

May 8, 2019

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 19-26

This letter informs child welfare agencies of the changes mandated by Assembly Bill 2247. This legislation with limited exceptions, requires child welfare agencies to develop, implement, and document a placement preservation strategy in consultation with the child and family team prior to making any placement changes, prohibits any dependent foster youth placement change to occur between the hours of 9 p.m. and 7 a.m., and requires the child welfare agency to serve written notice of the placement change 14 days prior to the change of placement if the preservation strategy is unsuccessful.



PAT LEARY
ACTING DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

May 8, 2019

ALL COUNTY LETTER NO. 19-26

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER CARE MANAGERS
ALL FOSTER FAMILY AGENCIES
ALL TITLE IV-E AGREEMENT TRIBES
ALL TRANSITIONAL HOUSING COORDINATORS
ALL COURT APPOINTED SPECIAL ADVOCATE PROGRAMS

SUBJECT: PLACEMENT CHANGE REQUIREMENTS

REFERENCE: [ASSEMBLY BILL 2247 \(GIPSON\) CHAPTER 674, STATUTES OF 2018; WELFARE AND INSTITUTIONS CODE 16002 AND 16010.7; ALL COUNTY LETTER NO. 16-84 MENTAL HEALTH SUBSTANCE USE DISORDER SERVICES INFORMATION NOTICE NO.16-049; ALL COUNTY LETTER NO. 18-23; THE INTEGRATED CORE PRACTICE MODEL; CALIFORNIA RULES OF COURT 5.651\(e\)](#)

PURPOSE

The purpose of this All County Letter (ACL) is to inform child welfare agencies of the changes mandated by Assembly Bill (AB) 2247, effective January 1, 2019, which added Welfare and Institutions Code (WIC) Section 16010.7. AB 2247 requires child welfare agencies to develop, implement, and document a placement preservation strategy in consultation with the Child and Family Team (CFT) for most dependent foster youth placement changes, but also provides exemptions to this new requirement. AB 2247 also prohibits any foster youth placement change to occur between the hours of 9 p.m. and 7 a.m. and requires the child welfare agency to serve written notice of the placement change, to the parties listed on page three 14 days prior to the change of placement, unless certain conditions apply. Further, AB 2247 requires the Office of

State Foster Care Ombudsperson's Office (OFCO) to report its investigation findings of complaints in violation with these provisions to the Child Welfare Director or designees for purposes of training, technical assistance and quality improvement. While AB 2247 specifically pertains to dependent foster youth, it is recommended, although not currently required, by the Department of Social Services that probation departments supervising foster youth also comply with the provisions outlined in this ACL.

CHANGES UNDER AB 2247

PLACEMENT PRESERVATION STRATEGY

The AB 2247 requires child welfare agencies to develop, implement, and document in the contact notes of the dependent foster youth's case, a placement preservation strategy to preserve the dependent foster youth's placement **prior** to making a placement change. A CFT meeting may be convened to identify and implement best practice strategies to support placement preservation. The child welfare agency is required to consult with the youth's CFT for the specified purpose of maintaining the current placement. The child welfare agency should respond expeditiously upon hearing that the placement may be in jeopardy by convening the CFT as soon as possible. The placement preservation strategies may include, but are not limited to the following:

- Initiate a strengths-based youth and family-centered CFT meeting to collaboratively develop and implement an individual plan designed to meet the youth and family's needs;
- Apply conflict resolution practices to address conflict and concerns, and discuss solutions;
- Review of the Child and Adolescent Needs and Strengths (CANS) assessment tool to identify and discuss strengths and unmet needs to guide case planning;
- Review previous CFT meeting notes to identify any delays or barriers to implementing recommendations agreed to by the previous CFT that may impact placement stability or a youth meeting their goals;
- Actively engage or recruit CFT members such as educational and natural community supports, family members, professionals, and other individuals identified by the child/youth or family; and/or
- Make every effort to ensure the timely provision of support services, as deemed appropriate by the CFT, for specific services to support placement stability such as respite services, referral for assessment for mental health services, or wraparound.

PLACEMENT CHANGE REQUIREMENTS

If after implementing the placement preservation strategy, the child welfare agency determines that a placement change is necessary, this legislation supersedes the prior

seven-day notice requirement for providers and child welfare agencies, and requires the child welfare agency to serve written notice of the placement change to the following parties at least 14 days prior to the change:

- Dependent foster youth's parent/guardian;
- Dependent foster youth's caregiver, including resource families, foster family agencies and short-term residential therapeutic programs;
- Dependent foster youth's attorney; and
- Dependent foster youth, if they are 10 years of age or older.

The AB 2247 does not change current law which requires the child welfare agency to take the school of origin into account when considering other placement options or the child welfare agency to provide notice when a placement change could lead to a removal from the youth's school of origin. Consistent with the Rules of Court, notice must be provided to the court, attorney for the child, and the child's court appointed education rights holder:

- No more than one court day after making the decision to change a youth's placement without an individualized education program (IEP); and
- At least 10 days prior to the change in placement if the youth has an IEP. Notice for a youth with an IEP must also go to the youth's old and new school districts pursuant to California Rule of Court 5.651(e).

Further, AB 2247 prohibits any placement change to occur between the hours of 9 p.m. and 7 a.m. unless a unanimous agreement is made by the following persons:

- Dependent foster youth if they are age 10 years old or older;
- Dependent foster youth's representative if they are under 10 years old;
- Dependent foster youth's current caregiver;
- Dependent foster youth's prospective caregiver; and
- Dependent foster youth's social worker or probation officer.

The role of CFTs during placement transitions is critical to ensure that children/youth and families are engaged in all aspects of the placement decisions and transparency is practiced. It is especially important for a youth's court appointed education rights holder be included in CFT meetings when a placement change is being considered that may impact the youth's continued attendance at their school of origin. The CFT can explore options and come to an agreement of the plan through discussion regarding the youth's needs, including the school of origin and transportation needs. Successful CFTs require the attendance of the child/youth, community partnerships, and extensive commitment to genuine engagement prior to making any placement decisions. Additionally, the use of the CANS assessment to identify strengths and needs can guide the CFT in identifying the characteristics of placements that will be the best match to meet the specific needs of the youth. The CFT provides opportunities for the youth and family to share their preferences. The team can work with the family and youth to agree with the plan, or at a minimum understand why a decision is being made and prepare

them for the transition. With any transition it is important that referrals for continuing care or supportive resources are in place and working, preferably prior to the transition. The CFT will continue monitoring the transition to ensure the youth and family's needs are being met.

EXEMPTIONS FROM PLACEMENT CHANGE REQUIREMENTS

The AB 2247 permits the child welfare agency to make a placement change without complying with the requirements of WIC 16010.7 subdivisions (b) (placement preservation strategy) and (e) (placement change notice) in either of the following circumstances:

- It is determined that remaining in the existing placement or providing prior written notice of that placement change poses an imminent risk to the health or safety of the dependent foster youth or other children in the home or facility; or
- If the dependent foster youth's CFT and the dependent foster youth if they are 10 years of age or older, or their representative if they are less than 10 years of age, unanimously agree to waive the placement change requirements.

Additionally, the placement change requirements described in this letter do not apply to nonminor dependents placed in Transitional Housing Placement (THP) programs or in Supervised Independent Living Placements (SILPs). Further, these provisions do not apply to a planned placement change that is informed by the CFT and that is described in the dependent foster youths' case plan or documented as an agreed upon plan in the case file. Planned placement changes include a change in placement that is ordered by the court, including when a child is returned to the home of a parent. Note that these exemptions do not apply to any notice requirements regarding school stability.

OFFICE OF THE STATE FOSTER CARE OMBUDSPERSON

The OFCO receives, investigates, and attempts to resolve complaints made by or on behalf of dependent foster youth related to their care, placement, or services and rights. All complaints to the OFCO are documented in a case management system, each complaint is assigned a case number, and complainants are provided with this case number for future reference. AB 2247 requires the OFCO to provide its investigation findings regarding placement change violations enacted by this legislation to the Child Welfare Director or designee for the purposes of quality improvement, technical assistance, and staff training. If the OFCO investigates a complaint that involves a foster youth who is supervised by the County Probation Department, the OFCO will communicate the findings to the Chief Probation Officer or designee.

The foster care youth can reach out to the OFCO:

- **Toll-free at 1(877)846-1602**
- **Email fosteryouthhelp@dss.ca.gov**

BEST PRACTICES

PRESERVATION STRATEGY

A placement preservation strategy is a youth-centered process to support, equip and wrap a family with resources in the pursuit of preserving the stability, placement, and wellbeing of children and youth placed in out-of-home placement. The ideal preservation strategy is solution focused, restorative in nature and trauma-informed. It is also focused on the resources, training, and services needed for the resource family in general. Best practices when executing a preservation strategy may include:

- Convening a CFT with a third party, or facilitator neutral to the family;
- Using an age appropriate approach;
- A focus centered on the strengths and positive attributes of the child/youth and family;
- Action-oriented tasks when coordinating services and supports to the youth and resource family in a timely manner; and/or
- Strategies which align with the CANS assessment, case plan and any action plans developed by the CFT.

CHILD AND FAMILY TEAM

The CFTs explore options and establish a plan regarding the foster youth's needs which includes the youth, family, and community partners prior to making any placement decisions. Best practices for a CFT may include:

- In addition to the child and family, representatives from the foster family agency, short-term residential therapeutic program, Court Appointed Special Advocate, county mental health representative and the Indian custodian or tribal representative to support the child/youth when appropriate;
- Age appropriate engagement and conversations with an opportunity to have their voice heard; and/or
- Conflict resolution practices.

TRANSITIONS

Thoughtful, trauma-informed, and intentional transitions are best practices for any child or young person in out-of-home placement. Best practices for transitions may include:

- Maintaining and preserving sibling relationships in accordance with WIC 16002;
- Maintaining all supportive, healthy and important lifelong relationships and connections to the child/youth by providing contact information and action plans to support all lifelong connections;
- Coordination with the youth's education rights holder to ensure they can remain in their school of origin when it is determined to be in their best interest;

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- Planning transitions to occur during natural school breaks, after holidays, or special occasions as permitted; and/or
- Providing the youth with tote bags and boxes to pack items and allowing the youth to pack their own belongings.

If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau at (916) 657-1858 or at ConcurrentPlanningPolicyUnit@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division