management System (CWS/CMS) correctly and in a timely manner (data must be entered by the end of October each year to be included in the data transmission). Data entry instructions were included in the All County Information Notice No. I-34-07, which can be accessed on the following CDSS website link:

http://www.dss.cahw.net/lettersnotices/entres/getinfo/acin07/pdf/I-34_07.pdf

Foster Family Agencies

Children in Foster Family Agency (FFA) certified foster homes currently can be granted an exception to monthly caseworker visits because they are being seen by an FFA social worker. Federal instructions allow a state to define who a caseworker is for the purposes of the federal reporting with the caveat that the person must in some way be responsible for either the case or for visitation of the child. The FFA social workers can meet the definition of caseworker. The CDSS and workgroup are currently working with the CACFS in order to determine how best to accomplish reporting of existing FFA social worker visits. The FFAs will be required to report on at least one of its monthly visits with the child in addition to other periodic reporting. A new FFA Placement Agreement is currently being developed with CACFS and will include the new requirement to report on one FFA social worker child visit per month to the placing agency on a monthly basis.

Exceptions

Children in long term foster care, placed with relatives, guardians, or non-related extended family members are often granted exceptions as authorized in Manual of Policy and Procedures (MPP) 31-320.411 due to the stability and longevity of the placement. There are currently no exceptions under federal law for these monthly visit requirements.

In addition, children placed with FFAs are often exempted from monthly visits by a **county caseworker** due to the frequent visits of the FFA caseworker. The FFA social worker visits will be counted toward California's monthly visit goals.

Because operation of these exceptions results in less than the 90 percent monthly visitation threshold, required by federal law, CDSS is developing regulatory changes that will eliminate many of these exceptions. The Governor's proposed budget includes \$14.8 million of federal and state funds to cover the increased costs associated with increased visit requirements.

Limited visit exceptions will continue to be allowed. For example, the current exception for nondependent, nonrelated legal guardians with no concurrent dependency contained in MPP 31.320.413 need not be eliminated.

Training

The CDSS will work with the California Social Work Education Center as well as the Center for Family-Focused Practice at the University of California, Davis to develop curriculum to train county caseworkers, foster family agency caseworkers and probation officers on quality visits with a child in terms of observations, assessments, and case planning.

If you have any questions regarding this letter, please contact the Permanency Policy Bureau at (916) 657-1858, or me at (916) 657-2614.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division