

Recent Policy Changes Impacting Permanency Efforts

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CONTINUUM OF CARE REFORM & FAMILY FIRST PRESERVATION SERVICES ACT

CCR: MULTI-YEAR CALIFORNIA REFORM EFFORT

Primary Components:

- Child & Family Teams (CFT)
- Continuum of Family-Based Placements
- Resource Family Approval
- Short-Term Residential Therapeutic Programs

VISION



FAMILY FIRST: MULTI-YEAR FEDERAL REFORM EFFORT

- Part of Bipartisan Budget Act of 2018 (P.L. 115-123)
- Considered landmark legislation because of changes to federal funding
- Comprised of 8 parts, but primary provisions are:
 - **Part I:** Expanded Title IV-E to include funding for front-end services to prevent the need for foster care
 - **Part IV:** New limitations and requirements on congregate care settings

"The title IV-E prevention program is part of a much broader vision of strengthening families by preventing child maltreatment, unnecessary removal of children from their families, and homelessness among youth. It provides an opportunity for states to dramatically re-think how they serve children and families."

ACYF-CB-PI-18-09

CCR UPDATES

BUILDING THE
CONTINUUM OF
FAMILY BASED
PLACEMENTS

INTENSIVE SERVICES FOSTER CARE

- Intended to serve children who require intensive treatment and behavioral supports, as well as children with specialized health care needs in a home based setting
- Caregiver must complete special training & receives higher rate to assist in the care and support
- Relatives, NREFMs and community resource families can all be ISFCs
- **Capacity Exceptions:**
 - Preexisting relationship
 - Sibling group, and/or
 - Extraordinary needs that the family has unique ability to meet

LEVEL OF CARE: FUNDING BEFORE APRIL 1, 2021

- **Basic Rate** – Statewide Rate: one rate for all children; counties have Specialized Care Increment policies and can add to the Basic Rate
- **EXAMPLE: Specialized Care Increments** – Los Angeles County
 - D rate for children with severe emotional/behavioral challenges
 - F1-F4 rate for children with medical conditions, physical disabilities and developmental delays.
- **Dual Agency Rate** – Statewide Rate
 - 0-3 Dual Agency Rate for Child in Early Start Program
 - 3 and older Dual Agency Rate plus Supplement
- Rates after RFA Approval are the same for relatives and non-relatives; rate not dependent on eligibility for Federal Foster Care Payments

LEVEL OF CARE: FUNDING AFTER APRIL 1, 2021

- Instead of one Basic Rate for all children, there are 4 levels
 - LOC Basic, LOC 2, LOC 3 and LOC 4
 - Also ISFC/Static Rate
- Starts at current Basic Rate of \$1,037
 - LOC Basic - \$1,037, LOC 2 - \$1,153, LOC 3 - \$1,271, LOC 4 - \$1,387
- Counties can add a **Specialized Care Increment** to the LOC rate
- **Dual Agency Rates** have not changed
 - Children 0-3 in Early Start can receive 0-3 Dual Agency Rate or LOC + SCI whichever is higher

2021/22 INVESTMENTS (AB 153)

- \$18.1 million: "child-specific requests" for funding to support immediate needs of a child/NMD
- \$60 million: Complex care funding for the development of new capacity to address gaps in the continuum of supports available for meeting complex needs of children
- \$60 million – *Children's Crisis Continuum Pilot Program* – allows counties to receive funding for the purpose of developing treatment options that are needed to support California's commitment to keep youth in families to the greatest possible degree based on the best interest of the youth, and to eliminate the placement of foster youth with complex needs in out-of-state facilities whenever possible

MAKING A "CHILD SPECIFIC REQUEST"

All County Letter 21-119 ([ca.gov](https://www.cdss.ca.gov))

"To access these funds, counties are required to identify the exceptional services that are needed to support the child in the least restrictive setting. The request is to be based upon the recommendation of behavioral assessments, a qualified individual, technical assistance provided by CDSS, or a clinical recommendation approved by an interagency placement committee that considers the recommendations of a child and family team"

■ EXAMPLES:

- ISCF+
- STRTP for one

RESOURCE FAMILY APPROVAL/RELATIVE PLACEMENT



- "The child can't be placed without RFA"
- "RFA is going to be denied so there is no need to start the process"
- "RFA won't ever get approved because:
 - the child will be sleeping in the same room as the caregiver"
 - there isn't sufficient space for the family"
 - the caregiver has a criminal record"
 - the caregiver already was denied and can't apply again for two years"

- It's all in the Written Directives!
- Currently on **Version 7**
- Same force and effect as regs
- Provide specific guidance for RFA implementation, processes, requirements, oversight and due process.

Resource Family Approval Written Directives



VERSION 7
EFFECTIVE DATE: 06/01/2022
Prepared by:
California Department of Social Services

https://www.cdss.ca.gov/Portals/9/CCR/RFA/2021/V7%20RFA%20WD_I.13.21-FINAL.pdf

NEW EXCEPTIONS TO CAPACITY RESTRICTIONS

- The capacity may not exceed **six**, including adopted, biological, and guardianship children and children of a minor or NMD parent residing in the home, EXCEPT:
 - To allow sibling groups to remain together
 - To allow a minor or NMD parent to remain with their child
 - To allow a child or NMD who has an established relationship with a Resource Family to remain with that Resource Family

GENDER/SHARED BEDROOM

■ Children of different genders may share a bedroom under any of the following circumstances:

- (A) Each child is under eight years of age.
- (B) The children are siblings.
- (C) A minor parent may share a bedroom with their child.
- (D) A Resource Family may permit a child to share a bedroom consistent with the child's gender identity regardless of the gender or sex listed on their court or child welfare documents.

CAREGIVER/SHARED BEDROOM

■ A Documented Alternative Plan may be approved for a specific child or nonminor dependent to share a bedroom with a Resource Parent or an adult in the home due to special circumstances of the child which may include but not be limited to medical conditions or disabilities requiring close supervision.

REAPPLYING FOR RFA

■ County shall cease further review of any RFA application if:

- There has been a denial within the preceding year
- There has been a rescission, revocation, exemption denial or exemption rescission within the previous 2 years

UNLESS...

County may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances or conditions which the applicant shows have either been corrected or are no longer in existence

KEEPING SIBLINGS TOGETHER

New Law! AB 366 (Rubio) – took effect 1/1/22:

- Clarified that siblings should be placed together unless there is a showing that placement would be contrary to the well-being and safety of any sibling.
- Clarified that the physical capacity of a home alone shall not be the sole reason to deny placement of a sibling group.

Amended WIC § 16002 & 16519.5

SUPPORTING RELATIVE PLACEMENT

New Law! SB 354 (Skinner) – took effect 1/1/22:

- Requires the child welfare agency to use reasonable efforts to relatives/NREFMs in obtaining items needed for placement if it is a barrier to placement



SUPPORTING RELATIVE PLACEMENT

SB 354 also:

- Allows criminal record exemptions to be granted to a relative or other adult living in the home for any conviction (even formerly "non-exemptible" convictions) except for:
 - a felony conviction within the last five years for child abuse or neglect, spousal abuse, rape, sexual assault, homicide, or any other crime against a child, including child pornography
- Clarifies that the court shall use its independent judgement in placement decisions regardless of the status of a criminal exemption or resource family approval
- Specifies that a court ordered placement is eligible for ARC (approved relative caregiver) funding even if RFA denied

FAMILY FIRST PRESERVATION SERVICES ACT (FFPSA)

PART I: ELIGIBILITY FOR PREVENTION SERVICES

1. A child who is a "candidate" for foster care – defined as "imminent risk of entering foster care"
2. Youth in foster care who are pregnant or parenting, or
3. A parent or kin caregiver of a child who is a candidate for foster care

■ This will include youth who are at risk of entering foster care through the juvenile justice system



California's 5 Year Preventative Plan - Initial Pool of Prevention-Eligible Children:

- 1) Children in Families Receiving Voluntary or Court-Ordered Family Maintenance
- 2) Probation Youth Deemed As Being At Imminent Risk of Foster Care
- 3) Children Whose Guardianship or Adoption Arrangement is At-Risk of Disruption
- 4) Family Reunification Service Recipients With Trial Home-Visits

**MUST be a case-by-case, individualized case assessment to determine imminent risk

PART I: SERVICES

- 3 categories of prevention services funded:

Mental health services	Substance abuse prevention & treatment	In-home parent supports and skill-based programs
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- Programs must fall into one of these evidence based standards as established by a federal clearinghouse:



*At least 50% must be at the **well-supported** level*

PART 4: QRTPS (STRTPS IN CA)

- FFPSA Part IV seeks to limit reliance on congregate care for serving children in foster care, consistent with the objectives of CCR.
- Eliminates IV-E funding after 2 weeks for children placed in congregate care unless it meets criteria for “**Qualified Residential Treatment Programs**” (QRTPs)

CA IMPLEMENTATION



- Assembly Bill 153 (Committee on Budget; Stats. 2021, ch. 86) (Signed into law July 16, 2021)
- Rule of Court 5.618
- Judicial Council Forms
 - JV-235, JV-236, JV-237, JV-238, and JV-239
- [ACIN I-73-21 \(ca.gov\)](https://www.courtinfo.ca.gov/caselfhelp/forms/jv-235-239)

ASSESSMENT BY A QUALIFIED INDIVIDUAL

- Who is the "Qualified Individual" (QI)?
 - Trained professional or licensed clinician not employed by the Title IV-E agency and not employed by or affiliated with any placement setting used by the Title IV-E agency, unless a waiver has been approved
- For new STRTP placements made on or after October 1, 2021, a QI must conduct an assessment *prior to placement* to determine if youth can be in family based setting or if STRTP is appropriate
 - Unless the placement is an "emergency placement"
 - For emergency placements, the assessment must be completed within 30 days of the placement

QI: PROCESS

- The QI assessment will include the Specialty Mental Health Activities of Assessment, ICC, and Plan development:
 - **Evaluate the strengths and needs** of the youth and family;
 - **Engage and consult with the CFT**, including the child's tribe in the case of an Indian child, engage the youth and their caregivers;
 - **Complete/Update the IP-CANS** as part of their assessment;
 - **Gather information** from previous assessments and important people in the youth's life; perform an integrated biopsychosocial assessment (when needed) perform a risk assessment and harm reduction analysis; consult with care providers and system partners, including education, regional center and tribes as appropriate; and develop placement and service recommendations

NEW COURT HEARING

WIC 361.22

- *"each placement of the minor or nonminor dependent in a short-term residential therapeutic program, including the initial placement and each subsequent placement into a short-term residential therapeutic program, shall be reviewed by the court within 45 days of the start of placement..."*
- Applies to any placement made after 101/I
- Applies to all dependents, wards and nonminor dependents
- Court may not continue the hearing past 60 days if the start of placement

— OBJECTING TO A PLACEMENT IN AN STRTP

A party must use JV-236 *Input on Placement in Short-Term Residential Therapeutic Program* to make an objection to the placement and thus preserve a hearing

- Local rules and practice determine the process for noticing and filing these forms
- Only parties may object
 - But anyone with an interest in the child or nonminor can provide input



COURT REVIEW WIC 361.22, Rule 5.618(f)

- Court must consider the report and may consider any other relevant evidence
- The court must make three determinations

1. Determine whether the needs of the minor or nonminor dependent can be met through placement in a family-based setting, or, if not, whether placement in a short-term residential therapeutic program provides the most effective and appropriate care setting for the minor or nonminor dependent in the least restrictive environment. **A shortage or lack of resource family homes shall not be an acceptable reason for determining that the needs of the minor or nonminor dependent cannot be met in a family-based setting.**



2. Determine whether the short-term residential therapeutic program is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the minor or nonminor dependent.

3. In the case of an Indian child, determine whether there is good cause to depart from the placement preferences set forth in Section 361.31.

- Court then approve or disapprove the placement; must make a finding for the basis of its decision in writing or on the record

(NOTE: References are dependency but applies to wards as well)



APPROVAL WITHOUT A HEARING

- Court has authority to approve placement without a hearing
- Rule 5.618 subdivision (f) gives requirements for the process
 - Objection process is central to the process
 - Timelines for the report and the party's objection are different

Court may still hold hearing if no objection received

IF THE PLACEMENT IS NOT APPROVED

- If the court does not approve the placement, the court shall order probation officer to transition the minor or nonminor dependent to a placement setting that is consistent with the determinations made pursuant to subdivision (e) **within 30 days of the disapproval**

WIC 361.22(f)

IF THE PLACEMENT IS APPROVED – ONGOING HEARING REQUIREMENTS

Court must consider the factors below at every status review hearing while child or nonminor remains in approved STRTP placement when determining the **placement is necessary and appropriate**:

- (1) Ongoing assessment of the strengths and needs of the child that continues to support the determination that the needs of the child cannot be met by family members or in another family-based setting, **placement in a short-term residential therapeutic program continues to provide the most effective and appropriate care setting in the least restrictive environment**, and placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child
- (2) Documentation of the **child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services**
- (3) Documentation of the **intensive and ongoing efforts** made by the child welfare department, consistent with the child's permanency plan, to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home or tribally approved home, or in another appropriate family-based setting