

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



December 5, 2002

ALL COUNTY LETTER NO. 02-85

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICE
PROGRAM MANAGERS
ALL JUVENILE COURT JUDGES
ALL CHIEF PROBATION OFFICERS

REASON FOR THIS TRANSMITTAL

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

SUBJECT: **ASSESSMENT OF RELATIVES AND NON-RELATIVE EXTENDED
FAMILY MEMBERS FOR APPROVAL AS FOSTER CARE PROVIDERS;
APPEAL OF DISAPPROVAL**

REFERENCE: All County Letters (ACL) #01-85, and #02-78

The purpose of the letter is to notify county placing agencies of the settlement agreement reached in *Higgins v Saenz*. Provisions of the settlement reached between the California Department of Social Services and the plaintiff affect the manner in which counties assess potential relative caregivers and non-related extended family members (NREFM) for placement approval.

According to the terms of the settlement, the following procedures shall be implemented immediately:

1. The counties must assess for compliance with approval standards any grandparent, aunt, uncle, or adult sibling who expresses an interest in the placement, or any other relative the county is considering for placement. If any of these relatives are subject to denial of approval based on criminal convictions or child abuse registry information, the County may deny the approval without performing the home assessment. The assessment must occur within 30 calendar days, or by the date of the disposition hearing, whichever is sooner.
2. Any relative who has been denied approval based on a failure to meet approval standards has a right to grievance procedures set forth in Regulations at MPP 31-020 et. seq. If the County determines that a given relative's home is not approvable, or if the County rescinds an existing approval, the County shall provide that relative with written notice of the reason(s) for the denial and of their right to grievance review.

This letter is also to remind Counties of their responsibility to conduct complaint investigations/visits as appropriate of approved homes. All abuse and neglect complaints must be referred to the 24-hour emergency response line for investigation. All relative caregivers continue to have access to the current existing complaint processes. This includes contacting the Ombudsman's Office of the California Department of Social Services at (877) 846-1602 or fosteryouthhelp@dss.ca.gov. The Ombudsman acts as an independent forum for the investigation and resolution of complaints made by or on behalf of children placed in foster care and makes appropriate referrals.

Further, Counties are reminded to document any reasonable assistance given to relative caregivers or NREFMs in the course of the approval process.

Counties will be notified when the regulations necessary to implement the provisions of the stipulated agreement have been completed.

A County Fiscal Letter regarding the costs associated with the mandated procedures will be forthcoming.

If you have questions about this ACL, please contact Tery Dalzell, Kinship Policy and Support Unit, at (916) 324-8257.

Sincerely,

Original signed by Sylvia Pizzini

SYLVIA PIZZINI
Deputy Director
Children and Family Services Division

c: CWDA