

Resource Family Approval Training

Trainee's Guide

Version 6.0 | August 2019



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Introduction

Resource Family Approval (RFA) Overview

The purpose of the Resource Family Approval (RFA) Program is to implement a unified, family-friendly, and child-centered Resource Family Approval process to replace the existing multiple processes for licensing foster family homes and approving relatives and non-related extended family members as foster care providers, and approving families for legal guardianship or adoption.

The RFA Program will eliminate duplication, coordinate approval standards, and provide a comprehensive assessment of all families.

A Resource Family shall be considered eligible to provide foster care for related and unrelated children in out-of-home placement, shall be considered and approved for adoption or guardianship, and shall not have to undergo any additional approval or licensure.

Components of the Trainee Guide

Background and Context

The Background and Context section describes the purpose of the RFA program.

Learning Objectives

Learning Objectives serve as the basis for the Training Content that is provided to both the trainer and trainees. The Learning Objectives are subdivided into three categories: Knowledge, Skills, and Values. They are numbered in series beginning with K1 for Knowledge, S1 for Skills, and V1 for Values. The Learning Objectives are also indicated in the suggested Lesson Plan for each segment of the curriculum.

Knowledge Learning Objectives entail the acquisition of new information and often require the ability to recognize or recall that information. *Skill Learning Objectives* involve the application of knowledge and frequently require the demonstration of such application. *Values Learning Objectives* describe attitudes, ethics, and desired goals and outcomes for practice.

Trainee Content

This section of the guide contains the activity worksheets and training materials for use by participants throughout the training.

Background and Context

The Adoption and Safe Families Act (ASFA) prohibits a two-tiered system of licensing, one for relatives and another for non-relatives, according to the Final Rule implementing ASFA. In the comment and response section of this Final Rule, the Children’s Bureau of HHS explicitly states: “relatives must meet the same licensing/approval standards as non-relative foster family homes.”¹

Research on Foster Care licensing standards in all 50 states has resulted in findings such as:

- Problematic standards like requiring that applicants be no older than 65, have a high school degree, or pay for a physical exam for each member of the household.
- Varying standards among the states for the same type of requirements that should not vary significantly from jurisdiction to jurisdiction: The varying standards raised questions about which is the best standard or how standards can be combined to create a model standard.
- Model language that can be used to develop our “core” standards: Page 2: Introduction: Improving Foster Care Licensing Standards around the United States: Using Research Findings to Effect Change, Ana Beltran, JD, Generations United, and Heidi Redlich Epstein, JD, MSW, ABA Center on Children and the Law, March 2012.

The reason for all these standards, even the problematic ones, is based on legitimate public policy concerns, like having healthy, stable, and safe foster parents. We recommend that we take what we have discovered and create a set of “model” core standards. We will do away with problematic requirements, and use the best of the standards from the states to develop clearly defined expectations that must be met by all: things, like a flushing toilet in the house, firearms locked away, and a working telephone on the premises at all times.

¹Title IV-E Foster Care Eligibility Reviews and Child and Family Services State Plan Reviews; Final Rule, 65 Fed. Reg. 4032 (2000). Retrieved from http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/fed_reg/fr012500.htm

Learning Objectives

Knowledge

- K1. The trainee will be able to define the RFA process and understand the foundational legislation and history, including how the Continuum of Care Reform (CCR) and the Quality Parenting Initiative (QPI) support and compliment the RFA process.
- K2. The trainee will understand his/her role and responsibilities in the RFA process.
- K3. The Trainee will become knowledgeable about the impact of trauma, grief, and loss on a child involved in the Child Welfare system and its impact on placement and permanency goals.
- K4. The trainee will understand the importance of permanency and how he or she can facilitate timely permanency within the RFA system.
- K5. The trainee will be familiar with the contents of the Written Directives and be able to locate the information contained within the document.
- K6. The trainee will gain knowledge of how to approve Resource Families and the requirements for approving or denying families, including how to conduct a Family Evaluation of the family.
- K7. The trainee will understand the purpose of the comprehensive assessment, including the home environment, background checks, and Family Evaluations, and how these inform a holistic assessment of the family.
- K8. The trainee will demonstrate an understanding about how to conduct Family visits within the context of RFA, as a way to engage Resource Families, for assessment purposes.
- K9. The trainee will learn how to investigate complaints, including how to, prepare, conduct and report findings of complaint investigations.
- K10. The trainee will understand that teaming assists in developing “solutions” that are individualized to the family and their culture, community and Tribes.
- K11. The trainee will understand the practice of Cultural Humility and understand how this approach improves family engagement, shows respect for families, and ensures assessments incorporate a family’s unique culture.

Skills

- S1. The trainee will demonstrate the ability to conduct a Family Evaluation including the permanency assessment components.
- S2. Through role-playing activities, the trainee will be able demonstrate the ability to explain the RFA requirements (i.e., health screening, Family Evaluation, home environment assessment, training requirements, etc.) and their purpose to potential caregivers entering the RFA system.
- S3. The trainee will exhibit the ability and knowledge to summarize, evaluate, and make a final determination through the composition of a written report.
- S4. The trainee will be able to demonstrate the ability to conduct an investigation, interview children, and balance findings.

- S5. The trainee will demonstrate the ability to apply the Reasonable and Prudent Parent Standard when working with Resource Families.
- S6. The trainee will demonstrate the ability to utilize teaming strategies to engage Resource Families.

Values

- V1. The trainee will value teaming with families and the practice of collaboration in order to achieve mutual goals, build upon family strengths, and ensure quality comprehensive written assessments are developed.
- V2. The trainee will value that RFA prepares families to better meet the needs of vulnerable children in the foster care system and allows seamless transition to permanency.
- V3. The trainee will value the importance of timely permanency and how trauma impacts children and families involved in the Child Welfare and Probation systems.
- V4. The trainee will value the personal rights of children in foster care and how to ensure they are not being violated.
- V5. The trainee will value that upfront training and ongoing services prepare caregivers to meet the needs of children, youth, and young adults, and assists families with forming lifelong relationships.

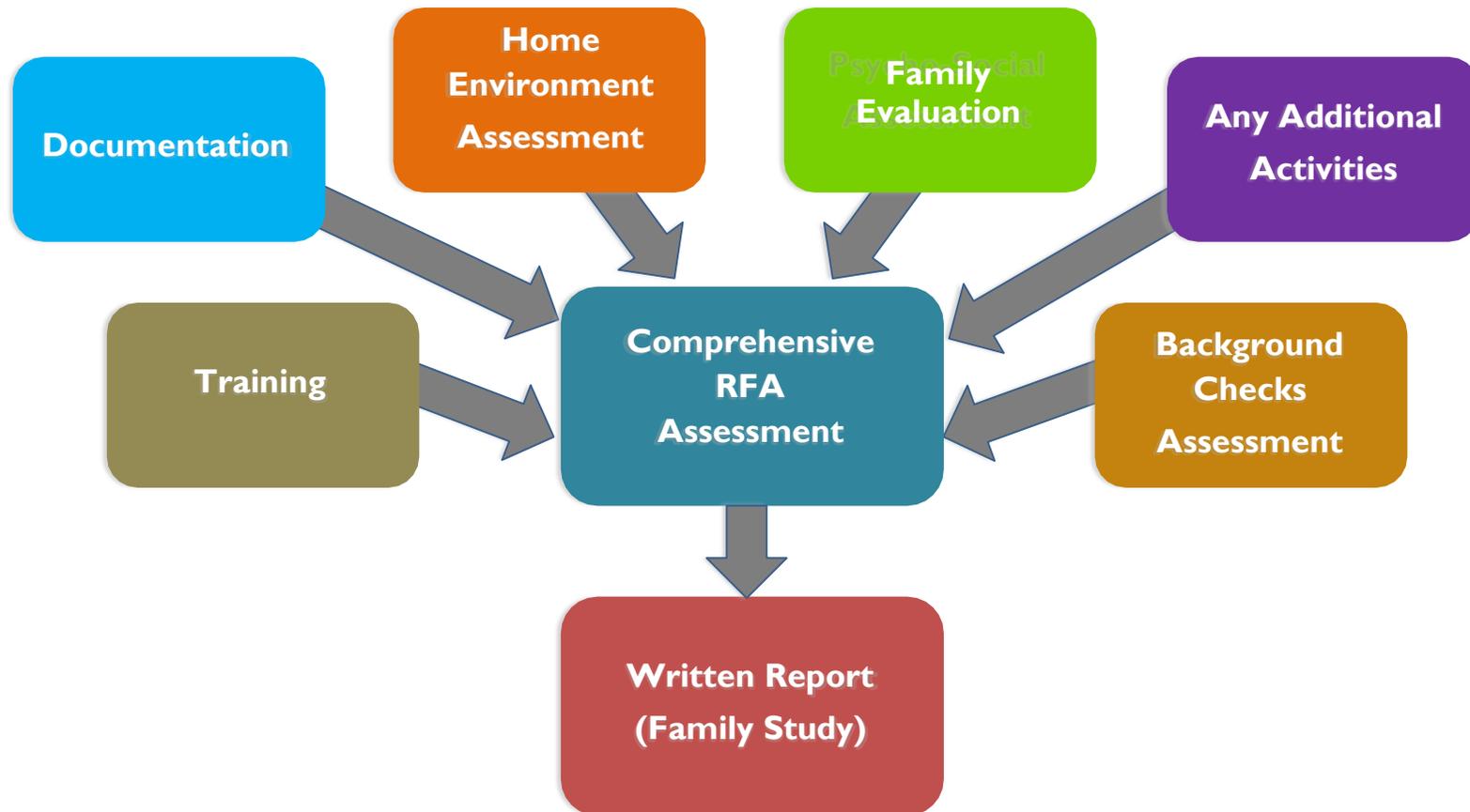
[Return to Table of Contents/Menu](#)

Agendas: Four-Day Overview

Day One	<ul style="list-style-type: none">• Goals and Objectives of RFA• Review of E-learning• RFA Key Messages• Focus on Permanency• Cultural Humility• Home Environment
Day Two	<ul style="list-style-type: none">• Permanency Assessment Written Directives review• Family Evaluation• Interviewing Skills• Written Report• Placement Prior to Approval• CWS/CMS
Day Three	<ul style="list-style-type: none">• Child's and NMD's Personal Rights• Reasonable and Prudent Parent Standard (RPPS)• Placements Prior to Approval• Conversion• Portability• Out of County Protocol• Support of the Resource Family• Approval Updates/Inactive Status
Day Four	<ul style="list-style-type: none">• Complaint Process• Post-Investigation Activities and Cross Reporting• Administrative Actions• Statement of Issues



Components of RFA



**RESOURCE FAMILY APPROVAL (RFA)
HEALTH QUESTIONNAIRE**

FOR COUNTY/AGENCY: _____

Applicant Name: <i>(first, middle, last)</i>	Date of Birth:
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Please provide a listing of your current licensed health professionals *(Name, Address, and Telephone Number)*

Physician: _____
 Specialist: _____
 Other: _____

Release of Information: I hereby authorize _____ to release the medical information
 (Doctor's name)
 contained on this form, to the _____ for the purposes of determining my physical
 (County/Agency)
 health if requested by the County or Agency.

Patient Signature:	Date:
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I. Medical History:

What is the date of your last physical exam? _____

Current and/or past diagnosis- Within the last five (5) years, have you been diagnosed with any of the following conditions? Please check all that apply and provide comments if applicable.

<input type="checkbox"/> Heart Disease	<input type="checkbox"/> Impaired Sight	<input type="checkbox"/> Orthopedic Problems (Specify)
<input type="checkbox"/> Cancer	<input type="checkbox"/> Heredity Conditions (Specify)	<input type="checkbox"/> Chronic Medical Conditions
<input type="checkbox"/> Diabetes	<input type="checkbox"/> Hypertension	<input type="checkbox"/> Mental Illness (Specify)
<input type="checkbox"/> Impaired Hearing	<input type="checkbox"/> Allergies	<input type="checkbox"/> Respiratory Condition
<input type="checkbox"/> Seizure Disorder	<input type="checkbox"/> Heart Attack	<input type="checkbox"/> Stroke
<input type="checkbox"/> Kidney Disease	<input type="checkbox"/> Thyroid Disease	<input type="checkbox"/> Chronic Pain
<input type="checkbox"/> Autoimmune Disease (Specify)	<input type="checkbox"/> Other Condition or Injury:	

Comments: _____

Are you currently under a physician's care for any of the diagnoses or injuries listed above?

Please list any surgeries or hospital stays you have had and their approximate date/year:

Type of surgery/reason for hospitalization	Year

Tobacco Usage

Do you smoke cigarettes? _____ If so, how many packs per day? _____

Alcohol Consumption

How many alcoholic beverages do you consume daily? _____

Limits or restrictions on physical activity: _____

II. Medications (Please list all medications you are currently taking including over the counter medications and medical marijuana. Additional medications can be listed in an attachment.)

Name of Medication	Dosage and Frequency	Condition prescribed for

III . Additional Comments:

IV. Certification

I declare that the above information is true and correct to the best of my knowledge:

Applicant Signature:	Date:
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Reminder to Applicant: Please return the completed RFA Health Questionnaire to your assigned RFA worker.

Day 1: Engaging Resource Families

These role plays will be demonstrated in front of the class. Ask for a trainee to volunteer to be the grandparent.

The trainer will play the role of the worker, Ms. Tolliver. The trainee will play the role of Ms. James, Grandmother, applying to be a Resource Family for her granddaughter.

Script for Poor Engagement

The grandparent, Ms. James, appears to be waiting, looks at her watch, and taps her foot.

The social worker, Ms. Tolliver, rushes up to Ms. James.

Ms. Tolliver: Oh, hello, Ms. Jones.

Ms. James: It's Ms. James, not Jones.

Ms. Tolliver: Sorry. I keep making that mistake. I'm not good at names. Now, let's talk about the pre-approval training. Did you go to the training I told you to go to? The one at Missionary Baptist?

Ms. James: No. I didn't go. I'm not Baptist and I don't want to go to classes there.

Ms. Tolliver: (Crosses arms.) You're not Baptist? Look, the sooner you jump through these hoops, the sooner I'll be able to complete your approval. I've got a lot of cases to deal with and I can't be running around finding special classes to meet every need. The classes at Missionary Baptist are approved by the agency and they are free. You've got to take what you can get.

Ms. James: I don't even understand why I need to go to pre-approval classes. I raised my other granddaughter and adopted her 2 years ago.

Ms. Tolliver: Well, it says right here in your application packet, "Resource parents to attend pre-approval training." (Flips through pages, muttering to herself as she tries to remember the facts of the file.) All applicants have to go to training.

Ms. James: That seems kind of like a waste of time since I was already a foster parent.

Ms. Tolliver: Well, you should do it and get it over with. Now what about your living situation? Did your younger sister move back in with you? I think she is a good support person but she'll need to get fingerprinted.

Ms. James: No. She didn't. My sister and I argue a lot and it stresses me out to be around her. I'm better off with my roommate.

Ms. Tolliver: Wow, Ms. Jones, you are really off the rails here. Things are looking bleak.

Script for Good Engagement

The trainer will play the role of the worker, Ms. Tolliver. The trainee will play the role of Ms. James.

The parent, Ms. James, and the worker, Ms. Tolliver, walk up to the front of the room together.

Ms. Tolliver: Oh, hello, Ms. James. How are you today?

Ms. James: I'm OK. I just left a visit with Layla. It's hard to leave her. She cries and I don't know what to do. Why can't she come home with me now?

Ms. Tolliver: I'm sorry. I know that must be hard for you. Have you discussed it in your pre-approval training class? They might have some ideas for you.

Ms. James: No. I didn't go to the group. They meet at the Baptist church and I'm not Baptist. I don't feel comfortable there.

Ms. Tolliver: Oh! I didn't realize that would be hard for you. Maybe I could find a class that would be a better fit. What kind of setting would help you feel more comfortable?

Ms. James: I guess something not in a church, maybe at the community center. I'm not religious and I don't like being around church because my uncle used to make us go. Anyway, I don't even understand why I need to go to pre-approval classes.

Ms. Tolliver: Well, remember when you talked with Ms. Nicols about becoming a Resource Family? I know you've raised your older granddaughter and the approval process was different 2 years ago. But we've moved to a new process that we believe will help you and all other families be more prepared for the children coming into your care. You remember that Layla was drug exposed and her crying is probably related to that. What do you think the class might help you with that you might not have experienced with your other granddaughter?

Ms. James: I guess I'd like to know what to expect in her development and behavior since she was drug exposed.

Ms. Tolliver: I think you might like the class at the community college. It has a group sharing time and you can bring up hot topics like raising a baby with drug exposure. I'll get you the information. How does that sound?

AB 403 (Stone): Foster Youth: Continuum of Care Reform

BILL SUMMARY

AB 403 is a comprehensive reform effort to make sure that youth in foster care have their day-to-day physical, mental, and emotional needs met; that they have the greatest chance to grow up in permanent and supportive homes; and that they have the opportunity to grow into self-sufficient, successful adults.

AB 403 addresses these issues by giving families who provide foster care, now known as resource families, with targeted training and support so that they are better prepared to care for youth living with them. The bill also advances California's long-standing goal to move away from the use of long-term group home care by increasing youth placement in family settings and by transforming existing group home care into places where youth who are not ready to live with families can receive short term, intensive treatment. The measure creates a timeline to implement this shift in placement options and related performance measures.

The measure builds upon many years of policy changes designed to improve outcomes for youth in foster care. It implements recommendations from CDSS's 2015 report, [California's Child Welfare Continuum of Care Reform](#), which were developed with feedback from foster youth, foster families, care providers, child welfare agency staff, policymakers, and other stakeholders.

PROBLEM BACKGROUND

For over a decade, California has implemented policies to reduce the number of children in out-of-home foster care placements, which has resulted in a decline from a high of over 100,000 youth in foster care in 1999 to about 60,000 in 2014. These policy changes have included preventative efforts to reduce the likelihood that a child is removed from his or her home, early intervention in child welfare cases, and assistance with finding children permanent homes with relatives and through adoption.

County child welfare agencies provide services to about 95 percent of youth in foster care, including

making arrangements for where the youth will reside and who will care for and take responsibility for the youth. Juvenile probation departments are responsible for the care of remaining 5 percent of foster youth.

"Continuum of care" refers to the spectrum of care settings for youth in foster care, from the least restrictive and least service-intensive (for instance, a placement with an individual foster family or an extended family member) to the most restrictive and most service-intensive (for instance, a group home with required participation in mental health treatment and limits on when the youth can leave the facility).

Most youth in foster care are placed in homes with resource families, but about 3,000 youth live in group home placements, also known as congregate care. Over two-thirds of the youth in congregate care have remained in such placements longer than two years, and about one-third have lived in such placements for more than five years.

Foster youth who live in congregate care settings are more likely than those who live with families to suffer a variety of negative short- and long-term outcomes. Such placements are associated with the creation of lifelong institutionalized behaviors, an increased likelihood of being involved with the juvenile justice system and the adult correctional system, and low educational attainment levels. Further, children who leave congregate care to return to live with their families are more likely than those who were in placed in family-based care to return to the foster system.

In spite of these well-known problems associated with this type of placement, too many children continue to be placed in, and remain living in, congregate care settings which do not always meet their needs or provide stable, supportive homes. AB 403 addresses this issue through a variety of policy changes.

COMPONENTS OF AB 403

To better meet the needs of youth in foster care and to promote positive outcomes for those youth as they

AB 403 (Stone): Foster Youth: Continuum of Care Reform

transition out of foster care, AB 403 implements the following policy changes:

- Updates the assessment process so that the first out-of-home placement is the right one.
- Establishes core services and supports for foster youth, their families, and resource families;
- Strengthens training and qualifications for resource families providing care to foster youth and congregate care facility staff;
- To the extent that the children are provided needed services and support, transitions children from congregate care into home-based family care with resource families;
- Transforms group homes into a new category of congregate care facility defined as Short-Term Residential Treatment Centers (STRTCs);
- Revises the foster care rate structure;
- Requires STRTCs and treatment foster family agencies to be certified by counties through their mental health plans;
- Evaluates provider performance.

AB 403 accomplishes the above in the following ways:

Home-Based Family Care: Reducing placements in congregate care settings will require specially trained resource families to be available to care for youth in home settings, either in resource families approved by a county or through a Foster Family Agency (FFA). AB 403 increases efforts to recruit and train families to meet the needs of foster youth as they step down from short-term residential placement settings with high service levels to less restrictive settings.

Residential Treatment: In order to reduce reliance on congregate care as a long-term placement setting, AB 403 narrowly redefines the purpose of group care. Group homes will be transitioned into a new facility type, STRTCs, which will provide short-term, specialized, and intensive treatment and will be used only for children whose needs cannot be safely met initially in a family setting. AB 403 establishes a timeline for this transition.

Providing Core Services: FFA programs, STRTCs, and social workers will provide core services and supports to foster youth and their placements. Depending on the type of placement and needs of a youth in foster care, core services may include: arranging access to specialized mental health treatment, providing transitional support from foster placement to permanent home placement, supporting connections with siblings and extended family members, providing transportation to school and other educational activities, and teaching independent living skills to older youth and non-minor dependents.

Cost: AB 403 establishes that both congregate care facilities and FFAs will offer the same level of core services to children at a rate that correlates with the level and type of services they provide. Social workers will provide additional core services and support to resource families. An initial state investment will lead to reduced placement costs, and to lower societal costs from improved outcomes.

Performance Measures and Outcomes: A multi-departmental review team will focus on the programs' administrative and service practices, and overall performance, to ensure providers are operating programs that use best practices, achieve desired outcomes for youth and families and meet local needs. To bolster this work, a satisfaction survey of youth and families will be used to determine their perception of the services they received, including whether the services were trauma-sensitive, and to provide feedback that can help programs serving youth and families make continuous quality improvements.

SUPPORT

- California Department of Social Services (sponsor)

OPPOSITION

- None received

FOR MORE INFORMATION

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Day 1: Practicing Cultural Humility

Cultural Humility: A Lifelong Practice

Posted on September 10, 2013 ·

Melinda Hohman, Ph.D.

Social work as a profession places a great deal of emphasis on diversity and cultural competency. The National Association of Social Workers Code of Ethics (NASW, 2008) states that:

- (a) Social workers should understand culture and its function in human behavior and society, recognizing the strengths that exist in all cultures.
- (b) Social workers should have a knowledge base of their clients' cultures and be able to demonstrate competence in the provision of services that are sensitive to clients' cultures and to differences among people and cultural groups.
- (c) Social workers should obtain education about and seek to understand the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, and mental or physical disability.

There are several different aspects to this ethical standard. One is its emphasis on knowledge. Cultural competency begins with having knowledge of different cultures or aspects of social diversity. However, knowledge alone is not enough. As indicated in the ethical standard, social workers need to be able to use their knowledge to respond to clients in a helping, culturally supportive manner (Ortega & Coulborn Faller, 2011). Unfortunately, how we respond is often a gray area of practice: what does it mean to “demonstrate competence in the provision of services”? The standard also asks us to provide these services with respect for individual differences. How do we know that we are using our cultural knowledge regarding different races, gender expression, age, and the like, in a way that meets the needs of the individual client?

One approach that has been developed is that of cultural humility. Developed initially for physician training (Tervalon & Murray-Garcia, 1998), it has been expanded to the social work field (Ortega & Coulborn Faller, 2011; Schulenberg et al., 2012). Humility in this sense is not being weak or submissive but having a sense that one's own knowledge is limited as to what truly is another's culture. We are limited because we have unconscious stereotypes of others and tend to use stereotypes as a “safety net” to help explain behavior (Ortega & Coulborn Faller, 2011). We are also limited as we can't know everything about every culture and because our clients are complex humans who intersect in a variety of cultures, be they race, gender, class, age, work status, disability status, etc.

Cultural humility is about accepting our limitations. Those who practice cultural humility work to increase their self-awareness of their own biases and perceptions and engage in a life-long self-reflection process about how to put these aside and learn from clients (Tervalon & Murray-Garcia, 1998). The social worker is not the expert but the learner and the self-reflection process enables the social worker to determine what attitudes and values keeps him or her from learning from the client (Ortega & Coulborn Faller, 2011). Clients are approached humbly and are viewed as collaborators in the helping process. Clients teach us about their unique places at the intersections of their different cultures and the role of the social worker is to be willing to learn about their experiences. Ortega and Coulborn Faller (2011) write that it is this openness (humility) to learn that “frees” social workers from having to be experts and feel that they must know everything about various cultures.

How do we learn from our clients? Those who practice cultural humility view their clients as capable and work to understand their worldview and any oppression or discrimination that they may have experienced as well. They use their best communication skills—open-ended questions and reflective listening—to explore their concerns, thoughts, and ideas. They keep ourselves from providing advice or direction as though we were the experts in their lives. When they want to do this, those who practice cultural humility stop themselves and examine their intentions (Ortega & Coulborn Faller, 2011). Reflective practice involves the continual challenging of oneself and openness to learning from those we serve.

References

- Ortega, R. M., & Coulborn Faller, K. (2011). Training child welfare workers from an intersectional cultural humility perspective: A paradigm shift. *Child Welfare, 90*(5), 27- 49.
- Schuldberg, J., Fox, N. S., Jones, C. A., Hunter, P., Mechard, M., Stratton, M. (2012). Same, same but different: The development of cultural humility through an international volunteer experience. *International Journal of Humanities and Social Science, 2* (17), 17- 30.
- Tervalon, M., & Murray-Garcia, J. (1998). Cultural humility versus cultural competence: A critical distinction in defining physician training outcomes in multicultural education. *Journal of Health Care for the Poor and Underserved, 9* (2), 117-125.

Dr. Hohman is a Professor at the School of Social Work, San Diego State University, where she teaches courses in Social Work Practice, Motivational Interviewing, and Substance Use Intervention

State of California – Health and Human Services Agency

California Department of Social Services

County: _____

**RESOURCE FAMILY HOME
HEALTH AND SAFETY ASSESSMENT CHECKLIST**

Applicant/Resource Family Name: _____

Family ID Number: _____

Address: _____

Application Portability Application

Approval Update: *(Please select the type of Approval Update)*

12-Month Relocation Significant Change Addition or Removal of RP

Return From Inactive Status Removal of Child Specific Approval

Other: _____

Type of residence:

Single Family Apartment Duplex Other: _____

Number of bedrooms: _____ Number of bathrooms: _____

HOME HEALTH AND SAFETY REQUIREMENTS

An applicant must meet the required home health and safety assessment standards to become approved as a Resource Family, and once approved, must continue to meet the standards to maintain the approval.

Instructions: To be completed by RFA program staff for the purpose of approving an applicant as a Resource Family, updating an existing approval, or as determined necessary by the County. This form may also be used as a guide when assessing the safety of the home for an emergency placement pursuant to Welfare and Institutions Code section 309 or 361.4.

HOME AND GROUNDS	MET	FOLLOW UP NEEDED	DAP	N/A
The home of the applicant(s)/Resource Family is clean, safe, sanitary and in good repair.				
Smoke detector(s) and carbon monoxide detectors or sprinklers are commercially manufactured, functioning, and installed in hallway(s) of each sleeping area.				
Outdoor and indoor passageways, stairways, inclines, ramps, and open porches are free of obstruction.				
The toilet, sink, and tub/shower are safe, clean, and in operating condition.				
Faucets for personal care have hot water that is at a safe temperature.				
All water used in the home is safe and sanitary.				
Fireplaces, freestanding stoves, and space heaters are safely maintained and operated.				
The temperature of the home is safe and comfortable.				
Lighting in each room and other areas of the home is adequate to ensure comfort and safety.				
Windows with security bars have safety release devices that meet all state and local requirements.				
The applicant/Resource Family is approved to use delayed egress devices pursuant to Welfare and Institutions Code 16519.52.				

Document for County Use Only

Family ID Number: _____

HOME AND GROUNDS (CONTINUED)	MET	FOLLOW UP NEEDED	DAP	N/A
There are first aid supplies appropriate to meet the needs of a child or NMD, and supplies are accessible to NMDs.	<input type="checkbox"/>	<input type="checkbox"/>		
Based on information provided by the applicant/Resource Family, and observations by the RFA program staff, animals in the home do not appear to be a health and safety risk to children or NMDs. (Concerns shall be evaluated and resolved prior to approval.) List animals in home/comments: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
BEDROOMS	MET	FOLLOW UP NEEDED	DAP	NO PLACEMENT(S)
There are no more than 4 children or 4 NMDs of the same gender or gender identity sharing a bedroom. Note: (1) Children of different genders who are under 8 years old may share a bedroom. (2) Siblings of different genders may share a bedroom. DAP: A DAP may be approved for more than 4 children or 4 NMDs to share a bedroom.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are no more than 1 child and 1 NMD of the same gender or gender identity sharing a bedroom. Note: (1) A minor parent and his/her child of different genders may share a bedroom. (2) Siblings of different genders may share a bedroom. DAP: A DAP may be approved for more than 1 child and 1 NMD to share a bedroom.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are no children sharing a bedroom with a Resource Parent, applicant, or other adult residing in the home. DAP: A DAP may be approved for a specific child to share a bedroom with a Resource Parent or other adult residing in the home due to special circumstances of the child, such as medical conditions or disabilities requiring close supervision.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are no more than 2 infants sharing a bedroom with the Resource Family/applicant. Only infants may share a bedroom with a Resource Family.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
There are no bedrooms used by a child or NMD that are commonly used for any other purpose, such as a passageway, utility room, or living room. DAP: A DAP may be approved for an adult residing in the home who will be regularly sleeping in a common area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Each bedroom used by a child or NMD has an operable window or door that ensures a safe, direct emergency exit to the outside.	<input type="checkbox"/>	<input type="checkbox"/>		

Document for County Use Only

Family ID Number: _____

BEDROOMS (CONTINUED)	MET	FOLLOW UP NEEDED	DAP	NO PLACEMENT(S)
Each child or NMD has an individual bed with a clean and comfortable mattress.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Each child's or NMD's bed has clean linens, blankets, and pillows, and is in good repair.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Bunk beds are not more than 2 tiers high and have railings on both sides of the upper tier. The upper tier of a bunk bed is not used for children under 6 years old or who are unable to climb into or out of the upper tier unassisted.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Bedroom furniture is arranged to allow easy passageway between beds and easy entrance into the room.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Each bedroom used by a child or NMD has sufficient storage space.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
All infants, or a child requiring a crib, are supplied with an individual age and size appropriate, safe and sturdy bassinet or crib, with a clean comfortable mattress and clean linen. (The crib or bassinet may not have a drop-side, be tiered or stacked, or have slats that could pose a risk of trapping an infant.)	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
OUTDOOR ACTIVITY SPACE	MET	FOLLOW UP NEEDED	DAP	N/A
Yards and outdoor activity spaces are free from hazards that may endanger the health and safety of a child or NMD.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
All swimming pools, spas, and similar bodies of water are inaccessible to: Children in placement under 10 years of age; a child or NMD who is developmentally, mentally or physically disabled; a minor parent's child or NMD parent's child who is under 10 years of age, or developmentally, mentally, or physically disabled. Safety Features in Use: <input type="checkbox"/> Enclosure <input type="checkbox"/> Pool Cover <input type="checkbox"/> *Alarms *Note: Exit alarms may only be used if it is not structurally possible to use an enclosure or pool cover.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
All pools are kept clean and maintained to ensure they are free from objects that may pose a risk to the safety of a child.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Notes/Comments:				

Document for County Use Only

Family ID Number: _____

STORAGE AREA	MET	FOLLOW UP NEEDED	DAP	N/A
All household knives, medicines, disinfectants, and cleaning solutions are inaccessible to a child or NMD. Note: A Resource Family/applicant may allow a child or NMD to have access to the above, as well as appliances, while applying the reasonable and prudent parent standard.	<input type="checkbox"/>	<input type="checkbox"/>		
All poisons such as pesticides, paint products, antifreeze and other dangerous items are stored in a locked storage area.	<input type="checkbox"/>	<input type="checkbox"/>		
Firearms and other dangerous weapons are stored in a locked container such as a lock box or gun safe. Note: In lieu of locked storage, a Resource Family may use locking devices, as defined in Penal Code section 16860, such as trigger locks or cable locks.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Ammunition is stored in a locked container, separate from firearms.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Waste is located, stored, and disposed of in a manner that will not permit the transmission of communicable diseases or odors, create a nuisance, or provide a breeding place or food source for insects and rodents.	<input type="checkbox"/>	<input type="checkbox"/>		
EMERGENCY PROCEDURES	MET	FOLLOW UP NEEDED	DAP	N/A
Emergency phone numbers are placed in a prominent location.	<input type="checkbox"/>	<input type="checkbox"/>		
An identifiable "Emergency Binder" is maintained and accessible at all times for use in emergency situations.	<input type="checkbox"/>	<input type="checkbox"/>		
TELEPHONES	MET	FOLLOW UP NEEDED	DAP	N/A
Cellular, internet, or landline telephone service is accessible to a child or NMD at all times.	<input type="checkbox"/>	<input type="checkbox"/>		
RECORDS FOR CHILDREN AND NMDS	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)	
All the records of the child or NMD are maintained and appropriately stored in a confidential manner. If no placement(s), an appropriate location has been identified.	<input type="checkbox"/>	<input type="checkbox"/>		
If applicable, records of the child or NMD include documentation of prescription medications, injections, and glucose testing, as well as any refusals by a child or nonminor dependent to take prescribed psychotropic medication.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
FOOD AND NUTRITION	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)	
Nutritious meals and snacks are available to children and NMDS including meals and snacks for special dietary needs or practices, if applicable.	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

Document for County Use Only

Family ID Number: _____

OTHER HOME ENVIRONMENT STANDARDS			
The following standards were reviewed during the Home Health and Safety Assessment, and the Resource Family demonstrates an understanding of and agrees to the following:			
REPORTING REQUIREMENTS	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)
Reportable incidents shall be properly reported to the approval and placement agencies.	<input type="checkbox"/>	<input type="checkbox"/>	
PERSONAL RIGHTS OF CHILDREN AND NMDS	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)
Each child and NMD shall be accorded their personal rights as specified in Welfare and Institutions Code section 16001.9 and the RFA Written Directives.	<input type="checkbox"/>	<input type="checkbox"/>	
REASONABLE AND PRUDENT PARENT STANDARD	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)
Reasonable and prudent parent standard shall be applied as required for decisions related to children.	<input type="checkbox"/>	<input type="checkbox"/>	
RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)
Care and supervision shall meet the specified needs of the child or NMD and ensures the child's health, safety, and well-being.	<input type="checkbox"/>	<input type="checkbox"/>	
SMOKING	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)
The Resource Family/applicant shall refrain from smoking and prohibit anyone else from smoking in the home or vehicle used to transport a child or NMD, or when a child or NMD is present on the outdoor grounds of the home.	<input type="checkbox"/>	<input type="checkbox"/>	
TRANSPORTATION	MET	FOLLOW UP NEEDED	NO PLACEMENT(S)
Transportation shall be provided to children and NMDs for health-related services, school, and extracurricular, enrichment, cultural, and social activities.	<input type="checkbox"/>	<input type="checkbox"/>	
Vehicles that are used (or that will be used) to transport children or NMDs are in safe operating condition.	<input type="checkbox"/>	<input type="checkbox"/>	
The Resource Family is transporting children in appropriate child passenger restraint systems. If no placement(s), appropriate restraint systems have been identified.	<input type="checkbox"/>	<input type="checkbox"/>	

Document for County Use Only

Family ID Number: _____

<u>Assessment Dates:</u>	<u>Needs FollowUp:</u>	<u>Notes:</u>	<u>Requirements Met:</u>
Date: _____	<input type="checkbox"/>	_____	<input type="checkbox"/> Date: _____
Date: _____	<input type="checkbox"/>	_____	<input type="checkbox"/> Date: _____
Date: _____	<input type="checkbox"/>	_____	<input type="checkbox"/> Date: _____

HOME HEALTH AND SAFETY ASSESSMENT NOTES/COMMENTS

Instructions: Include any helpful information, comments or observations pertaining to the health and safety assessment. As applicable, include information such as: concerns with approved DAPs or DAPs needed; details about firearms or other dangerous weapons in the home; considerations that a placement worker may need to assess the suitability of the home for a specific child/NMD; and any additional comments or concerns determined pertinent to the approval or continued approval of the applicant/Resource Family.

Notes/Comments:

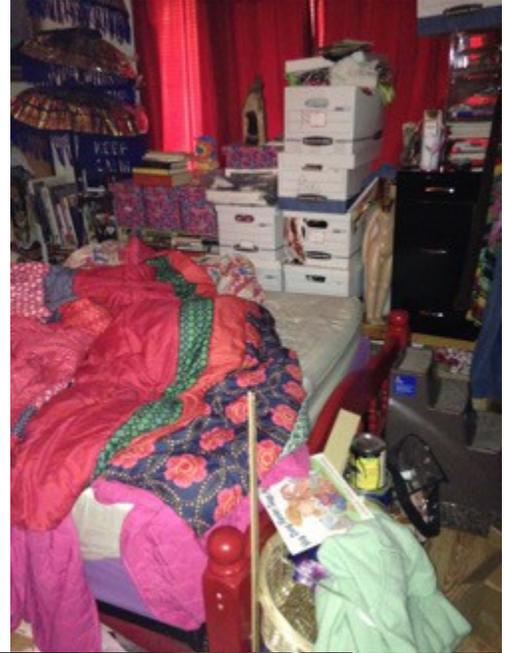
If the applicant or Resource Family has been approved for a DAP as indicated on this form, please attach a copy of the approved DAP and provide a copy to the family.

I certify the home of _____ as of _____	
	DATE
<input type="checkbox"/> meets <input type="checkbox"/> does not meet	the health and safety assessment standards required for Resource Family Approval.
_____ RFA PROGRAM STAFF	_____ DATE
By signing below I/we acknowledge that I/we have received a copy of this report.	
_____ RESOURCE FAMILY/APPLICANT 1	_____ DATE
_____ RESOURCE FAMILY/APPLICANT 2	_____ DATE

Document for County Use Only

Day 1: Deficiency Identification Activity

Directions: Review the following four slides and identify what if any deficiency exist that could be a concern for home approval.







Please ensure that a copy of any information located on the **AARS** 2.0 is included in the application.

Using AARS

Legal Administrative Action Records System v2.0

Logout

Search

This system is designed to provide you with information regarding previous Administrative Actions on individuals applying to be licensed, work in or be associated to a licensed facility.

Name	<input type="text"/>
Case Number	<input type="text"/>
Drivers License Number	<input type="text"/>
Date of Birth	<input type="text"/>
Social Security Number	<input type="text"/>
<input type="button" value="search"/>	

Instructions

Enter one or more of the desired search criteria:

(move the mouse over the input box for additional information). Enter information in as many categories as possible. In some cases, if there are different spellings of the individual's name, it may be beneficial to search by last name only in the name field until other results can be evaluated.

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A common misconception about AARS is that if you give it a lot of data, less will come back. In fact, the system brings back more cases with each piece of data. AARS is a data mining tool, not a narrowing search.

If you have a DOB or SSN, rather than a name like "john smith," you want to use them. The name search is useful if you have a unique name or if it's all you have, but it's really not all that useful as a search in many cases. The goal is to use the best data you have (that's specific), that will bring back a result, then use the name you have to narrow that on the refiner, not the other way around.

Resource Family Approval Position Statement Form

Instructions for Use:

This is a CDSS Legal Division form. This form has been developed for use by counties that have an MOU or pending MOU with the CDSS Legal Division for RFA legal consultation and representation on appeals. The county must complete this Position Statement if the county has received an appeal to an RFA Notice of Action denying or rescinding approval, or denying or rescinding an exemption, and the hearing will be held at the State Hearings Division (SHD). This form is not needed for OAH matters. The county may check the completed legal consult form to confirm whether the matter is to be heard at SHD.

This form includes **blue text** that may contain confidential and privileged attorney-client communications regarding how to complete the form, and also includes sample allegations. **The blue text and sample allegations must be deleted prior to finalizing.**

Upon completion of this draft Position Statement, the county worker should send it to CDSS Legal Division using the Secure File Transfer system, also known as “SFT,” which is expected to be available in Spring 2017. If the SFT is not yet available the worker may send this form by secure email to the Legal Administrative Action inbox. This draft Position Statement should be sent at the same time that the completed and signed Statement of Facts and case file documents are sent. Please see your “RFA Legal Consult and Case Processing Checklist” for additional information.

Instructions for Use: Blue text includes confidential or privileged communications instructions.

Delete blue text prior to finalizing.
INSERT COUNTY LETTERHEAD HERE

**Before the Department of Social Services
State Hearings Division**

POSITION STATEMENT

In the Matter of:	State Hearing No.:
[NAMES-RF], Respondent(s) RF ID#:	
[NAME-Individual, if applicable], Respondent(s) PER ID#:	Hearing Dates:
Attorney/Representative(s): FOR COUNTY: Name, CDSS Legal Division Phone Number () FOR RESPONDENT: Name, Phone Number ()	

COUNTY ACTION

[Choose from options 1, 2, or 3 below, as applicable. Delete the options that are not used.]

- 1) On or about [date], Respondent(s) NAME-RF(s) submitted an application for resource family approval to the [Enter county agency name here, for example “Los Angeles County Department of Children and Family Services”] (hereafter, “County”).

On [date], the County denied Respondents’ application, and pursuant to Welfare & Institutions Code sections 16519.5(g) and 16519.61 and the Resource Family Approval (RFA) Written Directives, issued a Notice of Action dated . Respondent(s) appealed the Notice of Action and the appeal was received on . Copies of the applicable statutes and Written Directives or regulations in this matter are attached as **Exhibit 1** and incorporated by reference. A copy of Respondents’ application, the County’s Notice of Action, and the appeal are attached as **Exhibit 2** and incorporated by reference.

- 2) On or about [date], [Enter county agency name here, for example “Los Angeles County Department of Children and Family Services”] (hereafter, “County”), received a request for a criminal record exemption for Respondent(s) NAME-Individual to reside in or be present in a resource family home.

On [date], the County issued a Notice of Action [choose one: denying / rescinding] a criminal record exemption for Respondent NAME-Individual pursuant to Welfare & Institutions Code sections 16519.5(g) and 16519.61 and the Resource Family Approval (RFA) Written Directives. Respondent appealed the Notice of Action and the appeal was received on . Copies of the applicable statutes and written directives or regulations in this matter are attached as **Exhibit 1** and incorporated by reference. A copy of the request for an exemption, the County’s Notice of Action, and the Respondent’s appeal are attached as **Exhibit 2** and incorporated by reference.

Instructions for Use: Blue text includes confidential or privileged communications instructions.

Delete blue text prior to finalizing.
INSERT COUNTY LETTERHEAD HERE

- 3) On or about [date], the [Enter county agency name here, for example “Los Angeles County Department of Children and Family Services”] (hereafter, “County”) approved Respondent(s) NAME-RF as a resource family for the placement of dependent children or nonminor dependents. The resource family was initially approved on [date].

On [date], the County issued a Notice of Action rescinding Respondents’ resource family approval pursuant to Welfare & Institutions Code sections 16519.5(g) and 16519.61 and the Resource Family Approval (RFA) Written Directives. Respondents appealed the Notice of Action and the appeal was received on . Copies of the applicable statutes and written directives or regulations in this matter are attached as **Exhibit 1** and incorporated by reference. A copy of Respondents’ resource family approval certificate, the County’s Notice of Action, and the appeal are attached as **Exhibit 2** and incorporated by reference.

ISSUES

[Choose one or more of the following, as applicable. Delete the options that are not used.]

Whether the County’s denial of Respondent NAME-RFs’ application for resource family approval should be affirmed.

Whether the County’s [choose one: denial / rescission] of a criminal record exemption for Respondent NAME-Individual in order for Respondent to reside in or be present in a resource family home should be affirmed.

Whether the County’s rescission of Respondent(s) NAME-RFs’ approval as a resource family should be affirmed.

LEGAL AUTHORITY

- 1) This matter arises under Welfare and Institutions Code section 16500 et seq., which governs state child welfare services and resource family approval (“RFA”). Pursuant to Welfare and Institutions Code section 16519.5(f)(4), RFA is governed by Written Directives that have the same force and effect as regulations.
- 2) Pursuant to Welfare and Institutions Code section 16519.5(f), counties are responsible for approving and monitoring resource families to care for dependent children and nonminor dependents and for taking administrative actions relating to resource family approval.
- 3) Pursuant to Welfare and Institutions Code section 16519.5(q), except where provided in statute, approved resource families are exempt from the licensure requirements contained in the Community Care Facilities Act commencing with Health and Safety Code Section 1500, relative and nonrelative extended family member approval requirements set forth under Welfare and Institutions Code sections 309, 361.4, and 362.7, and adoptions approval and reporting requirements set forth under Family Code section 8712, and all regulations promulgated thereto.
- 4) Pursuant to Welfare and Institutions section 16519.61, the County may deny an application, rescind approval, or deny or rescind a criminal record exemption, and the Department may exclude an individual from presence in any resource family home, for violation of Welfare and Institutions section 16519.5, the Written Directives or any applicable law.

Instructions for Use: Blue text includes confidential or privileged communications instructions.

Delete blue text prior to finalizing.
INSERT COUNTY LETTERHEAD HERE

**FACTUAL ALLEGATIONS
AND SUPPORTING AUTHORITY**

[Instructions: Allegations should be in substantially the same form as the examples below. You may use the causes of action and reasons from pages 1 - 2 of the NOA (RFA 09 or RFA 09B). Please remember the following when drafting allegations:

- Use headers to group allegations under each type of applicable action.
- Do not allege an arrest and leave it at that. Instead allege the criminal conduct underlying an arrest for which you have evidence. See example 2, allegation 1A, below.
- Do not simply list CWS/CMS referral history. If the County's action is based on child abuse or neglect history, allege as conduct the allegations for which you have evidence. See example 2, allegation 1B, below.
- Do not identify children who are not the subject of the allegations at issue.
- Provide sufficient detail so that the factual basis for the action is clear, but do not include minute details that you do not want to have to prove.
- Think carefully before including allegations that were not specified in the NOA. They may be included if reasonably related to the causes of action in the NOA or request for hearing, but if it is determined that Respondent was not given adequate and timely notice, a Respondent may request dismissal or a postponement of the hearing.
- Include the legal citation for each allegation but do not include the text of the statute or written directive, as the text should be included in Attachment 1 to the Position Statement. Be sure to note which version(s) of the written directives you are citing.]

EXAMPLE 1:

Criminal Convictions

Welfare and Institutions Code §§16519.5(d) and 16519.61
Written Directives, Version 4, §§6-03A and 6-03B

1. On or about the dates listed, Respondent was convicted of the following crimes for which the County has not granted an exemption. The County does not have substantial and convincing evidence satisfactory to the County that Respondent is rehabilitated and is presently of such good character as to justify the granting of an exemption.
 - A. May 4, 2016, Vehicle Code §23152(a), Driving under the influence of alcohol or drugs, a misdemeanor.
 - B. June 5, 2015, Penal Code §415, fighting in public, a misdemeanor.
 - C. December 20, 2014, Penal Code §484, theft, a misdemeanor.

EXAMPLE 2:

Conduct Posing Risk or Threat

Welfare and Institutions Code §§16519.5(d) and 16519.61
Written Directives, Version 4, §§6-03A, 6-05, 6-07, 10-01(b)

1. On or about the dates listed, Respondent engaged in conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent or other individual, or the people of the state of California, as follows:
 - A. May 4, 2016, Respondent engaged in a physical altercation with Sara Smith during which he choked Smith, punched her, and shoved her to the ground, causing injuries to Smith's face, arms, and neck.

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Delete blue text prior to finalizing.
INSERT COUNTY LETTERHEAD HERE

B. From September 2012 to May 2013, Respondent repeatedly failed to provide adequate care, supervision and protection including food, clothing and shelter, to John Smith, d.o.b. 1/1/06, resulting in John Smith being removed from Respondent's care, custody and control and a Juvenile Court finding that John Smith is a dependent of the Court within the meaning of Welfare and Institutions Code §300(b).

EXAMPLE 3:

Personal Rights/Lack of Care and Supervision/Reasonable and Prudent Parent/Qualifications
Welfare and Institutions Code §16519.61

Written Directives, Version 4, §§5-02, 5-03, 11-08, 11-12, 11-13

1. On or about the dates listed, Respondent violated the personal rights of children in care, failed to provide adequate care and supervision and failed to act as a reasonable and prudent parent, as follows:

A. May 4, 2017, Respondent left John Smith, age 3, in a car alone for approximately 45 minutes while Respondent went shopping.

B. June 15, 2017, Jane Smith, age 4, walked away from the resource family home without Respondent's knowledge. The child was found by law enforcement over 1 hour later, approximately 2 miles away from the home.

The County does not have satisfactory evidence of Respondent's ability to comply with applicable laws or the Written Directives, evidence of reputable and responsible character, or evidence of personal characteristics and functioning consistent with Resource Family qualifications.

JUSTIFICATION FOR ACTION

1. The above facts, individually and jointly, constitute violations of the applicable laws and failure to meet RFA requirements and standards, and therefore provide cause pursuant to Welfare and Institutions Code sections 16519.5 and 16519.61 and RFA Written Directives section 10-01, to [choose one: deny/rescind] Respondent(s) NAME-RF's approval as a resource family [OR choose one: deny/rescind] a criminal record exemption for Respondent NAME-Individual.

2. The above facts, individually and/or jointly, constitute conduct by Respondent(s) that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent or other individual. These facts provide cause pursuant to Welfare and Institutions Code sections 16519.5 and 16519.6 and RFA Written Directives section 10-01 to [choose one: deny/rescind] Respondent(s) NAME-RF's approval as a resource family [OR choose one: deny/rescind] a criminal record exemption for Respondent NAME-Individual.

3. In addition to the facts identified above under "Factual Allegations," the County used the following additional factors and considerations in the determination:
[Insert additional factors or rules from the statute or written directives that justify the action. For example, include the applicable criminal record exemption factors and the good character/rehabilitation standards from Written Directives §6-03B, or the RF parent qualifications or criteria from Written Directives §5-02 through 5-07, or the factors used for evaluation during the psychosocial assessment in the RFA 05 Written Report.]

EXHIBITS AND WITNESSES

1) Copies of the Statutes and Written Directives or regulations applicable in this matter;

(Rev. 2/28/17)

Instructions for Use: Blue text includes confidential or privileged communications instructions.

Delete blue text prior to finalizing.
INSERT COUNTY LETTERHEAD HERE

- 2) RFA [Choose one: Application/Approval Certificate], County's Notice of Action, Respondent(s)' Appeal;
- 3) [List additional exhibits for each allegation here, for example, certified court or arrest records, the RFA 05 Written Report, Respondent's written statements, etc.]

Type here: Director or Designee Name,
Title,
County Agency Name

Date

FOR COUNTY USE ONLY
COUNTY: _____



RESOURCE FAMILY CRIMINAL RECORD STATEMENT
CONFIDENTIAL DOCUMENT — FOR COUNTY USE ONLY

Instructions: Each Resource Family applicant and adult residing in or regularly present in the home must complete this Criminal Record Statement.

I. OUT-OF-STATE DISCLOSURE (This section applies only to applicants and adults residing in the home.)

- Have you lived in a state other than California within the last five years? YES NO
If YES, identify each state and complete a LIC 198B for each state listed: _____

II. CRIMINAL RECORD STATEMENT

- Have you ever been convicted of a crime in California? You need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified in Health and Safety Code sections 11361.5 and 11361.7. YES NO
- Have you ever been convicted of a crime in another state, federal court, military, or a jurisdiction outside of the U.S.? Criminal convictions from another state or federal court are considered the same as criminal convictions in California. YES NO
- Have you ever been arrested for a crime against a child or for spousal/cohabitant abuse? YES NO

If YES, give details on a separate page indicating the nature and circumstances of each crime, date, and location in which each crime occurred.

You must disclose convictions, including reckless and drunk driving convictions even if:

- It happened a long time ago;
- It was only a misdemeanor;
- You didn't have to go to court (your attorney went for you);
- You had no jail time or the sentence was only a fine or probation;
- You received a certificate of rehabilitation; or
- The conviction was later dismissed, set aside or the sentence was suspended.

NOTE: IF THE CRIMINAL BACKGROUND CHECK REVEALS ANY CONVICTION(S) THAT YOU DID NOT DISCLOSE ON THIS FORM, YOUR FAILURE TO DISCLOSE THE CONVICTION(S) MAY RESULT IN AN EXEMPTION DENIAL, APPLICATION DENIAL, RESCISSION OF APPROVAL, OR EXCLUSION FROM A RESOURCE FAMILY HOME.

<i>I declare under penalty of perjury under the laws of the State of California that I have read and understand the information contained in this affidavit and that my responses and any accompanying attachments are true and correct.</i>		
NAME OF RESOURCE FAMILY:		
YOUR FULL NAME (PRINT CLEARLY):		
RESIDENCE ADDRESS (STREET, CITY, ZIP):		
SOCIAL SECURITY NUMBER (SEE PRIVACY STATEMENT):	DATE OF BIRTH:	DRIVER'S LICENSE NUMBER/STATE:
SIGNATURE:		DATE:

RESOURCE FAMILY APPROVAL (RFA): BACKGROUND ASSESSMENT GUIDE (BAG)



RESOURCE FAMILY APPLICATION

County Use Only
County: _____

Instructions: This is an application for Resource Family Approval by a County. Please type or print clearly.

Application Other (Specify): _____

I. APPLICANT(S): EACH APPLICANT MUST COMPLETE A CRIMINAL RECORD STATEMENT RFA 01B.

First		Middle	Last	
Applicant One:				
Previous Name Used: <i>*including maiden name</i>			Highest Level of Education Completed	
Date of Birth	Gender	Race/Ethnicity	Driver's License Number	
Email Address (Optional)		Cell Phone Number	Home Phone Number	
Name/Address of Employer		Work Phone Number	Occupation	Annual Income

First		Middle	Last	
Applicant Two:				
Previous Name Used: <i>*including maiden name</i>			Highest Level of Education Completed	
Date of Birth	Gender	Race/Ethnicity	Driver's License Number	
Email Address (Optional)		Cell Phone Number	Home Phone Number	
Name/Address of Employer		Work Phone Number	Occupation	Annual Income

If more than one applicant, what is your relationship? Please check one.
<input type="checkbox"/> Married <input type="checkbox"/> Domestic Partnership <input type="checkbox"/> Related (Family Member) <input type="checkbox"/> Cohabitants <input type="checkbox"/> Other _____

II. APPLICANT(S)' RESIDENCE

Physical Address	City	State	Zip
Mailing Address (If Different)	City	State	Zip
Do you own, rent or lease?	Check one: <input type="checkbox"/> Own <input type="checkbox"/> Rent <input type="checkbox"/> Lease		
Weapons in the home?	Check one: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Bodies of water?	Check one: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Does any person not listed in this document use the residence as their mailing address?	Check one: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, who: _____		
Languages spoken in the home:			

III. RELATIONSHIP HISTORY

If currently married or in a domestic partnership with the other applicant:
Date: _____ Place (City and State): _____ <input type="checkbox"/> N/A

Applicant One:
If currently married or in a domestic partnership with someone who is not an applicant:
Date: _____ Place (City and State): _____ <input type="checkbox"/> N/A
<i>*Please include the individual in Section V. if the individual resides or is regularly present in the home.</i>
Have you had previous marital or domestic partnerships?
<input type="checkbox"/> Yes If yes, how many?: _____ <input type="checkbox"/> None

Applicant Two:
If currently married or in a domestic partnership with someone who is not an applicant:
Date: _____ Place (City and State): _____ <input type="checkbox"/> N/A
<i>*Please include the individual in Section V. if the individual resides or is regularly present in the home.</i>
Have you had previous marital or domestic partnerships?
<input type="checkbox"/> Yes If yes, how many?: _____ <input type="checkbox"/> None

IV. MINOR CHILDREN RESIDING IN THE HOME

(PLEASE IDENTIFY DEPENDENT CHILDREN PLACED IN YOUR HOME IN SECTION VI.)

Name of Minor Child	Relationship to Applicant(s)	Date of Birth	Gender	Do You Financially Support This Child?
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

V. OTHER ADULTS, INCLUDING ADULT CHILDREN OF APPLICANT(S), RESIDING OR REGULARLY PRESENT IN THE HOME (PLEASE IDENTIFY NMDs PLACED IN YOUR HOME IN SECTION VI.)
EACH ADULT RESIDING OR REGULARLY PRESENT IN THE HOME MUST COMPLETE A CRIMINAL RECORD STATEMENT RFA 01B. (DOES NOT APPLY TO NONMINOR DEPENDENTS)

Full Name (First, Middle Initial & Last)	Date of Birth	Relationship To Applicant(s)	Residing	Regularly Present

VI. CHILD/NMD DESIRED

- Has a child or nonminor dependent been identified? Check one: Yes No
- Is the child or nonminor dependent currently in your home? Check one: Yes No

Name of Child or NMD (First & Last)	Date of Birth	Gender	Relationship to Applicant	Date of Placement or Planned Placement	County of Jurisdiction

VI. CHILD/NMD DESIRED (Continued)

PLEASE INDICATE YOUR PREFERENCES:

Ages(s)				
<input type="checkbox"/> 0 to 2 yrs	<input type="checkbox"/> 3 to 7 yrs	<input type="checkbox"/> 8 to 12 yrs	<input type="checkbox"/> 13 to 15 yrs	<input type="checkbox"/> 16 to 17 yrs
<input type="checkbox"/> 18 to 20 yrs	<input type="checkbox"/> No preference			
Sibling Group				
<input type="checkbox"/> None	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5 or more

VII. FOSTER CARE/ADOPTION/LICENSURE HISTORY**Applicant One:**

- Have you previously been or are you currently approved for adoption, an approved relative or nonrelative extended family member, or previously or currently licensed, certified, or approved to provide foster care?
Check one: Yes No
If yes, name of agency(s): _____
Type of license/certification/approval: _____
If yes, are you aware of any pending complaints or administrative actions? Yes No
- Have you previously been or are you currently licensed to operate a child care center, family child care home, or residential care facility for the elderly or chronically ill?
Check one: Yes No
If yes, type of license: _____
- Have you previously been or are you currently employed by or volunteering at a community care facility, child care center, family child care home, or residential care facility for the elderly or chronically ill?
Check one: Yes No
If yes, name the facility(s): _____
- Have you had a previous license, certification, relative or nonrelative extended family member approval, Resource Family approval, or portability application denial?
Check one: Yes No
If yes, name of agency(s): _____
- Have you had a license, certification, or approval suspended, revoked, or rescinded?
Check one: Yes No
If yes, name of agency(s): _____
- Have you been subject to an exclusion order?
Check one: Yes No

VII. FOSTER CARE/ADOPTION/LICENSURE HISTORY (Continued)

Applicant Two:

- Have you previously been or are you currently approved for adoption, an approved relative or nonrelative extended family member, or previously or currently licensed, certified, or approved to provide foster care?
 Check one: Yes No
 If yes, name of agency(s): _____
 Type of license/certification/approval: _____
 If yes, are you aware of any pending complaints or administrative actions? Yes No

- Have you previously been or are you currently licensed to operate a child care center, family child care home, or residential care facility for the elderly or chronically ill?
 Check one: Yes No
 If yes, type of license: _____

- Have you previously been or are you currently employed by or volunteering at a community care facility, child care center, family child care home, or residential care facility for the elderly or chronically ill?
 Check one: Yes No
 If yes, name the facility(s): _____

- Have you had a previous license, certification, relative or nonrelative extended family member approval, Resource Family approval, or portability application denial?
 Check one: Yes No
 If yes, name of agency(s): _____

- Have you had a license, certification, or approval suspended, revoked, or rescinded?
 Check one: Yes No
 If yes, name of agency(s): _____

- Have you been subject to an exclusion order?
 Check one: Yes No

VIII. REFERENCES

Please list the name, telephone number(s), and address of two individuals who have knowledge of your home environment, lifestyle, and ability to be a Resource Family.		
Full Name	Telephone Number(s)	Mailing Address/City/State/Zip or Email Address

IX. APPLICANT(S) DECLARATION

I/We declare that:

- I/We have the financial ability to ensure the stability and financial security of the family.
- In signing this application, I/we understand that the completion of routine forms will or may be required by my/our references, physician, and employer, that my/our financial status will be verified, and a background check will be conducted.
- I/We affirm that the information provided on this form is true, correct, and contains no material omissions of fact to the best of my/our knowledge and belief.
- I/We understand any false or misleading statements willfully or knowingly made to the County or Department, or failure to disclose material facts to obtain or maintain Resource Family approval can result in a denial or rescission of a Resource Family approval.
- I/We understand that I/we have the right to appeal any decision regarding the disposition of this application.
- I/We understand that personal information contained on this application may be shared with the following:
 - (1) A placement agency or juvenile court for the purpose of determining whether to place a child or nonminor dependent.
 - (2) Any approval agency to which a Resource Family applies for subsequent approval.
 - (3) A tribal agency.
 - (4) The State Department of Social Services.
 - (5) A member of a child welfare agency in the sending state for placement pursuant to the Interstate Compact on the Placement of Children.
 - (6) As otherwise required by law.

Applicant(s) Signature	City & County Where Signed	Date
Applicant One:		
Applicant Two:		

Resubmission of Application		
If this application is being resubmitted within 12 months of a withdrawal or cease review, the County shall verify the information is current and require the applicant(s) to sign below.		
Applicant(s) Signature	City & County Where Signed	Date
Applicant One:		
Applicant Two:		
RFA Program Staff:		

Day 1: Culture Role Play

Part I: Review Circumstances

Family: June and Jon Sun

Children: 5-year-old Sam and 3-year-old Sarah

Address: 500 Boulevard, Fancy City, California

Exterior of House	
Lawn & shrubbery	✓ House is in extremely good repair. Manicured lawn, flower beds, and trees.
House façade (paint, siding, etc.)	✓ House looks newly painted and is in very good repair.
Lower Level	
Furniture in good repair	✓ Very expensive furniture and in good repair.
Childproofing	✓ Yes
Hallways clear	✓ Yes, with gate going upstairs.
Bedroom	
Are there enough bedrooms?	✓ Yes, there are 3 children's bedrooms. However, the 2 Sun children share a room.
Are there beds in the rooms?	✓ No, the kids sleep on sleeping bags. Rooms are dark, with  closed.
Each child has a dresser?	✓ No, there are bins for the kids' clothes.
Are bedrooms in good repair?	✓ No, the carpet is stained and the walls have chips and peeling paint.
Child proofing	✓ Yes.

What thoughts do you have about this the family?

What is working well and what concerns do you have?

What biases might this bring up?

Part II: Review interviews.

Summary of interviews with Mr. and Mrs. Sun

Met with Jon and June after the home inspection. I asked them about the home and the difference between their lower level and home exterior as compared to the bedrooms. I specifically asked why the children did not have beds or dressers. The couple looked uncomfortable. At first, they said the kids wanted it that way. When I shared that I couldn't approve the home unless the rooms met the standards, the couple asked why the rooms needed to be this way. I explained that the standards are meant to ensure that children in foster care have safe and comfortable surroundings. The state has set a standard that ensures that.

The couple then said they understood. They then explained that in their culture it is very important to be successful and that they have put all their resources and finances into making sure the house looks good on the outside and downstairs

Based on this new information, what do you think now?

Part III: Write a paragraph that assesses the family's ability to be a Resource Family.

Day 2: Addressing Barriers Role Play

Role Play Activity:

RFA Worker: Consider the following when playing out your role:

- How do you approach the parent?**
- What do you need to know?**
- What are your worries?**
- What needs to happen next?**

Scenario 1: The Resource parent has a diagnosed condition of Major Depression.

Scenario 2: The financial statements show that the Resource Family does not have a savings or much discretionary funds after paying bills.

Scenario 3: The Resource parent has a DUI from 10 years ago.

After each scenario, each group should process how it felt to be in each role.

Resource Family: How did it feel to have this discussion? What went well? What could have made the talk easier?

RFA Worker: How did it feel to have this discussion? What do you think went well? Was there anything you might do differently?

Observer: What went well in this conversation? What could have been improved?

Then move to next scenario and process again.

Day 2: Safety Organized Practice SFQ Solution-Focused Inquiry by Program/Activity

Question Type	First Contact	Investigation and Assessment	Case Plan Formation	Ongoing Safety Assessment	Adoption
Exception	<p>“I understand things are rough right now between you and your daughter. When was a time when things were different between the two of you? What was going on then that helped? Who else was around that supported the two of you?”</p>	<p>“What was a time when this problem was not happening? How did you make that happen? What kind of difference did that make for your child?”</p> <p>“What are some things you are most proud of as a parent?”</p>	<p>“When your wife hit your son, how did you respond? Are you pleased with that response? Why/why not? What else do you imagine you could have done?” (This question can be used to surface an act of protection that can go on the case plan under a safety objective.)</p>	<p>“You said you have hit your son every time he breaks the rules, but then there was that moment last week when it seems like you did something different. Can you tell me more about that time? What exactly did you do? How were you able to do that?”</p>	<p>“You have told me about some of the real challenges you have faced with Timmy since he joined your family. But can you tell me if there has been a time when you weren’t feeling so challenged, and you were able to enjoy Timmy’s company?”</p>
Coping	<p>“I imagine it must be hard having me in your home right now, but we do need to have this conversation. How have dealt with uncomfortable situations in the past? What would help now? What could I do that would make this easier?”</p>	<p>“Three little ones in diapers must be a real handful. I’m sure they keep you on your toes all day. How do you keep going day after day? What seems to help?”</p> <p>“Who do you rely on when things get tough?”</p>	<p>“How did you manage to stay sober for a whole week? Considering how long you’ve been drinking, and how tough this week has been for you, it must have been very hard to do. What helped you get through the craving?”</p>	<p>“You have said that you can see how much safer your daughter is now that your boyfriend who hurt her is not allowed to have contact with her. How are you dealing with this separation? What is keeping you going?”</p>	<p>“How did you come up with the idea of just taking a moment off and laughing to yourself?? That was clever!”</p>

Preferred Future	“Let’s imagine its three months from now and you and I have gotten off to a really good start to working together. What does it look like? What needs to happen to make this so?”	“You are pretty clear that this isn’t how you want things to be. How would you like things to Be instead? (DETAILS!) What would need to happen to get things there?”	“Let’s say its six months from now and all the problems that brought us into your life are totally resolved. What would it look like? What steps would you have had to take to get there?”	“Let’s pretend you have been sleeping for six months and you just woke up. What do you notice that is different about your family now from before? How are your children safer?”	“Ten years from now, when your child is older, what story do you hope he/she tells about being adopted? What would you need to do to help make that story a reality?”
Scaling	“It seems that my visit has caught you off guard. Just so I can get a sense for how you feel, on a scale of 0–10, if 0 = you have no idea why child welfare is contacting your family, and 10 = you know exactly why we are here and what this is about, where would you put yourself on this scale?”	“As you know, we are here because there are allegations that your daughter has been molested. On a scale of 0–10, where 0 = there is no way this could be true, and 10 = I am pretty sure this happened, where would you rank this?”	“On a scale of 0–10, with 0 being you do not feel you have what you need to accomplish this goal, and 10 being you have everything you need, where would you say you are on this scale?” FOLLOW UP: “What could happen to bring your rating up one?”	“On a scale of 0–10, where 0 = your child is not safe and will be immediately hurt, and 10 = your child is now completely safe, where would you say things are? What would need to happen to bring things up by one?” Add a position question: “What do you think I would say needs to happen to bring things up by one?”	“On a scale of 0–10, where 0 = this does not feel like my forever family, and 10 = this feels like my forever family, where would you rank it? What is happening between you and your adoptive parents that is letting you give the number you are giving?”

Position	<p>“When your daughter is older, what would you want to tell her if someone she was dating started doing to her what your boyfriend has been doing to you?”</p>	<p>“If your son was here right now and heard everything we have been talking about, what do you think he would be most worried about? What would he say is working well? What would he hope we all do next?”</p>	<p>“Your sister has been worried about you and how depressed you have been. If she was here helping us make this case plan, what is one thing she would think is helpful to have on this plan that would show that you can now safely care for your son?”</p>	<p>“I see you are scaling yourself as a 9 on a scale of 10, indicating you are solidly in recovery from using meth. If your baby could talk, where do you think she would rate you? What do you think would get her to that number? What would her worries be, if any?”</p>	<p>“I know how you feel about Tony’s birth parents, but if Tony was here right now, what questions or worries do you think he might have about his birth parents? What do you imagine he would most want answered today? What do you think he will most want answered in the future?”</p>
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Safety Organized Practice Module Solution Focused Questions

Exception

While there is likely a problem situation that prompted you to sit down to talk with someone, this is a way to talk about their strengths and abilities; it is the first set of questions I start interviews with in most situations, just like TDM meetings start with Strengths; the first one listed below is a “near miss” situation, and the last is more suited to getting people talking about values and accomplishments.

Examples:

Was there a time that _____ could have happened, but it didn't?

When was a time that things were going well for you?

What are some things you've done that you are most proud of?

Preferred Future

What would they like to see for themselves or their family; many folks like to ask the Miracle Question for this information in order to get details about what would be different in the person's life.

Examples:

How would you like things to be?

What would it look like if this problem went away?

Who would be around helping you keep things on track and what would they be doing?

What do you see happening next?

Coping

Another set of strengths and resources, but closer to the problem situation and what someone does to deal with it OR who else helps them in this situation.

Examples:

How have you dealt with this situation?

What do you do that keeps things from getting worse?

Who supports you when things get tough?

Scaling

Here we are trying to get someone to notice that the situation is not as black and white as they might think, or to help them notice the difference between desire/importance score and their ability score.

Examples

On a scale of 1-10, with 10 being [*insert desirable condition, outcome, confidence, ability, or importance*], where would rate yourself?

How do you get to that number?

What makes it a ___ and not a 0?

What is a small thing that could happen to make it go up by just one number?

Position

This is an attempt to get people out of their own perspective and to consider the concerns and perspectives of others.

Examples

If _____ was here, what would they say they are [*insert worried about, think about the situation, would like to see next*]?

If _____ was here, [*insert any of the four previous types of questions*]?

Safety Organized Practice
Module
SOLUTION-FOCUSED INQUIRY
COACHING AND SUPERVISION TIPS

1. Help workers recognize there is no formula for using solution-focused questions. They use several in a single interview. Whole conversations may be devoted just to the “worries” and whole conversations just to “what is working well.” They should not feel an interview failed because they were unable to use a solution-focused question, or that it succeeded because they did.
2. Help workers find ways to explain to the family up front that they are going to ask some questions designed to help the family think critically through their current situation. Help the social worker to establish “agreements” to “facilitate” the interview (make it easy for the family).
3. Have workers describe exception questions they are trying, how families are responding, and how the information they gathered is affecting their assessment and decision process.
4. Be on the lookout for exception questions that lack detail, which often happens when people first try these out. “*He told me there was a time he was clean a few years ago.*” You can help a worker remember to gather follow-up details by asking, “*What did you learn about how he was able to accomplish that? Who or what helped the most? And what else? What did you learn about the impact that period of being clean had on his child(ren)?*”
5. Have workers describe the scaling questions they asked, how families responded, and how the information they gathered affected their assessment and planning process. Identify scaling questions that worked well. (Just as in #3, listen for detail. If the scaling question is not followed up with detail, ask the worker some follow-up questions.)
6. Practice scaling questions in conversations with workers. In particular try “Safety/Danger” scales and “Progress” scales.
7. If a worker is having trouble creating case plan activities that are behavioral (actions of protection and not just a list of services), ask a scaling question such as, “What would it take for the family to move up, *but just by one?*” on a danger/safety scale. If a worker takes too big a leap, or focuses solely on services, try asking, “But what kind of *action* would you want to see the caregiver take that would bring your number up, but just by one?”

8. If a worker is not clear about the harm or the danger in the family, guide him/her back to the SDM safety assessment tool and see if he/she can identify the safety threats that brought the child into custody. Can he/she scale that threat now, where 0 = the threat is as strong as when the referral first came in, and 10 = the threat is eliminated and there is safety (acts of protection demonstrated over time)?
9. Watch for workers who interpret the number on the scale as “truth” about the family. Help these workers realize that the number is just a way to start a conversation. Work with them on more ideas they can use to describe “the 10” and “the 0.”
10. Watch for workers who ask scaling questions without follow up. Help them to discover the value of scaling questions that comes more from why someone provides a certain number than the number itself.
11. Ask worker to describe the vision a family has in their work with the department. Has the worker asked the family preferred future questions? You can mix it in with a position question: *“If the family was here right now, how would they describe where they are hoping to get in their work with us? What do they hope will be different in their family through their work with us?”*
12. Continue to look for places where, just in your everyday consults or conversations, you can actually practice solution-focused questions. Using them in the office as a part of how we talk with each other is the best way to practice and to show you find value in these questions as well.

RESOURCE FAMILY APPROVAL CERTIFICATE

In accordance with applicable provisions of the Welfare and Institutions Code section 16519.5 and the Resource Family Approval Written Directives,

_____ (COUNTY NAME) _____ has approved

_____ (Include the Name of Each Approved Individual)

as a

on

_____ (Date of Approval)

Address: _____

Is the approval child/nonminor dependent specific? Yes No

Conditions on Approval (If applicable): _____

Capacity: _____

*Most Recent Approval Update: (Insert date of completion)	<input type="checkbox"/> Capacity Change Only Date of Change: _____
Reason for Update: (Check all that apply)	
<input type="checkbox"/> 12 - Month	<input type="checkbox"/> Return From Inactive Status
<input type="checkbox"/> Significant Change	<input type="checkbox"/> Removal of Child Specific Approval
<input type="checkbox"/> Relocation	<input type="checkbox"/> Addition or Removal of Resource Parent
Did the update include a capacity change?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Authorized County Representative: _____

**An Approval Update does not change the Resource Family's date of approval.*

A Resource Family maintains their approval status unless approval is rescinded by a county, or the Resource Family chooses to surrender their approval.

PLEASE KEEP ON FILE IN RESOURCE FAMILY HOME

RFA-02 Background Checklist

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA STATE DEPARTMENT OF SOCIAL SERVICES
RESOURCE FAMILY APPROVAL

COUNTY OR AGENCY: _____

APPLICANT(S) : _____

APPLICATION #: _____

RESOURCE FAMILY BACKGROUND CHECKLIST

CONFIDENTIAL DOCUMENT - FOR COUNTY OR AGENCY USE ONLY

	Emergency Placement* (W&IC 16519.5(e)(5) (A) and (B))		Live Scan Submitted (W&IC 16519.5 (d)(1)(A)(i) and (ii))			Live Scan Received (W&IC 16519.5 (d)(1)(A)(i) and (ii))			Other				ICT**	Exemptions (W&IC 16519.5 (d)(1)(A)(iii))		
	CLETS	CACI	DOJ	FBI	CACI	DOJ	FBI	CACI	Megan's Law Check	LARIS	US Check	DMV		Effective Date Approved by DOJ	Exemption Requested by Applicant	Exemption Approved
Applicant(s)	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date	Date
Other Adult(s) Residing In The Home																
Adult(s) Regularly Present																

*For Emergent Placement Purposes Only — This information is not part of the Background Check process for Resource Family applicant(s)
 **Inter-County Transfer
 RFA-02 (1-18)
 MANDATORY

Resource Family Criminal Background Checklist

PAGE 1 OF 2

APPLICANT(S) : _____ APPLICATION #: _____

RESOURCE FAMILY OUT-OF-STATE CHILD ABUSE REGISTRY CHECKLIST

CONFIDENTIAL DOCUMENT - FOR COUNTY OR AGENCY USE ONLY

	Resided Outside CA Within Last 5 Years		If Yes, Name of Other State(s)	Is Registry Maintained by Other State(s)?		If Yes, Date Requested Other State(s) Info	Date Received Other State(s) Info	Cleared (Date)	Not Cleared (Date)
	YES	NO		YES	NO				
Applicant(s)									
Other Adult(s) Residing In The Home									
Adult(s) Regularly Present									

Name of Family:	RFA #:	Written Report was completed by:	Name of Caseworker Name of Agency Number and Street City, State, ZIP Code
Family Address:			
Mailing Address:	<input type="checkbox"/> Same as above	Written Report approved/denied on:	

Resource Family Approval – Written Report

APPLICATION INFORMATION		
	Applicant #1	Applicant #2
Name:		
Birthdate:		
Gender:		
Ethnicity:		
Primary Phone:	<input type="checkbox"/> Cell <input type="checkbox"/> Home	<input type="checkbox"/> Cell <input type="checkbox"/> Home
Email:		
Tribal Affiliation (if any):		
Primary Language:		
Secondary Language:		
Occupation:		
Employer:		
Work Schedule:		

APPLICATION	
Application received on: <input type="checkbox"/> ICPC Request; received from requesting state on:	Character References Provided: <input type="checkbox"/> Yes <input type="checkbox"/> No No. of References provided: <i>If no, please indicate reason:</i>
Family Primarily Interested in (check all that apply):	

<input type="checkbox"/> Foster Care <input type="checkbox"/> Legal Guardianship	<input type="checkbox"/> Adoption	
Child Specific Approval (Child Specific Approvals are only available for relatives/NREFMs under circumstances described in Written Directives): <input type="checkbox"/> Yes <input type="checkbox"/> No		
If Child Specific, briefly describe the reasons:		
The following supporting documents have been received: Proof of Identity, Health Questionnaire, Verification of Current Employment (if applicable), Proof of Income and Expenses, Proof of Home Ownership/Rental Agreement/Written permission to Reside at the Residence by the Owner of the Home.	<input type="checkbox"/> Yes	<input type="checkbox"/> No (Application will be denied)
If "No", list the missing documents and describe what efforts were made to obtain them.		

OTHER ADULTS IN THE HOME OR REGULARLY PRESENT:				
Name:	Resides or Regularly Present	Relationship to Applicant	Gender	Birthdate

CHILDREN IN THE HOME:			
Name:	Relationship to Applicant	Gender	Birthdate

BACKGROUND CHECKS

<p>All Required Background Checks Were Evaluated and Cleared for Applicants Criminal Record, LIS, AARS, Megan’s Law, CACI, DMV report Indicate if the following background check was applicable and for whom: <input type="checkbox"/> Out of State Child Abuse/Neglect:</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
---	------------------------------	-----------------------------

<p>All Required Background Checks Were Evaluated and Cleared for Adults Residing or Regularly Present in the Home Criminal Record, LIS, AARS, Megan’s Law, CACI Indicate if the following background checks were applicable and for whom: <input type="checkbox"/> DMV report: <input type="checkbox"/> Out of State Child Abuse/Neglect:</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No
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Criminal Background Information

Applicant Name	<input type="checkbox"/> Clearance	<input type="checkbox"/> Standard	<input type="checkbox"/> Simplified	<input type="checkbox"/> Not Granted
Applicant Name	<input type="checkbox"/> Clearance	<input type="checkbox"/> Standard	<input type="checkbox"/> Simplified	<input type="checkbox"/> Not Granted
Other Adult Name	<input type="checkbox"/> Clearance	<input type="checkbox"/> Standard	<input type="checkbox"/> Simplified	<input type="checkbox"/> Not Granted
Other Adult Name	<input type="checkbox"/> Clearance	<input type="checkbox"/> Standard	<input type="checkbox"/> Simplified	<input type="checkbox"/> Not Granted
Other Adult Name	<input type="checkbox"/> Clearance	<input type="checkbox"/> Standard	<input type="checkbox"/> Simplified	<input type="checkbox"/> Not Granted

Summarize Background Check Results, exemptions granted, and any conditional exemptions.

DATES OF CONTACT/INTERVIEWS:		
Date	Person(s) Interviewed (include children interviewed)	Location

HOME HEALTH AND SAFETY ASSESSMENT				
Home and Grounds are determined to be safe and in compliance with requirements outlined in the Written Directives and on the RFA 03.			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Type of Residence:	# of Bedrooms:	# of Bathrooms:		
Check all that apply and provide relevant information:	<input type="checkbox"/> Weapons/guns	<input type="checkbox"/> Pool/Bodies of Water	<input type="checkbox"/> Animals	<input type="checkbox"/> Other
Documented Alternative Plan? <i>Please describe what the DAP was approved for and how the intent of the Written Directives will be met.</i>			<input type="checkbox"/> Yes	<input type="checkbox"/> N/A

CAPACITY DETERMINATION		
Based on the comprehensive assessment, it is determined that the Resource Family has the capacity to care for:		
Number of Children and/or NMD:	Gender:	Age:

Briefly summarize the reasons to support the determination: *Who occupies each room? Other information used for determination?*

TRAINING

Preapproval Training Requirements Completed for each applicant (min 12 hours):	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Applicant 1 has completed _____ hours of training.		
Applicant 2 has completed _____ hours of training.		
Note any specialized training received or any feedback provided by the trainer (if applicable). Note any future recommended training:		
CPR/First Aid Training Completed for each applicant (Pre-Approval)	<input type="checkbox"/> Yes	<input type="checkbox"/> Post Approval Needed

FAMILY EVALUATION

Summarize motivation to become a Resource Family:

Childhood upbringing and experiences, adult experiences, and personal characteristics, were evaluated.
Briefly summarize:

Applicant 1:

Applicant 2:

Summarize the nature of the applicant’s current relationships. Discuss any co-parenting roles. If the applicant’s spouse, domestic partner, or significant other did not apply, note why. Also, note if the impact on the other’s ability to adopt was discussed:

Summarize parenting experiences, practices, and discipline methods and note any considerations:

Summarize the applicant’s capacity and ability to parent a child from different backgrounds or experiences, including race, ethnicity, sexual orientation, gender identify, or a child who is gender non-conforming.

Applicant(s) understands the legal and financial responsibilities for providing care to a child or nonminor dependent.
Briefly summarize current financial situation and any financial considerations discussed:

<p>Applicant(s) understands the safety, permanency, protection and well-being needs of children and nonminor dependents who have been victims of child abuse and neglect.</p> <p>Comments:</p>
<p>Applicant(s) understands the role as a Resource Family and has the capacity to work cooperatively with the agency, service providers, birth parents and extended family in implementing the child’s case plan.</p> <p>Comments:</p>
<p>Applicant(s) has demonstrated an understanding of the Personal Rights of children and nonminor dependents in care and understand the responsibility to safeguard those rights.</p> <p>Comments:</p>

RISK ASSESSMENT

<p>Substance Abuse – Applicant’s past or current alcohol or other substance abuse history was discussed and evaluated.</p>		
Applicant 1	<input type="checkbox"/> History	<input type="checkbox"/> No History
Applicant 2	<input type="checkbox"/> History	<input type="checkbox"/> No History

Please explain history and note any considerations:

<p>Physical, Emotional, sexual abuse, neglect and family domestic violence history – Applicant’s past or current history of physical, emotional, sexual abuse, neglect or family domestic violence was discussed and evaluated.</p>		
Applicant 1	<input type="checkbox"/> History	<input type="checkbox"/> No History
Applicant 2	<input type="checkbox"/> History	<input type="checkbox"/> No History

Please explain history and note any considerations:

<p>Physical and Mental Health – Briefly summarize applicant’s past and current physical and mental health and the impact on the applicant’s ability to parent, if any.</p>		
Applicant 1		
Applicant 2		

ADDITIONAL INFORMATION		
Applicant(s) have been provided with information regarding their right to Due Process.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Applicant(s) has signed the Quality Parenting Initiative Plan (for QPI counties)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Applicant(s) have been provided with information regarding Adoption Assistance Program (AAP), Kin-GAP, Approved Relative Caregiver (ARC) Funding, and any other assistance that may apply.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Applicant(s) have been provided with information, and have demonstrated an understanding, of how to access health, mental health, and dental care through Medi-Cal, in-home supportive services, and developmental or other services based on the needs of a child or nonminor dependent in the care of a Resource Family.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If “no” was checked for any of the above questions, please provide details:		

ADDITIONAL CONSIDERATIONS		
Any additional resources, services or supports identified by the applicant and/or RFA worker to support their role as a Resource Family and the child(ren)/youth in care or to strengthen their skill set or qualifications?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe, if applicable:		
Characteristics of a child or nonminor dependent the applicant(s) may best serve:		

OVERALL EVALUATION
<ul style="list-style-type: none"> • Please summarize why this family is approved/denied. • Provide evidence to support determination. • Describe strengths of the applicant(s). • Describe any concerns and how those concerns have/have not been mitigated. • Describe any support the applicant(s) may need. • List any conditions placed on the approval. • Discuss child specific approval (if applicable).

DETERMINATION	
Based on my comprehensive assessment of this family, the Applicants are Select One as a Resource Family.	Supervisor/Agency Designee: I concur with the determination and verify that this comprehensive assessment was conducted with due professional diligence.

Signature	Approval Date	Signature	Approval Date
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APPLICANTS' RECEIPT OF WRITTEN REPORT

By signing below, I acknowledge that I have received a copy of this report.

Applicant Printed Name	Applicant Signature	Date
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Applicant Printed Name	Applicant Signature	Date
------------------------	---------------------	------

NOTICE TO RESOURCE PARENTS: Approval does not guarantee initial, continued, or adoptive placement of a child or Nonminor Dependent with the Resource Family.

Day 2: Sample RFA Written Report

Demographics of Family

Carolyn Smith

Aliases: Rivers
Date of Birth: 2-7-66
Birthplace: Stockton, CA
Gender: Female
Religion: Christian
Employer: Not Applicable
Occupation: Homemaker
Language: English
Education: Some College

Ms. Smith submitted an application to become a Resource Family on March 25, 2015. She is a single applicant who lives with her granddaughters of whom she has legal guardianship, Angel and Suzy, ages 4 and 6, respectively, and her adult son, Mark (DOB: 6-25-91). Also, residing in her home is her granddaughter, Jenna, age 2, who was placed by Sacramento County Health and Human Services on an emergency basis on March 21, 2015.

DATES OF CONTACT *(Listed below are the dates of individual/couple interviews with each applicant, and any other child or adult in the home.)*

Date(s)	Individual/Couple	Location
3/26/15	Carolyn, Jenna, Angel, Suzy Smith	Smith home
4/19/15	Carolyn Smith	Smith home
5/26/15	Carolyn Smith	Smith home
6/1/15	Carolyn, Mark, Angel, Suzy Smith	Smith home

Finances

Combined annual gross earned income: Not applicable

Sources of Additional Income:

\$800/month Unemployment Assistance

\$600/month Cal Work's monies through AFDC

Results of Background Checks

The required background checks were completed for the applicant and her adult son, Mark Smith.

Megan's Law: A check on the Megan's Law website reported no matches for either Ms. Smith or her adult son.

DMV: A DMV report indicated that Ms. Smith had a valid driver's license and has a good driving record.

California Department of Justice findings (DOJ): The DOJ records indicate that Ms. Smith had one arrest for a misdemeanor crime that did not require an exemption. More information on this will be discussed below.

The Department of Justice records indicate that Mark Smith was convicted for a misdemeanor crime. An exemption was requested and granted. More information on this will be discussed below.

Federal Bureau of Investigation (FBI): The FBI records yielded no results for either Ms. Smith, or Mark.

Child Abuse Index check findings: There is no record of any match with the Child Abuse Index for either Ms. Smith or Mark Smith.

Summary/Evaluation of Applicant's Personal History (Family Evaluation) Motivation to

Become a Resource Family:

Ms. Smith would like to be a Resource Family in order to continue to provide care to her granddaughter, Jenna, who was placed with her on an emergency basis. She is interested in providing care as long as necessary and was initially hopeful her son would reunify with Jenna though that no longer appears possible as he is currently incarcerated. Ms. Smith is open to providing permanency to children placed in her care. Ms. Smith, at this time, is only open to providing care to her granddaughter, Jenna.

Life History:

Ms. Smith grew up in the Stockton area and was the youngest of six children. Her parents were not married. She was primarily raised by her mother as her father worked two jobs to support the family. She had a close relationship with her mother and two of her siblings. She was less close to the oldest three siblings, she thinks due to their age differences. Ms. Smith recalls being scared of her father. He drank frequently and was harsh in his discipline. He would frequently hit the children with a belt when they misbehaved. Ms. Smith also remembers a lot of yelling and screaming between her parents.

Ms. Smith enjoyed grade school and had many friends. Middle school and high school was tougher. She had a hard time keeping up with the work and struggled with her friendships.

When she was 15 years old, her father died in a car accident. He was drunk and crashed his car. This was a hard time for the family as he was the sole source of income for the family. Her mother found a job as a waitress to support her and her sister who was still at home.

Today, Ms. Smith has a close relationship with two of her sisters. She rarely sees her three oldest siblings and doesn't know much about them. Her mother had a heart attack when she was 20 years old and subsequently died.

Ms. Smith graduated high school and attended college for approximately one year. She dropped out when she married her first husband. She worked for several years as a medical assistant. She was fired a few months ago due to an issue with patient confidentiality.

Ms. Smith has been married and divorced three times. She married Alan Smith on May 12, 1988, and was divorced from him on August 7, 1989. She married Gregory Johnson on September 12, 1989, and was divorced on January 10, 1991. Ms. Smith remarried Alan Smith on September 17, 1991, and divorced him again on February 12, 2013.

Shortly before she divorced her first husband, Ms. Smith was arrested for shoplifting. Her husband had taken the money from their account and there was no food in the house. She stole from a grocery store to feed her children. Charges were subsequently dismissed. She has had no other involvement with law enforcement.

Ms. Smith has four other adult sons with Alan Smith. Christopher Smith is not married and living in Modesto, CA. He has one child. John Smith is married with no children and is living in Sutter, CA. Joseph is not married and is living in Rio Linda, CA. Michael is the father of Angel and Suzy. He is currently incarcerated. He is not married.

While her children were growing up, she disciplined them with restriction of privileges and time outs. Her husband would use corporal punishment and sometimes would hit them, as well as herself.

The results of her risk assessment indicated that her ex-husband, Mr. Smith, had a history of alcoholism. Her children, as well as herself, suffered physical abuse through him. He is no longer in her life. When she applied to be the legal guardian to her granddaughters, she was informed that he could not be in the home with the children. She has no history of sexual abuse.

Health History (Physical and Mental):

Ms. Smith disclosed that she suffers from diabetes. A medical report dated 4/21/15 states that it is under control and should not have a negative impact on her parenting skills. She also disclosed that she has been diagnosed in the past with depression and has taken psychotropic medications for it. Currently, she is not on any psychotropic medicines. A test for TB dated 4/21/15 was negative.

Marital /Domestic Partnership Relationship (Or Relationship between any Joint Applicants if more than one applicant):

Ms. Smith is not in a relationship at this time.

Child Care Plan:

The children attend a nearby in-home licensed daycare during the week. Her neighbor, Jane Finley, is available to provide childcare as needed.

Summary/Evaluation of Others in Home:

Ms. Smith's youngest son, Mark Smith (DOB: 6-25-94), also resides in the home. He is on SSI for significant learning delays. According to Ms. Smith, he has asthma, but is in otherwise good health. During an interview with him, the undersigned observed him to be a quiet man. He appeared annoyed when speaking and indicated he was anxious to meet up with his friends. He spoke in a defensive manner and stated that his mother would be just fine with her granddaughters as she had raised five sons. He stated she always took good care of himself and his brothers. When asked about some of her weaknesses, he stated that his mother had made poor choices in her husbands.

When Mark was 18, he was convicted for burglary and was sentenced to probation which he successfully completed. During discussions with him and Ms. Smith, the undersigned learned that his friends had talked him into it. It appears they had taken advantage of his cognitive delays. He has never had any other experiences with law enforcement.

TB test results for Mark were negative.

Summary of Pre-Approval Training:

Ms. Smith completed 20 hours of pre-approval training. See attached list of classes attended for more detailed information.

The trainer's evaluation indicated that Ms. Smith was an active participant who asked a lot of questions and gained insight as indicated by her post test results.

References:

Three references have been received on behalf of Carolyn Smith. They were all positive and describe her as a compassionate and supportive person.

Evaluation/Determination Home is Safe:

Ms. Smith has lived in a mobile home she rents for the last year. It has 3 bedrooms and 2 baths. The first Home Environment Assessment checklist was conducted March 26, 2015. At that time, there were concerns regarding the cleanliness of the home and smoke detectors that were not operable. A copy of the checklist was left with Ms. Smith that indicated what changes needed to occur prior to her approval of a Resource Family. Additionally, funding was provided to her to assist with the replacement of her carpeting. The Home Environment Assessment checklist was successfully completed on May 26, 2015. There are no guns in the home. There is a community pool that is properly fenced and locked.

Legal/Financial Rights and Responsibilities

Ms. Smith has been provided with information concerning the legal and financial rights and responsibilities of becoming a Resource Family. She has reviewed and signed the QPI Partnership Plan with the undersigned. A written explanation as to her due process rights was provided.

Ms. Smith has been informed and provided with written information about the personal rights of foster youth, prudent parent standards/requirements and the benefits and funding available for foster care, ARC, legal guardianship and the Adoptions Assistance Program (AAP).

Overall Evaluation of Family’s Strengths, Challenges Based on All of the Above:

Ms. Smith appears to be a very loving, forgiving person who wants to believe the best about people. She also appears to be a survivor in that she has managed to care for herself through some extremely difficult times and to remain financially stable through those times.

Ms. Smith had a loving and stable relationship with her mother; however, her relationship with her father was different. According to Ms. Smith, she “hated” her father. He was an alcoholic who drank constantly when home. He was never mean to her; he was just never around emotionally. He had a rule that all the children had to move out of the house as soon as they turned 18 whether or not they had finished high school.

As she moved through her life, Ms. Smith exhibited a pattern of choosing men with similar behaviors to her father.

Ms. Smith married her first husband when she was 19 years old. Mr. Smith was a drug addict and had a criminal history. He would hit Ms. Smith on several occasions. She divorced Mr. Smith after 2 years of marriage. She married another man for two years. They divorced when he left her for another woman. When they divorced, Ms. Smith remarried Mr. Smith shortly after her divorce was final and was married to him for another 10 years. She believed him when he had told her that he had changed. Mr. and Ms. Smith separated when the juvenile court ordered Mr. Smith out of the home in order for Ms. Smith to have guardianship of the two oldest grandchildren. Ms. Smith began divorce proceedings several months later when it was clear that their father would not be able to reunify with the children. Ms. Smith has stated that she would never go back to Mr. Smith, that she is permanently done with him and would not believe him if he tried to court her again. Social services at that time referred Ms. Smith to codependency classes and Al-Anon. She completed the classes and a letter from her instructor indicates she gained insight into her issues and appears committed to taking care of herself and her granddaughters. During discussions with the undersigned, she stated that she continues to attend Al-Anon and understands the danger she put herself and her children in by remaining married to an abusive person. She expressed regret over her past choices and is willing to seek supportive services as necessary. To date, Ms. Smith has stated she has had no contact with Mr. Smith since shortly before the legal guardianship was ordered.

There are some concerns with Ms. Smith’s finances. She has led a fairly stable employment history and was working for a hospital for six years when she was fired. Ms. Smith stated that she was fired because of a violation of a patient’s confidentiality; however, she adamantly denies the veracity of this. She did not have any savings to fall back on and is currently living off of what she receives to care for the children. She has applied for unemployment assistance as well. She has always consistently worked and given her past occupational history, it appears likely Ms. Smith will find work again and that this is not a pattern for her. Despite this current hardship, the children are always dressed appropriately and appear to have adequate food. Their needs are being met.

Ms. Smith has been diagnosed in the past with depression and has taken psychotropic medication for it. Currently, she is not on any psychotropic medicines. When the grandchildren were initially removed from her son’s care, she had a difficult time coping. Based on interviews with Ms. Smith, the undersigned believes that Ms. Smith may have lifelong issues with depression. Her symptoms included chronic fatigue and sadness and difficulty finding pleasure in activities. She has been open about this and is aware of the symptomology and as evidenced by her past, is willing and committed to taking medication as appropriate. Based on the undersigned’s evaluation, while she may need to go back on psychotropic medications at some point in the future, there does not appear to be any concern with this having a negative impact on her parenting.

Over the course of the Resource Family assessment, the undersigned has spoken with Ms. Smith regarding rules that are set in place to protect children. She initially had hope that her son would be offered reunification services to gain custody of his children. Through training and discussions with the undersigned, Ms. Smith learned about the importance

of stability and permanency in children’s lives. She also gained insight about how to have a relationship with her son while raising his children.

While Ms. Smith’s support system is limited, she does have her sisters and a neighbor who are willing and able to help her when needed. She did initially require some education regarding proper supervision for the children. She sometimes would leave the children alone with her son, Mark, who is on SSI for cognitive delays. On one such occasion, a social worker showed up at the house and he was asleep. It was difficult to wake him up. She was offered parenting classes and received information about prudent parenting. Ms. Smith was able to articulate what she learned about proper supervision and the undersigned believes that this will no longer be an issue.

CONCLUSIONS

The undersigned initially has some concerns regarding the applicant’s ability to safely parent these children based upon the concerns previously discussed. Through supportive services as described above and discussions with Ms. Smith, the undersigned believes that she has received adequate education and training to provide care for up to 2 children in a safe, healthy and nurturing manner.

The undersigned has determined that Ms. Smith has demonstrated an understanding of:

- the safety, permanence, and well-being needs of children and Nonminor dependents who have been victims of child abuse and neglect and a capacity and willingness to meet those needs, including the need for protection, services and the willingness to make use of support resources offered by the agency, or a support structure in place, or both.
- Children’s or Nonminor dependents’ needs and development, effective parenting skills or knowledge about parenting, and a capacity to act as a reasonable and prudent parent in day-to-day decision making.
- Her role as a Resource Family and the capacity to work cooperatively with the County and other service providers in implementing a child’s or Nonminor dependent’s case plan.

She has further demonstrated:

- The financial ability within the household to ensure the stability and financial security of the family.
- And an ability and willingness to maintain the least restrictive and most family like environment that serves the needs of the children.

RECOMMENDATION

It is recommended that the application to become a Resource Family submitted by Carolyn Smith be approved for up to two female children. She could best serve children that are ages 2-10. It is recommended that she continue to receive training regarding developmental stages of children to increase her knowledge base and prepare her for adolescent behaviors.

Jennifer Link, MSW
Resource Family Worker

Patty Hanks, LCSW
Resource Family Supervisor

DATE: _____

LIST ADDITIONAL ATTACHMENTS AS NECESSARY

Components of the Written Report

(a)01: Comprehensive Assessment

- (a) A County shall conduct a comprehensive Assessment of an applicant that includes the following:
 - (1) Home Environment Assessment pursuant to Section 6-02.
 - (2) A Permanency Assessment pursuant to Section 6-04.
- (b) A County may use tools, including questionnaires and forms, to complete a Comprehensive Assessment.
- (c) As deemed appropriate and necessary by a county, the county may require an applicant to complete additional activities to help determine the applicant's ability to be approved as a resource family.
- (d) Notwithstanding subsection (a), a County may discontinue any component of the Comprehensive Assessment of an applicant at any time when it determines it has sufficient evidence to deny the application or upon the verbal or written withdrawal of an application by the applicant.
- (e) When a child or non-minor dependent has been placed pursuant to Section 4-08, a County shall complete the Comprehensive Assessment of an applicant and prepare a Written Report, as specified in Section 6-07, within 90 calendar days of the date of the placement, unless good cause exists.
 - (1) If good cause exists to exceed the 90 calendar day requirement specified in subsection (e), then a County shall document the reasons for the delay and generate a time-frame for completion.
 - (2) The county shall submit to the Department on a monthly basis the number of applicants with a placement prior to approval pending 90 days or more and the reason for the delay pursuant to WIC 11461.36 and Section 4-03(b)

(a) A resource family permanency assessment shall include all of the following:

- (1) Verification that the applicant completed pre-approval training.
- (2) The results of a Family Evaluation of the applicant.
- (3) Verification of the completion of any other activities related to the applicant's ability to achieve permanency with the child.

06-05: Family Evaluation

(a) A County shall conduct interviews as follows:

- (1) A minimum of two face-to-face interviews with each applicant.
 - (A) If more than one applicant, an individual interview with each applicant and a joint interview with all applicants must occur.
 - (B) If an applicant refuses to participate in an interview, a County shall deny the application.
 - (C) One of the required interviews shall occur at the applicant's residence and shall include observation of the family environment, and if applicable, any parent-child interaction.
- (A) A minimum of one separate face-to-face interview with all other adults, children, nonminor dependents, and adoptive, biological, and guardianship children, residing in the home of an applicant to ascertain:
 - Parenting skills of the applicant
 - Strengths and weaknesses of the applicant
- (B) Interviews with other adults residing in the home shall include a discussion of the individual's background check results.

- (C) If the program staff is unable to meet with the other adults face to face, then the interview may be conducted via web-based audio-video communications.
- (D) If an adult residing in the home is unable to participate in an interview due to a compelling circumstance, a County shall determine if the interview is necessary to assess the applicant's ability to be approved as a Resource Family.

(3) Additional interviews of an applicant or other individuals, as deemed necessary by the County.

(b) At a minimum, the following information shall be gathered to complete the Family Evaluation of an applicant:

- (1) Motivation to become a Resource Family, including the relationship to a specific child or nonminor dependent considered for placement with the applicant.
- (2) Childhood upbringing and experiences.
- (3) Adult experiences and personal characteristics.
- (4) A risk assessment, which shall include:
 - (A) Past and current alcohol and other substance use and abuse history.
 - (B) Physical, emotional, sexual abuse, neglect, and family domestic violence history.
 - (C) Past and current physical and mental health of the applicant.
- (5) Current relationships.
 - (A) Co-parenting roles
 - (B) If applicant's spouse, domestic partner or significant other did not apply for Resource Family Approval, then the reasons for the individual application shall be discussed.
- (6) Parenting experiences, practices, and discipline methods.
 - (A) Discussion of how the applicant will promote a normal, healthy, balanced, and supported childhood experience and treat a child or nonminor dependent as part of the family, to the extent possible.
 - (B) Ability to parent a child from different backgrounds or experiences, including race, ethnicity, sexual orientation, gender identity, or a child who is gender non-conforming.
- (7) Discussion of background check results.
- (8) Discussion of any services needed by the applicant to meet their Resource Family responsibilities.
- (9) Employment.
- (10) Financial situation.
 - (A) Ability within the home to ensure the stability and financial security of the family.
 - (B) Understanding of legal and financial responsibilities when caring for a child or nonminor dependent.
- (11) Knowledge or ability to demonstrate an understanding of the following:
 - (A) The safety, permanence, protection and well-being needs of children and nonminor dependents who have been victims of child abuse and neglect.
 - (B) The needs and development of children and nonminor dependents.
 - (C) Effective parenting skills or knowledge about parenting.
 - (D) A Resource Family's role and capacity to work cooperatively with the agency, birth parents, extended family, and other service providers in implementing the child's case plan.
 - (E) The rights of children and nonminor dependents in care and a Resource Family's responsibility to safeguard those rights.
- (12) An ability and willingness to do the following:
 - (A) Meet the needs of children and nonminor dependents.
 - (B) Make use of support resources offered by a County or by a support structure in place, or both.
 - (C) Prepare a child for adulthood or prepare a nonminor dependent for the transition to independent living.
 - (D) Participate in the Quality Parenting Initiative Partnership Plan, if applicable.
 - (E) Honor the natural connections of a child or nonminor dependent.
 - (F) Support permanency plans for a child or nonminor dependent, including reunification, and help prepare a child or nonminor dependent for permanence or provide permanency.

- (c) When evaluating information that shows an applicant has a history of conduct that may pose a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual, a County shall consider the factors specified in Section 6-03B (h) and (i), if applicable, and any other relevant information.
- (d) A County may review information contained in the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) databases regarding an applicant to develop topics to discuss with an applicant during a family evaluation.

06-07: Written Report

- (a) A County shall complete a written report of the applicant.
- (b) A copy of the written report shall be:
 - (1) Provided to the applicant.
 - (2) Retained in the County case file.
- (c) The written report shall be a summary and analysis of the comprehensive assessment and a determination of an applicant's capacity to foster, adopt, or provide legal guardianship of a child or nonminor dependent based on all the information gathered through the application and assessment processes.
- (d) The written report of an applicant shall include:
 - (1) A summary of the results of the comprehensive assessment pursuant to Section 06-01.
 - (2) Identifying information about the applicant and any children and adults living in the home.

 - (3) The reasons the applicant pursued becoming a Resource Family.
 - (4) A summary and evaluation of the applicant's personal history.
 - (5) The results of the background checks on the applicant and any other adults in the home, to include:
 - (A) Exemptions granted.
 - (B) Results of the background checks.
 - (6) Risk assessment pursuant to Section 06-05(d)(3).
 - (7) A summary of or documentation verifying pre-approval training was completed by the applicant.
 - (8) Determination of the applicant's commitment and capability to meet the needs of a child or nonminor dependent placed in his or her home to include, but not be limited to:
 - (A) Strengths and weaknesses of the applicant.
 - (B) Preference of type of care the applicant would like to provide; adoption, legal guardianship, or foster care.
 - (C) Understanding of the needs, safety, permanence, and well-being of children or nonminor dependents, including those who have been victims of abuse or neglect.
 - (D) Ability and willingness to participate in the Quality Parenting Initiative Partnership Plan, if applicable.
 - (9) Capacity determination: The number of children or nonminor dependents the county determines the applicant is capable of providing care.
 - (10) An evaluation and determination of whether the applicant's home is safe and in compliance with the requirements contained in Section 06-02 and 10.
 - (11) A summary of the applicant's understanding of the legal and financial responsibilities for providing care to a child or nonminor dependent.
 - (12) A statement that the applicant has been provided with information about the foster care payment rates, Kin-GAP, and AAP.
 - (13) The characteristics of a child or nonminor dependent the applicant may best serve.
 - (14) Any resources, services, or training which would assist an applicant in meeting the needs of a child or nonminor dependent.

Day 2: Written Report Practice

The purpose of this activity is to practice writing the sections. This report can be a mixture of fact and fiction. The intent is to practice utilizing the Written Directives and Written Report Template to guide the process.

Instructions:

1. Choose a family you have worked with in the past and write the practice Written Report or utilize the Sample Family.
2. This is "Open Book". You can utilize the training materials, written directives, and the answer key supplemental handout.

Sample Family:

George and Cindy Miller

George	
DOB	12/1/1965
Birthplace	Florida
Religion	Catholic
Employer	County
Occupation	Custodian
Language	English
Education	AA
Cindy	
DOB	5/1/1975
Birthplace	Guadalajara, Mexico
Religion	Catholic
Employer	Lollipop Daycare
Occupation	Child care provider
Language	English/Spanish
Education	AA

The Millers are the aunty and uncle for John Miller, who is in need of placement. John is 3 years old and was brought into foster care 3 months earlier. The Millers live in the county and are applying to become a Resource Family. They do not have any children of their own but feel they can raise John to adulthood.

The Millers live in a two-bedroom apartment. Mr. Miller is on disability from an accident at work. John is an active toddler and often runs out into the street if not supervised well. The Millers have other family in the area that will be able to help with baby-sitting.

Demographics of Family:

Family Name: _____

Aliases: _____

Date of Birth: _____

Birthplace: _____

Gender: _____

Religion: _____

Employer: _____

Occupation: _____

Language: _____

Education: _____

Dates of Contact:

(Listed below are the dates of individual/couple interviews with each applicant, and any other child or adult in the home.)

Date(s)	Individual/Couple	Location

Finances:

Combined annual gross earned income:

Sources of Additional Income:

Results of Background Checks:

The required background checks were completed for the applicant and her adult son, Mark Smith.

Megan’s Law: _____

DMV: _____

California Department of Justice findings (DOJ): _____

Federal Bureau of Investigation (FBI): _____

Child Abuse Index check findings: _____

Summary/Evaluation of Applicant’s Personal History (Family Evaluation)

Motivation to Become a Resource Family:

Life History:

Health History (Physical and Mental):

Marital /Domestic Partnership Relationship (Or Relationship between any Joint Applicants if more than one applicant):

Child Care Plan:

Summary/Evaluation of Others in Home:

Summary of Pre-Approval Training:

References:

Evaluation/Determination Home is Safe:

Legal/Financial Rights and Responsibilities:

Overall evaluation of family's strengths, challenges based on all of the above:

CONCLUSIONS:

RECOMMENDATION:

Day 2: Enhancing Permanence through Pre-Approval Training

Can you think of other areas or issues specific to your county that might be included in Pre-Approval Training? Chart answers:

Suggestions include:

- a. Helping a child cope with attachment, bonding, separation, and loss issues
- b. Home and child safety
- c. Caring for a child with special needs
- d. Changing roles and relationships when the child and caregiver prospective know each other
- e. Impacts on the family
- f. Tribal families

Day 3: Free Range Parenting

Maryland couple practicing "free-range parenting" investigated for neglect

<https://www.youtube.com/watch?v=QOdpNUevAe0>

A hot debate is unfolding in a Washington D.C. suburb over how much freedom is safe for young children.

It all started when a 6 and a 10 year old were taking a walk on a busy street and got picked up by police. Their parents had signed off on their trek, and now they are in trouble with Child Protective Services, reports CBS News correspondent Chip Reid.

Dvora Meitiv and her brother, Rafi, aren't always with their parents. The two are allowed to walk around the block, visit the library and play in local parks -- all on their own.

"We can walk anywhere in Silver Spring. And it's really fun," Rafi said.

Fun is what they were hoping to have in December when they asked their father to drop them off at a park a mile from home. It would have been their longest solo walk yet, but they only made it halfway.

"The police came and picked them up and brought them home," their father, Alex, said.

Alex Meitiv and his wife, Danielle, said at one point there were six officers at their house. They now are being investigated for child neglect.

"They determined if there's an imminent danger of harm to the children, they are authorized to come and take the children," Alex said.

"And ask questions later," his wife Danielle added.

State law in Maryland says, "A child under the age of 8 years old" cannot be left alone in a "building, enclosure, or motor vehicle" ... and they must be with "a reliable person who is at least 13."

But the Meitivs argue that giving their children freedom builds self-confidence and self-reliance.

It's called "free-range parenting," and it's how they are raising Dvora and Rafi.

"They need to take mini-risks in controlled situations like in the park down the street in order to grow into the confident adults that we want them to be," Danielle said.

The Meitivs said they teach their children to be safe.

"They know to look both ways when they cross the street, to always use the crosswalk, to hold hands," Danielle said.

"They know not to go off with strangers, although they are allowed to talk to strangers and most strangers are people who would help them."

Those are lessons that seem to be sticking with 10-year-old Rafi.

"They told us all the ... like how to cross the street and how to be safe," he said.

And if you're wondering, Rafi has a strong opinion about the controversy.

"You might laugh at this but I was kind of annoyed because I've gone through it before, but, so it's kind of just not fair," Rafi said.

This is the second time the Meitivs have had this happen. They were first reported in October for letting their kids play alone at another park.

The Montgomery County Police Department and Child Protective Services said they must respond to any call that comes in and verify that there is no present danger.

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Day 3: Child's Rights Activity

Minor Dependent	Nonminor Dependent
How Alike?	
How Different?	

Day 1: California Partnership Plan For Children in Out of Home Care

California Partnership Plan for Children in Out-of-Home Care

Teamwork, Respect, Nurturing, Strong Families

All of us are responsible for the well being of children in the custody of child welfare agencies. The children's caregivers along with the California Department of Social Services, county child welfare agencies, private foster family agencies, and contractors and staffs of these agencies undertake this responsibility in partnership, aware that none of us can succeed by ourselves.

Children need normal childhoods as well as loving and skillful parenting that honor their loyalty to their biological family and their need to develop and maintain permanent lifelong connections. The purpose of this document is to articulate a common understanding of the values, principles, and relationships necessary to fulfill this responsibility. The following commitments are embraced by all of us. This document in no way substitutes for or waives statutes or rules; however, we will attempt to apply these laws and regulations in a manner consistent with this agreement.

Caregivers and Agency Staff Work Together as Respected Partners

1. Caregivers and child welfare agency staff will work together in a respectful partnership to ensure that the care we provide to our children supports their healthy development and gives them the best possible opportunity for success.
2. Caregivers, the family and agency staff will conduct themselves in a professional manner, will share all relevant information promptly, and will respect the privacy and confidentiality of all information related to the child and his or her family.
3. Caregivers, the family, and agency staff will participate in developing the plan for the child and family, and all members of the team will work together to implement this plan. Caregivers will participate in all team meetings and court hearings (including review and post-permanency hearings) related to the child's care and future plans. Agency staff will support and facilitate caregiver participation through timely notification, an inclusive process, and the provision of alternative methods of participation for caregivers who cannot be physically present.
4. The Agency will honor and respect the caregiver's right to take a time-limited break from accepting the placement of children into their family without fear of adverse consequence from the agency.
5. Caregivers will work in partnership with agency staff to obtain and maintain records that are important to the child's well being including, medical records, school records, photographs, and records of special events and achievements.

California Partnership Plan for Children in Out-of-Home Care

Teamwork, Respect, Nurturing, Strong Families

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Children need normal childhoods as well as loving and skillful parenting that honor their loyalty to their biological family and their need to develop and maintain permanent lifelong connections. The purpose of this document is to articulate a common understanding of the values, principles, and relationships necessary to fulfill this responsibility. The following commitments are embraced by all of us. This document in no way substitutes for or waives statutes or rules; however, we will attempt to apply these laws and regulations in a manner consistent with this agreement.

Caregivers and Agency Staff Work Together as Respected Partners

1. Caregivers and child welfare agency staff will work together in a respectful partnership to ensure that the care we provide to our children supports their healthy development and gives them the best possible opportunity for success.
2. Caregivers, the family and agency staff will conduct themselves in a professional manner, will share all relevant information promptly, and will respect the privacy and confidentiality of all information related to the child and his or her family.
3. Caregivers, the family, and agency staff will participate in developing the plan for the child and family, and all members of the team will work together to implement this plan. Caregivers will participate in all team meetings and court hearings (including review and post-permanency hearings) related to the child's care and future plans. Agency staff will support and facilitate caregiver participation through timely notification, an inclusive process, and the provision of alternative methods of participation for caregivers who cannot be physically present.
4. The Agency will honor and respect the caregiver's right to take a time-limited break from accepting the placement of children into their family without fear of adverse consequence from the agency.
5. Caregivers will work in partnership with agency staff to obtain and maintain records that are important to the child's well being including, medical records, school records, photographs, and records of special events and achievements.

Nurturing Children and Youth

1. Excellent parenting is an expectation of caregivers. Caregivers will provide and agency staff will support excellent parenting. Excellent parenting includes:
 - a loving commitment to the child and the child's safety and well being;
 - equal participation of the child in family life;
 - awareness of the impact of trauma on behavior;
 - respect for the child's individuality, including likes and dislikes;
 - appropriate supervision;
 - positive, constructive methods of discipline;
 - involvement of the child in the community;
 - a commitment to enable the child to lead a *normal life*;
 - encouragement of the child's strengths; and
 - providing opportunities to develop the child's interests and skills.
2. Agency staff will provide caregivers with all available information in a timely manner to assist them in determining whether they are able to appropriately care for the child. Children will be placed only with caregivers who have the ability and willingness to accept responsibility for caring for the child in light of the child's culture, religion and ethnicity, physical and psychological needs, sexual orientation, gender identification and expression, family relationships, and any special circumstances affecting the child's care. Agency staff will assist them in obtaining the support, training, and skills necessary for the care of the child.
3. Caregivers must be willing and able to learn about, be respectful of and support the child's connections to his/her religion, culture, and ethnicity.
4. Agency staff will provide caregivers with information on expectations for excellent parenting. Caregivers will have access to and be expected to take advantage of all training they need to improve their skills in parenting children who have experienced trauma due to neglect, abuse, or separation from home; to meet these children's special needs; and to work effectively with child welfare agencies, the courts, biological families, the schools, and other community and governmental agencies.
5. Agency staff will provide caregivers with the services and support they need to enable them to provide quality care for the child. Caregivers will be expected to identify, communicate, and seek out their needs without fear of judgment or retaliation.

6. Caregivers will fully incorporate the child/youth into their family, including equal participation in family activities such as vacations, holiday celebrations, and community activities. Agency staff will support families in overcoming barriers to full participation in family life and activities.
7. Once the caregiver accepts the responsibility of caring for the child, the child will remain with the caregiver unless:
 - the caregiver is clearly unable to care for him/her safely or legally;
 - the child and his/her family of origin are reunified;
 - the child is to be placed with a relative or non-relative extended family member;
 - the child is being placed in a legally permanent home in accordance with the case plan or court order; or
 - the removal is demonstrated to be in the child's best interest as determined through consultation with agency staff and other resource partners.
8. If the child/youth must leave the caregiver's home for one of the above reasons and in the absence of an unforeseeable emergency, the transition will be accomplished according to a plan developed jointly between the caregiver and agency staff. The development of the plan should involve cooperation and sharing of information among all persons involved. This transition will respect the child's developmental stage, psychological needs and relationship to the caregiver family, ensure they have all their belongings, and allow for a gradual transition from the caregiver's home, and, if possible, for continued contact with the caregiver after the child leaves.

Supporting Families

1. When the plan for the child includes reunification, caregivers and agency staff will work together to support that plan and to provide continuity for the child by assisting the biological parents in improving their ability to care for and protect their child, including as appropriate, participation in medical/related care, school, and other important activities. Agency staff will support caregivers in the reunification process, respect their input, and will not *retaliate* against them as a result of this advocacy.
2. When the plan for the child includes adoption, relative placement, or a move to a new foster family, with the support of the agency, the existing and the prospective caregiver will work together, with the support of the agency, to facilitate a smooth transition by sharing information about the needs, experiences and preferences of the child. To provide continuity for the child, prospective families are encouraged to participate in medical/related care, school, and other important activities. Continued contact between the child and the initial foster family is encouraged as long as it is in the child's best interest. The transition plan from foster care to adoption or relative home shall focus on meeting the developmental and other needs of the child.

3. Caregivers will respect and support the child's ties to family (parents, siblings, extended family members), and other significant relationships, and will assist the child in maintaining these relationships through facilitating appropriate visitation and other forms of communication in accordance with the case plan. Agency staff will provide caregivers with the information, guidance, training, and support necessary for fulfilling this responsibility.

Strengthening Communities

1. Caregivers will advocate for children with the child welfare system, the court, and community agencies, including schools, child care, health and mental health providers, and employers. Agency staff will support them in doing so, respect their input and will not retaliate against them as a result of this advocacy.
2. Caregivers will participate fully in the child's medical, psychological, and dental care, including:
 - identifying doctors and needed specialists;
 - scheduling regular and necessary appointments;
 - accompanying children to appointments;
 - sharing information with medical, psychological and dental professionals as needed to provide care to the child and as permitted by law;
 - supporting and comforting children during and after visits; and
 - implementing any needed follow-up care in the home.

Agency staff will support and facilitate this participation. Caregivers and agency staff will share information with each other about the child's health and well being.

3. Caregivers will support the child's school success through activities, including:
 - participating in school activities and meetings, including IEP (Individualized Education Plan) meetings, back to school nights and other school events;
 - assisting with school assignments;
 - accessing and supporting tutoring;
 - meeting with teachers, including teacher conferences;
 - coordinating school transportation;
 - working with the biological parent as educational rights holder or educational representative or surrogate if one has been appointed;

- encouraging and supporting the child’s participation in extra-curricular activities; and
 - Agency staff will support and facilitate this participation. Caregivers and agency staff will share information with each other about child’s progress and needs, academic performance, behavioral functioning and issues regarding school placement.
4. Caregivers will provide developmentally appropriate opportunities to allow children and youth to learn and practice life skills and have hands-on experiences in preparation for transition to adulthood, including:
- participation in family decisions;
 - routine age appropriate household activities and chores;
 - conflict resolution;
 - money management and financial planning;
 - assistance with job and career exploration/development;
 - assistance with higher education and financial aid exploration/processes;
 - obtaining housing;
 - obtaining legal documents; and
 - support the youth in accessing and taking advantage of agency and community resources.

Caregiver Signature:

Name:

Agency Staff Signature:

Name:

Date:

RESEARCH IN BRIEF

Addressing Child Trauma by Working Together

The Need for Coordination among Child-Serving Systems

by Claire Chiamulera

Trauma-exposed children often interact with several systems, among them child welfare, education, juvenile justice, and mental health. When these systems have a shared view of trauma's impact on children and provide a coordinated system of care, children can thrive.

A new Chapin Hall report, *Responding to Students Affected by Trauma: Collaboration across Public Systems*, explores how public child-serving systems can work together to help children affected by trauma. It finds that child welfare, juvenile justice, public schools, and mental health/substance abuse agencies struggle when handling the behaviors of children affected by trauma. Responses either focus on protecting public safety or rehabilitating the child, with wide differences within and across systems.

Child-serving systems often intersect and overlap, according to the report. For example, a school may refer a youth who acts out to the juvenile justice system. Or, the juvenile justice system may have to decide how to transition a youth back to the education system. Different approaches within and across these systems to handling a child's trauma-induced behaviors can clash, further affecting children's behavior. Adopting trauma-informed approaches and coordinating efforts would benefit children.

Lessons Learned

Changing fragmented approaches and ensuring child-serving systems are on the same page when responding to traumatized children is the aim of a fairly new movement. Some child-serving systems are using trauma-informed approaches that address a child's safety and risk behaviors and draw on family and protective factors. Work in this area has often focused on the education system, likely because children spend so much time at school.

Approaches are also expanding to the child welfare system. The report describes assessments of three approaches, one child welfare agency-based and two school-based. The assessments have uncovered the following themes:

Assessing a child's and family's experiences aids the response.

An assessment of an Illinois child welfare agency program (the Illinois Department of Children and Family Services' Integrated Assessment Program) finds a trauma-informed approach helped the agency match appropriate services with a child's individual circumstances and needs. The program uses integrated assessments by child welfare caseworkers to evaluate children's educational experiences and status in school. School staff receive information about the children's and family's circumstances to help put children's behaviors in context and view a child's learning and behavior issues through a trauma-informed lens.

Behavior is seen as an expression of trauma.

An approach by Chicago public schools uses a three-tiered framework to identify traumatized children's social, emotional, and behavioral needs. Evidence-based interventions are identified for each tier that increase in intensity based on the level of need. Evaluations have found school staff shift their focus once they adopt a trauma-informed approach. Instead of seeing problem behavior

as anger-based, they begin to see it as an expression of trauma. Rather than perceiving a child's violence as threatening, a trauma-informed view enables staff to see it as a response to feeling unsafe or threatened. Instead of referring a child to anger management, the three-tiered framework allows staff to make referrals to the evidence-based interventions designated for each tier or level of need.

A trauma-sensitive environment promotes healing.

Another school-based approach in Massachusetts, Helping Traumatized Children Learn, creates trauma-sensitive school environments to enhance children's sense of safety. Clear behavioral expectations, supportive relationships, and established routines are key supports used to create this environment. Teachers also receive guidance on tailoring instruction to support learning for traumatized children. The program benefits children with identified trauma exposure, as well as those whose trauma has not yet been identified.

Family involvement is key.

As interest in trauma-informed approaches and advocacy grows, the need to coordinate efforts to engage families, especially "hard-to-reach" families is gaining attention. The underlying thinking is that:

- Parents need support handling their children's behaviors and issues of their own that may contribute to the child's behaviors.
- Families can provide valuable information about a child that is critical to the system serving the youth.
- A family's support may reduce a child's anxiety and aid treatment.

Schools have a harder time reaching and engaging “hard-to-reach” families. Yet, juvenile courts, the child welfare and juvenile justice systems, and mental health/substance abuse agencies often engage with them. Improved coordination among these systems and schools could help bridge this gap.

Developing a child’s strengths lessens trauma’s impact.

Studies show that helping a child develop talents and interests, grow stable relationships, and experience success are key to resolving trauma’s impact and preventing risky behaviors. Schools, in particular, can provide children with stable adult relationships, and opportunities to experience success academically and socially. Other systems can also work creatively

to surround children with strong adult role models, opportunities to develop talents, and positive experiences.

How child-serving systems respond to child trauma is gaining attention and a push for trauma-informed responses is underway. The report notes that juvenile courts are uneven in their responses depending on their views about punishment versus rehabilitation. However, with the growing focus on child trauma, more programs are finding their way into educational, juvenile justice, child welfare and mental health/substance abuse systems. Sharing the experiences of these programs across systems is needed to promote a more collaborative cross-systems approach.

Claire Chiamulera is CLP’s editor.

How Trauma Impacts Children

According to the Chapin Hall report, studies find high rates of child trauma for youth involved in public child-serving systems:

- 97% of youth in the Illinois child welfare system for abuse or neglect experienced a traumatic event, and 25% had an identifiable trauma symptom;
- 75% of youth in the juvenile justice system have experienced traumatic victimization, with as many as 50% experiencing post-traumatic stress symptoms.

The effects of trauma exposure observed by public systems include behavioral, cognitive, and social.

Behavioral effects:

- Risk taking
- Acting out
- Rule breaking

Cognitive effects:

- Compromised cognitive abilities (attention, memory, executive functions, verbal abilities) and skills development.
- Difficulty with language, concentration, understanding, and responding to classroom instruction.
- Challenged ability to problem solve, make abstractions, participate in groups, adjust to classroom transitions, form relationships, regulate emotions and organize material sequentially.

Social effects:

- Impulsivity
- Aggression
- Defiance
- Withdrawal
- Challenged relationships

Child Trauma Resources

Coming Soon: New Resources from the Safe Start Center, ABA Center on Children and the Law and Child & Family Policy Associates.

- Issue Brief on Trauma Informed Legal Advocacy
- Identification Tool and Resource Guide on Polyvictimization and Trauma among Court-Involved Youth

Will be available at www.safestartcenter.org

Understanding Children’s Exposure to Violence. E. Cohen, et al (Safe Start Center), 2009. <http://safestartcenter.org/pdf/IssueBrief1_UNDERSTANDING.pdf>

Child Welfare Trauma Training Toolkit. National Child Traumatic Stress Network Child Welfare Committee, 2008. <www.nctsn.org/products/child-welfare-trauma-training-toolkit-2008>

Birth Parents with Trauma Histories and the Child Welfare System: A Guide for Judges and Attorneys. National Child Traumatic Stress Network, Child Welfare Committee, 2011. <www.nctsn.org/sites/default/files/assets/pdfs/birth_parents_trauma_guide_judges_final.pdf>

CAC Directors’ Guide to Mental Health Services for Abused Children. National Child Traumatic Stress Network, Child Welfare Committee & National Children’s Alliance, 2008. <www.nctsn.org/sites/default/files/assets/pdfs/CAC_Directors_Guide_Final.pdf>

Polyvictimization: Children’s Exposure to Multiple Types of Violence, Crime, and Abuse. (Juvenile Justice Bulletin – NCJ 235504.) Finkelhor, D., Turner, H., Hamby, S., & Ormrod, R., 2011. <www.unh.edu/ccrc/pdf/jvq/Polyvictimization%20JJDP%20bulletin.pdf>

Day 3: Range of Reactions (RFA Support)

Persons who experience traumas such as Hurricane Katrina or Rita will have a wide range of **reactions** that are **normal** and **common**. **You can help** to heal the trauma by **paying attention** to these reactions **and helping the person understand this is a normal reaction to a difficult situation.** **attention.** **Listening is one important way to pay attention.**

Feelings	Thought processes/thinking	What people do or say	Physical	Spiritual	What you will see in Groups
Fear, terror, anxiety	Confusion	Withdraw from or avoid usual activities	Thirst, dry mouth	Emptiness, loss of meaning	Apathy
Panic, paranoia	Nightmares	Pacing, restless, hyper-alertness, erratic movements	Vomiting, weakness	Doubt, anger at God	Silence, unable to talk with others
Anger, rage	Suspicious, overly sensitive	Emotional outbursts, suspicious of others	Chest pains, elevated blood pressure, rapid heart rate	Feeling unforgiven or punished	Denial about what is happening – unable to be truthful
Apprehension, depression, vengeful	Overly sensitive	Problems at work	Visual difficulties	Loss of faith in people	Isolate, lack of empathy; low energy and productivity, inflexibility
Shame, guilt, sadness, grief, shock	Unable to concentrate or make decisions, 'spacey'	Difficulty writing or talking	Nausea, diarrhea	Looking for magic	High rates of stress related health issues
Feeling helpless and/or hopeless	Very critical; blaming others	Excessive use of humor, changes in speech patterns	Shallow breathing, dizziness or faintness, chills, sweating	Belief we have failed God or that God is powerless; crisis of faith	Intergenerational transmission of pain

Felling numb	Poor problem-solving	Increased drug or alcohol use, domestic violence	Grinding teeth, headache	Sudden turning to God	Spiritual growth, and wisdom
Irritability	Disoriented to time, place, or person	Avoid thoughts and feelings related to the traumatic event	Easily startled	Loss of direction, cynicism, apathy, alienated, mistrust	
Courage	Heightened or lowered awareness	Impaired sexual functioning	Fatigue, changes in sleep patterns, nightmares, inability to rest	Growth, deeper faith, resilience	
Feeling uncoordinated		Caring for others	Changes in appetite, stomach distress		

Day 4: Take the Complaint Activity

- Divide room in half and then assign group/table with 5 different allegations. Each table will review the provided allegations (Group A, Group B and document allegations on blank 802 (provided in the Trainee’s Guide below).

What’s a Complaint?

Source of Info	How to handle	Forms to use	Comments
1. Third party contacts RFA unit. Includes anyone who is not the caregiver or RFA staff.	Must document allegations indicating Written Directives or Applicable Law violations as a complaint.	-Use RFA 802 to document complaint. -Use RFA 9099 to document investigation and findings. -Use RFA 9099C to cite deficiencies.	Visit is unannounced.
2. Resource Family self-reports to RFA unit either by telephone or incident report.	Determine whether the incident warrants a case management visit to address any Written Directives or Applicable law violations.	Use RFA 809 marked as “Case Management” to address and cite any violations.	Visit is announced.
3. During interviews with individuals for an existing complaint investigation from anyone other than the caregiver or original complainant.	Must document any allegations indicating Written Directives or Applicable Law violations on a new complaint with new control number.	See #1 above.	The 10-day due date for this complaint investigation is based on the date the information was received by RFA worker, not by the 10-day due date of the initial complaint.
4. RFA worker observes violations during a complaint visit.	Cite violations under a “Case Management” visit.	Use RFA 809 marked as “Case Management” to cite any violations.	Do not refer to complaint investigation on the RFA 809 . Instead state, “During a visit to the home, the following deficiencies...”

Practicing RFA Complaint Allegations

1. Resource parent attempted to calm down child who was having a tantrum by slapping the child in the face and by pulling the child's pig tails down to the floor.
2. Resource parent gave away child's brand-new BMX bicycle that the youth won at the state fair in New Mexico while on vacation.
3. Resource parent calls child a "smelly Melly", calls the bio parents "low life druggies" and a "whore" and the NMD "low life gang banger dirt bag".
4. While at Lego Land, Resource parent touched children's genital's using her right hand and threatened them that if they told anyone she would "break their fingers and toes". Children have multiple bruises around the left side of their face and the back of their neck.
5. Foster youth has three round red circle bruises on right cheek and bruise on left calf.
6. Resource parent makes foster youth squat with his back against the wall in the kitchen from noon to midnight when he gets in trouble at school.
7. Resource parent is not well; she holds her head as if she in distress and in pain. She also seems to be very tired and overwhelmed.
8. Resource parent ignored foster siblings engaging in inappropriate sexual activities in the home.

RESOURCE FAMILY VISIT RECORD – The RFA 809 is to be used to document all visits or meetings conducted between a Resource Family, other individuals residing in the home, and the County. Care should be taken not to disclose personal or confidential information. If you have any questions regarding these records, please contact the Resource Family worker at the address and telephone number listed on the front.

ANNUAL UPDATE VISITS – shall begin no sooner than 60 days prior to the anniversary date of the Resource Family approval and shall be completed no later than 30 days after. The Resource Family worker shall update the approval of a Resource Family by using form RFA 06: Resource Family Written Update Report or an equivalent form.

CORRECTIVE ACTION PLAN VISIT – is a plan developed by the County which describes how the Resource Family is not meeting the requirements of one or more of the Written Directives or any applicable law, and the steps the Resource Family and the County will take to ensure that the Resource Family meets the requirements of the Written Directives or any applicable law. The County is encouraged to request input from the Resource Family in developing a Corrective Action Plan (CAP). A Corrective Action Plan visit can also be made to determine if those deficiencies previously identified in a CAP have been corrected. The CAP will be documented on the RFA 809C.

CASE MANAGEMENT VISITS – are made for the following reasons: (1) The Resource Family requests a visit to consult with the Resource Family worker or to provide supportive services to the family, (2) There are concerns regarding the Resource Family that the Resource Family worker needs to discuss with the Resource Family or other individual(s) residing in the home, (3) During a complaint investigation, additional deficiencies were observed, and (4) Other.

CENSUS – The number of children or nonminor dependents a Resource Family has under their care at the time of the visit.

COMPLAINT INVESTIGATION REPORT

FOR COUNTY USE ONLY	County: _____
<input type="checkbox"/> Amended: _____ (Date of Original Report)	Address/Contact Information: _____ _____ _____
Complaint ID Number: _____	

Purpose of Form: This is an official report of an investigation of a complaint received in our office on _____ and conducted by _____.

(Date received in office) (Print Name and Title)

It is the intent of the RFA worker to conduct all interactions and communications with the Resource Family with courtesy and respect and to be minimally disruptive to the Resource Family and the children in their care while also ensuring that the home is a safe and nurturing placement.

RF Name:	RF ID:	Capacity:	Census:
Address (Street, City, State, Zip Code):			Telephone Number:

Met with _____ on _____ from _____ to _____

(Print Name) (Date) (Start Time) (End Time)

Announced Unannounced

ALLEGATION(S): *(Use separate 9099's if additional space is needed.)*

(Confidential/Public Depending on Type of Information)
 Distribution: Original: County Copy: Resource Family

INSTRUCTIONS

COMPLAINT INVESTIGATION REPORT – Complaint visits are made to Resource Families to investigate allegations made concerning the family. If multiple visits are needed to complete a complaint investigation, each individual visit to the home is recorded as a complaint visit, RFA 9099. California law requires an unannounced visit to the home occur within 10 calendar days of receipt of a complaint. This report is a record for the Resource Family and the County. Based on the investigation finding(s), this report may be public or confidential. Therefore, care must be taken not to disclose personal or confidential information on a public document. Inquiries concerning the location, maintenance and content of these reports may be directed to the Resource Family Worker or office whose address and telephone number are listed on the front.

CENSUS – The number of children or nonminor dependents a Resource Family has under their care at the time of the visit.

RESOLUTIONS – One of the following resolution codes are checked by the Resource Family Worker:

Substantiated: Means that the investigation concluded that based on a preponderance of the evidence, meaning that it is more likely than not, the allegation in a complaint occurred.

Inconclusive: Means that the investigation concluded that the allegation in a complaint is not substantiated or unfounded.

Unfounded: Means that the investigation concluded that the allegation in the complaint is false, meaning that there is no credible evidence that the allegation in the complaint occurred.

Needs Further Investigation: This box should be checked if a determination cannot be reached at the conclusion of the Resource Family visit. A follow-up visit to conclude the investigation will be made within the specified days of completion.

DEFICIENCIES – A nonconformance with Written Directives or any applicable laws. Resource Families must be notified in writing of all Written Directives or any applicable law deficiencies. Deficiencies related to a complaint investigation are only issued for a complaint finding of substantiated and documented on the RFA 9099C.

CORRECTIVE ACTION PLAN – The Corrective Action Plan (CAP) is a plan developed by the County which describes how the Resource Family is not meeting the requirements of one or more of the Written Directives or any applicable law, and the steps the Resource Family and the County will take to ensure that the Resource Family meets the requirements of the Written Directives or any applicable law. The County shall request and consider feedback from the Resource Family when developing the CAP. It is incumbent that the County establishes the time limit for the CAP. In order to set the time limit, the County must take into consideration the seriousness of the deficiency, the number of children or nonminor dependents in care involved, and the availability of resources and support. The more specific the plan, the less chance exists for any misunderstanding in setting time limits and reviewing corrections. The Resource Family who encounters problems beyond his/her control in completing the corrections within the specified timeframe may request and be granted an extension of the correction due date by the County. The CAP for deficiencies related to substantiated allegations will be documented on the RFA 9099C.

APPEAL RIGHTS – The Resource Family has a right, without prejudice, to discuss any disagreement in this report with the County concerning the proper application of the Written Directives or any applicable laws. When visiting a Resource Family during the course of an investigation, the County shall ensure that the Resource Family is aware of their rights and responsibilities during the investigation process, including appeal rights for any actions which may result.

APPEAL REVIEW – The County has a duty to review the facts presented without prejudice. Upon review of the facts and in accordance with Written Directives or applicable law, the County may amend any portion of the action taken or may dismiss the violation.

Scenario #1: Activity part 1

Mother, Leslie Brown calls to report that yesterday, during a supervised visit with her 8 years old daughter, Stephanie Brown, Stephanie reported her Resource Parents, Mr. Homer Simpson and Mrs. Marge Simpson, allowed their 10 years old son, Bart to hit her. Ms. Brown stated that Mr. Simpson often work long hours and Mrs. Simpson primarily cares for her daughter but she is busy caring for her other children and does not pay attention to Stephanie. Stephanie also told her that Mr. Simpson called her a “little shit”. Mr. and Mrs. Simpson does not give Stephanie any allowance since they said they already pay for everything in the home and school. Ms. Brown believes that Mrs. Simpson does not like her because she rolled her eyes at her when dropping off Stephanie at the visitation center and never greets her. Mrs. Simpson does not allow Ms. Brown to speak with Stephanie on the phone in private and is always listening to their conversation.

Scenario #1: Activity part 2

Resource Family Investigator interviewed Stephanie at her school, Springfield Elementary. Stephanie is in the 3rd grade and report that she has many friends. Stephanie was dressed appropriately for the weather in a t-shirt, pants, and tennis shoes and RF Investigator did not observe any marks or bruises on her face or arms indicating neglect or abuse. Stephanie was able to distinguish truth and lie and promised to tell only the truth.

Stephanie state she really enjoys living with Mr. and Mrs. Simpson and their children, Bart age 10, Lisa age 8, and Maggie age 1. She shares a bedroom with Lisa and said Lisa is very smart and nice. Their favorite thing to do is play the saxophone together. Stephanie said Mr. Simpson is always tired because he works so much. Stephanie said Mr. Simpson drinks beer every day, sometimes gets drunk, and says funny things like calling her “a little shit”. She is not afraid of Mr. Simpson when he is drinking but thinks it is funny because he will fall in the house and outside and sometimes fall asleep on the couch. Stephanie said she saw her dad do more bad things when he was drunk.

Mrs. Simpson works very hard and takes good care of them but mostly takes care of Maggie because she is a baby. Stephanie says Mrs. Simpson is a nice woman and a good mom because she makes sure they go to school, do their homework, and have food to eat. She said last night Mr. and Mrs. Simpson went on a date and Mr. Simpson’s friend, Barney, babysat them. Stephanie stated Barney mostly drank Mr. Simpson’s beers and slept on the couch. Stephanie said though she knows Barney, this was the first time that he babysat them.

She does not like to play with Bart because he is mean. Last weekend she took Bart’s skateboard to ride in the front yard and he punched her in the arm hard. She said she cried and it was red. She told Mrs. Simpson but she was busy with Maggie and did not say anything. She said Bart has hit her before and Mrs. Simpson will ground him and not allow him to play with his skateboard or play outside.

RF Investigator made an unannounced home call to, 742 Evergreen Terrace, and met with Mrs. Simpson. RF Investigator entered the home, which the living room was neat and clean and RF Investigator did not observe any safety hazard. The kitchen area was messy; there was a mop bucket in the middle of the kitchen with dirty water, house cleaners on the counter along with several empty Duff beer cans, kitchen table had spilled milk and cereal, and a sink full of dirty dishes. The window facing the backyard was broken/cracked with missing pieces of glass. Mrs. Simpson apologized for the mess and said she returned home an hour ago from dropping off the children to school and is in the process of cleaning.

Mrs. Simpson report that Stephanie is a wonderful girl and gets along great with her children. She would like to be able to adopt Stephanie if she does not reunify with Ms. Brown. Mrs. Simpson stated that she does not speak with Ms. Brown because she is in a hurry to drop off Stephanie to run errands before visit is over. She does not like to get too close with bio-families so she keeps her distance. As for the phone calls, she was told by the County SW that she needed to supervise all contacts between Ms. Brown and Stephanie. She said she has advised Ms. Brown to speak with the County SW but she does not.

Mrs. Simpson recalled an incident between Bart and Stephanie last weekend but said it was also a very busy weekend for her because Maggie was sick and very fussy. She said she meant to address it with Bart but with everything going on, she just simply forgot.

She admits that Homer works long hours so when he returns home from work he does like to enjoy one or two cold beers. She says occasionally he may have one too many but it is okay because he is safe around the children. She stated Homer is a good provider and father. Yes, he has called the children “little shit” but that he calls all the children that and not just Stephanie. She said he does not do it to be mean.

She said last night she and Homer decided to meet up with friends for dinner so yes, they did have Barney come over to keep an eye on the children. She said Barney is nice and good with kids and he only watched them for a short time since it was a school night, the children went to bed at 8pm. She does not understand what the problem is as she is exercising Reasonable and Prudent Parenting Standard.

On Saturday Bart and his friend, Milhouse, were playing with their slingshots in the treehouse and accidentally sent a rock into the kitchen. Homer was supposed to replace the window but was called into work on Sunday. She will get him to do it as soon as possible.

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Master Glossary

The following definitions shall apply whenever the terms are used throughout this document.

Adoption Assistance Program (AAP): a program of financial or medical assistance to facilitate the adoption of children who otherwise would remain in long-term foster care

Adult: a person who is 18 or older

Alternative Caregiver: a person who is at least 18 years old who cares for a child in

either the Resource Family's home or in the alternative caregiver's home when the Resource Family is away from his or her home for more than 24 hours at a time

Annual Updates: the inspections conducted on the Resource Family once a year

Applicant: an individual or individuals who have submitted an application for Resource Family Approval

Birth Parent: a biological parent or, in the case of a person previously adopted, an adoptive parent

CalSWEC: California Social Work Education Center

Capacity: the number of children and nonminor dependent youth for whom a Resource Family is approved to provide care and supervision

CDSS: California Department of Social Services

Child: a person who is under 18 placed with a Resource Family by a placement agency with or without a court order

Child Abuse Central Index (CACI): statewide, multi-jurisdictional, centralized index of child abuse investigation reports maintained by the California Department of Justice

These reports pertain to alleged incidents of physical abuse, sexual abuse, mental or emotional abuse, or severe neglect. Each child protection agency (police, sheriff, county welfare, and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be unfounded.

CLETS: Criminal Law Enforcement Telecommunication System

Cohort 1: pilot RFA counties

Compelling Reason: a decision to place a child with an applicant prior to approval as a Resource Family based upon the best interest of the child, to include maintaining a child's family-like connections

Comprehensive Assessment: an evaluation of an applicant using the home environment assessment, background check, Family Evaluation, and any other factors set forth in the Written Directives for purposes of determining the applicant's suitability as a Resource Family

Continuum of Care Reform (CCR): a comprehensive approach to providing foster care to children designed out of an understanding that children do best when they are cared for in a committed nurturing home

Core Practice Model (CPM): a guiding framework for California's Child Welfare community

County: the county that enters into a Memorandum of Understanding (MOU) with the Department for the operation of the Resource Family Approval program within that county's geographic area

Department: California Department of Social Services

Documented Alternative Plan (DAP): a written plan, pursuant to 10-03, approved by the County describing a Resource Family's use of an acceptable alternative to a specific requirement

Emergency placement: a placement of a child or nonminor dependent with a relative or nonrelative extended family member prior to the Resource Family approval in an emergency situation

FCCH: Family Child Care Homes

Foster Care: 24-hour out-of-home care provided to children or nonminor dependents whose families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting

Home environment assessment: a component of the Resource Family Approval process which requires an applicant to meet standards that include, but are not limited to, home and grounds, outdoor activity space, storage requirements, fire clearance, and capacity determination

ICPC: The Interstate Compact on the Placement of Children

Infant: a child under 2 years of age

Kinship Guardianship Assistance Payment Program (Kin-Gap): a program of financial assistance or medical assistance (Medi-Cal) to facilitate the achievement of permanency for foster children through legal guardianship by a relative caregiver

LIS: Licensing Information System

Memorandum of Understanding: the contract that contains the terms and conditions entered into between the Department and the County for the operation of the Resource Family Approval Program

Nonminor Dependent (NMD): a foster child who is at least 18 years of age and not more than 21 years of age, as defined in Welfare and Institutions Code section 11400

Nonrelative extended family member (NREFM): an adult who has an established familial or mentoring relationship with a child, as defined in Welfare and Institutions Code section 11400.

Office of Administrative Hearing (OAH): where administrative action cases are heard

Occasional Short-Term Babysitter: a person who cares for a child in or out of a Resource Family's home on an occasional basis for no more than 24 hours at a time.

Permanency Assessment: a component of the Resource Family Approval process which meets standards that include, but are not limited to, an applicant's completion of the following: caregiver training, Family Evaluation, and any other activities that relate to a resource family's ability to achieve permanency with a child

Family Evaluation: an in-depth description and evaluation of the family system and dynamics that include strengths of a family and areas where more support or resources may be needed for more effective and quality parenting skills. It is one of the three required components of a Family Evaluation.

Quality Parenting Initiative (QPI) Partnership Plan: the document that describes the roles of a Resource Family and a County in mutually supporting a child or nonminor dependent in care and meets the case plan objectives

Reasonable and Prudent Parent Standard: the careful and sensible parental decisions that maintain a child's health and safety, and best interests, as defined in Welfare and Institutions Code section 362.04

Relative: an adult who is related to a child by blood, adoption or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of these persons even if the marriage was terminated by death or dissolution, as defined in Welfare and Institutions Code section 11400

Rescind: an administrative action by a County or the Department to revoke approval of a Resource Family

Resource Family Approval Program or “**program**”: the single process for approving families for foster care, legal guardianship, and adoption

Resource Family: an individual or family that a County determines has successfully met the application and assessment criteria necessary for providing care for a child or nonminor dependent who is under the jurisdiction of the juvenile court or otherwise in the care of a county child welfare agency or Probation Department

Respite Care: temporary care for periods not to exceed 72 hours and not providing for the purpose of routine ongoing childcare as defined in Welfare and Institutions Code section 16501 (b) in the home of a licensed, certified, or approved foster caregiver

Risk Assessment: A County’s consideration of factors regarding an applicant that include, but are not limited to, physical and mental health, alcohol, and other substance use and abuse, and family and domestic violence history

Short-Term Residential Therapeutic Program (STRTP): brief, short-term model of group homes developed under Congregate Care Reform

Sibling Group: a group of two or more children related by blood, adoption, or affinity through a common legal or biological parent, to include step-siblings, and half-siblings. (Welf. & Inst. Code §§ 362.1 and 16002)

SOI: Statement of Issues or Administrative actions

Team Decision Making Meetings (TDM): meetings used with families and children in Child Welfare to determine whether a child is safe to in the home

TILP: A Transitional Independent Living Plan is a case plan used with youth ages 16 and older to develop independent living goals

TSO: Temporary Suspension Order

Written Report: a summary, analysis, and determination of an applicant’s capacity to foster, adopt, or provide legal guardianship of a child or Nonminor dependent based on all the information gathered through the Resource Family application and assessment processes

Written Directives: the written processes, standards, and requirements issued by the Department to implement the Resource Family Approval Program

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References and Bibliography

Adoptions and Safe Families Act of 1997, ASFA, PL 105-89

California Department of Social Services (CDSS)

- <http://www.cdss.ca.gov/inforesources/Resource-Family-Approval-Program>

California Social Work Education Center (CalsWEC)

- <https://calswec.berkeley.edu/resource-family-approval-rfa/rules-road>

CWS/CMS Data Entry Instructions Resource Family Applications and Placements

- <http://www.childsworld.ca.gov/res/RFA/pdf/CWSCMSDataEntryInstructions.pdf>

Improving Foster Care Licensing Standards around the United States: Using Research Findings to Effect Change. Ana Beltran, JD, Generations United, and Heidi Redlich Epstein, JD, MSW, ABA Center on Children and the Law March 2012

Resource Family Approval Background Assessment Guide

- [http://www.cdss.ca.gov/Portals/9/CCR/RFA/RFA%20BAG%20\(rev.3-14-18\).pdf?ver=2018-03-15-132250-633](http://www.cdss.ca.gov/Portals/9/CCR/RFA/RFA%20BAG%20(rev.3-14-18).pdf?ver=2018-03-15-132250-633)

Resource Family Approval Due Process

- <http://www.childsworld.ca.gov/res/RFA/pdf/DueProcessTraining.pdf>

Resource Family Approval Forms

- <http://www.cdss.ca.gov/inforesources/Resource-Family-Approval-Program/Forms>

Resource Family Approval Overview

- <https://vimeo.com/224695170>

Resource Family Approval Written Directives 5.0

- <http://www.cdss.ca.gov/Portals/9/RFA/Final%20V5%20%202.6.18.pdf?ver=2018-02-06-084609-033>

Statewide Out of County Approval Protocol

- http://www.cdss.ca.gov/Portals/9/CCR/RFA/Final%20RFA%20out_of_county_approval%20protocol%204.5.17.pdf?ver=2018-05-14-150521-873

Title IV-E Foster Care Eligibility Reviews and Child and Family Services State Plan Reviews; Final Rule, 65 Fed. Reg. 4032 (2000). Retrieved from

- http://www.acf.hhs.gov/programs/cb/laws_policies/cblaws/fed_reg/fr012500.htm

Quality Parenting Initiative

- QPI: www.qpiflorida.com
- QPI California: <http://www.qpicalifornia.org>

Welfare and Institutions Code section 16519.5

- http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=16519.5.&lawCode=WIC

Appendix A: CDSS All County Letters/Notices



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

July 11, 2016

ALL COUNTY LETTER (ACL) NO. 16-58

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL COUNTY AUDITOR CONTROLLERS
ALL CHIEF PROBATION OFFICERS
COUNTY WELFARE DIRECTORS ASSOCIATION OF CALIFORNIA
ALL CDSS ADOPTION REGIONAL AND FIELD OFFICES
ALL TITLE IV-E AGREEMENT TRIBES
ALL CDSS COMMUNITY CARE LICENSING DIVISION (CCLD)
LICENSING PROGRAM MANAGERS
ALL CDSS COMMUNITY CARE LICENSING DIVISION (CCLD)
COUNTY LIAISONS

SUBJECT: RESOURCE FAMILY APPROVAL (RFA) PROGRAM - CLARIFYING
INSTRUCTIONS FOR STATEWIDE IMPLEMENTATION

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 16519.5](#)
[ASSEMBLY BILL \(AB\) 403 \(CHAPTER 773, STATUTES OF 2015\)](#);
[ACL NO. 16-10](#)

The purpose of this ACL is to provide county child welfare and probation departments and other interested stakeholders with information on the RFA Program in preparation for the mandated statewide implementation on January 1, 2017. This ACL provides information on various program areas of the RFA Program that are necessary for implementation, including a fiscal year (FY) 2016-17 planning RFA fund distribution. The RFA Program areas covered in this ACL are:

- Submission of RFA Implementation Plans
- Conversion of Licensed Foster Family Homes, Approved Relative and Nonrelative Extended Family Member (NREFM) Homes
- RFA Staff Competencies
- Staff Training
- Department of Justice (DOJ) Background Check Information

REASON FOR THIS TRANSMITTAL

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

July 29, 2019

ALL COUNTY LETTER NO. 19-71

TO: ALL COUNTY CHILD WELFARE DIRECTORS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL COUNTY CHILD WELFARE PROGRAM MANAGERS
ALL FOSTER CARE MANAGERS
ALL FOSTER CARE ELIGIBILITY SUPERVISORS
ALL TITLE IV-E AGREEMENT TRIBES
ALL FEDERALLY RECOGNIZED TRIBES
ALL JUDICIAL COUNCIL STAFF
ALL ADOPTION REGIONAL OFFICES

SUBJECT: **TRIBALLY APPROVED HOMES**

REFERENCE: [PUBLIC LAW \(PL\) 109-248; THE INDIAN CHILD WELFARE ACT \(ICWA\) 25 UNITED STATES CODE \(USC\) SECTION 1901 ET SEQ;](#)
[SENATE BILL \(SB\) 80 \(CHAPTER 27, STATUTES OF 2019\); SB 1460 \(CHAPTER 772, STATUTES OF 2014\); HEALTH AND SAFETY CODE \(H&SC\) SECTIONS 1522 AND 1522.1; PENAL CODE \(PC\) SECTION 11105.08; WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTIONS 361.31, 10553.12, 16504.6 AND 16519.5\(e\); ALL COUNTY LETTERS \(ACLs\) 19-70, 19-26, 18-89, 18-48, 17-62, AND 16-84; ALL COUNTY INFORMATION NOTICE \(ACIN\) I-86-08](#)

The purpose of this All County Letter (ACL) is to provide information and clarification regarding the approval, payment, and placement preservation of Tribally Approved Homes (TAHs) resulting from changes in state and federal law since [All County Information Notice \(ACIN\) I-86-08](#). A TAH is a home licensed or approved by an Indian child's tribe/tribal agency, or a tribe or tribal organization designated by the Indian child's tribe, for foster or adoptive placement of an Indian child. It is important for county social workers and probation officers to be aware that TAHs are not subject to state approval standards. Tribes/[tribal agencies](#) have independent authority to approve homes using the tribe's/tribal agency's own socially and culturally appropriate standards and are not subject to California's Resource Family Approval (RFA) requirements.

To confirm that a tribe has approved a home, the county social worker or probation officer should request written confirmation from the tribe. Depending on tribal practice, this may include a tribal council resolution or letter from the tribe identifying the prospective foster or adoptive parents and confirming that the tribe has approved the home. A federally recognized Indian tribe/tribal agency is authorized, but not required, to approve a home for the purpose of foster or adoptive placement of an Indian child pursuant to the federal [Indian Child Welfare Act \(ICWA\)](#). Indian children placed in TAHs qualify for foster care funding provided the TAH meets the minimum federal standards prior to placement of an Indian child.

[Senate Bill \(SB\) 1460](#) added [Penal Code \(PC\) § 11105.08](#), giving federally recognized tribes/tribal agencies the ability to receive both state and federal summary criminal history and the authority to conduct their own background checks, including criminal and child abuse background checks of all affected individuals, for prospective TAHs. It also gave federally recognized tribes/tribal agencies the authority to evaluate and grant exemption requests. Once a tribe/tribal agency is approved access by the Department of Justice (DOJ), a tribe/tribal agency may request from DOJ state and federal level summary criminal history information for the purpose of approving a tribal home for the placement of an Indian child into foster or adoptive care. Refer to [ACL 17-62](#) for more information on provisions of [SB 1460](#).

Tribally Approved Homes (TAHs)

TAHs must meet the following federal requirements:

- A home health and safety assessment meeting the tribe's/tribal agency's socially and culturally appropriate standards.
- Criminal record background checks including the following components:
 - Fingerprint-based search of DOJ and FBI criminal history pursuant to [Health and Safety Code \(H&SC\) § 1522](#)
 - Criminal record exemptions pursuant to [H&SC § 1522\(g\)](#)
 - Serious-arrest investigations for crimes listed at [H&SC § 1522\(e\)](#)
 - Child Abuse Central Index (CACI) check pursuant to [H&SC § 1522.1](#)
 - Out-of-State child abuse and neglect registry check for individuals who have resided in a state other than California within the last five years pursuant to [H&SC § 1522.1](#)
 - A statement indicating whether the individual has ever been convicted of a crime other than a traffic infraction. (Tribes/tribal agencies have the option of using the [Out-of-State Disclosure & Criminal Record Statement \(LIC 508D\)](#) form but are not required to.)

A TAH is an authorized placement for an Indian child only when approved by that specific Indian child's tribe/tribal agency. If there is a sibling set which includes a child

that is not a member of the tribe approving the TAH, such as a non-Indian child, the home must be approved under RFA standards. The family would need to apply to be a resource family if interested in caring for a non-Indian child. A TAH can also be an RFA home. In a situation where a TAH home would also need to be an RFA home, the placing agency should be reminded that the RFA program allows for placements prior to approval pursuant to [Welfare and Institutions Code \(W&IC\) § 16519.5\(e\)](#). The RFA program also allows a county to approve an applicant to care for a specific child or nonminor dependent in circumstances when consideration of the familial or tribal relationship is [significant and may only be appropriate for the identified child](#).

Federally Recognized Tribe WITH Authority to Perform Background Checks

As discussed above, a federally recognized tribe/tribal agency that has been approved by DOJ to receive criminal and child abuse history information, for the purpose of approving a tribal home for foster or adoptive care, has the authority to conduct its own background checks. The authorities are pursuant to [H&SC § 1522](#) and [H&SC § 1522.1](#), including the authority to evaluate and grant criminal record exemption requests pursuant to [H&SC § 1522\(g\)](#). Tribes/tribal agencies have the option of utilizing the [RFA Background Assessment Guide \(BAG\)](#) as a reference to ensure the checks are being conducted in accordance with federal IV-E standards; however, tribes/tribal agencies are not required to use this guide.

A tribe/tribal agency approved by DOJ has the authority to conduct a criminal record and child abuse background check on the following individuals:

- Prospective foster or adoptive parents;
- Any adult who resides or is employed in the home of an applicant;
- Any adult who has a familial or intimate relationship with a person living in the home of the applicant or foster or adoptive parent; and
- An employee of the tribal agency who may have contact with children.

Federally Recognized Tribe WITHOUT Authority to Perform Background Checks

There are federally recognized tribes/tribal agencies that do not have DOJ authorization to receive summary criminal history information for the purpose of approving a tribal home for the placement of an Indian child into foster or adoptive care. In these situations, if the tribe/tribal agency has otherwise approved the TAH, the tribe/tribal agency shall request that either the county of jurisdiction or the California Department of Social Services (CDSS) Caregiver Background Check Bureau (CBCB) conducts a background check on behalf of the tribe/tribal agency. The tribe/tribal agency may not request both the county and CBCB to conduct the background check. The exemption decision may only be made by the entity designated by the tribe/tribal agency to complete the background check on its behalf pursuant to [W&IC § 16504.6](#).

See below for process when requesting a background check from one of the following entities:

The County – If the tribe/tribal agency has otherwise approved the TAH and has requested the county conduct the background check on its behalf, the county should obtain written documentation from the tribe/tribal agency as to the approval. Thereafter, the county shall perform the background check for the tribe/tribal agency.

The CBCB – If the tribe/tribal agency opts to have CBCB complete the background check, a written request in Portable Document Format shall be emailed to CBCB at: webmaster@dss.ca.gov with the subject line: TRIBAL BACKGROUND CHECK REQUEST. The request must include the tribe's/tribal agency's contact information so that CBCB can send fingerprinting instructions either electronically or via U.S. Mail.

It is important to remember that the Criminal Offender Record Information (CORI), i.e. rap sheet, itself is confidential and cannot be shared with anyone other than the subject of the CORI. The County or Department may share a summary of the criminal history, or any exemption decision documents relevant to the background check that was conducted, with the tribe/tribal agency approving the home. As requested, the CORI and relevant background check documents, may be reviewed by specific entities such as state or federal auditors.

Approval Documentation

A tribe or tribal agency must provide the county child welfare agency or probation department with written documentation, which includes a date and signature, stating that the home has been approved by the tribe/tribal agency. There is no required language which must be included on the tribal documentation. A tribe/tribal agency, at its discretion, will provide a tribal resolution or statement on tribal letterhead evidencing the tribe's/tribal agency's approval of the home. Effective the date of this ACL, the SOC 815, 817, 818 forms should not be used to approve a TAH.

Note: The CDSS has attached sample TAH-specific approval forms, e.g. TAH 1 and TAH 1.1. However, tribes/tribal agencies are not required to use these forms.

If a tribe/tribal agency conducts its own background check and approves the TAH, certification by the tribe/tribal agency must include the following pursuant to [W&IC § 10553.12](#):

- 1) The tribal agency has completed a criminal record background check in accordance with the standards set forth in [H&SC § 1522](#) and a CACI check pursuant to [H&SC § 1522.1](#) on all individuals described in [W&IC § 10553.12\(c\)](#).

- 2) The tribal agency has agreed to report to the county child welfare agency responsible for a child placed in the TAH, within 24 hours of notification to the tribal agency by the DOJ, of a subsequent state or federal arrest or disposition notification involving an individual associated with the TAH where an Indian child is placed.
- 3) If the tribal agency in its certification states that an individual was granted a criminal record exemption, the certification shall specify that the exemption was evaluated in accord with the standards and limitations set forth in [H&SC § 1522\(g\)\(1\)](#) and was not granted to an individual ineligible for an exemption under that provision.

Terminating Approval of a Tribal Home

Tribes/tribal agencies are encouraged to establish a complaint process. If there is a complaint filed against a TAH, the county and tribal agency must work collaboratively to address any concerns expressed by the tribe, county, court, child's attorney, and/or the child's parents. If there are concerns rising to the level of abuse or neglect where there is a potential risk to the health or safety of a child, a cross-report to Child Welfare Services (CWS) shall be made. The county child welfare and probation departments have no authority to terminate a tribe's approval of a home, but they must investigate issues of safety and well-being based on their responsibility as a placing agency of the child.

If a tribe/tribal agency terminates the approval of their home after a child has been placed in the home, the tribe/tribal agency must immediately, within 24-48 hours, notify the county placing agency of the termination of the tribal approval. The tribe/tribal agency shall provide the county placing agency with written notification of the termination of approval. The county placing agency would need to consider whether the previous TAH continues to be the most appropriate placement option for the Indian child. If the home is no longer approved as a TAH, the county would be required to assess whether there are any health and safety risks to the child and determine whether the home will be approved under RFA.

Placement Preservation

If a change in placement is being considered, a placement preservation strategy to preserve the child's placement is required prior to the issuance of a 14-day notice of the placement change pursuant to [Assembly Bill \(AB\) 2247](#). Please refer to [ACL 19-26](#) for more information on placement change requirements. Any placement changes must comply with the placement preferences specified in the [ICWA](#) and at [W&IC § 361.31](#). The county child placement agency is required to consult with the youth's child and family team (CFT) for the specified purpose of maintaining the current placement, and a CFT meeting should be convened to discuss any placement changes and service needs for the child or youth in out-of-home care. Please refer to [ACL 16-84](#) for more information on CFTs.

TAH's Pending Approval

Although there has been an increased effort in recruiting and building a pool of foster, adoptive, and kinship families, tribes/tribal agencies may not have a TAH available for immediate placement of an Indian child. The county placing agencies may place an Indian child in a home pending tribal approval upon completion of [W&IC § 361.4](#) by the placing agency, which includes an in-person health and safety inspection of the home, a state-level criminal records check via the California Law Enforcement Telecommunications System (CLETS), and a check of allegations of prior child abuse or neglect.

If the home in which the Indian child is placed is subsequently approved by the child's tribe/tribal agency, no further approval is required by the county.

Foster Care Payments

Children placed in a TAH, or a home pending TAH, are eligible for foster care payments.

- If a child has been placed on an emergency basis in a home that is pending tribal approval, the county should determine if the child is eligible for Emergency Caregiver (EC) funding pursuant to [Senate Bill \(SB 80\)](#). An ACL is forthcoming with instructions related to EC funding and pending TAHs.
- Once the county receives approval certification regarding a TAH, and a child has been placed in the TAH, the county will forward the necessary approval documents to the Eligibility Worker (EW).
- A TAH is entitled to the same foster care rates as county RFA homes.
 - For information on current foster care basic rates, please refer to [ACL 19-70](#).
 - If a county has opted to have a specialized care increment (SCI) plan, TAHs are eligible to receive a SCI payment according to the county plan. Please refer to [ACL 18-48](#) for information on Specialized Care Rate (SCR) programs.

The county social worker or probation officer is responsible for entering placement information, as well as information from the tribe's/tribal agency's home approval certification, into CWS/CMS unless the child's tribe/tribal agency has direct access to CWS/CMS. The [Foster Child's Data Record and AFDC-FC Certification \(SOC 158A\)](#) form will need to be sent to the EW to determine when a foster care payment can begin. Accurate and timely data entry and submission of documents will allow for expedient processing and issuance of foster care payments to the TAH. If a tribe/tribal agency terminates approval of a TAH, the county social worker or probation officer should communicate this information immediately to the EW, because the home is no longer eligible for a foster care payment unless the home is also RFA.

If you have any questions about this ACL, please contact the Foster Caregiver Policy & Support Unit at (916) 651-7465.

Questions related to TAHs should be directed to: TAH@dss.ca.gov.

Questions related to background checks should be directed to:
TribalBackgroundChecks@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

**Approval of Tribally Approved Home (TAH);
Tribes/Tribal Agencies with Authority to Conduct Background Checks**

Pursuant to the provisions of Welfare and Institutions Code (W&IC) section 10553.12 and Penal Code (PC) section 11105.08, this certifies that the following home has been assessed and approved as a TAH:

Name

Address

1. Home Health and Safety Assessment

An on-site assessment of the home was completed on _____ by
(Date)

(Name/Tribe/Tribal Agency)

2. Criminal Record/Child Abuse Background Checks

A criminal record background check, including substantiated allegations of abuse and severe neglect, has been conducted for all prospective foster or adoptive parents, any adult who resides or is employed in the home of an applicant, any adult who has a familial or intimate relationship with a person living the home of the applicant or foster or adoptive parent, and any adult employee of the tribal agency who may have contact with a child, consistent with standards set forth in Health and Safety Code (H&SC) sections 1522 and 1522.1.

Conducted by Tribe/Tribal Agency: _____
(Name/Tribe/Tribal Agency)

We, the Tribe/Tribal Agency certify the following:

All Adults Granted a Clearance or Exemption.

Any criminal record exemption granted was evaluated in accord with the standards and limitations set forth subdivision (g) of Section 1522 of the H&SC and was not granted to an individual ineligible for an exemption under that provision.

Agree to report to the county child welfare agency or probation department responsible for a child placed in this TAH, within 24 hours of notification by the Department of Justice, of a subsequent arrest or disposition notification involving an individual associated with the TAH where a dependent Indian child is placed.

3. Certification of Approval

I certify that the home **meets** all standards for a Tribally Approved Home as of

(Date)

(Tribal Approval Worker)

(Date)

(Tribe/Tribal Agency)

(Date)

(Tribal Supervisor/Authorized Representative)

(Date)

Comments:

4. Terminating Approval of a TAH

We, the tribe/tribal agency, are terminating the approval of this tribal home, effective _____
(Date). We agree to notify the responsible placing agency of this decision within 24-48 hours of this effective date.

(Tribal Approval Worker)

(Date)

(Tribe/Tribal Agency)

(Date)

Criminal Record Background Checks

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

_____ (Background Check Worker)

_____ (Date)

**Approval of Tribally Approved Home (TAH):
County or Department Conducting Background Check**

Pursuant to the provisions of Welfare and Institutions Code (W&IC) sections 10553.12 and 16504.6, as applicable, this certifies that the following home has been assessed:

Name

Address

Tribe

1. Home Health and Safety Assessment

An on-site assessment of the home was completed on _____ by _____
(Date)
_____ and the tribe/tribal agency has
(Name/Tribe/Tribal Agency)

determined the home meets all approval standards.

Tribe/Tribal Agency has requested on _____ that _____
(Date) (County/Department)
complete the background check on our behalf.

2. Criminal Record/Child Abuse Background Checks

A criminal record background check, including substantiated allegations of abuse and severe neglect, has been conducted for all prospective foster or adoptive parents, any adult who resides or is employed in the home of an applicant, any adult who has a familial or intimate relationship with a person living the home of the applicant or foster or adoptive parent, and any adult employee of the tribal agency who may have contact with a child, consistent with standards set forth in Health and Safety Code (H&SC) sections 1522 and 1522.1.

a. Conducted by _____ with _____.
(Worker Name) (County/Department)

All Adults Granted a Clearance or Exemption
Clearance or Exemption not Granted

Please see page 3.

3. Certification of Approval

I certify that the home **meets** all standards for a TAH as of _____.
(Date)

I certify that the home **does not meet** standards for a TAH as of _____.
(Date)

(Tribal Approval Worker)

(Date)

(Tribe/Tribal Agency)

(Date)

(Tribal Supervisor/Authorized Representative)

(Date)

Comments:

4. Terminating Approval of TAH

We, the tribe/tribal agency, are terminating the approval of this tribal home, effective _____.
(Date)
We agree to notify the responsible placing agency of this decision within 24-48 hours of this effective date.

(Tribal Approval Worker)

(Date)

(Tribe/Tribal Agency)

(Date)

Criminal Record Background Checks

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

NAME:	Association to TAH:		
EXEMPTION	Granted	Denied	N/A
CLEARANCE	Granted	Denied	N/A
Date of Decision/Comments:			

(Signature of Background Check Worker)

(Date)



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

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 15, 2013

ALL COUNTY LETTER NO. 13-64

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

SUBJECT: REGISTERED SEX OFFENDER (RSO) ADDRESS MATCHES
OF RELATIVE/NONRELATIVE EXTENDED FAMILY MEMBER (NREFM)
APPROVAL AND COUNTY CHILD WELFARE RESPONSIBILITIES

REFERENCE: CALIFORNIA STATE AUDITOR CHILD WELFARE SERVICES
OCTOBER 2011 REPORT 2011-101.1
<http://www.bsa.ca.gov/reports/summary/2011-101.1>

This All County Letter provides clarifying instructions to counties regarding procedures to protect minor and Nonminor Dependents (NMD) from having contact with an RSO in a relative or Nonrelative Extended Family Member (NREFM) or court specified placement. Community Care Licensing is responsible for RSO investigations involving licensed facilities, and counties that license foster homes are responsible for investigating homes which they license.

BACKGROUND

In October 2011, the California Bureau of State Audits (BSA) compared the addresses of sex offenders in the Department of Justice California Sex and Arson Registry (CSAR) database against state and county licensed and approved homes contained in the Child Welfare Services/Case Management System (CWS/CMS), and found address matches indicating the possible presence of an RSO in the facility or placement home.

As a result, the California Department of Social Services (CDSS) has developed an administrative process to continue the cross-matching of addresses between the CSAR and CWS/CMS databases. On an ongoing monthly basis, an encrypted county-specific file containing matched address data is distributed electronically to each county child welfare

agency, with the exception of nonminor dependents identified in CWS/CMS as living in a “Supervised Independent Living Placement”.

THE RSO INVESTIGATION AND REPORTING PROCESS

Whenever a new file is electronically distributed to the county, a document entitled “Instructions for Investigating and Reporting Suspected Registered Sex Offender and CWS Placement Associations” is provided (see attachment). These monthly instructions are the culmination of the testing and county feedback that occurred throughout 2012.

Counties are directed to refer to the instruction document when completing the investigation and reporting process. The process for investigating and reporting back to CDSS must be completed no later than 45 days from the date of the electronic transmission of the file to the county. County workers will be investigating address matches for approved relative/NREFM homes with placement, and without a placement.

Approved Home With Placement

Following receipt of the electronic file with address match information for an approved home where a juvenile court minor or NMD is placed, the county worker must investigate and take the following actions:

- Determine if the individual is still residing there. If the person is still residing on the premises, the approved caregiver must decide whether they intend to allow the individual to remain as a part of the household.
- To ensure that a dependent will not reside with an individual who is an RSO or has a non-exemptible crime, the new individual or RSO associated to the address of the approved home must immediately be checked through the California Law Enforcement Telecommunications System and submit to Live Scan fingerprinting and be exempted, if appropriate.
- The individual cannot reside in the home if a dependent child is living there until the criminal background check process has been completed. The relative caregiver/home remains approved pending completion of the criminal background check. A designation of “At Capacity” should be applied in the CWS/CMS pending completion of the criminal background check. Applying the “At Capacity” designation in the CWS/CMS will not allow the home to be available as a placement option (see Appendix, page 2, item 3).
- If the individual’s conviction cannot be or is not exempted, and the caregiver chooses to allow the RSO or non-exempted individual to remain in the home, the county must remove the minor or nonminor dependent. The county must rescind the approval, and provide the caregiver with notice and an opportunity to appeal the rescission of approval.

Approved Home Without Placement

Before placement can occur, the home must be assessed to ensure that the caregiver continues to meet all statutory and regulatory relative approval standards. For example, the county must ensure:

- Household Composition
All residents of the home have successfully cleared criminal background checks or have received the appropriate criminal record exemptions. Provided the county has in place the proper criminal records rap-back reporting from the Department of Justice, the county need only focus on the status of any new individuals who reside in the home, which includes conducting the required criminal background check.
- Health and Safety
All physical plant issues and clearances for health and safety have been met.
- Caregiver's Ability to Meet the Minor's/NMD's Needs
The minor's or NMD's needs, as well as the caregiver's abilities and capacities, may have changed since the date of the caregiver's initial approval. The caregiver's ability to meet the minor's/NMD's current and anticipated needs must be reassessed to ensure that the caregiver has the ability to meet those needs.

When all residents are cleared and the home is appropriate for placement, the "At Capacity" designation can be removed with a notation as to when it was removed and the reason why it meets child welfare standards for dependent care.

If you have questions about the relative approval process, please contact the Kinship Care Policy and Support Unit at (916) 651-7465 or at kinship.care@dss.ca.gov. For questions about RSO address matching, please contact the Outcomes & Accountability Bureau at (916) 651-8099 or at CDSSRSOResponse@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

(Note: Attachments not included in Trainee Guide; for full ACL
<http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2013/13-64.pdf>)



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

February 17, 2016

ALL COUNTY LETTER NO. 16-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
COUNTY WELFARE DIRECTORS ASSOCIATION OF CALIFORNIA
ALL FOSTER FAMILY AGENCY DIRECTORS
ALL CDSS ADOPTION DISTRICT OFFICES
ALL CDSS COMMUNITY CARE LICENSING LIAISONS
ALL CDSS COMMUNITY CARE LICENSING PROGRAM MANAGERS

SUBJECT: RESOURCE FAMILY APPROVAL PROGRAM

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 16519.5](#);
[HEALTH AND SAFETY CODE \(H&S\) SECTION 1517](#);
[ASSEMBLY BILL \(AB\) 403 \(CHAPTER 773, STATUTES OF 2015\)](#);
[AB 340 \(CHAPTER 464, STATUTES OF 2007\)](#); [SENATE BILL \(SB\) 1460 \(CHAPTER 772, STATUTES OF 2014\)](#);
[SB 1013 \(CHAPTER 35, STATUTES OF 2012\)](#)

REASON FOR THIS TRANSMITTAL	
<input checked="" type="checkbox"/>	State Law Change
<input type="checkbox"/>	Federal Law or Regulation Change
<input type="checkbox"/>	Court Order
<input type="checkbox"/>	Clarification Requested by One or More Counties
<input checked="" type="checkbox"/>	Initiated by CDSS

The purpose of this All County Letter (ACL) is to provide counties, licensed foster care providers and other interested stakeholders with information on the Resource Family Approval (RFA) Program in preparation for the mandated statewide implementation on January 1, 2017. This Program will directly impact county welfare and probation departments and licensed foster care providers by creating a new foster caregiver approval process that replaces multiple existing processes of licensing or certifying foster homes, approving relatives, nonrelative extended family members (NREFMs), prospective adoptive parents, and legal guardians.

Background/Overview

The RFA Program was enacted by legislation sponsored by the County Welfare Directors Association (CWDA) in 2007 and expanded through [SB 1013 \(Chapter 35, Statutes of 2012\)](#). The statute requires the California Department of Social Services (CDSS), in consultation with county child welfare agencies, including juvenile probation, foster parent associations, and other interested community parties to

implement a unified, family-friendly and child-centered RFA process. Per statute, the new process was required to be tested in up to five early implementing counties prior to statewide implementation.

Five volunteer counties from varying geographic locations were selected by CDSS to be early implementers: Kings, San Francisco, San Luis Obispo, Santa Barbara and Santa Clara. The five counties began early implementation between November 1, 2013 and August 1, 2014. Since their implementation, the five counties, CDSS, and other stakeholders have collaborated on creating policies and procedures, developing implementation guidelines, assessing challenges and barriers, and establishing processes for data collection and review.

A second cohort of nine early implementing counties is scheduled to implement their RFA Program between January and July of 2016. These counties include: Butte, Madera, Monterey, Orange, San Joaquin, Siskiyou, Stanislaus, Ventura, and Yolo.

Continuum of Care Reform (CCR) and the RFA Program

Implementation of the RFA Program is a key component to the success of the CCR effort. This new process for approving resource families seeks to improve the experience children, youth, and nonminor dependents (NMD's) have in foster care by increasing the caregiver's ability to effectively meet the diverse needs of those in their care.

The RFA process, in combination with the [Quality Parenting Initiative \(QPI\)](#) that seeks to improve the partnership between foster parents and placing agencies, is intended to work together to build the capacity (both numerically and qualitatively) of the continuum of foster care placements. Although participation in the QPI is not a requirement of RFA, the increased collaboration, support and engagement of foster parents is essential to moving children out of congregate care successfully.

Funding was included in the 2015-16 enacted budget for the implementation of CCR and additional funding is being proposed in the 2016-17 Governor's Budget. Information on the proposed CCR funding can be found in the CCR premise description located in the Estimate Methodologies section of the Governor's 2016-17 Budget and can be accessed on the CDSS website at <http://www.cdss.ca.gov/cdssweb/default.htm> under the Highlights section. If the Budget Act of 2016 is signed by the Governor, CDSS, in collaboration with CWDA, will determine the appropriate methodology to distribute the funds to county welfare departments.

What is RFA?

RFA is a new foster caregiver approval process that improves the way caregivers (related and non-related) are approved by preparing families to better meet the needs of

vulnerable children, youth and NMDs in the county child welfare and/or probation systems. The RFA Program replaces the existing processes for licensing foster family homes, certifying homes of licensed foster family agencies, approving relatives and NREFMs as caregivers, and approving legal guardians and adoptive families by combining the best elements of all the processes into a single approval standard. The process is streamlined and unifies approval standards for all caregivers regardless of the child's case plan, thereby eliminating the duplication of existing processes such as background checks.

RFA creates a framework for all families, including relative and NREFM caregivers, to receive the same information, training and opportunities for support. A resource family completes one approval process, and once approved, may choose to provide care on a short- or long-term basis. Once a resource family is approved, they will not have to undergo any additional approval or licensure if they choose to adopt or be appointed a guardian for a child in foster care. Approval of a family, however, does not guarantee placement of the child with that family. The child's worker will continue to make placement decisions based on what is in the best interest of the child. Through the RFA process, approved resource families are better equipped to support and prepare a child for permanency.

Resource Family Comprehensive Assessment and Approval Process

The RFA process involves completion of a comprehensive assessment that includes assessing the applicant's ability to honor a child's or NMD's natural connections; parent a child/NMD in a family setting; provide a safe, nurturing and stable home; and provide permanence or prepare a child/NMD for permanence. The primary components of the comprehensive assessment include:

Home Environment:

This component requires an applicant to meet standards that include, but are not limited to, building and grounds, storage requirements, capacity determination, and background checks.

Background Checks:

Comprehensive criminal records check combines components from the current separate approval processes. Resource family applicants will complete one background check, and once assessed and cleared, will not have to repeat the process if the family chooses to adopt.

Psychosocial Assessment:

The psychosocial assessment creates a comprehensive picture of the family by exploring the applicant's family dynamics and characteristics, including mental, physical, and emotional health. This assessment helps to identify the family's strengths, as well

as the supports or additional training that may be needed for the family to best meet the needs of children, youth, and NMDs in out-of-home care.

Training

This component of the comprehensive assessment includes the family's completion of pre-approval training. The Written Directives (described on page five of this document) provide guidelines and requirements on training topics that must be provided to all prospective resource families and completed prior to the approval of the resource family. Pursuant to [Welfare and Institutions Code section 16519.5\(g\)\(13\)](#), a resource family applicant shall complete a minimum of 12 hours of pre-approval training. Once approved, post-approval training consists of a minimum of eight hours annually. The Written Directives are currently under revision; therefore, Version three of the Written Directives will reflect current statute regarding resource family training.

Once a comprehensive assessment is completed, in order to approve the family, a written assessment of the resource family must be completed, which includes a determination that the family possesses the following characteristics:

- An understanding of the safety, permanency, and well-being needs of children and NMDs who have been victims of child abuse and neglect, a capacity and willingness to meet those needs, including the need for protection, and the willingness to make use of support resources offered by the agency, have a support structure in place, or both.
- An understanding of children's and NMD's needs and development, effective parenting skills or knowledge about parenting, and a capacity to act as a reasonable and prudent parent in day-to-day decision making.
- An understanding of his or her role as a resource family and the capacity to work cooperatively with the County or approving agency and other service providers in implementing a child's or NMD's case plan.
- The financial ability within the household to ensure the stability and financial security of the family.
- The ability and willingness to maintain the least restrictive and most family-like environment that serves the needs of a child or NMD.

Placement Prior to Approval

The RFA process provides for placement of a child or NMD with a family prior to their approval as a resource family based on two situations:

- 1) In an emergency situation, a child or NMD may be placed with a relative or NREFM prior to approval if the following requirements are met:

- An inspection of the home and grounds that indicates it is free of conditions that pose undue risk to the health and safety of the child.
 - A criminal records check (pursuant to [W&IC section 16504.5](#) and Child Abuse Central Index).
 - Initiation of the RFA process within five business days if continued placement is desired including completion of:
 - Live scan background check within ten days of placement.
 - All remaining components of the RFA process within 90 days of placement.
- 2) If a compelling reason exists based on the best interest and needs of the child, and the family has already successfully completed the home environment assessment, a child or NMD may be placed in a home prior to approval. The requirements to be met post placement include:
- Completion of a psychosocial assessment within 90 calendar days of placement in the home.
 - Completion of all required pre-approval training within 90 days of placement in the home.

When a placement is made prior to approval for an emergency or compelling reason, the applicant is not eligible to receive Aid to Families with Dependent Children Foster Care benefit payments (including federal financial participation) until the applicant receives approval as a resource family by completing all components of the approval process, including pre-approval training, and meets any other Title IV-E criteria.

Written Directives

[Section 16519.5 of the W&IC](#) gives CDSS the authority to temporarily administer the RFA Program through "Written Directives." The CDSS has issued Written Directives and forms for implementing the RFA Program to ensure consistent standards among all counties and approving agencies. The Written Directives contain the processes, standards, and requirements of the RFA Program and have the same force and effect as regulations.

Version two of the Written Directives is currently in effect for all early implementation counties. With ongoing collaboration among early implementing counties and other stakeholders, revisions will continue to be made as RFA moves towards statewide implementation. The Written Directives can be found on the CDSS website at <http://www.childsworld.ca.gov/PG3416.htm>.

Key Information

- By January 1, 2017, all counties and licensed foster care providers statewide must implement the RFA process for all new applicants.
 - All early implementation counties were required to enter into a Memorandum of Understanding (MOU) with CDSS. For all counties beginning implementation on January 1, 2017, this will not be required.
- Once implemented, counties shall ensure all new related and non-related applicants participate exclusively in the RFA Program, including families being considered for probation placements.
- Prior to January 1, 2017, counties will need to prepare a comprehensive Implementation Plan for submission to CDSS per [W&IC section 16519.5\(g\)\(1\)](#).
 - The purpose of the plan is to provide guidance to counties by preparing for implementation of the RFA Program in their county through thoughtful planning and collaboration with key partners both internally and externally. It will also allow CDSS to provide feedback, guidance, and technical assistance to the county to aid in a smooth transition to the RFA Program.
 - A template providing details on what is required in the Plan and examples of early implementing county plans can be found on the CDSS website at <http://www.childsworld.ca.gov/PG3416.htm>.
 - Counties will need to review [W&IC section 16519](#) et seq. and the Written Directives in their entirety to prepare their proposed RFA Program implementation plan.
- By December 31, 2019, all existing licensed foster family homes, all certified family homes, and all approved relatives and NREFMs who wish to continue to care for a foster child must be an approved resource family.
 - Licensed foster family homes, certified family homes and approved relatives and NREFM's with an approved adoption home study completed prior to January 1, 2018, shall be deemed to be a resource family.
 - A licensed foster family home, a certified family home, and an approved relative and NREFM who had a child in placement at any time between January 1, 2017 and December 31, 2017, may be approved as a resource family on the date of successful completion of a psychosocial assessment.
 - A license, certificate of approval, and relative and NREFM approval will need to be surrendered at the time of approval as a resource family so the family is not required to comply with different laws.
 - All foster family licenses, certificates of approval for certified family homes, and approvals of relatives and NREFMs shall be forfeited by operation of law on December 31, 2019.

- o More information regarding the conversion procedures for all existing families will be forthcoming in a future ACIN.

Preparing for Implementation – Resources and Recommendations

- County welfare departments should engage and consult with county probation partners and other affected parties early on to collaborate on implementation of the RFA Program.
- Although tribes are not required to implement the RFA process for tribally approved homes, it is important to include them as valuable stakeholders in the RFA Program.
- As training is a critical piece of RFA implementation, it is recommended that counties begin assessing their training capacity, curricula, and space needs to include all families in the process.
- A Readiness Assessment tool has been created as a resource for counties to begin preparing for implementation of RFA. The readiness tool can be found on the CDSS website at <http://www.childsworld.ca.gov/PG3416.htm>.
- Counties are encouraged to visit the California Social Work Education Center (CalSWEC) <http://calswec.berkeley.edu/toolkits/resource-family-approval-rfa> to access an RFA Toolkit with information and tools for counties to use as they prepare to implement RFA. Templates and tools continue to be developed to assist counties with implementing RFA and to provide guidance on the assessment processes. These resources will also be included on the CalSWEC and the CDSS RFA websites as they become available.
- Training modules are currently in development by CDSS and CalSWEC for statewide use by county RFA staff. The training will be piloted with early implementing counties and statewide roll out is projected for late 2016. The trainings will be provided by the Regional Training Academies in collaboration with CDSS.
- The CDSS will be providing on-going technical assistance and training to counties to assist in preparation for full implementation through means such as All County Information Notices (ACINs), county visits, and regional convenings.
- The first five early implementing counties have a wealth of knowledge and experience that can be a valuable resource for other counties as they begin preparing for implementation. Counties are encouraged to connect with early implementing counties for guidance and support.
- The CDSS will also be developing plans to provide technical assistance to licensed foster care providers and will continue to provide information through ACLs, ACINs, and Information Releases.

All County Letter No. 16-10
Page Eight

It is anticipated that the RFA Program will result in better outcomes for children and families by simultaneously addressing the safety of children in foster care and the length of time it takes for them to achieve permanency when they cannot return to their parents. The goal is to improve caregiver standards and better prepare families to meet the needs of children in the foster care system by providing increased support and training. Families who are better prepared and supported will mean that children in their care will experience less placement changes and exit foster care in less time than under the current processes.

If you have any questions regarding this ACL, please email the RFA Program Unit at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

May 12, 2016

ALL COUNTY LETTER (ACL) NO. 16-45

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY WELFARE TO WORK COORDINATORS
ALL CONSORTIA REPRESENTATIVES
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL FOSTER CARE MANAGERS

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs) PROGRAM REQUIREMENTS: NEW APPLICATION AND FORM FOR NON-NEEDY CARETAKER RELATIVES WITH RELATIVE FOSTER CHILDREN PLACED IN THE HOME

REFERENCES: [ASSEMBLY BILL \(AB\) 403](#) (CHAPTER 773, STATUTES OF 2015); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS [309](#), [361.45](#), [11253.2](#) AND [16519.5](#).

The purpose of this ACL is to transmit a new simplified application and rights and responsibilities form for non-needy caretaker relatives caring for relative foster children, pursuant to AB 403, signed by Governor Brown on October 11, 2015. AB 403 will better support foster children in the homes of relatives by requiring a simplified CalWORKs application process for relative foster children placed with non-needy caretaker relatives. Effective January 1, 2016, the new application was developed to be user friendly to the non-needy caretaker relative and include questions specific to the child's information; therefore, improving program access and decreasing the administrative burden on County Welfare Departments (CWDs).

BACKGROUND

When a child is removed from a parent and placed into foster care, state law requires that preferential consideration for placement be given to a relative. Relatives must be approved, meaning they must meet health and safety standards that mirror those for a licensed foster parent.

Although placement with a relative is the preferred placement, a foster child in the care of a relative may or may not receive the same level of funding as if the same child were with a non-relative. Funding depends on whether the child is eligible to receive federal Aid to Families with Dependent Children-Foster Care (AFDC-FC). While an approved relative may receive AFDC-FC payments on behalf of a *federally* eligible foster child, an approved relative caring for a *non-federally* eligible foster child is ineligible for AFDC-FC.

The approved relative may then apply to receive CalWORKs benefits on behalf of the non-federally eligible foster child in their care by filling out a lengthy application. Relative caregivers may also apply for CalWORKs while waiting for approval or denial of foster care funding. CalWORKs grants are not a per-child payment, but are based on the size of the family as a whole, and are less than the AFDC-FC rate.

This process can be time consuming and confusing for relatives. AB 403 will alleviate this process by providing a shorter CalWORKs application for relative foster children placed with non-needy caretaker relatives. The application is centered on the child only, and will clearly identify this as a non-needy caretaker relative. A shorter application can be processed more quickly, and the relative can receive benefits to stabilize placement.

APPLICATION AND RIGHTS AND RESPONSIBILITIES FORM FOR NON-NEEDY CARETAKER RELATIVES

The CW 2219 application and CW 2218 form have been developed for non-needy caretaker relatives applying for CalWORKs on behalf of relative foster children who have been temporarily placed by the county child welfare agency under W&IC Sections 309 or 361.45, or placed in a related resource family home. The CW 2219 and CW 2218 (Rights and Responsibilities) are required, no substitute permitted forms, to be completed by the non-needy caretaker relative at initial application and redetermination. The simplified CW 2219 application asks for the child's information, such as income or property of the child. A separate application is required for each child for whom the non-needy relative caretaker is applying. The CW 2218 (Rights and Responsibilities) is specific to non-needy caretaker relatives. Although a separate CW 2219 is required for each child, one CW 2218 may be completed if the non-needy

caretaker relative is applying for several relative foster children at the same time. CWDs must begin using the new CW 2219 and CW 2218 immediately, using hard stock until they are programmed into the Statewide Automated Welfare Systems (SAWS).

Caretaker relatives who wish to receive CalWORKs benefits for themselves and/or other children in the home may not use the CW 2219 and must instead use the SAWS 2 Plus.

STATEWIDE FINGERPRINT IMAGING SYSTEM (SFIS) EXCEPTION

Use of the CW 2219 and CW 2218 does not change the process and procedures for application and redetermination. Normal CalWORKs rules apply, with the exception of SFIS. Non-needy caretaker relatives who fill out the CW 2219 are exempt from fingerprint and photo-imaging requirements. SFIS is required if the caretaker relative subsequently applies for CalWORKs for themselves and/or other children in the home who are not relative foster care children.

REQUIRED FORM - NO SUBSTITUTE PERMITTED

Forms in this category are required forms that the CWD may not modify or restructure. However, overprinting or reformatting under the conditions outlined in Operations Manual Section 23.400.211, Overprinting Required Forms and Section 23-400.212, EDP Modifications, is permitted.

CAMERA READY COPIES AND TRANSLATIONS

For a camera-ready copy in English, contact the CDSS Forms Management Unit at fmudss@dss.ca.gov. You may obtain these forms from the CDSS webpage at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_271.htm.

When all translations are completed per Manual of Policies and Procedures (MPP) Section 21-115.2, they are posted on an on-going basis on the CDSS webpage. Copies of the translated forms can be obtained at: http://www.dss.cahwnet.gov/cdssweb/FormsandPu_274.htm.

For questions on translated materials, please contact the CDSS Language Services at (916) 651-8876. Until translations are available, recipients who have elected to receive materials in languages other than English should be sent the English version of the form or notice along with the GEN 1365 – Notice of Language Services and a local contact number. <http://www.cdss.ca.gov/cdssweb/entres/forms/Multi/GEN1365MUL.pdf>

All County Letter No. 16-45
Page Four

The CWDs shall ensure that effective bilingual services are provided. This requirement may be met through utilization of paid interpreters, qualified bilingual employees, and qualified employees of other agencies or community resources. These services shall be provided free of charge to the applicant/recipient.

In the event that CDSS does not provide translations of a form, it is the CWD's responsibility to provide interpreter services if an applicant or recipient requests them. More information regarding translations can be found in [MPP Section 21-115](#).

If you have any questions regarding this letter, please contact the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

Original Document Signed By:

TODD R. BLAND
Deputy Director
Welfare to Work Division

Attachments



CDSS

WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov

REASON FOR THIS TRANSMITTAL

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

February 14, 2017

ALL COUNTY LETTER (ACL) NO. 17-16

TO: ALL COUNTY WELFARE DIRECTORS ALL COUNTY FISCAL OFFICERS

ALL COUNTY AUDITOR CONTROLLERS ALL CHIEF PROBATION OFFICERS

ALL COUNTY WELFARE DIRECTORS ASSOCIATION ALL CDSS ADOPTION REGIONAL AND FIELD OFFICES ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: RESOURCE FAMILY APPROVAL PROGRAM – CONVERSION OF EXISTING APPROVED AND LICENSED FOSTER CAREGIVERS TO RESOURCE FAMILIES

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTION 16519.5](#); ALL COUNTY LETTERS [\(ACL\) NO. 16-10 AND ACL NO. 16-58](#)

The purpose of this ACL is to provide county child welfare, probation departments and other interested stakeholders with information on the conversion process of all currently licensed foster family homes, approved relatives and Non-Relative Extended Family Members (NREFMs) for the mandated statewide implementation of Resource Family Approval (RFA). This ACL provides instructions on which aspects of RFA are to be completed for existing caregivers and what to include in the new Resource Family (RF) file (see Attachment “A”) as well as a Frequently Asked Questions document (see Attachment “B”).

This ACL describes the conversion process for the following existing caregivers:

- Approved relatives/NREFMs and licensed foster family homes with an approved adoption home study – (see page 3),
- Approved relatives/NREFMs and licensed foster family homes with placement of a child or Non-Minor Dependent (NMD) at any time during calendar year 2017 – (see page 4), and

- Licensed foster family homes and approved relatives/NREFMs without placement of a child at any time during calendar year 2017 – (see page 6).

Notification to Families

The W&IC section 16519.5 and Health and Safety Code section 1517.1 requires that *all* currently licensed foster family homes and approved relative/NREFM caregivers must be approved as RFs no later than December 31, 2019, in order to care or continue to care for a child or NMD.

Additionally, no later than July 1, 2017, each county shall provide the following information to its county-licensed foster family homes and approved relatives and NREFMs:

- A detailed description of the RFA Program;
- Notification that in order to care for, or continue to care for, a child or NMD placed by a public or private placement agency, court order, or voluntarily placed by a parent or guardian, RFA is required by December 31, 2019; and
- Notification that a foster family home license or approval of a relative/NREFM shall be forfeited by operation of law on December 31, 2019, except as follows:
 - If the caregiver has not had any children or NMDs placed in the home during the calendar year of 2017, their license or approval shall be forfeited by operation of law on January 1, 2018;
 - If the conversion to a RF has begun but has not been completed by December 31, 2019, the license or approval will remain in effect until the date of RF approval or on the date of completion of due process for a denied application; and
 - A license or approval shall be forfeited upon approval as a RF.

The California Department of Social Services (CDSS) does not have a prescribed format for this notification. It is each county's responsibility to provide this information to caregivers in a way that best meets the needs of the county and the families while fulfilling this requirement.

The Community Care Licensing Division (CCLD) of CDSS will provide the notification to all department-licensed foster family homes. If a county prefers to notify these licensees instead, it may request a list of the department-licensed foster family homes within that county by emailing RFA@dss.ca.gov by March 17, 2017.

Approved Relatives/NREFMs and Licensed Foster Family Homes with an Approved Adoption Home Study

Approved relatives/NREFMS and licensed foster family homes will be deemed to be a RF upon confirmation by the county that (one) the caregiver has an approved adoption home study that was completed prior to January 1, 2018, and (two) that the home study has been updated pursuant to [Title 22, Division 2, Adoptions Manual section 35183.1](#). These caregivers are not required to have a placement in 2017 in order to officially change their status to a RF.

In cases where an approved relative/NREFM caregiver or licensed foster family home was referred to an Adoption Regional Office or licensed adoption agency to complete the adoption home study, the referring county will retain authority and oversight responsibilities of the RF.

The following shall occur to officially change the status of a licensed foster family home or approved relative/NREFM to that of a RF:

- The prospective RF shall submit a Conversion to Resource Family: Release of Information (RFA 00);
- Within 20 calendar days of receiving the RFA 00, the Adoption Regional Office or licensed adoption agency shall disclose an adoption home study and any updates to an adoption home study to the county;
 - The Adoption Regional Office or licensed adoption agency shall redact the names of foster children including the child to be adopted and other identifying information from the adoption home study and any updates to an adoption home study,
 - Adoption files for the family and the child(ren) should remain with the adoption agency and adhere to adoption laws and regulations pertaining to content and storage, See Attachment “A” for instructions on how to convert the existing file to a RF file. (Identifying information about any child or NMD shall be redacted from the documents);
- Upon approval the county shall issue a Resource Family Approval Certificate (RFA 05A or equivalent) and include the date the family was approved as a RF. The approval date begins the period for annual updates;
- Once a Resource Family Approval Certificate has been issued, the county shall notify the Adoption Regional Office or licensed adoption agency. The Adoption Regional Office or licensed adoption agency shall terminate Department of Justice (DOJ) notifications related to the family using the No Longer Interested notification

form. Licensing and approval agencies should adhere to regular record retention policies in case of an audit;

- Complete Child Welfare Services/Case Management System (CWS/CMS) instructions for conversion of the family to RF status;
- If a department-licensed foster family home informs a county of their interest in converting to a RF, the county shall notify the CCLD Regional Office (RO) that licensed the home. Upon approval of the RF, the county shall notify the RO so the licensing file can be closed; and
- Once the family is approved as a RF, their relative or NREFM approval or foster family home license is forfeited by operation of law.

Conversion of Approved Relatives/NREFMs and Licensed Foster Family Homes with Placement of a Child or NMD at Any Time During 2017

For approved relatives/NREFMs and licensed foster family homes who have a child or NMD placed in their home at any point in time during the calendar year of 2017, the following shall be completed to convert to a RF:

- The prospective RF must submit a Conversion RFA application (RFA 00A) and show proof of identity;
- Complete a Conversion to Resource Family: Release of Information (RFA 00);
- Create a RF Family File:
 - See Attachment “A”, for instructions on how to create or convert the existing file to a RF file.
- Conduct a Family Evaluation pursuant to RFA Written Directives section 6-05;
- - In cases in which only one member of a family was approved as a relative/NREFM or licensed as a foster family home, and another family member now wants to be approved as a RF, the unapproved or unlicensed family member will need to complete the RFA process as a new applicant,
 - It is best practice to approve both caregivers as the RF, if possible. This allows both caregivers to adopt or provide guardianship to a child in their care;

- Ensure each caregiver and adult residing in or regularly present in the home has a current criminal record clearance or exemption, and the subsequent arrest notification is still open and active. If not, then the county must complete a background check for that individual pursuant to RFA Written Directives section
- Complete a RF Written Report for conversion using form RFA 05C or an equivalent that includes the content contained in form RFA05C;
- Upon approval, the county shall issue a Resource Family Approval Certificate (RFA 05A or equivalent) including the date the family was approved as a RF. The approval date begins the period for annual updates;
- Complete CWS/CMS instructions for conversion of the family to RF status;
- Once the family is approved as a RF, their relative or NREFM approval or foster family home license is forfeited by operation of law;
- If a department-licensed foster family home informs a county of their interest in converting to a RF, the county shall notify the CCLD Regional Office (RO) that licensed the home. Upon approval of the RF, the county shall notify the RO so the licensing file can be closed; and
- The county and CCLD shall work cooperatively to transfer the family's licensing file to the county.

If an approved relative or NREFM or licensed foster family home indicates they would like to adopt a child in their care or to adopt another prospective child, the county shall require the RF to submit fingerprints for a new federal and state level criminal record clearance pursuant to Family Code section 8712. The county must then update the Written Report to consider the criminal history of the RF, including the effects of any criminal history on the ability of the prospective RF to provide adequate and proper care and guidance to the child to be adopted.

If an approved relative or NREFM who had a placement in 2017, would like to continue to provide care for other children or NMDs, the caregiver is able to convert to a RF as long as there is a valid criminal record clearance or exemption on all adults residing or regularly present in the home and subsequent DOJ notifications about those individuals are being sent to the approving county. If subsequent DOJ notifications have been terminated, the family would need to complete the process outlined above.

If a county has approved a relative/NREFM home on behalf of another county, the approving county is responsible for the conversion of that home to a RF. A county may establish a joint agreement with the placing county for conversion of the family.

Licensed Foster Family Homes and Approved Relative/NREFMs without a Placement Of a Child or NMD at Any Time During 2017

All licensed foster family homes and approved relatives/NREFMS that do not have a child or nonminor dependent in placement at any time between January 1, 2017, and December 31, 2017, shall forfeit their license or approval by operation of law on January 1, 2018. The family's licensure or approval status will need to be updated in CWS/CMS and the county shall close out the subsequent arrest notification with DOJ related to the caregiver(s) and the other adults in the home.

On and after January 1, 2018, if the family is interested in providing care again for a child or NMD, they will need to submit a Resource Family Application (RFA-01A) and complete the entire RFA process.

Background Check Processes for Converting Existing Families

An approved relative/NREFM or licensed foster family home may transfer an existing criminal record clearance/exemption for RFA conversion purposes without having to submit new livescan fingerprints. If an individual was printed by another county or CDSS, the county converting the home for RFA purposes must (one) request a transfer of the existing clearance/exemption from the originating agency, and (two) request a transfer of subsequent criminal history notifications from the DOJ using the Substitute Agency Notification Request form (BCII 9002).

In order for a clearance/exemption to be transferred for conversion purposes subsequent disposition and arrest notifications from DOJ must be available, as well as subsequent notifications of any substantiated Child Abuse Central Index (CACI) reports. Note that if an individual was approved before January 1, 1999, the county shall complete a new CACI check for the individual in order to receive subsequent CACI reports.

Further information regarding background checks, subsequent arrest notifications and other background check- related matters will be forthcoming.

Conversion Practice Considerations

There is no requirement as to which families will be converted to RFA first; however, prioritization is helpful to ensure that all families will be converted to RF status by December 31, 2019. Each county should consider the various levels of permanency when determining the conversion priority. Families with foster children who will be moving towards permanency with the current caregiver could be converted first.

Families with placements in which reunification will not be occurring soon, could be converted next. Families who are caring for children in which reunification will be soon and the caregiver does not

The RFA program is a new approval process with new and different continuing requirements for caregivers. It may be helpful to provide information on the changes in caregiver responsibilities to families who are converted to Resource Families.

If there are any case specific situations that were not addressed in this ACL, please email the RFA Program Unit at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE

Deputy Director

Attachments



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

January 10, 2018

<u>REASON FOR THIS TRANSMITTAL</u>
<input type="checkbox"/> State Law Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order
<input type="checkbox"/> Clarification Requested by One or More Counties
<input checked="" type="checkbox"/> Initiated by CDSS

ALL COUNTY LETTER (ACL) NO. 18-02

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL CHIEF PROBATION OFFICERS
ALL COUNTY WELFARE DIRECTORS ASSOCIATION
ALL CDSS ADOPTION REGIONAL AND FIELD OFFICES
ALL TITLE IV-E AGREEMENT TRIBES
ALL LICENSED FOSTER FAMILY AGENCIES
ALL CHILDREN'S RESIDENTIAL PROGRAM STAFF

SUBJECT: RESOURCE FAMILY APPROVAL PROGRAM – CONVERSION OF LICENSED FOSTER FAMILY HOMES (FFH) AND CERTIFIED FAMILY HOMES (CFH) THAT PROVIDED RESPITE SERVICES IN 2017

REFERENCE: [WELFARE AND INSTITUTIONS CODE 16519.5;](#) [HEALTH AND SAFETY CODE 1517; ASSEMBLY BILL \(AB\) 404 \(CHAPTER 732; STATUTES OF 2017\); ALL COUNTY LETTER NO. 17-16; PROVIDER INFORMATION NOTICE \(PIN\) 17-03-CRP](#)

The purpose of this ACL is to provide county welfare departments, probation departments, licensed foster family agencies, and other interested stakeholders with notification on chaptered legislation that will impact the conversion of existing licensed FFH and CFH of licensed foster family agencies to Resource Families.

AB 404, which goes into effect on January 1, 2018, amended Welfare and Institutions Code section 16519.5 and Health and Safety Code section 1517 to specify that a licensed FFH or a CFH that provided county-authorized respite services between January 1, 2017 and December 31, 2017, inclusive, may be approved as a Resource Family on the date of successful completion of a psychosocial assessment.

Beginning January 1, 2018, to convert a licensed FFH that did not have a child or nonminor dependent (NMD) in placement, but provided county-authorized respite services for a foster child during the 2017 calendar year, a county shall complete the conversion requirements as specified in ACL No. 17-16 in the section entitled "Conversion of Approved Relatives/Non Relative Extended Family Members (NREFMs) and Licensed FFH with Placement of a Child or NMD at Any Time during 2017."

Beginning January 1, 2018, to convert a CFH that did not have a child or NMD in placement, but provided county-authorized respite services for a foster child during the 2017 calendar year, a licensed foster family agency shall complete the conversion requirements as specified in PIN 17-03 CRP in the section entitled "Conversion of Certified Family Homes with Placement of a Child or Nonminor Dependent at Any Time During Calendar Year 2017."

For questions related to this ACL, please email the Resource Family Approval Implementation Unit at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Original Document Signed By

PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN, JR.
GOVERNOR

March 30, 2018

ALL COUNTY LETTER (ACL) NO. 18-33

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL COUNTY FOSTER CARE MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
COUNTY WELFARE DIRECTORS ASSOCIATION

SUBJECT: SHORT-TERM, INTERIM FUNDING FOR EMERGENCY CAREGIVERS WITH PLACEMENT OF CHILD(REN) AND/OR NON MINOR DEPENDENTS (NMD) PRIOR TO RESOURCE FAMILY APPROVAL (RFA)

REFERENCE: ASSEMBLY BILL [\(AB\) 110](#) (CHAPTER 8, STATUTES OF 2018); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS [309](#), [361.4](#), [361.45](#), AND [16519.5](#); ACL NOS. [05-38](#), [16-92](#), AND [17-75](#); [COUNTY FISCAL LETTER \(CFL\) NO. 17/18-41](#)

The purpose of this ACL is to notify county child welfare agencies and probation agencies about the provision of interim funding for caregivers, who have taken placement of a child or a NMD on an emergency basis, pursuant to W&IC sections 309 or 361.45, or for a compelling reason pursuant to W&IC section 16519.5, hereinafter referred to as emergency caregivers. For purposes of this ACL, any reference to a child will also include a NMD. This short-term funding is being provided to mitigate the financial burden on families who are caring for children placed with them on an emergency or compelling reason basis and have pending RFA applications. The AB 110 (Chapter 8, Statutes of 2018) requires each county to provide a payment to the emergency caregiver in an amount equal to the basic level rate paid to resource families. This funding and the requirement to pay the emergency caregiver will take

effect immediately upon the issuance of this ACL and will remain in effect through June 30, 2018.

BACKGROUND

The RFA program was enacted through [Senate Bill 1013](#) (Chapter 35, Statutes of 2012). It implements a unified process for approving families to care for children in foster care, including relatives, non-relative extended family members (NREFMs), county-licensed foster parents and certified foster families. RFA combines elements of the current foster parent licensing, relative approval, and approvals for adoption and guardianship processes and replaces those processes with a single, unified approval process to support permanency for foster youth.

EFFECTIVE DATE OF PAYMENTS/INITIATING THE PAYMENTS

Upon the issuance of this ACL, or the date of the placement as described below, whichever is later, all counties will be required to provide a payment equivalent to the basic level rate for a resource family to the emergency caregiver of a child or NMD until June 30, 2018. These payments will be provided through the Emergency Assistance (EA) Program or the Approved Relative Caregiver (ARC) Funding Program depending on the federal eligibility status of the child and the child's relationship to the caregiver as described in the Federal Eligibility section of this ACL.

The following sequence of events are required to initiate the short-term funding:

1. A placement prior to approval occurs on an emergency basis pursuant to W&IC sections 309 or 361.45 or for a compelling reason pursuant to W&IC 16519.5.
2. The emergency caregiver submits an RFA application form ([RFA-01A](#)) within five business days. **The date of the signed RFA-01A is the effective date of payment.**
3. The completed EA/ARC application is submitted and is the mechanism which permits the EA/ARC funded payments to be issued. As noted above, the payment will be effective from the date the RFA-01A is signed.

To initiate the short-term payment without delay, counties are strongly encouraged to obtain a signed RFA-01A from the emergency caregiver at the time of placement. The appropriate EA or ARC application should be submitted concurrently so that the payment may be initiated timely.

Please refer to the following examples illustrating the effective date of payment.

ACL 18-33 is released March 30, 2018:

- Applicant A takes placement prior to approval on April 15, 2018. Upon submission of a RFA-01A, Applicant A will be eligible for interim funding the date the RFA-01A was signed.

- Applicant B received placement prior to approval on January 4, 2018, and submitted the RFA-01A on January 9, 2018. Applicant B will be eligible for interim funding effective the date of issuance of this ACL. **There will not be a retroactive payment.**

Note: In the first month the child is eligible for this interim funding, no portion of a California Work Opportunity and Responsibility for Kids (CaWORKs) Program payment made on behalf of a child will be counted as income. Therefore, the receipt of CaWORKs will not impact the calculation of the prorated interim funding described in this letter. For example, Applicant C received placement prior to approval on February 3, 2018, submitted an RFA-01A, and is currently receiving a CaWORKS payment. Applicant C will be eligible to receive, on behalf of the child, a prorated interim funding payment (with no offsets due to receipt of CaWORKs benefits) equal to the basic level rate for Resource Families effective the date of issuance of this ACL. As noted above, there will not be a retroactive payment.

FEDERAL ELIGIBILITY

As with all children entering foster care placements, the county must promptly determine the federal eligibility status of the child consistent with existing requirements.

If the child would be eligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC) in an approved Resource Family home, the source of interim funding will be drawn down from the EA Program. If a non-federally eligible child is placed with a relative, then the placement will be funded through the ARC program consistent with the current ARC and CaWORKs application process. This funding scheme is illustrated below:

	Placement Prior to Resource Family Approval	
	Relative	NREFM
Federal Eligible Child	EA	EA
Non-Federal Eligible Child	ARC	EA

It should also be noted that, until further guidance is issued, this ACL supersedes the instructions in ACL 05-38 that limited EA funding to a relative for no longer than 30 days. However, existing federal eligibility criteria and requirements for EA shall remain in effect for purposes of the emergency payments. Additionally, existing eligibility criteria and requirements for ARC remain the same with the exception of resource family approval prior to funding.

CLAIMING INSTRUCTIONS

A separate County Fiscal Letter will be issued concurrently that will describe the claiming process to administer these interim funds.

Counties are reminded they **must** shift the funding source, upon the families' approval as a Resource Family, and at the end of 60 days (unless extended), from the interim

funding to the applicable post-approval funding source(s) pursuant to existing eligibility standards.

FUNDING REQUIREMENTS

For cases funded through EA, the California Department of Social Services (CDSS) will make available to counties General Funds (GF) through June 30, 2018 to cover up to 60 days of payments for an eligible child or NMD. After 60 days, counties will be required to cover the entire nonfederal share of the EA payment until June 30, 2018. If certain conditions are met, as described in the Funding Past 60 Days section below, GF is eligible to be extended for the entire nonfederal share of the payment up through June 30, 2018.

FUNDING PAST 60 DAYS

Counties shall provide payment to all emergency caregivers through June 30, 2018. As a prerequisite for obtaining GF for the nonfederal share of EA past the 60-day benchmark, each county shall be required to do either of the following:

1. Document good cause for the RFA applicant not yet being approved created by circumstances outside the direct control of the county, if applicable. For example, criminal background checks and exemptions, out-of-county placements, the need for additional evaluative assessments, or individual family circumstances or emergencies, among other reasons, if outside the control of the county, may be considered a good cause for the delay. Good cause must be determined on a case-by-case basis and documentation substantiating the good cause determination must be maintained in the RFA applicant's file; or
2. Identify a prior existing backlog of Resource Family applicants and submit a backlog plan that:
 - a. Identifies and categorizes the existing backlog as follows:
 - i. Applicants with placements prior to approval pending past 90 days with good cause **and** applicants with placements prior to approval pending past 90 days without good cause.;
 - ii. Applicants **without** placement pending past 120 days
 - b. Explicitly details the strategies and protocols the county will implement to eliminate the overall backlog of RFA applicants;
 - c. Eliminates the RFA backlog by September 1, 2018;
 - d. Provides for the county to communicate to applicants who are in the backlog the anticipated date by which their application will be processed.

For purposes of meeting this backlog requirement, please complete the attached template (Attachment A) and submit to the Department at RFA@dss.ca.gov, no later

than May 15, 2018. The Department shall acknowledge receipt of the plan within two business days via electronic mail.

Once the backlog plan has been accepted by CDSS, the county shall be eligible for GF until June 30, 2018 for payments to all eligible emergency caregivers whose RFA applications remain pending. Existing licensed or certified foster family homes that are pending conversion, shall not be identified as backlogged, as they are not eligible for the provision of these payments. However, relatives or NREFMs with home approval under the prior system may be eligible to receive this funding if a child is placed in the home on an emergency or compelling reason basis pending RFA approval.

CHILD WELFARE SERVICES/CASE MANAGEMENT SYSTEM (CWS/CMS) AND STATEWIDE AUTOMATED WELFARE SYSTEM (SAWS)

Currently, in order for a relative or NREFM with emergency placement to receive funding, the applicant must be coded in the CWS/CMS or SAWS to reflect an approval status. However, to work around this requirement, counties will need to utilize the date of the signed RFA-01A to establish the first date of payment. Once the home is approved, this date must be updated to reflect the date of final approval.

NOTICES OF ACTION (NOA) REQUIREMENTS

Consistent with existing rate change and determination processes, due process rights will continue to be afforded to families through NOAs. Counties will notify families via a NOA that explains the provision of the funding, as described in this ACL, to emergency caregivers who have taken placement of children, prior to full RFA status pursuant to W&IC section [11461.35](#). CDSS is developing NOAs that will be released shortly for county use and substitutions of the form will be permitted.

The SAWS will provide counties with workaround instructions to issue the interim funding payments. It is important to note that the manual NOAs referenced above must be issued as appropriate, and any automated NOAs that would normally be produced that reference a home that has been approved must be suppressed.

OUT OF COUNTY APPROVAL PROTOCOL

The Out of County Approval Protocol, established by the County Welfare Director's Association (CWDA), provides guidance to a county that is seeking an emergency placement and/or approval of a Resource Family home within the geographic boundaries of another county. It is expected that the provisions of the protocol will be adhered to and that both counties (county of jurisdiction and emergency caregiver's county) will collaborate to ensure that the short-term payment is properly administered and monitored by the child's or NMD's county of jurisdiction.

ADDITIONAL INFORMATION

The CDSS is confident that these payments will mitigate, in the short term, many of the financial stressors that our emergency caregivers incur when they receive placement of

kin with little notice and minimal opportunity to pre-plan for the range of needs, services and supports critical to protect and parent these children and youth. Furthermore, it is expected that the formalization of a backlog reduction strategy will enable each county to develop the most efficient pathway to approve, maintain, and cultivate a robust network of family-based placement options envisioned by CCR.

If you have policy or program questions related to RFA please contact RFA@dss.ca.gov. Questions related to claiming should be directed to Fiscal_Systems@dss.ca.gov.

Sincerely,

Original Document Signed by:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

Please submit the following information no later than May 15, 2018 to RFA@dss.ca.gov. The County may submit the information in an equivalent format; please ensure that the following elements are included.

Name of County: _____
Submitted by: _____
Date: _____

Purpose: The California Department of Social Services (CDSS) shall extend the emergency assistance payments for an additional 30 days, but no longer than June 30, 2018, if either of the following conditions are met:

1. Ensure that applications, with placements prior to approval, pending past 90 days, due to circumstances outside the direct control of the county, are documented in the applicant's file. Circumstances such as lengthy criminal background checks and exemptions, the need for additional evaluative assessments, out-of-county placements, or individual family circumstances or emergencies, among other reasons, if outside the control of the county, may be considered a good cause for the delay.

Please quantify the number of Resource Family Approval (RFA) applications with placements prior to approval that have been delayed for good cause below:

_____ (Insert number of applications)

- 2 Identify the county's existing backlog of RFA applicants and submit a backlog plan that:
 - A. Quantifies the existing backlog, based on the number of RFA applicants pending past 90 days **without good cause**, and separately identifies families with current placements and those without.

RFA Applicants Pending Without Good Cause	With Placement	Without Placement
Greater than 90 days		

- B. Please explain the strategies and steps the County will take to eliminate the overall backlog of all RFA applicants by September 1, 2018, including ensuring that emergency caregivers with applications over 90 days are timely processed. Also provide the communication strategy to notify the emergency caregivers of the anticipated date to process their application.



WILL LIGHTBOURNE
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

January 18, 2018

ALL COUNTY INFORMATION NOTICE (ACIN) NO. I-01-18

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
COUNTY WELFARE DIRECTORS ASSOCIATION OF CALIFORNIA
ALL FOSTER FAMILY AGENCY DIRECTORS
ALL CDSS ADOPTION REGIONAL OFFICES
ALL TITLE IV-E AGREEMENT TRIBES
ALL CDSS COMMUNITY CARE LICENSING DIVISION (CCLD)
COUNTY LIAISONS

SUBJECT: OUT-OF-COUNTY EMERGENCY PLACEMENT ASSESSMENT AND
RESOURCE FAMILY APPROVAL (RFA) PROTOCOL

REFERENCE: [WELFARE AND INSTITUTIONS CODE \(W&IC\) SECTIONS 309,
361.45, 16519.5;
ASSEMBLY BILL \(AB\) 403 \(CHAPTER 773, STATUTES OF 2015\)
ALL COUNTY LETTERS \(ACLs\) 18-10, 18-58.](#)

The purpose of this ACIN is to inform county child welfare agencies and probation departments of the statewide out-of-county approval protocol adopted by the County Welfare Directors Association (CWDA) in collaboration with the Chief Probation Officers of California (CPOC). The protocol, developed as a result of a workgroup conducted by CWDA and CDSS, facilitates out-of-county emergency placement assessments and approval of relatives and nonrelative extended family members (NREFM) as Resource Families.

Background/Overview

Prior to the implementation of RFA, there was an established agreement between county child welfare agencies when conducting the relative approval process for relatives or NREFMs who lived outside the relative child's county of jurisdiction.

REASON FOR THIS TRANSMITTAL

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

When a relative or NREFM who lived out of the placing county's jurisdiction was identified, the placing county would either make a request to the county where the individual resided to complete the relative approval process or the placing county would complete the process itself. The relative or NREFM approval was also child specific for the particular child(ren) being placed, and the caregiver was not eligible to receive placement of any other children. If a complaint was made about a relative or NREFM home, then the approving county's case carrying social worker would assess the complaint, and, if it was determined the complaint included allegations of abuse or neglect, a referral would be made to child protective services.

The RFA process is significantly different in many respects. Resource Families, regardless of relationship to the child, must be approved with the same approval process. RFA permits a Resource Family to accept the placement of any child from any county, unless the approval is limited to a specific child(ren). Counties are now also required to investigate all complaints made against a Resource Family, not just those pertaining to abuse or neglect, provide training to Resource Family applicants and Resource Families, to conduct inperson interviews in order to identify strengths and needs of Resource Family applicants and Resource Families and link them to supportive services if needed, and to perform annual approval updates of Resource Families.

RFA brings different approval and ongoing oversight requirements and responsibilities for the approving county, making it more challenging for the placing county to provide the initial and ongoing assessments of, and services to, an applicant or Resource Family. When there is a great distance between the placing county and the county where the relative or NREFM resides, completing any of these initial and ongoing activities could be burdensome on the family and the county.

Statewide Protocol for Out-of-County R/NREFM Emergency Placements and RFA Assessments

In order to effectively implement RFA, provide the most support to families, and address county workload difficulties, the CWDA and CDSS conducted a workgroup to develop the Out-of-County Approval Protocol for Resource Family Approval and Emergency Placements. The protocol, which has been adopted by CWDA, outlines the steps by which a placing county may request that another county assess a relative or NREFM for the emergency placement of a child or nonminor dependent (NMD) and perform the comprehensive assessment for RFA. The workgroup has concluded that the protocol will reduce the need for RFA staff to travel long distances to assess relatives and NREFMs for emergency placement and for RFA. Under the RFA Program, best practice has demonstrated that when Resource Families are fully supported, engaged

in, and receiving services within their community, they are more likely to consider accepting additional placements of non-related children or NMDs.

This may take place both during the placement of the relative or NREFM child or when that placement ends. As a result, the workgroup views out-of-county approvals as an opportunity to increase the placement opportunities for children within the host county.

As stated in the protocol, a placing county may request that a host county (the county in which the relative or NREFM resides) assess a relative or NREFM for an emergency placement. If the host county agrees to process the emergency placement, then it must assess the relative or NREFM in accordance with Welfare and Institutions Code section 309 or 361.45. If the emergency placement is made by the placing county, a referral will be sent for the RFA comprehensive assessment to the host county.

According to the protocol, the host county shall accept the referral for the RFA comprehensive assessment from the placing county and initiate the assessment within five (5) business days of the placement as specified in RFA Written Directives regardless of which county completed the emergency placement. The RFA comprehensive assessment is to be completed within 90 days of the emergency placement of a child or NMD with a relative or NREFM. Accordingly, out-of-county RFA comprehensive assessments should be prioritized along with other assessments in the host county.

If the host county does not agree to process the emergency placement using the protocol, the placing county continues to be required to assess the interested relative or NREFM for emergency placement.

If the host county does not process the emergency placement, it is still required to initiate the RFA comprehensive assessment upon receipt of the referral as stated in the protocol. Please note that the protocol does not replace the need to request a courtesy worker for children or NMDs placed out-of-county to meet case management and monthly in-person visit requirements.

Probation Departments

CPOC reviewed and provided input to the Out-of-County Approval Protocol for Resource Family Approval and Emergency Placements.

Probation departments will retain responsibility for approving Resource Families for their youth when placing a youth out of county, unless the probation department has made other arrangements with the county in which the resource family resides, to ensure timely out-of-county approvals and placements.

If a probation department has recruited a prospective Resource Family and requests that a county child welfare agency approve and monitor the Resource Family with whom a delinquent youth is or will be placed, then the probation department's request shall meet the requirements outlined in the protocol.

The Out-of-County Approval Protocol for Resource Family Approval and Emergency Placements is located on the CDSS RFA Program website in the "RFA Resources" section. You may access the Out-of-County Approval Protocol [here](#).

If you have any questions regarding this ACIN, please email the RFA Program Unit at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By:

SARA E. ROGERS, Branch Chief
Continuum of Care Reform Branch



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

June 29, 2018

ALL COUNTY LETTER (ACL) NO. 18-75

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CALWORKS PROGRAM SPECIALISTS
ALL COUNTY CONSORTIUM PROJECT MANAGERS
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL COUNTY FOSTER CARE MANAGERS
ALL COUNTY CHIEF PROBATION OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
COUNTY WELFARE DIRECTORS ASSOCIATION

SUBJECT: FUNDING FOR EMERGENCY CAREGIVERS WITH PLACEMENT OF CHILDREN AND/OR NON MINOR DEPENDENTS (NMDs) PRIOR TO RESOURCE FAMILY APPROVAL (RFA)

REFERENCE: ASSEMBLY BILL [\(AB\) 110](#) (CHAPTER 8, STATUTES OF 2018); [AB 1811](#) (CHAPTER 35, STATUTES OF 2018); WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS [309](#), [381.4](#), [361.45](#), [11481.35](#), [11481.36](#) AND [18519.5](#); ACL NOS. [05-38](#), [16-92](#), [17-75](#), and [18-33](#); COUNTY FISCAL LETTER (CFL) NOS. [17/18-41](#), and [17/18-59](#)

The purpose of this All County Letter (ACL) is to notify county child welfare agencies and probation departments about the continuation of funding, hereinafter referred to as Emergency Caregiver (EC) funding for families, hereinafter referred to as emergency caregivers, with whom a child or a non minor dependent (NMD) has been placed on an emergency basis, pursuant to Welfare and Institutions Code (W&IC) sections 309 or 361.45, or for a compelling reason pursuant to W&IC section 18519.5. For purposes of this ACL, any reference to a child will also include a NMD.

The EC funding, as described in Assembly Bill (AB) 1811 and W&IC section 11481.36, takes effect July 1, 2018, and requires each county to provide payment to the emergency caregiver in an amount equal to the basic level rate paid to resource

families. The bill further provides that emergency caregivers, who were eligible to receive funding on June 30, 2018, pursuant to AB 110 and W&IC section 11461.35 continue to be eligible for funding with no break in payment. More information about AB 110 funding is described in ACL 18-33.

The EC funding was established as a natural continuation of state's and counties' ongoing commitment to support families who are caring for children placed with them on an emergency or compelling reason basis and have pending Resource Family Approval (RFA) applications. It is envisioned these payments will mitigate the financial impacts that emergency caregivers incur when they receive placement of children with little notice and prior to approval as a resource family.

BACKGROUND

The RFA program was enacted through Senate Bill (SB) 1013 (Chapter 35, Statutes of 2012). It implements a unified process for approving families to care for children in foster care, including relatives, non-relative extended family members (NREFMs), county-licensed foster parents, and certified foster families. RFA combines elements of the current foster parent licensing, relative approval, and approvals for adoption and guardianship processes and replaces those processes with a single, unified approval process to support permanency for foster youth.

For the period of March 30, 2018 through June 30, 2018, all counties were required to provide the Short-Term, Interim payment (AB 110), as described in ACL 18-33, to caregivers who had received an emergency or compelling reason placement of a child prior to completing the RFA process.

EC FUNDING FOR EMERGENCY PLACEMENTS MADE ON OR AFTER JULY 1, 2018¹

Effective July 1, 2018, all counties must provide payment equivalent to the basic level rate for a resource family to the emergency caregiver of a child. Unlike the Short-Term, Interim funding, the EC funding will be funded through either the Emergency Assistance (EA) Program or, for children who are determined to be ineligible for the EA Program, through a combination of state and county funding. All of the following events are required to initiate the funding:

1. **Placement Occurs:** On or after July 1, 2018, a placement prior to approval is made in California on an emergency basis pursuant to W&IC sections 309 or 361.45 or for a compelling reason pursuant to W&IC 16519.5. **The beginning date of aid for EC funding shall be based upon the date of placement.**
2. **Submission of RFA Application (RFA-01A):** The emergency caregiver submits an RFA-01A. When the emergency placement has been made pursuant to W&IC sections 309 or 361.45, the RFA-01A must be submitted by the emergency

¹ Please refer to section "Directions for Existing AB 110 Cases Which Are Pending Approval Beyond June 30, 2018".

caregiver within five business days of placement. (Refer to [RFA Written Directives, Version 5](#) (WD/5) section 5-03B(b)).

- Because the child placed on an emergency basis or for a compelling reason prior to approval is now eligible to receive funding at the basic level foster care rate similarly to foster children placed with resource families, no CalWORKs (California Work Opportunity and Responsibility to Kids) application should be submitted on behalf of child. EC funding will count as income to the child, rendering the child ineligible for CalWORKs. Therefore, this ACL is suspending the requirement in the WD/5 for counties to provide a CalWORKs application ([CW 2219](#)) to a relative receiving a placement on or after July 1, 2018, as specified in WD/5, section 4-08(c)(2), until further notice.
3. Submission of EA application (EA-1): Obtain confirmation that an EA-1 application is on file or ensure that an EA-1 application is submitted at time of placement or as soon as possible following the placement. As noted above, the payment will be effective from the date of placement.

To initiate the payment without delay, counties are strongly encouraged to obtain a signed RFA-01A from the emergency caregiver at time of placement and immediately verify that the child has a EA-1 application on file.

EA ELIGIBILITY

As noted above, EC payments are funded through EA-TANF (Temporary Assistance for Needy Families). The EA eligibility rules as outlined in ACL 05-38 continue to apply. However, prior rules limiting the time a child placed with a relative may receive EA are superseded by this letter. Please see the "Funding Duration and Requirements" section below. Further guidance regarding EA eligibility rules will be forthcoming.

The Department is currently in the process of securing an aid code for cases that are not eligible for the EA-TANF program. In the interim, all three consortia systems have determined that cases will be tracked using Aid Code 5K until an additional aid code is obtained and programmed into the consortia system. The Statewide Automated Welfare Systems (SAWS) shall ensure these cases are identified and tracked with a special indicator or flag.

FUNDING DURATION AND REQUIREMENTS

For Fiscal Year (FY) 2018-19, EC funding will be available for emergency or compelling reason placements **made on or after July 1, 2018 and up to June 30, 2019** and will be funded through the EA program for up to **180** days (or until the emergency caregiver is approved or denied, whichever is first). The county will be responsible for the non-federal share of the payment.

In cases where the county has determined, based upon existing EA eligibility criteria, that a child is ineligible for EA, the child will still qualify for EC funding for up to 180

days. In such cases, the state will fund what would have been the federal share if the child had been eligible for EA. This is expressed as follows:

	EA Eligible			Non EA Eligible		
	Federal (EA-TANF)	State	County	Federal (EA-TANF)	State	County
0-180 days	70%	0%	30%	0%	70%	30%

Regardless of the funding stream, EC payments for emergency or compelling reason placements made on or after July 1, 2018 and up to June 30, 2019 may be continued past 180 days and up to 365 days if certain criteria, as described below, are met:

1. On a monthly basis, document the good cause reason(s) for the delay in approving or denying applicant(s) created by circumstances outside the direct control of the county. For example, background checks and criminal exemptions, out-of-county placements, the need for additional evaluative assessments, or family emergencies, among other reasons, if outside the **direct control** of the county, may be considered a good cause for the delay. A family's failure to cooperate with the process (examples may include refusing to submit required documents timely, attend trainings or repeated unavailability for appointments) generally would not be considered a good cause. It is the county's responsibility to support and work with families to assess and mitigate issues or concerns to facilitate their ability to become approved (It may be necessary to deny the application for resource family approval if the county's attempts to resolve or mitigate the issues is unsuccessful). Good cause must be determined on a case-by-case basis and documentation substantiating the good cause determination must be maintained in the RFA applicant's file.
2. The county director, deputy director, or designee is notified, on a monthly basis, each RFA application with a placement prior to approval that has been pending past 90 days and this notification is documented in all applicable Resource Family files. Counties may develop their own local processes for meeting this requirement.
3. On a monthly basis, each county must submit to the Department a list of RFA applications pending more than 90 days and the reason(s) for the delay(s). This monthly notification will be used to monitor and analyze the usage and duration of the EC funding by a county, as well as oversee the timeliness to processing RFA applications. In the event the Department determines, based upon review of the monthly notifications and other available data, that a county continues to experience delayed processing timeframes, not based upon good cause, it may conduct a review of the county's implementation of the EC funding as well as the implementation of the county backlog plans submitted pursuant to W&IC section 11461.35(e)(2)(B) of AB 110. A copy of the template and instructions on how to submit this information will be released shortly.

The conditions under which federal and state funding is available for EC funding changes for emergency and compelling reason placements made in FY 2019-20 and beyond. Further guidance and information regarding the EC funding for FY 2019-20 will be provided in a subsequent ACL.

DIRECTIONS FOR EXISTING AB 110 CASES WHICH ARE PENDING APPROVAL BEYOND JUNE 30, 2018

Counties shall ensure that emergency caregivers eligible to receive payments under the provisions of AB 110 on June 30, 2018, and whose RFA application is still pending on or after July 1, 2018, continue to receive funding until their RFA application is approved or denied. For AB 110 cases that were funded under the EA or Approved Relative Caregiver (ARC) programs, the counties shall continue to fund these cases under the same parameters until RFA is approved or denied. It is incumbent upon the county to ensure the caregiver does not experience a break in payments.

Existing caregivers receiving payment through the ARC Program

Emergency caregivers who were eligible to receive AB 110 funding through the ARC program, as of June 30, 2018, shall continue to receive payments through the ARC program until the RFA application is approved or denied at which time the county shall shift the payments to the appropriate funding source.

Existing caregivers receiving payment through the EA Program

Emergency caregivers who were eligible to receive AB 110 funding through the EA program as of June 30, 2018 shall continue, if eligible, to receive payments through the EA program up to a total of 180 days of payments and may receive up to 365 total days of payments if all requirements under "Funding Duration and Requirements" are met. During this period, the county will be responsible for the non-federal share of the payment. Please note the number of days that payments were received under the AB 110 provisions will count towards the new limit of 180 days, or 365 days.

If the emergency caregiver is receiving both CalWORKs and EA-TANF payments, the CalWORKs payments should cease no later than August 1, 2018, or as soon as possible thereafter with timely and adequate notice. There will be no offset or CalWORKs overpayment for the short-term overlap of CalWORKs and EA-TANF funds.

CLAIMING INSTRUCTIONS

A separate County Fiscal Letter (CFL) will be issued concurrently that will describe the claiming process to administer the EC funding that is funded through the EA program.

Counties are reminded that once the RFA application is approved, they **must** shift the funding source to Aid to Families with Dependent Children-Foster Care (AFDC-FC) or the ARC program, as appropriate and consistent with existing eligibility requirements. The county must make every effort to ensure that a caregiver does not experience a

break in payments in the transition from EC funding to the appropriate foster care or ARC aid code. In the case of a denial, counties must cease the EC funding to the emergency caregiver.

CWS/CMS AND SAWS

Currently, in order for a relative or NREFM with an emergency placement to receive funding, the applicant must be coded in the CWS/CMS or SAWS to reflect an approval status. However, to work around this requirement, counties will need to utilize the date of the placement to establish the first date of payment. Once the home is approved, this date must be updated to reflect the date of final approval. (Per CWS/CMS instructions listed on the [RFA Website](#), the applicant type for an emergency or compelling reason placement should be entered as "RFA Probationary".)

NOTICE OF ACTION (NOA) REQUIREMENTS

Consistent with existing rate change and determination processes, due process rights will continue to be afforded to families through NOAs. Counties will notify families by issuing a NOA that explains the provisions of the EC funding, as described in this ACL, is for emergency caregivers who have taken emergency or compelling reason placement of a child, prior to full RFA approval. Counties are not required to send families who were previously issued a NOA to initiate funding under AB 110 a new NOA to continue funding on and after July 1, 2018. The Department is updating the [RFA 100](#) and [100A](#) NOAs previously created for the AB 110 funding to reflect changes related to the EC funding. These NOAs will be posted shortly for county use. Substitutions of the form will be permitted.

The SAWS will provide counties with workaround instructions to issue the interim funding payments. It is important to note that the manual NOAs referenced above must be issued as appropriate, and any automated NOAs that would normally be produced that reference a home that has been approved must be suppressed.

OUT OF COUNTY APPROVAL PROTOCOL

The Out of County Approval Protocol, established by the County Welfare Directors Association (CWDA), provides guidance to a county that is seeking an emergency placement and/or approval of a Resource Family home within the geographic boundaries of another county. It is expected that the provisions of the protocol will be adhered to and that both counties (county of jurisdiction and emergency caregiver's county) will collaborate to ensure that the payments described in this letter are properly administered and monitored by the child's or NMDs' **county of jurisdiction**.

ADDITIONAL INFORMATION

The California Department of Social Services (CDSS) is mandated to monitor the implementation of the EC funding, including tracking the usage and duration of the EA payments and evaluating the duration of time a child or NMD is in a home pending resource family approval. Additionally, the Department is required to oversee the

county's implementation of the RFA program, including the progress in eliminating backlogs of pending resource family applications and improved timeframes to approval. Until automation is available, CDSS may request data elements necessary to meet these monitoring requirements. The CDSS and CWDA will work in collaboration to determine the scope, format, and frequency of the data collection.

In an effort to effectively disseminate the information described in this ACL, it is encouraged that each county designates a single source (person or unit) to act as a clearinghouse to aggregate all questions and disperse subsequent CDSS responses in order to ensure adherence to the provisions of the funding. For policy or program questions related to this ACL, please email ECFunding@dss.ca.gov. Questions about the RFA program, please send to RFA@dss.ca.gov. Questions related to claiming should be directed to Fiscal.Systems@dss.ca.gov.

Sincerely,

Original Document Signed by:

SARA ROGERS FOR
GREGORY E. ROSE
Deputy Director
Children and Family Services Division



STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



EDMUND G. BROWN JR.
GOVERNOR

December 19, 2016

COUNTY FISCAL LETTER NO. 16/17-41

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY FISCAL OFFICERS
ALL TITLE IV-E AGREEMENT TRIBES
ALL CHIEF PROBATION OFFICERS
ALL COUNTY AUDITOR CONTROLLERS

SUBJECT: CONTINUUM OF CARE REFORM (CCR) HOME BASED FAMILY
CARE RATE PHASE I CLAIMING INSTRUCTIONS

REFERENCE: [ALL COUNTY LETTER NO. 16-79](#)

The purpose of this County Fiscal Letter (CFL) is to provide assistance claiming instructions to the counties for the Continuum of Care Reform (CCR) Home Based Family Care (HBFC) rate structure for the first phase (Phase I) of implementation. The Phase I implements the Basic Rate (Level of Care [LOC] One) for specific placement types.

Background

Assembly Bill 403 (Chapter 733, Statutes of 2015) authorized and established the HBFC rate structure. The HBFC rate structure impacts the following placement types: Foster Family Homes (FFHs), Foster Family Agencies (FFAs), Resource Families (RF), relative guardians (Kinship Guardianship Assistance Program [Kin-GAP] and Federal Guardianship Assistance Program [Fed-GAP]), non-relative guardians, Short-Term Residential Therapeutic Program (STRTP), Group Home (GH), Adoption Assistance Program (AAP), After 18 program and relative caregiver placements. The HBFC rate structure will be implemented using a phased-in approach as stated in [ACL No. 16-79](#). Effective January 1, 2017, FFAs, FFHs, new Kin-GAP/Fed-GAP cases, STRTPs, After 18 and relative placements may receive Phase I (Basic Rate) rates. This letter addresses Phase I assistance claiming only.

Assistance Claiming Instructions

Generally, unless noted in this CFL, implementation of the Phase I rates do not impact claiming on the County Assistance (CA) 800 claims as costs are claimed as usual for Emergency Assistance (EA) and the following placement types: FFHs, RFs, Kin-GAP, Fed-GAP, AAP and Group Homes. However, the conversion sequencing for HBFC rates does affect claiming instructions for the FFAs, relative caregivers and STRTPs. Additionally, county tracking of Wraparound will be affected. Counties will continue to use the existing CA 800 claims for the Phase I interim implementation period until full implementation of Phase II is complete in the Statewide Automated Welfare System (SAWS). Upon Phase II implementation, there will be a new CCR specific CA 800 claim to implement the remaining LOCs under the HBFC rate structure.

Foster Family Agency (FFA)

Currently, FFA assistance costs are claimed on the CA 800 "Foster Care Facility Report (FC1)" by inputting sharing ratios from the rates listing posted on California Department of Social Services' (CDSS) website to identify the nonfederal portion of the payments. There are two additional administration components, "Resource Family Approval" and "Services and Supports", added to the FFA rate for Phase I. These new rate components will be paid to the FFA as part of the administrative portion of the rate. These costs will be reflected under the Administrative column E on the FC1. The FFA sharing ratios will be updated and posted on the website below:

[Foster Care Rates](http://www.childsworld.ca.gov/PG1343.htm) (<http://www.childsworld.ca.gov/PG1343.htm>)

Relative Caregivers

As stated in ACL 16-79, effective January 1, 2017, all counties including those that had not previously opted into the Approved Relative Caregiver Funding Option (ARC) Program are required to pay approved non-federally eligible relative caregivers of dependent children a per-child, per-month rate equal to the foster care rate, pursuant to [Welfare and Institutions Code \(WIC\) section 11253.45](#). The payment will follow the same rules as the payment made under the ARC Program and will utilize the same funding sources as the ARC Program payment, namely a portion consisting of California Work Opportunity and Responsibility to Kids funds (if eligible) and the rest of the payment being composed of General Fund (GF). Similar to other assistance payments, there will no longer be an allocation.

Costs for all non-federal relative caregiver placements will be claimed on the CA 800 ARC claim. There are no changes to the ARC claiming instructions. The ARC claim instructions can be found in [CFL No. 14/15-52](#). A forthcoming CFL will clarify the claiming of ARC Program (and WIC section 11253.45) overpayments and eligibility changes. Claiming instructions for Foster Parent Recruitment, Retention and Support child care, including non-federally eligible relative caregiver placements, may be found in the [CFL No. 16/17-20](#).

Reconciliation

One of the goals of CCR is to move youth from Group Homes to lower levels of care, creating a savings to be used on services for the youth. Additional GF was invested up front to support CCR implementation, with the expectation that GH cases will step down to lower levels of care, and foster youth will have shorter stays in STRTP placements, resulting in savings that will be used to offset the initial investment. Through a process of reconciliation, the caseload movement savings (GF and 2011 Realignment) expenditures will be reconciled to determine if there is a cost increase or decrease to counties. A net increase in cost will result in additional GF being provided to counties. A net decrease will result in the GF investment being reduced. The reconciliation methodology was developed in conjunction with County Welfare Directors Association (CWDA) and the Chief Probation Officers of California (CPOC) and will use expenditures from the CA 800 and County Expense Claim to identify the amount of GF and 2011 Realignment cost impacts. Additional information regarding CCR reconciliation will be released in a forthcoming letter.

The CDSS will use Fiscal Year 2015-16 expenditures to establish a baseline and calculate the average cost per case prior to CCR. Two new tabs ("CCR Rate Adjustment Template [CA 800 CCR Rate]" and "CCR Summary By Funding Report [CA 800 CCR Summary]") have been added to the CA 800 claims to be used for reconciliation. These tabs will be used as a reference for the GF and 2011 Realignment spent on CCR. To complete the new CCR reconciliation tab, the form "Prior to CCR Base Calculation of Average Payment Per Case for FY 2015-16" will be used to calculate a prior to CCR assistance cost per case, which will then be included in CCR Rate Adjustment Template. Once CDSS completes the "Prior to CCR Base Calculation of Average Payment Per Case for FY 2015-16" form, it will be submitted to counties for verification. Upon verification, the counties' average cost per case will be programmed into the CCR Rate Adjustment Template. A forthcoming CFL will include detailed instructions for completing the "Prior to CCR Base Calculation of Average Payment Per Case for FY 2015-16."

Once the CCR Rate Adjustment Template is automated with each county's individual average cost per case prior to CCR, the templates will be linked to the existing CA 800 cells to auto populate the total costs for each specific aid code affected by CCR. Counties will only need to manually key in their Wraparound costs for the non-federal Wraparound cases. When the amount is entered into the CCR Rate Adjustment Template, the non-federal Wraparound costs will be subtracted out of the total. The CCR Rate Adjustment Template will determine the monthly total CCR costs that may result in payment adjustments between GF and 2011 Realignment.

The CA 800 CCR Summary tab will display all costs categorized by funding source, i.e., Federal/State/County 2011/County. Additionally, the CA 800 CCR Summary tab will show the shifting of costs as a result of CCR.

Short Term Residential Therapeutic Program (STRTPs)

Until Phase II automation is complete in SAWS, the STRTPs will be programmed as a Rate Classification Level (RCL) 15. Counties will report STRTPs under the GH section on the CA 800 FC1 tab.

Wraparound

Until Phase II automation is complete in SAWS, Wraparound will be programmed as an RCL 16. Counties will continue to claim Wraparound costs to the eligible aid codes on the CA 800 claim forms. Placement costs for Wraparound will be claimed on the SB 163 column in the CA 800 form "Summary Report of Assistance Expenditures Foster Care, Foster Care SB 163 Federal."

Emergency Assistance (EA)

EA is a funding source, not a placement type. A placement funded with EA will receive the rate based on the placement type. A youth placed in an FFA, FFH, RF, GH, or STRTP will be paid the respective rate for the placement utilizing EA funds.

County Clothing Allowances and the Supplemental Clothing Allowance Line

Counties should not report their clothing allowances in the main payroll or any supplementary lines in the current and prior month sections of the CA 800 claims. Any county clothing allowance provided in addition to the basic rate should be reported on the Supplemental Clothing Allowance line.

If you have any questions regarding this letter, please direct them to fiscal.systems@dss.ca.gov. Questions regarding the assistance claims should be directed to assistance.claims@dss.ca.gov.

Sincerely,

Original Document Signed By:

SALENA CHOW, Chief
Fiscal Forecasting and Policy Branch

Appendix B: All Other Reference Materials



State of California

WELFARE AND INSTITUTIONS CODE

Section 16519.5

16519.5. (a) The State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, approving relatives and nonrelative extended family members as foster care providers, and approving adoptive families.

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(2) Additional counties may participate in the early implementation of the program upon authorization by the department.

(c) (1) For the purposes of this chapter, “resource family” means an individual or couple that a participating county or foster family agency, as defined in subdivision (g) of Section 11400 of this code, and paragraph (4) of subdivision (a) of Section 1502 of the Health and Safety Code, determines to have successfully met both the home environment assessment standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a related or unrelated child who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department. A resource family shall demonstrate all of the following:

(A) An understanding of the safety, permanence, and well-being needs of children who have been victims of child abuse and neglect, and the capacity and willingness to meet those needs, including the need for protection, and the willingness to make use of support resources offered by the agency, or a support structure in place, or both.

(B) An understanding of children’s needs and development, effective parenting skills or knowledge about parenting, and the capacity to act as a reasonable, prudent parent in day-to-day decisionmaking.

(C) An understanding of his or her role as a resource family and the capacity to work cooperatively with the agency and other service providers in implementing the child’s case plan.

(D) The financial ability within the household to ensure the stability and financial security of the family.

(E) An ability and willingness to provide a family setting that promotes normal childhood experiences that serves the needs of the child.

(2) Subsequent to meeting the criteria set forth in this subdivision and designation as a resource family, a resource family shall be considered eligible to provide foster care for related and unrelated children in out-of-home placement, shall be considered approved for adoption or guardianship, and shall not have to undergo any additional approval or licensure as long as the family lives in a county participating in the program.

(3) Resource family approval means that the applicant successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of the existing foster care license, relative or nonrelative extended family member approval, and the adoption home study approval.

(4) Approval of a resource family does not guarantee an initial or continued placement of a child with a resource family.

(5) Notwithstanding paragraphs (1) to (4), inclusive, the department or county may cease any further review of an application if the applicant has had a previous application denial within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or rescission by the department or county within the preceding two years. However, the department or 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 and conditions that either have been corrected or are no longer in existence. If an individual was excluded from a resource family home or facility licensed by the department, the department or county shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to Section 11522 of the Government Code. The cessation of review shall not constitute a denial of the application for purposes of this section or any other law.

(d) Prior to implementation of this program, the department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

(1) Resource family home environment assessment standards shall include, but not be limited to, all of the following:

(A) (i) Criminal records clearance of all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in subdivision (b) of Section 1522 of the Health and Safety Code, pursuant to Section 8712 of the Family Code, utilizing a check of the Child Abuse Central Index (CACT), and receipt of a fingerprint-based state and federal criminal offender record information search response. The criminal history information shall include subsequent notifications pursuant to Section 11105.2 of the Penal Code.

(ii) Consideration of any substantiated allegations of child abuse or neglect against either the applicant or any other adult residing in the home. An approval may not be granted to applicants whose criminal record indicates a conviction for any of the offenses specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(iii) If the resource family parent, applicant, or any other person specified in subdivision (b) of Section 1522 of the Health and Safety Code has been convicted of a crime other than a minor traffic violation, except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) through (f) of Section 1522 of the Health and Safety Code shall apply. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the director or the early implementation county, if that county has been granted permission by the director to issue criminal records exemptions pursuant to Section 361.4, using the exemption criteria currently used for foster care licensing as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(iv) For public foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized.

(v) For private foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized, but the Department of Justice shall disseminate a fitness determination resulting from the federal criminal offender record information search.

(B) Buildings and grounds and storage requirements set forth in Sections 89387 and 89387.2 of Title 22 of the California Code of Regulations.

(C) In addition to the foregoing requirements, the resource family home environment assessment standards shall also require the following:

(i) That the applicant demonstrates an understanding about the rights of children in care and his or her responsibility to safeguard those rights.

(ii) That the total number of children residing in the home of a resource family shall be no more than the total number of children the resource family can properly care for, regardless of status, and shall not exceed six children, unless exceptional circumstances that are documented in the foster child's case file exist to permit a resource family to care for more children, including, but not limited to, the need to place siblings together.

(iii) That the applicant understands his or her responsibilities with respect to acting as a reasonable and prudent parent, and maintaining the least restrictive environment that serves the needs of the child.

(2) The resource family permanency assessment standards shall include, but not be limited to, all of the following:

(A) The applicant shall complete caregiver training.

(B) (i) The applicant shall complete a psychosocial assessment, which shall include the results of a risk assessment.

(ii) A caregiver risk assessment shall include, but shall not be limited to, physical and mental health, alcohol and other substance use and abuse, family and domestic violence, and the factors listed in subparagraphs (A) and (D) of paragraph (1) of subdivision (c).

(C) The applicant shall complete any other activities that relate to a resource family's ability to achieve permanency with the child.

(e) (1) A child may be placed with a resource family that has successfully completed the home environment assessment prior to completion of a permanency

assessment only if a compelling reason for the placement exists based on the needs of the child.

(2) The permanency assessment shall be completed within 90 days of the child's placement in the home, unless good cause exists based upon the needs of the child.

(3) If additional time is needed to complete the permanency assessment, the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.

(4) The county shall report to the department on a quarterly basis the number of families with a child in an approved home whose permanency assessment goes beyond 90 days and summarize the reasons for these delays.

(5) A child may be placed with a relative, as defined in Section 319, or nonrelative extended family member, as defined in Section 362.7, prior to applying as a resource family only on an emergency basis if all of the following requirements are met:

(A) Consideration of the results of a criminal records check conducted pursuant to Section 16504.5 of the relative or nonrelative extended family member and of every other adult in the home.

(B) Consideration of the results of the Child Abuse Central Index (CACI) consistent with Section 1522.1 of the Health and Safety Code of the relative or nonrelative extended family member, and of every other adult in the home.

(C) The home and grounds are free of conditions that pose undue risk to the health and safety of the child.

(D) For any placement made pursuant to this paragraph, the county shall initiate the home environment assessment no later than five business days after the placement, which shall include a face-to-face interview with the resource family applicant and child.

(E) For any placement made pursuant to this paragraph, AFDC-FC funding shall not be available until approval of the resource family has been completed.

(F) Any child placed under this section shall be afforded all the rights set forth in Section 16001.9.

(f) The State Department of Social Services shall be responsible for all of the following:

(1) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association.

(2) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for participation in the program, train appropriate staff, and accept applications from resource families.

(3) Entering into terms and conditions for participation in the program by counties.

(4) Administering the program through the issuance of written directives that shall have the same force and effect as regulations. Any directive affecting Article 1 (commencing with Section 700) of Chapter 7 of Title 11 of the California Code of Regulations shall be approved by the Department of Justice. The directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340)) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Approving and requiring the use of a single standard for resource family approval.

(6) Adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families.

(7) Requiring counties to monitor resource families including, but not limited to, all of the following:

(A) Investigating complaints of resource families.

(B) Developing and monitoring resource family corrective action plans to correct identified deficiencies and to rescind resource family approval if compliance with corrective action plans is not achieved.

(8) Ongoing oversight and monitoring of county systems and operations including all of the following:

(A) Reviewing the county's implementation of the program.

(B) Reviewing an adequate number of approved resource families in each participating county to ensure that approval standards are being properly applied. The review shall include case file documentation, and may include onsite inspection of individual resource families. The review shall occur on an annual basis, and more frequently if the department becomes aware that a participating county is experiencing a disproportionate number of complaints against individual resource family homes.

(C) Reviewing county reports of serious complaints and incidents involving approved resource families, as determined necessary by the department. The department may conduct an independent review of the complaint or incident and change the findings depending on the results of its investigation.

(D) Investigating unresolved complaints against participating counties.

(E) Requiring corrective action of counties that are not in full compliance with the terms and conditions of the program.

(9) Updating the Legislature on the early implementation phase of the program, including the status of implementation, successes, and challenges during the early implementation phase, and relevant available data, including resource family satisfaction.

(10) Implementing due process procedures, including all of the following:

(A) Providing a statewide fair hearing process for denials, rescissions, or exclusion actions.

(B) Amending the department's applicable state hearing procedures and regulations or using the Administrative Procedure Act, when applicable, as necessary for the administration of the program.

(g) Counties participating in the program shall be responsible for all of the following:

(1) Submitting an implementation plan, entering into terms and conditions for participation in the program, consulting with the county probation department in the development of the implementation plan, training appropriate staff, and accepting applications from resource families within the timeframes established by the department.

- (2) Complying with the written directives pursuant to paragraph (4) of subdivision (f).
- (3) Implementing the requirements for resource family approval and utilizing standardized documentation established by the department.
- (4) Ensuring staff have the education and experience necessary to complete the home environment and psychosocial assessments competently.
- (5) (A) Taking the following actions, as applicable:
 - (i) Approving or denying resource family applications.
 - (ii) Rescinding approvals of resource families.
 - (iii) Excluding a resource family parent or other individual from presence in a resource family home, consistent with the established standard.
 - (iv) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing when urgent action is needed to protect a child or nonminor dependent from physical or mental abuse, abandonment, or any other substantial threat to health or safety, consistent with the established standard.
- (B) Providing a resource family parent, applicant, or excluded individual requesting review of that decision with due process pursuant to the department's statutes, regulations, and written directives.
- (C) Notifying the department of any decisions denying a resource family's application or rescinding the approval of a resource family, excluding an individual, or taking other administrative action.
- (D) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing, when urgent action is needed to protect a child or nonminor dependent who is or may be placed in the home from physical or mental abuse, abandonment, or any other substantial threat to health or safety.
- (6) Updating resource family approval annually.
- (7) Monitoring resource families through all of the following:
 - (A) Ensuring that social workers who identify a condition in the home that may not meet the approval standards set forth in subdivision (d) while in the course of a routine visit to children placed with a resource family take appropriate action as needed.
 - (B) Requiring resource families to comply with corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed as specified in the plan, the county may rescind the resource family approval.
 - (C) Requiring resource families to report to the county child welfare agency any incidents consistent with the reporting requirements for licensed foster family homes.
- (8) Investigating all complaints against a resource family and taking action as necessary. This shall include investigating any incidents reported about a resource family indicating that the approval standard is not being maintained.
 - (A) The child's social worker shall not conduct the formal investigation into the complaint received concerning a family providing services under the standards required by subdivision (d). To the extent that adequate resources are available, complaints shall be investigated by a worker who did not initially conduct the home environment or psychosocial assessments.

(B) Upon conclusion of the complaint investigation, the final disposition shall be reviewed and approved by a supervising staff member.

(C) The department shall be notified of any serious incidents or serious complaints or any incident that falls within the definition of Section 11165.5 of the Penal Code. If those incidents or complaints result in an investigation, the department shall also be notified as to the status and disposition of that investigation.

(9) Performing corrective action as required by the department.

(10) Assessing county performance in related areas of the California Child and Family Services Review System, and remedying problems identified.

(11) Submitting information and data that the department determines is necessary to study, monitor, and prepare the report specified in paragraph (9) of subdivision (f).

(12) Ensuring resource family applicants and resource families have the necessary knowledge, skills, and abilities to support children in foster care by completing caregiver training. The training should include a curriculum that supports the role of a resource family in parenting vulnerable children and should be ongoing in order to provide resource families with information on trauma-informed practices and requirements and other topics within the foster care system.

(13) Ensuring that a resource family applicant completes a minimum of 12 hours of preapproval training. The training shall include, but not be limited to, all of the following courses:

(A) An overview of the child protective and probation systems.

(B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.

(F) The rights of a child in foster care, and the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school; and ensuring a harassment and violence free school environment pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

(I) Permanence, well-being, and education needs of children.

(J) Child and adolescent development, including sexual orientation, gender identity, and expression.

(K) The role of resource families, including working cooperatively with the child welfare or probation agency, the child's family, and other service providers implementing the case plan.

(L) The role of a resource family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.

(M) A resource family's responsibility to act as a reasonable and prudent parent, and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

(N) An overview of the specialized training identified in subdivision (h).

(14) Ensuring approved resource families complete a minimum of eight training hours annually, a portion of which shall be from one or more of the topics listed in paragraph (13).

(h) In addition to any training required by this section, a resource family may be required to receive specialized training, as relevant, for the purpose of preparing the resource family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

(1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.

(2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.

(3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.

(4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership and connection to the tribal community and traditions.

(5) Understanding how to use best practices for providing care and supervision to nonminor dependents.

(6) Understanding how to use best practices for providing care and supervision to children with special health care needs.

(7) Understanding the different permanency options and the services and benefits associated with the options.

(i) Nothing in this section shall preclude a county or a foster family agency from requiring resource family training in excess of the requirements in this section.

(j) (1) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to full implementation of the program shall not be considered part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

(2) Upon implementation of the program in a county, that county may not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of prospective adoptive homes.

(k) The department may waive regulations that pose a barrier to implementation and operation of this program. The waiver of any regulations by the department pursuant to this section shall apply to only those counties or foster family agencies participating in the program and only for the duration of the program.

(l) Resource families approved under initial implementation of the program, who move within an early implementation county or who move to another early implementation county, shall retain their resource family status if the new building and grounds, outdoor activity areas, and storage areas meet home environment standards. The State Department of Social Services or early implementation county may allow a program-affiliated individual to transfer his or her subsequent arrest notification if the individual moves from one early implementation county to another early implementation county, as specified in subdivision (g) of Section 1522 of the Health and Safety Code.

(m) (1) The approval of a resource family who moves to a nonparticipating county remains in full force and effect pending a determination by the county approval agency or the department, as appropriate, whether the new building and grounds and storage areas meet applicable standards, and whether all adults residing in the home have a criminal records clearance or exemptions granted, using the exemption criteria used for foster care licensing, as specified in subdivision (g) of Section 1522 of the Health and Safety Code. Upon this determination, the nonparticipating county shall either approve the family as a relative or nonrelative extended family member, as applicable, or the department shall license the family as a foster family home.

(2) Subject to the requirements in paragraph (1), the family shall continue to be approved for guardianship and adoption. Nothing in this subdivision shall limit a county or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or psychosocial assessment.

(3) A program-affiliated individual who moves to a nonparticipating county may not transfer his or her subsequent arrest notification from a participating county to the nonparticipating county.

(n) Implementation of the program shall be contingent upon the continued availability of federal Social Security Act Title IV-E (42 U.S.C. Sec. 670) funds for costs associated with placement of children with resource families assessed and approved under the program.

(o) A child placed with a resource family is eligible for the resource family basic rate, pursuant to Sections 11253.45, 11460, 11461, and 11463, and subdivision (l) of Section 11461.3, at the child's assessed level of care.

(p) Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.

(q) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child Abuse Central Index searches, processing, or responses, as specified in this section.

(r) Except as provided, approved resource families under this program shall be exempt from all of the following:

(1) Licensure requirements set forth under the Community Care Facilities Act, commencing with Section 1500 of the Health and Safety Code, and all regulations promulgated thereto.

(2) Relative and nonrelative extended family member approval requirements set forth under Sections 309, 361.4, and 362.7, and all regulations promulgated thereto.

(3) Adoptions approval and reporting requirements set forth under Section 8712 of the Family Code, and all regulations promulgated thereto.

(s) (1) Early implementation counties shall be authorized to continue through December 31, 2016. The program shall be implemented by each county on or before January 1, 2017.

(2) No later than July 1, 2017, each county shall provide the following information to all licensed foster family homes and all approved relatives and nonrelative extended family members:

(A) A detailed description of the resource family approval program.

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2019.

(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law as provided for in paragraph (4).

(3) By no later than January 1, 2018, the following shall apply to all licensed foster family homes and approved relative and nonrelative extended family members:

(A) A licensed foster family home, and an approved relative or nonrelative extended family member with an approved adoptive home study completed prior to January 1, 2018, shall be deemed to be an approved resource family.

(B) A licensed foster family home, and an approved relative or nonrelative extended family member who had a child in placement at any time, for any length of time, between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a psychosocial assessment pursuant to subparagraph (B) of paragraph (2) of subdivision (d).

(C) A county may provide supportive services to all licensed foster family home providers, relatives, and nonrelative extended family members with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(4) All foster family licenses and approvals of a relative or nonrelative extended family member shall be forfeited by operation of law on December 31, 2019, except as provided in this paragraph:

(A) All licensed foster family homes that did not have a child in placement at any time, for any length of time, between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the license by operation of law on January 1, 2018.

(B) For foster family home licensees and approved relatives or nonrelative extended family members who have a pending resource family application on December 31, 2019, the foster family home license or relative and nonrelative extended family member approval shall be forfeited by operation of law on the date of approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(t) On and after January 1, 2017, all licensed foster family agencies shall approve resource families in lieu of certifying foster homes. A foster family agency or a short-term residential treatment center pursuant to subdivision (b) of Section 11462 shall require applicants and resource families to meet the resource family approval standards and requirements set forth in this chapter and in the written directives adopted pursuant to this chapter prior to approval and in order to maintain approval.

(u) Commencing January 1, 2016, the department may establish participation conditions, and select and authorize foster family agencies that voluntarily submit implementation plans and revised plans of operation in accordance with requirements established by the department, to approve resource families in lieu of certifying foster homes.

(1) Notwithstanding any other law, a participating foster family agency shall require resource families to meet and maintain the resource family approval standards and requirements set forth in this chapter and in the written directives adopted hereto prior to approval and in order to maintain approval.

(2) A participating foster family agency shall implement the resource family approval program pursuant to Section 1517 of the Health and Safety Code.

(3) Nothing in this section shall be construed to limit the authority of the department to inspect, evaluate, or investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to Article 5 (commencing with Section 1550) of Chapter 3 of Division 2 of the Health and Safety Code, or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(4) The department may adjust the foster family agency AFDC-FC rate pursuant to Section 11463 for implementation of this subdivision.

(Amended by Stats. 2016, Ch. 25, Sec. 27. (AB 1603) Effective June 27, 2016.)

Assembly Bill No. 110

CHAPTER 8

An act to amend Sections 7284.6 and 27388.1 of the Government Code, and to amend Sections 12306.1 and 12306.16 of, and to add and repeal Section 11461.35 of, the Welfare and Institutions Code, relating to government services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor March 13, 2018. Filed with Secretary of State March 13, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 110, Committee on Budget. In-home supportive services provider wages: emergency caregiver payments for foster care: civil immigration detainees: recording fees.

(1) Existing law, the California Values Act, prohibits state and local law enforcement agencies from contracting with the federal government for use of their facilities to house individuals as federal detainees, except as specified.

This bill would specify that state and local law enforcement agencies are prohibited from contracting with the federal government for use of their facilities to house individuals as federal detainees for purposes of civil immigration custody, except as specified.

(2) Existing law imposes a fee, except as provided, of \$75 to be paid at the time of the recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, per each single transaction per single parcel of real property, not to exceed \$225. Existing law exempts from this fee any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax, as provided, or with a transfer of real property that is a residential dwelling to an owner-occupier.

This bill would additionally exempt from this fee any real estate instrument, paper, or notice executed or recorded by the federal government pursuant to the Uniform Federal Lien Registration Act, or by the state, or any county, municipality, or other political subdivision of the state. The bill would provide that these exemptions apply retroactively to any real estate instrument, paper, or notice executed or recorded by the federal government, or by the state, or any county, municipality, or other political subdivision of the state on or after January 1, 2018. The bill would also state that the exemption for real estate instruments, papers, or notices executed or recorded by the state, or any county, municipality, or other political subdivision of the state is declaratory of existing law.

By adding to the duties of county recorders in administering this recording fee, this bill would impose a state-mandated local program.

(3) Existing law establishes the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law prohibits an increase in provider wages or benefits that were locally negotiated, mediated, imposed, or adopted by ordinance from taking effect unless and until, prior to its implementation, certain conditions are met, including that the State Department of Social Services has obtained the approval of the State Department of Health Care Services, as specified.

This bill would prohibit the increase in wages or benefits from taking effect unless and until the increase is reviewed and determined to be in compliance with state law.

(4) Existing law requires the state and counties to share the annual cost of providing in-home supportive services and requires all counties to have a County IHSS Maintenance of Effort (MOE) commencing July 1, 2017, as prescribed. Existing law requires the County IHSS MOE to be adjusted for the annualized cost increases in provider wages or health benefits that are locally negotiated, mediated, or imposed on or after July 1, 2017. Existing law authorizes a county to negotiate a wage supplement and requires the county's County IHSS MOE to include a one-time adjustment by the amount of the increase, as specified, for the first time the wage supplement is applied. Existing law requires the wage supplement to subsequently be applied to the county individual provider wage when the increase takes effect at the same time as, and is the same amount as, the state minimum wage increases, and the minimum wage increase exceeds the county individual provider wage prior to applying the minimum wage increase.

This bill would instead require the wage supplement to subsequently be applied to the minimum wage when the minimum wage increase is equal to or exceeds the county wage paid without the inclusion of the wage supplement and the increase to the county wage paid takes effect at the same time as the minimum wage increase. The bill would require that the wage supplement be in addition to the highest wage rate paid in the county as of June 30, 2017. The bill would provide that these new requirements do not apply for any changes to provider wages or health benefits locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, for which a rate change request was submitted to the State Department of Social Services for review prior to January 1, 2018, and instead would require that in these cases, the wage supplement subsequently be applied to the minimum wage when the minimum wage is equal to or exceeds the county individual provider wage including the wage supplement. The bill would appropriate \$1,000,000 to the State Department of Social Services for the purposes of the provisions relating to cases in which a rate change request was submitted to the department for review prior to January 1, 2018.

(5) Existing law requires each county to provide cash assistance and other social services to needy families through the California Work

Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, a child who is placed in the approved home of a relative is eligible for AFDC-FC if he or she is eligible for federal financial participation in the AFDC-FC payment, as specified. Existing law provides for benefits for a child who is placed in the approved home of a relative and who is ineligible for AFDC-FC pursuant to the CalWORKs program. Existing law establishes the Approved Relative Caregiver Funding Program (ARC) for the purpose of making the amount paid to relative caregivers for the in-home care of children placed with them who are ineligible for AFDC-FC payments equal to the amount paid on behalf of children who are eligible for AFDC-FC payments.

Existing law provides for the implementation of the resource family approval process, which replaces the multiple processes for licensing foster family homes, certifying foster homes by foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families. Existing law defines a resource family as an individual or family that has successfully met both home environment assessment standards and permanency assessment criteria, as specified, necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian.

Existing law provides for the temporary or emergency placement of dependent children of the juvenile court and nonminor dependents with relative caregivers or nonrelative extended family members under specified circumstances. Under existing law, a relative caregiver or nonrelative extended family member is required to submit an application for approval as a resource family and initiate a home environment assessment within 5 business days after the placement.

This bill would state the Legislature's intent to provide interim support to an emergency caregiver, as defined, who has a pending application under the Resource Family Approval Program that has been temporarily delayed due to the need to increase capacity for statewide implementation of the program. This bill would require counties to provide an emergency assistance payment or ARC payment to that emergency caregiver who also meets specified requirements, and is caring for a child or nonminor dependent placed in the caregiver's home under specified circumstances, if the child or nonminor dependent resides in California, and is not otherwise eligible for AFDC-FC or ARC. The bill would require the payments to be made either through ARC or through the TANF block grant emergency assistance program for child welfare services, as specified. The bill would make payments available through June 30, 2018, if specified conditions are met.

The bill would provide that counties would not be liable for any federal disallowance or penalty imposed on the state based on implementing these provisions. The bill would make these provisions inoperative on July 1, 2018, and would repeal the provisions on January 1, 2019.

By expanding the duties of counties relating to foster care, the bill would impose a state-mandated local program.

(6) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would provide that the continuous appropriation would not be made for purposes of implementing the bill.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(8) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 7284.6 of the Government Code is amended to read:

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees for purposes of civil immigration custody, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

- (A) The purpose of the task force.
- (B) The federal, state, and local law enforcement agencies involved.
- (C) The total number of arrests made during the reporting period.
- (D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other

federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

SEC. 2. Section 27388.1 of the Government Code is amended to read:

27388.1. (a) (1) Commencing January 1, 2018, and except as provided in paragraph (2), in addition to any other recording fees specified in this code, a fee of seventy-five dollars (\$75) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225). "Real estate instrument, paper, or notice" means a document relating to real property, including, but not limited to, the following: deed, grant deed, trustee's deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic's lien, maps, and covenants, conditions, and restrictions.

(2) The fee described in paragraph (1) shall not be imposed on any of the following documents:

(A) Any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax as defined in Section 11911 of the Revenue and Taxation Code.

(B) Any real estate instrument, paper, or notice recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.

(C) Any real estate instrument, paper, or notice executed or recorded by the federal government in accordance with the Uniform Federal Lien Registration Act (Title 7 (commencing with Section 2100) of Part 4 of the Code of Civil Procedure).

(D) Any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state.

(b) The county recorder shall remit quarterly, on or before the last day of the month next succeeding each calendar quarterly period, the fees, after deduction of any actual and necessary administrative costs incurred by the county recorder in carrying out this section, to the Controller for deposit in the Building Homes and Jobs Trust Fund established by Section 50470 of the Health and Safety Code, to be expended for the purposes set forth in that section. In addition, the county shall pay to the Controller interest, at the legal rate, on any funds not paid to the Controller before the last day of the month next succeeding each quarterly period.

(c) If the Department of Housing and Community Development determines that any moneys derived from fees collected are being allocated

by the state for a purpose not authorized by Section 50470 of the Health and Safety Code, the county recorder shall, upon notice of the determination, immediately cease collection of the fees, and shall resume collection of those fees only upon notice that the moneys derived from the fees collected are being allocated by the state only for a purpose authorized by Section 50470 of the Health and Safety Code.

(d) (1) Subparagraph (C) of paragraph (2) of subdivision (a), as added by the act adding this subdivision, shall apply to any real estate instrument, paper, or notice executed or recorded by the federal government on or after January 1, 2018, and the fee imposed by this section shall not be imposed or billed for any real estate instrument, paper, or notice executed or recorded by the federal government in accordance with the Uniform Federal Lien Registration Act (Title 7 (commencing with Section 2100) of Part 4 of the Code of Civil Procedure) on or after that date.

(2) The Legislature finds and declares that subparagraph (D) of paragraph (2) of subdivision (a), as added by the act adding this subdivision, reflects the original intent of the Legislature in enacting this section and is therefore not a change in, but is declaratory of, existing law. Subparagraph (D) of paragraph (2) of subdivision (a), as added by the act adding this subdivision, shall apply to any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state on or after January 1, 2018, and the fee imposed by this section shall not be imposed or billed for any real estate instrument, paper, or notice executed or recorded by the state or any county, municipality, or other political subdivision of the state on or after that date.

SEC. 3. Section 11461.35 is added to the Welfare and Institutions Code, to read:

11461.35. (a) It is the intent of the Legislature to provide, through June 30, 2018, interim support to emergency caregivers, as defined in subdivision (c), who have pending applications under the Resource Family Approval Program that have been temporarily delayed due to the need to increase capacity for statewide implementation of the program.

(b) Commencing on the date of the release of the all-county letter pursuant to subdivision (j), and subject to the limitations contained in this section, each county shall provide a payment equivalent to the resource family basic level rate of the home-based family care rate structure to an emergency caregiver, as defined in subdivision (c), who is caring for a child or nonminor dependent placed in the home of the caregiver pursuant to subdivision (d) of Section 309, Section 361.45, or based on a compelling reason pursuant to subdivision (e) of Section 16519.5, effective the date of the emergency or compelling reason placement of the child or nonminor dependent, or the release date of the all-county letter pursuant to subdivision (j), whichever is later, if the child or nonminor dependent meets both of the following criteria:

(1) The child or nonminor dependent is not otherwise eligible for AFDC-FC or the Approved Relative Caregiver Funding Program, pursuant to Section 11461.3, while placed in the home of the emergency caregiver.

(2) The child or nonminor dependent resides in California.

(c) For purposes of this section, an “emergency caregiver” means an

individual who has a pending resource family application filed with an appropriate agency on or after the effective date of this section, and who has been assessed pursuant to Section 361.4 or has successfully completed the home environment assessment portion of resource family approval pursuant to paragraph (2) of subdivision (d) of Section 16519.5.

(d) Funding for the payment described in subdivision (b) shall be as follows:

(1) Notwithstanding Section 11461.3, if the emergency caregiver is a relative, as defined by paragraph (2) of subdivision (f) of Section 319, of the child and the county placing agency has determined that the child would be ineligible for federal AFDC-FC when placed in an approved resource family home, the child shall be deemed eligible for the Approved Relative Caregiver Funding Program for the purpose of making the payment authorized by this section.

(2) If the emergency caregiver is a nonrelative extended family member, or if the county placing agency has determined that the child would be eligible for federal AFDC-FC when placed with the relative once the home is an approved resource family home, payment as specified in this section shall be made through the Emergency Assistance Program that is included in the state’s Temporary Assistance for Needy Families block grant.

(e) (1) The department shall make available to counties funding to cover up to 60 days of emergency assistance payments made pursuant to paragraph

(2) of subdivision (d).

(2) The department shall extend the funding provided in paragraph (1) through June 30, 2018, if either of the following conditions are met:

(A) The county has documented good cause for the delay in approving a resource family application that is outside the direct control of the county, which may include delays in processing background check clearances or exemptions, medical examinations, or delays that are based on the needs of the family.

(B) The county has documented a prior existing backlog of resource family applications, and has communicated to the applicant an anticipated date by which the application will be processed. Each county with a prior existing backlog of resource family applications shall provide to the department and implement a countywide plan based on available resources to the counties and recent state guidance on resource family approval that will eliminate the backlog by September 1, 2018.

(f) Any amounts expended for emergency assistance by a county placing agency as a result of not meeting either of the conditions specified in paragraph (2) of subdivision (e) shall be compared to the maintenance payment costs that the county otherwise would have expended prior to Resource Family Approval Program implementation, to determine the net fiscal impact to the county placing agency.

(g) Counties shall not be liable for any federal disallowance or penalty imposed on the state based on implementation of this section, including a

county's action in reliance on the state's instruction related to implementation of this section.

(h) Payments authorized pursuant to this section shall not continue beyond June 30, 2018.

(i) No appropriation pursuant to Section 15200 shall be made for purposes of implementing this section.

(j) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the State Department of Social Services may implement and administer this section through all-county letter or similar instructions. The all-county letter or similar instructions shall be finalized and published no later than 21 days following the enactment of this section.

(k) This section shall become inoperative on July 1, 2018, and, as of January 1, 2019, is repealed.

SEC. 4. Section 12306.1 of the Welfare and Institutions Code is amended to read:

12306.1. (a) When any increase in provider wages or benefits is locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, or any increase in provider wages or benefits is adopted by ordinance pursuant to Article 1 (commencing with Section 9100) of Chapter 2 of Division 9 of the Elections Code, then the county shall use county-only funds to fund both the county share and the state share, including employment taxes, of any increase in the cost of the program, unless otherwise provided for in the annual Budget Act or appropriated by statute. No increase in wages or benefits locally negotiated, mediated, imposed, or adopted by ordinance pursuant to this section shall take effect unless and until, prior to its implementation, the increase is reviewed and determined to be in compliance with state law and the department has obtained the approval of the State Department of Health Care Services for the increase pursuant to a determination that it is consistent with federal law and to ensure federal financial participation for the services under Title XIX of the federal Social Security Act, and unless and until all of the following conditions have been met:

(1) Each county has provided the department with documentation of the approval of the county board of supervisors of the proposed public authority or nonprofit consortium rate, including wages and related expenditures. The documentation shall be received by the department before the department and the State Department of Health Care Services may approve the increase.

(2) Each county has met department guidelines and regulatory requirements as a condition of receiving state participation in the rate.

(b) Any rate approved pursuant to subdivision (a) shall take effect commencing on the first day of the month subsequent to the month in which final approval is received from the department. The department may grant approval on a conditional basis, subject to the availability of funding.

(c) The state shall pay 65 percent, and each county shall pay 35 percent, of the nonfederal share of wage and benefit increases pursuant to subdivision

(a) and associated employment taxes, only in accordance with subdivision (d).

(d) (1) The state shall participate in a total of wages and individual health benefits up to twelve dollars and ten cents (\$12.10) per hour until the amount specified in paragraph (1) of subdivision (b) of Section 1182.12 of the Labor Code reaches twelve dollars (\$12.00) per hour at which point the state shall participate as provided in paragraph (2).

(2) For any increase in wages or individual health benefits locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, and approved by the department, or any increase in provider wages or benefits adopted by ordinance pursuant to Article 1 (commencing with Section 9100) of Chapter 2 of Division 9 of the Elections Code, the state shall participate as provided in subdivision (c) in a total of wages and individual health benefits up to one dollar and ten cents (\$1.10) per hour above the amount per hour specified for the corresponding year in paragraph

(1) of subdivision (b) of, subdivision (c) of, and subdivision (d) of, Section 1182.12 of the Labor Code.

(3) (A) For a county that is at or above twelve dollars and ten cents (\$12.10) per hour in combined wages and individual health benefits, the state shall participate as provided in subdivision (c) in a cumulative total of up to 10 percent within a three-year period in the sum of the combined total of changes in wages or individual health benefits, or both.

(B) The state shall participate as provided in subparagraph (A) for no more than two three-year periods, after which point the county shall pay the entire nonfederal share of any future increases in wages and individual health benefits that exceed the amount specified in paragraphs (1) and (2).

(C) A three-year period is defined as three consecutive years. A new three-year period can only begin after the last year of the previous three-year period.

(D) To be eligible for state participation, a 10-percent increase described in this paragraph is required to be commenced prior to the date that the minimum wage reaches the amount specified in subparagraph (F) of paragraph (1) of subdivision (b) of Section 1182.12 of the Labor Code.

(4) Paragraphs (2) and (3) do not apply to contracts executed, or to increases in wages or individual health benefits, locally negotiated, mediated, imposed, or adopted by ordinance, prior to July 1, 2017.

SEC. 5. Section 12306.16 of the Welfare and Institutions Code is amended to read:

12306.16. (a) Commencing July 1, 2017, all counties shall have a County IHSS Maintenance of Effort (MOE).

(b) (1) (A) The statewide total County IHSS MOE base for the 2017–18 fiscal year shall be established at one billion seven hundred sixty-nine million four hundred forty-three thousand dollars (\$1,769,443,000). This amount reflects the estimated county share of IHSS program base costs calculated pursuant to Sections 10101.1 and 12306, as those sections read on June 1, 2017, and reflected in the department’s 2017 May Revision local assistance subvention table for the 2017–18 fiscal year.

(B) If actual IHSS program base costs, as determined by the Department of Finance on or before May 14, 2018, attributable to the 2017–18 fiscal year are lower than the costs assumed in the 2017 May Revision local assistance subvention table, the statewide total County IHSS MOE base for the 2017–18 fiscal year shall be adjusted accordingly pursuant to Sections 10101.1 and 12306, as those sections read on June 1, 2017.

(2) The Department of Finance shall consult with the California State Association of Counties to determine each county’s share of the statewide total County IHSS MOE base amount. The County IHSS MOE base shall be unique to each individual county.

(3) (A) Administration expenditures are included in the County IHSS MOE and shall include both county administration, including costs associated with the IHSS case management, information, and payroll system, and public authority administration.

(B) The amount of General Fund moneys available for county administration and public authority administration is limited to the amount of General Fund moneys appropriated for those specific purposes in the annual Budget Act, and increases to this amount do not impact the County IHSS MOE.

(C) To be eligible to receive its share of General Fund moneys appropriated in a fiscal year for county administration and public authority administration costs, the county is only required to expend the full amount of its County IHSS MOE that is attributable to county and public authority administration for that fiscal year and no additional county share of cost shall be required. The department shall consult with the California State Association of Counties to determine the county-by-county distribution of the amount of General Fund moneys appropriated in the annual Budget Act for county administration and public authority administration.

(D) Amounts expended by a county or public authority on administration

in excess of the amount described in subparagraphs (A) and (B) shall not be attributed towards the county meeting its County IHSS MOE requirement.

(E) As part of the preparation of the 2018–19 Governor’s Budget, the department shall work with the California State Association of Counties, County Welfare Directors Association of California, and the Department of Finance to examine the workload and budget assumptions related to administration of the IHSS program for the 2017–18 and 2018–19 fiscal years.

(c) (1) On July 1, 2018, the County IHSS MOE base as specified in subdivision (b) shall be adjusted by an inflation factor of 5 percent.

(2) Beginning on July 1, 2019, and annually thereafter, the County IHSS MOE from the previous year shall be adjusted by an inflation factor of 7 percent.

(3) (A) Notwithstanding paragraphs (1) and (2), in fiscal years in which the total of 1991 realignment revenues received pursuant to Sections 6051.2 and 6201.2 of the Revenue and Taxation Code for the prior fiscal year is less than the total received for the next prior fiscal year, the inflation factor shall be zero.

(B) Notwithstanding paragraphs (1) and (2), in fiscal years in which the total of 1991 realignment revenues received pursuant to Sections 6051.2 and 6201.2 of the Revenue and Taxation Code for the prior fiscal year is equal to or up to 2 percent greater than the total received for the next prior fiscal year, the inflation factor shall be one-half of the amount specified in either paragraph (1) or (2).

(C) The Department of Finance shall provide notification to the appropriate fiscal committees of the Legislature and the California State Association of Counties by May 14 of each year of the inflation factor that will apply for the following fiscal year, based on the calculation in subparagraph (A) and (B).

(d) In addition to the adjustment in subdivision (c), the County IHSS MOE shall be adjusted for the annualized cost of increases in provider wages or health benefits that are locally negotiated, mediated, or imposed, on or after July 1, 2017, including any increases in provider wages or health benefits adopted by ordinance pursuant to Article 1 (commencing with Section 9100) of Chapter 2 of Division 9 of the Elections Code.

(1) (A) If the department approves an increase in provider wages or health benefits that are locally negotiated, mediated, imposed, or adopted by ordinance pursuant to Section 12306.1, the state shall pay 65 percent, and the affected county shall pay 35 percent, of the nonfederal share of the cost increase in accordance with subparagraph (B).

(B) With respect to any increase in provider wages or health benefits approved on or after July 1, 2017, pursuant to subparagraph (A), the state shall participate in that increase as provided in subparagraph (A) up to the amount specified in paragraphs (1), (2), and (3) of subdivision (d) of Section 12306.1. The county shall pay the entire nonfederal share of any cost increase exceeding the amount specified in paragraphs (1), (2), and (3) of subdivision

(d) of Section 12306.1.

(C) With respect to an increase in benefits, other than individual health benefits, locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, or adopted by ordinance, the county's County IHSS MOE shall include a one-time adjustment equal to 35 percent of the nonfederal share of the increased benefit costs.

(D) The county share of increased expenditures pursuant to subparagraphs (A) to (C), inclusive, shall be included in the County IHSS MOE, in addition to the amount established under subdivisions (b) and (c). For any increase in provider wages or health benefits, or increase in other benefits pursuant to subparagraph (C), that becomes effective on a date other than July 1, the Department of Finance shall adjust the county's County IHSS MOE to reflect the annualized cost of the county's share of the nonfederal cost of the wage or health benefit increase. This adjustment shall be calculated based on the county's 2017-18 paid IHSS hours and the appropriate cost-sharing ratio as grown by the applicable number of inflation factors pursuant to subdivision (c) that have occurred up to and including the fiscal year in which the increase becomes effective.

(2) (A) If the department does not approve the increase in provider wages or health benefits, or increase in other benefits pursuant to subparagraph (C) of paragraph (1), that are locally negotiated, mediated, imposed, or adopted by ordinance pursuant to Section 12306.1 or paragraph (3), the county shall pay the entire nonfederal share of the cost increases.

(B) The county share of increased expenditures pursuant to subparagraph (A) shall be included in the County IHSS MOE, in addition to the amount established under subdivisions (b) and (c). For any increase in provider wages or health benefits that becomes effective on a date other than July 1, the Department of Finance shall adjust the county's County IHSS MOE to reflect the annualized cost of the county's share of the nonfederal cost of the wage or health benefit increase. This adjustment shall be calculated based on the county's 2017–18 paid IHSS hours and the appropriate county sharing ratio as grown by the appropriate number of applicable inflation factors pursuant to subdivision (c) that have occurred up to and including the fiscal year in which the increase becomes effective.

(3) In addition to the rate approval requirements specified in subdivisions (a) to (c), inclusive, of Section 12306.1, it shall be presumed by the department that rates and other economic terms that are locally negotiated, mediated, imposed, or adopted by ordinance are approved.

(4) (A) With respect to any rate increases to existing contracts that a

county has already entered into pursuant to Section 12302, the state shall pay 65 percent, and the affected county shall pay 35 percent, of the nonfederal share of the amount of the rate increase up to the maximum amounts established pursuant to Sections 12302.1 and 12303. The county shall pay the entire nonfederal share of any portion of the rate increase exceeding the maximum amount established pursuant to Sections 12302.1 and 12303. This adjustment shall be calculated based on the county's 2017–18 paid IHSS contract hours, or the paid contract hours in the fiscal year in which the contract becomes effective if the contract becomes effective on or after July 1, 2017, using the appropriate cost-sharing ratio as grown by the applicable number of inflation factors pursuant to subdivision (c) that have occurred up to and including the fiscal year in which the increase becomes effective.

(B) With respect to rates for new contracts entered into by a county pursuant to Section 12302 on or after July 1, 2017, the state shall pay 65 percent, and the affected county shall pay 35 percent, of the nonfederal share of the difference between the locally negotiated, mediated, imposed, or adopted by ordinance, provider wage and the contract rate for all of the hours of service to IHSS recipients to be provided under the contract up to the maximum amounts established pursuant to Sections 12302.1 and 12303. The county shall pay the entire nonfederal share of any portion of the contract rate exceeding the maximum amount established pursuant to Sections 12302.1 and 12303. This adjustment shall be calculated based on the county's paid contract hours in the fiscal year in which the contract becomes effective using the appropriate cost-sharing ratio.

(C) The county share of these expenditures shall be included in the County IHSS MOE, in addition to the amounts established under subdivisions (b) and (c). For any rate increases for existing contracts or rates for new contracts, entered into by a county pursuant to Section 12302 on or after July 1, 2017, that become effective on a date other than July 1, the Department of Finance shall adjust the county's County IHSS MOE to reflect the annualized cost of the county's share of the nonfederal cost of the increase or rate for new contracts. This adjustment shall be calculated as follows:

(i) For a contract described in subparagraph (A), the first-year cost of the amount of the rate increase calculated using the pro rata share of the number of hours of service provided in the contract for the fiscal year in which the increase became effective.

(ii) For a contract described in subparagraph (B), the first-year cost of the difference between the locally negotiated, mediated, imposed, or adopted by ordinance, provider wage and the contract rate for all of the hours of service to IHSS recipients calculated using the pro rata share of the number of hours of service provided in the contract for the fiscal year in which the contract became effective.

(5) In the event the state ceases to receive enhanced federal financial participation for the provision of services pursuant to Section 1915(k) of the federal Social Security Act (42 U.S.C. Sec. 1396n(k)), the County IHSS MOE shall be adjusted one time to reflect a 35-percent share of the enhanced federal financial participation that would have been received pursuant to Section 1915(k) of the federal Social Security Act (42 U.S.C. Sec. 1396n(k)) for the fiscal year in which the state ceases to receive the enhanced federal financial participation.

(6) The County IHSS MOE shall not be adjusted for increases in individual provider wages that are locally negotiated pursuant to subdivision (a) of, and paragraphs (1) and (2) of subdivision (d) of, Section 12306.1 when the increase has been specifically negotiated to take effect at the same time as, and to be the same amount as, state minimum wage increases.

(7) (A) A county may negotiate a wage supplement.

(i) The wage supplement shall be in addition to the highest wage rate paid in the county since June 30, 2017.

(ii) The first time the wage supplement is applied, the county's County

IHSS MOE shall include a one-time adjustment by the amount of the increased cost resulting from the supplement, as specified in paragraph (1).

(B) A wage supplement negotiated pursuant to subparagraph (A) shall subsequently be applied to the minimum wage when the minimum wage increase is equal to or exceeds the county wage paid without inclusion of the wage supplement and the increase to the county wage paid takes effect at the same time as the minimum wage increase.

(C) For any changes to provider wages or health benefits locally negotiated, mediated, or imposed by a county, public authority, or nonprofit consortium, for which a rate change request was submitted to the department prior to January 1, 2018, for review, clause (i) of subparagraph (A) and

subparagraph (B) shall not apply. A wage supplement subject to this subparagraph shall subsequently be applied to the minimum wage when the minimum wage is equal to or exceeds the county individual provider wage including the wage supplement.

(8) The Department of Finance shall consult with the California State Association of Counties to develop the computations for the annualized amounts pursuant to this subdivision.

- (e) The County IHSS MOE shall only be adjusted pursuant to subdivisions (c) and (d).
- (f) A county's County IHSS MOE costs paid to the state shall be reduced

by the amount of any General Fund offset provided to the county pursuant to Section 12306.17.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

However, to the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.

SEC. 7. The sum of one million dollars (\$1,000,000) in reimbursements is hereby appropriated to the State Department of Social Services in the 2017–18 fiscal year for the purposes specified in subparagraph (C) of paragraph (7) of subdivision (d) of Section 12306.16 of the Welfare and Institutions Code.

SEC. 8. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

**RESOURCE FAMILY
APPROVAL (RFA):

BACKGROUND
ASSESSMENT GUIDE (BAG)**



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100 INTRODUCTION

This Resource Family Background Assessment Guide is intended to be the sole guide for Resource Family Approval (RFA) background check procedures. For purposes of this guide, “reviewing agency” refers to the entity conducting the background checks resulting from a Resource Family application. In addition to counties and CDSS, this document may be used as a guide for an agency conducting background checks in accordance with federal IV-E standards, including tribes and counties conducting background checks on behalf of a tribe. Reviewing agencies should **not** consult the state’s Caregiver Background Check Bureau Evaluator Manual.

The content of this guide can also be found in the applicable statutory and written directive authority. See Welfare and Institutions Code (W&IC) sections 16519.5, et seq. and the Resource Family Approval Written Directives.

The criminal record background check process is intended to ensure that applicants, as well as persons residing or regularly present in the home, do not present a threat to the health and safety of a child or nonminor dependent. An individual’s criminal history may be one factor in determining whether a person is of good character. For example, it may indicate a history of violent or dishonest conduct or a history of substance or alcohol abuse.

The background check process provides individuals with criminal history an opportunity to prove that they are rehabilitated and of present good character. Thus, if a person has a criminal conviction or a history of criminal conduct such as an arrest that did not result in a conviction, the reviewing agency must determine whether or not the person presents a potential health and safety risk to a child or nonminor dependent.

It is important to note that the initial burden of proof requires the agency to prove the criminal conviction or conduct. The agency should obtain arrest and court records to determine the true nature of the criminal conviction or conduct. Unless an individual qualifies for the simplified exemption process, once the conviction is proven, the individual must demonstrate he or she is rehabilitated and of present good character necessary to safely care for children or nonminor dependents in out of home care.

a. Senate Bill (SB) 213

Effective 1/1/18, SB 213 made significant amendments to the criminal record exemption decision standards and processes as specified at Health and Safety Code 1522(g). For Resource Family applicants and all adults residing or regularly present in the home, the simplified exemption process is available, at the reviewing agency’s discretion, for all exemptible convictions that do not meet the standard exemption criteria specified in Section 119, *Exemptions*. A simplified criminal record exemption process means that an exemption shall be granted based solely on the live scan fingerprint check and/or any written (RFA 01B) or verbal self-disclosures if the criminal history meets specified criteria. **However**, notwithstanding the fact that an individual qualifies for the simplified criminal record exemption process, a reviewing agency may choose to require the individual to request an exemption and complete the full exemption process **if there are health and safety concerns** (see section 119, *Exemptions*, for additional details).

b. RFA Background Check Components

RFA applicants and adults residing or regularly present in the applicant's or resource family's home are the only individuals who shall be subject to an RFA background check. The RFA background check process consists of uniform components to ensure all foster care providers are evaluated by the same standard. The RFA background check components are limited by law to the following:

1. Live scan fingerprint check results (including state and federal criminal history information and CACI);
2. Megan's Law check;
3. LIS/AARS check;
4. DMV check (only for adults who may frequently transport a child or nonminor dependent); and
5. Resource Family Criminal Record Statement (RFA 01B)

c. Emergency (Temporary) Placement

This guide DOES NOT APPLY TO EMERGENCY PLACEMENTS or affect a county's ability to make a placement. This guide is only to be used for the background check process required for RFA approval, which is separate from placement decisions. Please see the Appendix for information related to Emergency Placement protocol.

101 CRIMINAL RECORD CLEARANCE AND EXEMPTION REVIEW

The Department shall provide ongoing oversight of a County's operations related to the Resource Family Approval Program. The Department may, without prior notice, inspect, review, and monitor implementation of the program in a county, including all activities, procedures, records, and forms related to the program.

The Department shall review a random sample of Resource Families in a County for compliance with applicable laws and the Written Directives, which may include a home environment visit. The Department's review shall occur on an annual basis or more often if the Department becomes aware that a County is experiencing a disproportionate number of complaints against individual Resource Families.

Reviewing agencies must record and retain criminal clearance and exemption information. This information should be made available to the Department during its annual review or upon request. It is the agency's responsibility to maintain a log of all background check information including all granted, denied, rescinded, or transferred exemptions. Counties have the option of utilizing the Quarterly County Exemption Report form ([LIC 9210](#)) or another template, which includes the following information:

- The name of the county.
- The year of the tracking log.
- The person's name.
- The Resource Family name and RF ID number, if applicable.
- The person's date of birth.

- The appropriate reporting source: Department of Justice (DOJ), Federal Bureau of Investigation (FBI), self-reported on RFA 01B (Self), or transferred from another approval/licensing agency (Transfer/Conversion).
- Type of exemption. Use the following legend: Standard (ST), Simplified (SM), Conditional (C), Individual (I), Non-Exemptible (N), Denied (D), Transferred (T), or Conversion (CO).
- The year of conviction(s), the type of conviction [Misdemeanor (M) or Felony (F)], and the criminal violation code number and title identified on the rap sheet or conviction records. Include all convictions, both self-disclosed and from the rap sheet, and list one crime on each line.

102 CRIMINAL RECORD CLEARANCE

Applicants and individuals residing or regularly present in a resource family home, and not exempted pursuant to Health and Safety Code (H&SC) section 1522(b), must submit fingerprints to the Department of Justice for the purposes of a background check of state and federal summary criminal record information. The [Request for Live Scan Service \(BCIA 8016\)](#) form must be completed using the RFA applicant type (RESRCE FAM PER 16519 WI). An individual with no criminal convictions, serious arrests, or substantiated allegations of child abuse or severe neglect (CACI hits) is entitled to a clearance. An individual who has been convicted of a crime, other than a minor traffic violation or a specific marijuana-related conviction, cannot obtain Resource Family approval, reside or be regularly present in a resource family home unless granted a criminal record exemption by the reviewing agency. Reviewing agencies shall evaluate an individual's criminal record, if any, to determine if he/she poses a risk or threat to the health, safety, and well-being of a child in out of home care.

Applicants and adults residing or regularly present in the home at the time of application must have a criminal record clearance or a criminal record exemption (see section 119, *Exemptions*) prior to approval.

Subsequent to approval, any new adults who may reside or be regularly present in the resource family home must submit fingerprints and obtain a clearance or exemption prior to initial presence in the home.

103 CRIMINAL RECORD STATEMENT (RFA 01B)

Prior to, or at the time of, the person submitting fingerprints, the individual must complete and sign a *Resource Family Criminal Record Statement* ([RFA 01B](#)) under penalty of perjury. The requirement to sign the statement under penalty of perjury is an important feature of this form, because it informs the individual that it may be used as evidence by the reviewing agency or department in an administrative action if the person provides false or misleading statements in the RFA 01B. This statement requires the person to disclose all prior convictions and specified arrests. Convictions and conduct associated with certain marijuana convictions must be disregarded, as covered by the Marijuana Reform Act of 1977 (H&SC sections 11361.5 and 11361.7).

If the person discloses a conviction, with the exception of **infractions** and certain minor marijuana offenses over 2 years old (see section 110, *Marijuana-Related Convictions*), he or

she needs an exemption. The disclosed convictions must be compared with the convictions on the person's rap sheet. Discrepancies and omissions must be factored into the exemption decision (see section 119, *Exemptions*).

In cases where the person discloses convictions **either verbally or** on the RFA 01B and the convictions **either** do not appear on his/her rap sheet or a clearance is received, the reviewing agency must use the self-disclosure in lieu of or in addition to the rap sheet. Treat the disclosure the same as a subsequent conviction (see section 123, *Arrest and Convictions – Subsequent to Clearance or Exemption*). The person may be subject to removal (see section 125, *Administrative Actions*). **However, the reviewing agency must obtain proof of any conviction, e.g. certified court documents, prior to issuing a Notice of Action (NOA) based on the self-disclosure.**

Individuals should not be required or asked to resubmit the RFA 01B if they initially omitted pertinent information or disclosed information that did not actually result in an arrest or conviction (e.g. a detention). If there is an error or omission on the RFA 01B, the reviewing agency should document any conversations regarding the inconsistencies. Inconsistencies between the RFA 01B and live scan results may be indicative of dishonesty/minimization or may be the result of an honest mistake or failure to recall. The reviewing agency shall evaluate each individual's responses on a case-by-case basis.

The RFA 01B form may be downloaded from the RFA website and copied: [RFA Forms](#).

104 ADMINISTRATIVE ACTION AND LICENSING DATABASES

Reviewing agencies must check prior licensing, criminal record exemption, and resource family approval history of each applicant and all adults residing or regularly present in the home as part of the background check process. The data systems that must be checked include the Licensing Information System (LIS), Administrative Action Records System (AARS), and RFA Notice of Action (NOA) Database. The Community Care Licensing (CCL) Division established the LIS/AARS Check Unit (LLCU) to assist in conducting checks for counties and Foster Family Agencies (FFAs). This unit will perform all LIS checks on behalf of all 58 counties, and the counties will conduct their own AARS and NOA Database checks. However, the LLCU will conduct LIS, AARS, and NOA Database checks on behalf of the Foster Family Agencies (FFAs) for RFA. **For RFA applicants through FFAs only: Although CBCB conducts background checks on behalf of FFA's RFA applicants, CBCB does not conduct the database checks. The LLCU will conduct the database checks for FFA applicants.**

If the individual is identified as having been involved in an administrative action, the worker will need to obtain more information about the action to assess how that prior action affects their current case. The databases contain information regarding the action and documents including, but not limited to, Exclusion Orders, Position Statements, Accusations or Statements of Issue, Decision and Orders, Stipulated settlement agreements (i.e., Stipulations), and RFA NOAs. The databases will provide information about actions that have occurred at any point in the past, even if the individual did not appeal or file a notice of defense or has been subsequently allowed to become licensed, approved, placed on the TrustLine or Home Care Aid registry, return to work, or be present in a facility or home. The databases contain limited information about pending actions; therefore, you may need to contact the Department's Legal Division to obtain additional information. In addition, it is important to note that the databases do not contain records regarding Foster Family Agency (FFA) de-certifications taken by the FFA on its own

without Department involvement. A reviewing agency may obtain information regarding FFA-only de-certifications by contacting the FFA directly.

A reviewing agency may cease any further review of an application when an individual has had a previous application denial within the preceding year, or when the individual has had a previous rescission, revocation, exemption denial, or exemption rescission by the Department or a County within the preceding two years. However, the reviewing agency 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 have either been corrected or that no longer exist. If an individual was **previously** excluded from any resource family home, a registry, or any facility licensed by the Department, the reviewing agency shall cease review of the individual's application unless the excluded individual has been reinstated by the Department pursuant to Government Code Section 11522 and Health and Safety Code section 1558(h) [See Welf. and Inst. Code section 16519.5(c)(7).] The cessation of review shall not constitute a denial of the application for purposes of this section or any other law. No due process is required and no NOA is necessary, as the authority to cease processing results from the prior administrative action and due process was provided at that time.

Resources and tutorials on how to read LIS reports and how to conduct AARS checks are available on the Department's website:

<http://www.cdss.ca.gov/inforesources/Childrens-Residential/Resources-for-Providers/LIS-LAARS-Check-Unit>

a. Administrative Action Records System (AARS) and Notice of Action (NOA) Database

Resource Family approval requires a check for prior Resource Family and licensing-related administrative actions contained in the AARS database maintained by the Department. The database is **also** used to track NOAs denying or rescinding approval, denying or rescinding an exemption, or exclusion orders. Documentation of this check shall be recorded on the [RFA 02 Resource Family Background Checklist](#).

Each County has been provided access information to AARS, and the designated County system administrator should be contacted for assistance in accessing the system. Detailed instructions about the databases can be found in the User Manual contained within AARS.

(1) Administrative Action Status

If a match is obtained, the system will indicate the current status for each administrative action as follows:

- (A) AA – Excluded: A Decision and Order, Stipulation, or exclusion order that was not appealed has been entered to exclude an individual from a facility or resource family;
- (B) AA – Revoked, Rescinded or Denied: A Decision and Order, Stipulation or other final decision has been entered to deny or revoke an exemption, license, certificate, registration or to deny or rescind a resource family approval;
- (C) AA – Probation: A Decision and Order or Stipulation or other final order has been entered that allows the individual to be licensed, work in one or more facilities, or to be approved as a resource family, subject to certain conditions;

- (D) AA – Filed (Pending): A Statement of Issues to deny an application for licensure, approval or certification or an Accusation to revoke a license or certificate, rescind an approval or exclude an individual has been served on the individual, but no final action on the case has been taken;
- (E) AA – Closed: The case has been closed without a revocation, rescission, denial, or exclusion action after issuance of the Statement of Issues or Accusation or after an RFA NOA has been rescinded.

NOTE: The above administrative action code descriptions may not have been updated in the databases.

If the legal documents are not on AARS, please send an email request for the documents to be retrieved from archives, stating the individual's name and Legal case number, to the CDSS Legal Division at LAARS-CCL@dss.ca.gov.

(2) AARS/NOA Document Review and Legal Effect

A Decision and Order or a Stipulation, Waiver and Order are binding legal documents. In addition, an NOA or exclusion order that was not appealed constitutes a final decision or order. The reviewing agency should discuss the documents with their consulting attorney before making a decision to determine options available to the county.

If it is determined that the individual is under a presently enforceable exclusion order preventing his/her presence in a licensed facility or approved home, the Resource Family should be immediately notified that the individual cannot be present in the home. If there is any indication or suspicion that the individual is or will be residing or regularly present in the home, it may be necessary for the reviewing agency to conduct a case management visit to verify that the individual is not present. A copy of the Decision and Order or exclusion order may be provided to the Resource Family.

b. Licensing Information System (LIS)

Prior licensing history and criminal record exemption denial or rescission actions are contained in the Licensing Information System (LIS) maintained by the Department. Documentation of this check shall be recorded on the [RFA 02 Resource Family Background Checklist](#). Departmental oversight and review include verification of all background check components, including the Licensing and administrative action databases. Documentation of these database checks will help verify compliance during the Department's review.

The requesting reviewing agency must complete the *RFA Background Check Assessment: LIS & AARS Request Form* for each applicant and all adults residing or regularly present in the home of an applicant or Resource Family. The form, password encrypted if containing social security numbers, must include the name (required), date of birth (required), social security number (if available), agency name, and approval worker contact information for all applicants. To ensure efficiency, it is recommended that counties include multiple checks on a single form and submit on a weekly basis. Once completed, the form must be securely emailed to the LLCU at CLLISLAARSChecks@dss.ca.gov. Please ensure the form is completed correctly and includes all required information. The form may be obtained by accessing the "[Resource Family Approval Background Check Assessment](#)" form at:

<http://www.cdss.ca.gov/inforesources/Childrens-Residential/Resources-for-Providers/LIS-LAARS-Check-Unit>

Each reviewing agency is requested to identify and provide LLCU with the name of their single point of contact (SPOC) designated to submit LIS/AARS check requests on behalf of the agency. The LLCU will provide the results of the LIS checks to the identified designee. For LIS checks completed with no results, the LLCU will identify “none” on the form, which should be noted on the [Resource Family Background Checklist form \(RFA 02\)](#). It is the LLCU’s goal to respond within fifteen (15) business days of receiving a request.

If a reviewing agency has any questions or wishes to follow up on a request, their SPOC may contact LLCU, Statewide Children’s Residential Program Office, at (916) 651-7140 or by email at CCLLISLAARSChecks@dss.ca.gov.

NOTE: If there are questions regarding the results of the LIS check, please contact the regional office for additional information.

105 NAME SEARCH

California Penal Code (PC) section 11105.7 allows the Department of Justice (DOJ) to conduct a non-fingerprint based name check under certain circumstances. A name search is an alternate type of criminal history inquiry that is conducted for individuals whose:

- Live scan fingerprints have been rejected twice due to poor fingerprint image quality; or
- Medical condition prevents the submission of fingerprints (e.g., no fingers, hands are atrophied to the point of being unable to submit to a fingerprint roll); or
- Physical disability prevents them from providing any fingerprint images at all (i.e., dual amputees).

a. Name Search for Rejected Fingerprints

The Department of Justice Website:

Fingerprint images can be rejected by the DOJ and/or the FBI.

Fingerprints that are rejected twice by the DOJ due to poor print quality will automatically be processed by the DOJ using the applicant’s name to check the criminal history database for any existing criminal history.

If an individual’s fingerprints are rejected twice by the FBI due to poor print quality, the form [BCIA 8020, REQUEST FOR APPLICANT NAME CHECK BY THE FEDERAL BUREAU OF INVESTIGATION \(FBI\)](#) must be submitted to the DOJ’s FBI Response Unit by the reviewing agency, to request a name check of the FBI national criminal history database. The FBI name check request must be received by the DOJ within 75 calendar days of the second rejection notice or the individual will need to be reprinted. This allows the DOJ to process the request for the FBI name check and forward it to the FBI within the required 90 days. After 90 days, the FBI deletes all fingerprint background check transactions and considers the FBI background check request complete. The individual must be fingerprinted again, which re-starts the FBI fingerprint background check process.

Federal Bureau of Investigation:

If an individual's fingerprints are rejected twice by the Federal Bureau of Investigation, the following steps must be taken to initiate a Federal Bureau of Investigation name check.

See form [BCIA 8020](#) on the Department of Justice website at:
<https://oag.ca.gov/fingerprints/forms>.

Requests must be sent to:
Department of Justice
Bureau of Criminal Information & Analysis (BCIA)
FBI Response Unit
P.O. Box 903417
Sacramento, CA 94203-4170
Fax: (916) 227-3820
Email: FBI.ResponseUnit@doj.ca.gov

b. Name Search for Illegible or No Fingerprints

When an individual cannot submit fingerprints for medical reasons (e.g., no fingers, hands are atrophied to the point of being unable to submit to a fingerprint roll), the Department of Justice (DOJ) requires that prints be rejected twice before DOJ will complete a non-fingerprint based name check.

The FD-258 fingerprint card must have impressions for each fingerprint box on the card. If a finger cannot be used, a knuckle smudge will suffice, but the fingerprint card must have the appropriate knuckle smudge for every corresponding finger space on the card. When a fingerprint card is rejected due to poor quality prints, a second fingerprint card will be required. If the fingerprint card is rejected a second time, DOJ will automatically conduct a name check for the California criminal background check. For an FBI name check, complete a [BCIA 8020, Request for Applicant Name Check By the FBI](#) form, and submit it within 75 days from the second rejection notice.

c. Name Search for Persons Unable to Submit Prints at All

NOTE: This option is not available to individuals simply based on medical issues where the individual feels he or she is unable to complete sections (a) or (b) above. This option is limited to individuals who do not have the physical capability to complete the other options, e.g. a dual amputee.

Under normal circumstances, a person's fingerprints must be rejected twice due to poor quality before DOJ will conduct a name check. However, there are individuals, such as dual amputees, who are physically incapable of providing any images at all, legible or not. For those specific individuals, DOJ has implemented a process to conduct a name check upon receipt of verification of the person's inability to provide fingerprints.

If an individual is unable to submit any fingerprints, the reviewing agency will complete the *Agency Information* section of the [BCIA 9010 REQUEST FOR DEPARTMENT OF JUSTICE NAME CHECK](#) and provide to the person. **This form may be used only when the person cannot provide any fingerprints at all.** After completing all the requested information on the form, the individual must take the form to a law enforcement agency. The law enforcement

official will verify that the individual cannot be fingerprinted and complete the *Law Enforcement Verification* section on the form. Failure to have a law enforcement official verify the individual's inability to provide fingerprint images will result in the DOJ's denial of the request.

See form [BCIA 9010](#) on the Department of Justice website at: <https://oag.ca.gov/fingerprints/forms>.

Requests must be sent to:
California Department of Justice
Bureau of Criminal Information and Analysis
Applicant Program
P.O. Box 903417
Sacramento, CA 94203-4170
Email: AppAgencyquestions@doj.ca.gov

106 FEDERAL BUREAU OF INVESTIGATION (FBI)

Welfare and Institutions Code (W&IC) section 16519.5 requires that all individuals, subject to a criminal record review, obtain a Federal Bureau of Investigation clearance in addition to the California clearance obtained through the Department of Justice. If the Federal Bureau of Investigation rap sheet contains a conviction that occurred in a state other than California or outside of California's jurisdiction (e.g. federal or military), the reviewing agency, **in consultation with its counsel/legal department,** must evaluate the facts and circumstances to determine if there would have been a conviction if the crime had been committed in California. The reviewing agency must process an out-of-state conviction as it would an initial or subsequent conviction, as applicable (see section 123, *Arrests and Convictions – Subsequent to Clearance or Exemption*).

If an individual was initially cleared to reside or be regularly present in a resource family home and the reviewing agency receives subsequent information of undisclosed convictions, the individual must request an exemption as outlined in section 123, *Arrests and Convictions – Subsequent to Clearance or Exemption*.

a. Military Offense

Military discipline may or may not require a criminal record exemption. These convictions will usually list an offense for a violation of the "UCMJ" (Uniform Code of Military Justice). To be considered a "criminal conviction for RFA purposes," the elements of the military offense must contain all the elements required for a California crime. Offenses such as murder, robbery, and drunk driving match state offenses and will likely require an exemption, but only if the individual was provided state-level due process (e.g., a judge or jury or military tribunal, appointed counsel, the right to call and question witnesses). Discipline for certain military conduct, such as desertion or disobeying an order, is not equivalent to any California crime and should generally not be considered. If a county obtains military records indicating conduct resulting in military discipline, a legal consult should be obtained to determine whether the conduct may be considered as criminal conduct or as an aggravating factor to a conviction.

When in doubt about the offense or the level of due process afforded, consult with county **counsel/legal department.**

b. Immigration

A CORI may have a hit including a crime related to unlawful entry into the United States, but there is no clear indication of conviction, arrest, etc. The reviewing agency would look to the disposition entry on the rap sheet, to determine whether a penalty, jail time, or probation was imposed. Generally, these are good indicators that there was a conviction. The individual must request an exemption for any conviction(s) and will be evaluated for present good character and rehabilitation, regardless of immigration status.

If the CORI indicates a “deportation” or “deported to country of origin,” the individual was most likely returned to his or her country of origin. A deportation does not constitute a conviction. He or she would not need an exemption and is entitled to a clearance regardless of his or her immigration status, provided there is no additional arrest or conviction indicated in the individual’s criminal history information. The reviewing agency may choose to investigate a deportation arrest and assess for conduct. However, approval of a resource family may not be delayed by the investigation, unless the arrest was for a crime specified at Health and Safety Code section 1522(e).

107 CHILD ABUSE CENTRAL INDEX (CACI)

The Child Abuse Central Index is a database maintained by DOJ that contains an index of individuals with a substantiated history of child abuse or severe neglect, as defined in the Child Abuse and Neglect Reporting Act (Penal Code section 11164 et seq.). Welfare and Institutions Code section 16519.5 requires that the Child Abuse Central Index be checked pursuant to H&S Code 1522.1 prior to Resource Family Approval. Reviewing agencies must ensure that subsequent CACI notifications are in place with the DOJ. Please note that individuals with a CACI clearance conducted prior to January 1, 1999 may not have subsequent notifications in place and may need to be re-printed. Child Abuse Central Index searches are automatically completed by Department of Justice once an individual completes the live scan fingerprint check.

The Department of Justice will conduct a search of the Child Abuse Central Index and respond with one of the following:

1. “Possible match.”
2. “No match to any report on file entered as an applicant.”

The Department of Justice response time for a Child Abuse Central Index check varies from three (3) days to eight (8) weeks.

In a situation where the DOJ rap sheet contains both a criminal incident and a CACI violation related to the same incident, all aspects of the results must be evaluated and investigated. Information contained in CACI may not be contained in criminal record information and vice versa. The fact that there are related incidents on both the rap sheet and in CACI does not relieve the reviewing agency from investigating both hits.

When a Child Abuse Central Index Check possible match is received by the reviewing agency, the identity of the individual must be confirmed before initiating an investigation.

The following procedures should be completed when confirming the individual's identity:

- Check all identifying information, including the spelling of the individual's name, date of birth, and social security number (if available) to determine whether the Child Abuse Central Index check and application information match.
- After using the process above to confirm the individual's identity, the reviewing agency must conduct an investigation.

Contact the reporting agency and/or involved law enforcement agency for any available reports. Reporting agency records may include arrest or incident reports, investigative reports, delivered service log entries, social worker reports to the court, probation officer reports to the court, grievance hearing records, juvenile court records or criminal court records. For juvenile court records, relevant findings and orders are often made at the jurisdictional/dispositional hearings, so efforts should be made to obtain those reports along with the minute orders.

Upon receipt of the investigative report from the reporting agency, determine the appropriate course of action. If there are no other hits (convictions, CACI, serious arrests) resulting from the live scan fingerprint check, and the investigation results in no evidence of underlying conduct that poses a risk or threat to the health and safety of a child or nonminor dependent, the reviewing agency shall grant a clearance. Alternatively, an administrative action, including but not limited to application denial or an exclusion action against an associated individual, may be filed if the investigation reveals admissible evidence of conduct that poses a risk or threat to the health and safety of a child or nonminor dependent. The mere fact that an individual has a CACI hit is not independently sufficient to pursue administrative action. If there are concerns and a clearance is not recommended, consult with your assigned county liaison and consulting attorney. A legal consult is always required prior to an administrative action (i.e., issuance of a NOA).

If the person has a CACI match and was not previously afforded due process in a CACI grievance hearing, juvenile dependency or a criminal proceeding, he/she is entitled to request a grievance hearing (*Gomez v. Saenz*). Refer him or her to the reporting agency.

108 ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

Senate Bill 703 (Chapter 583, Statutes of 2007) requires California to implement the federal requirements specified in the Adam Walsh Child Protection and Safety Act of 2006 for prospective foster and adoptive parents. Effective January 1, 2008, there are stricter criminal history and child abuse checks prior to foster family home licensure, issuance of certificates of approval for certified family homes, and approval of relative/NREFM homes. These requirements will now also apply to Resource Family Approval.

Out-of-State Child Abuse and Neglect Registry Checks

If the applicant indicates on the *Resource Family Criminal Record Statement* ([RFA 01B](#)) that they have resided in another state within the last 5 years, the applicant must complete an Out-of-State Child Abuse/Neglect Report Request ([LIC 198B](#)) on the county's letterhead. NOTE: Some states require use of their own form, notarization or witnessing of the individual's signature, or fee payment. A list of the most current registries, contacts and requirements for each state is available on the [Adam Walsh Information and Forms page](#).

Send the LIC 198B, or the state-specific form, and all requested documents to the state(s) identified with a cover page. If information is not received within fourteen (14) **business** days, send the request again with a “Second Request” stamp. Verify the correct fax numbers, mailing addresses or contacts are being used. **Seven (7) business days after the second request has been sent, if the other state remains unresponsive, track the following information and email the RFA Inbox at RFA@dss.ca.gov with the subject line: ADAM WALSH OGAN DELAY – STATE NAME** (i.e., Nevada):

- Case identifier (i.e., name).
- Name of state the information was requested from.
- Date the county requested information from the other state.
- Contact person and contact information for the other state.
- Dates of any follow-up.
- Date the information was received.
- Note/comments, if applicable.

On receipt of a response from the other state’s registry indicating No Match, the reviewing agency should send a clearance letter. If the other state indicates that the individual may be matched on its Child Abuse/Neglect Registry, and the investigative report is not included, **it is best practice to** notify the individual by letter that further investigation is required.

Request the investigative report from the agency that conducted the original child abuse investigation. Send a cover letter with a copy of the other state’s registry response. Follow the reviewing agency’s procedures for processing requests for payment of fees.

Upon receipt of the investigative report from the reporting agency, **the reviewing agency shall** conduct an investigation to determine whether or not the individual poses a risk or threat to the health and safety of a child.

If a clearance is granted, the reviewing agency should notify the individual by letter. If there are concerns and a clearance is not recommended, consult with your assigned RFA county liaison **to determine whether a legal consult is needed.**

109 CRIMINAL OFFENDER RECORD INFORMATION (CORI)

A Criminal Offender Record Information (CORI) or a criminal record transcript, commonly referred to as a rap sheet, is a document provided by the Department of Justice (DOJ) or the Federal Bureau of Investigation (FBI) in response to a request for a criminal record review by the submission of fingerprints. Pursuant to W&IC Section 16519.5 and its cross reference to Family Code (FC) Section 8712, reviewing agencies will receive the individual’s full criminal history. The reviewing agency is responsible for reviewing the arrest and conviction information on the rap sheet and as self-disclosed on the *Resource Family Criminal Record Statement* (RFA 01B).

The rap sheet may note multiple arrests for felonies or misdemeanors, yet not show any conviction or disposition information. The rap sheet may also contradict an individual’s self-disclosure or DMV database. For example, the rap sheet may indicate that the conviction is for a felony when the charge was actually reduced to a misdemeanor pursuant to a plea

agreement. In some cases, the reviewing agency will need to obtain court records, DOJ arrest disposition and/or relevant arrest or incident reports in order to ensure the accuracy of the rap sheet.

Crime reports and court records may provide information indicating that the conduct underlying a conviction may be more serious than is indicated by the conviction. For example, misdemeanor convictions for Penal Code (PC) section 415 (also known as “Disturbs by Loud, Unreasonable Noise” or “Disturbing the Peace”) and PC section 594 (Vandalism) are frequently pled down from a domestic violence charge. Therefore, it may be necessary for the reviewing agency to obtain arrest or crime reports to properly evaluate the individual’s criminal history. Certified court records and/or certified crime reports will be needed to prove the criminal conduct or conviction at an administrative hearing. The rap sheet will not be accepted as evidence at the hearing.

Based on policies and procedures approved by the Department of Justice, the reviewing agency may discuss all convictions noted on the rap sheet with the individual. It is not necessary to obtain a court conviction record prior to this discussion.

The CORI/rap sheet itself is confidential and shall not be shared with anyone other than the subject of the rap sheet. For example, if the rap sheet pertains to a resident or person regularly present in the home, the rap sheet shall not be shared with the applicant, Resource Family, or other reviewing agency. However, the CORI may be reviewed by specific entities that have the statutory authority to do so, such as state or federal auditors. Criminal history information will be summarized in the Written Report and may be shared for purposes of approval, transfer, and placement.

Individuals who are not eligible for a criminal record clearance must be expeditiously provided a copy of the Criminal Offender Record Information (CORI) received from the DOJ pursuant to PC 11105(t). A copy of the CORI can be provided directly to the person, or it can be included in the initial notice to the individual by either copying/pasting or attaching the information.

When a new or complete rap sheet is obtained from the Department of Justice, only the criminal history information on the most current, complete rap sheet can be considered by the reviewing agency. The reviewing agency is not authorized to check old rap sheets for additional information or compare versions to include information that has been removed by DOJ and is no longer legally available for consideration.

When subsequent arrest information is received from the Department of Justice, the rap sheet will only contain new information. The reviewing agency must reference the most current complete rap sheet as well as the subsequent arrest information to properly evaluate the individual’s present character.

110 MARIJUANA-RELATED CONVICTIONS

The Department of Justice should screen out specific minor marijuana convictions/arrests that are over 2 years old. If this information is on the rap sheet, it shall not be considered to be relevant for any purpose. This is codified by the Marijuana Reform Act of 1977 (H&SC Sections 11361.5 and 11361.7).

Misdemeanor convictions not to be considered if the conviction occurred over 2 years ago:

H&SC section 11357(b), possession of 28.5 grams or less
H&SC section 11357(c), possession of over 28.5 grams
H&SC section 11357(d), possession of 28.5 grams or less on K-12 school grounds
H&SC section 11357(e), juvenile in possession of 28.5 grams or less
H&SC section 11360(b), transportation of 28.5 grams or less

Felony and misdemeanor convictions not to be considered if the conviction occurred prior to 1976:

H&SC section 11357, possession
H&SC section 11364, drug paraphernalia
H&SC section 11365, presence where marijuana is being unlawfully used
H&SC section 11550, under the influence of marijuana

111 NON-EXEMPTIBLE CRIMES

If an individual subject to the background check requirement has been convicted of a crime that is non-exemptible and continues to reside or is regularly present in the home, the application/approval must be denied/rescinded. The reviewing agency must inform the applicant of the denial. The reviewing agency must send written notification in the form of a NOA to both the applicant/Resource Family and the individual. The NOA to the affected individual must identify the legal basis for the decision and the conviction information relied on to make the determination. This information will usually be contained in the state summary criminal history information received from the Department of Justice but should always be verified by court records, a DOJ arrest disposition report, a California Department of Corrections and Rehabilitation (CDCR) 969B prison packet, or an admission. In addition, the letter must list the non-exemptible conviction(s), the date of the conviction, and the location (city or county) of the conviction, if known.

If a prospective associated individual has been convicted of a crime that is non-exemptible, the reviewing agency must send separate, concurrent letters to both the applicant/Resource Family and to the individual, notifying them that the individual's crime is non-exemptible and that the individual may not reside in or be regularly present in the home.

If the individual's crime does not appear on the state non-exemptible crimes list and does not meet the definition of a federal non-exemptible crime or a 5-year ban crime, the individual has the right to request an exemption (see section 119, *Exemptions*).

a. State Non-Exemptible¹ Crimes

Health and Safety Code (H&SC) 1522 prohibits the Department of Social Services, county licensing agencies, or approval agencies from granting a criminal record exemption for specific enumerated crimes regardless of when the conviction occurred.

¹ Juveniles and young adults sentenced to California Youth Authority may be released from such disabilities under W&IC Section 1179 and/or 1772. Reviewing agencies are advised to consult the Legal Division if this issue arises.

NOTE: Effective 1-1-2018, the following previously non-exemptible **crimes** are eligible for an exemption **if there are misdemeanor convictions**, pursuant to SB 213:

- Penal Code 314 – Lewd or obscene exposure of private parts [incorporated via Penal Code 290(c)]
- Penal Code 368 – Elder or dependent adult abuse

An individual who has been convicted of any one of the following crimes cannot request or obtain a criminal record exemption. Instead, he/she has a right to appeal the denial upon receipt of the Notice of Action (NOA).

(1) **Penal Code section 37 – Treason**

- Specified at Penal Code Section 667.5(c)(7)

(2) **Penal Code section 128 – Perjury resulting in the execution of an innocent person**

- Specified at Penal Code Section 667.5(c)(7)

(3) **Penal Code Section 136.1 constituting a felony violation of Section 186.22 — Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22**

- Added at Penal Code § 667.5(c)(20) by Proposition 21 effective 3-8-2000
- Must be a felony conviction for threats to victims or witnesses, as defined in PC 136.1, which would constitute a felony conviction for Penal Code Section 186.22(a): meaning the threats were gang related. Review of court records may be necessary

(4) **Penal Code Sections 187, 190-190.4 and 192(a), etc. — Any murder/attempted murder/voluntary manslaughter**

- Specified at Penal Code § 667.5(c)(1) and (c)(12)
- This is not an exhaustive list of code sections under which Murder, Attempted Murder, or Voluntary Manslaughter could be charged
- Reviewing agencies are advised to consult legal if conviction is for a similarly titled state crime committed outside of California or a federal crime

(5) **Penal Code Section 203, 205, etc. — Any mayhem**

- Specified at Penal Code § 667.5(c)(2)
- This is not an exhaustive list of code sections under which this crime can be charged
- Approval agencies are advised to consult legal if conviction is from out of state for a similarly titled crime
- Exemption may be granted for licensure or employment in Community Care facilities only if rehabilitated pursuant to Health & Safety Code Section 1522(g)(1)(A)(ii)

(6) **Penal Code Section 206 —Torture**

- Added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871.

- Must be a felony conviction
- (7) **Penal Code Sections 207, 208, 209, 209.5 — Kidnapping**
- Specified in its entirety without qualification at Penal Code § 667.5(c)(14) as a result of Proposition 21, effective 3-8-2000
 - A conviction for the attempt to commit 207 or 209 with intent to violate Penal Code § 261, 286, 288, 288a, or 289 is non-exemptible²
- (8) **Penal Code Sections 211, 212, 212.5, 213, 214 — Any robbery**
- Specified at Penal Code § 667.5(c)(9)
- (9) **Penal Code Section 215 — Carjacking**
- Section in its entirety without need for deadly weapon charge added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871
 - Specified in Penal Code § 667.5(c)(17) by Proposition 21 which also removes the need for weapon charge effective 3-8-2000
- (10) **Penal Code section 218 or 219 – Train wrecking**
- Specified in Penal Code section 667.5(c)(7)
- (11) **Penal Code Section 220 — Assault with intent to commit mayhem, rape, sodomy or oral copulation, etc.**
- Specified in Health & Safety Code Sections 1522, 1568.09, 1569.17, and 1596.871, Penal Code § 290(c) and added in Penal Code § 667.5(c)(15) pursuant to Proposition 21, effective 3-8-2000
 - A conviction for the attempt to commit this crime is non-exemptible except for attempted Assault with intent to commit Mayhem which is excluded in Penal Code § 290(c)
- (12) **Penal Code Section 236.1(b) or 236.1(c) – Human trafficking of adults or minors**
- Specified in Penal Code section 290(c)
 - Where the victim is a minor, a conviction for the attempt to commit this crime also is non-exemptible
- (13) **Penal Code Section 243.4 — Sexual battery**
- Specified in Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871, and Penal Code § 290(c)
 - A conviction for the attempt to commit this crime is non-exemptible
- (14) **Penal Code Section 261 — Rape**

² A conviction for the attempt to commit any crime specified at Penal Code § 290(c) is non-exemptible.

- Specified in Penal Code § 290(c)
- A conviction for the attempt of this crime is non-exemptible

(15) Penal Code Section 262(a)(1) or (4) — Rape of spouse

- Specified in Penal Code § 667.5(c)(3)
- Penal Code § 262(a)(1) is specified in Penal Code § 290(c), which requires use of violence or force for which person was sentenced to state prison
- A conviction for the attempt to commit a violation of Penal Code § 262(a)(1) is non-exemptible. Reviewing agencies are advised to consult with Legal

(16) Penal Code Section 264.1 — Rape in concert

- Specified in Health & Safety Code Sections 1522, 1568.09, 1569.17, and 1596.871, and in Penal Code Sections 290(c) and 667.5(c)(18) by Proposition 21 effective 3-8-2000
- A conviction for the attempt to commit this crime is non-exemptible

(17) Penal Code Section 266 — Enticing minor into prostitution

- Specified in Penal Code § 290(c) including all Penal Code § 266 sections below. Therefore, a conviction for the attempt to commit any of the Penal Code § 266 violations listed below is non-exemptible

(18) Penal Code Section 266c — Induce to sexual intercourse, etc. by fear or consent through fraud

(19) Penal Code Section 266h(b) — Pimping a minor

(20) Penal Code Section 266i(b) — Pandering a minor

(21) Penal Code Section 266j — Providing a minor under 16 for lewd or lascivious act

(22) Penal Code Section 267 — Abduction for prostitution

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(23) Penal Code Section 269 — Aggravated assault of a child

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(24) Penal Code Section 272 — Contributing to delinquency of a minor

- Specified in Penal Code § 290(c)
- Must involve lewd or lascivious conduct
- A conviction for the attempt to commit this crime is non-exemptible

(25) Penal Code Section 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994] — Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death

- Specified in Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871
- Conviction of Penal Code § 273a before 1-1-1965 is exemptible

(26) Penal Code Section 273ab – Assault of a child 8 years or younger

- Specified in its entirety. Conviction for using force likely to produce great bodily injury and that resulted in the child’s death, in the child becoming comatose, or in the child suffering permanent paralysis

(27) Penal Code Section 273d — Willfully inflicting any cruel or inhuman corporal punishment or injury on a child

- Specified in Health & Safety Code Sections 1522, 1568.09, 1569.17, and 1596.871
- “Spousal abuse” deleted by 1977 amendment
- If conviction was prior to 1978 then it must be for child abuse and not spousal abuse

(28) Penal Code Section 285 — Incest

- Specified in Penal Code § 290(c)
- A conviction for the attempt of this crime is non-exemptible

(29) Penal Code Section 286 — Sodomy

- Specified in Penal Code § 290(c) and “By force” in Penal Code § 667.5(c)(4)
- NOTE: Need not be “By force” to be non-exemptible per Penal Code § 290(a)(2)(A)
- A conviction for the attempt of this crime is non-exemptible
- Rewritten by 1975 amendment, which removed the far-reaching “infamous crime against nature” language. Prior to amendment the section could be read to prohibit the act between consenting adults. Penal Code § 290(a)(2)(A)(F)(i) sets forth procedure by which a subject can establish such acts were decriminalized by 1975 or 1976 legislation. Reviewing agencies are advised to consult with Legal if conviction is on or before 1-1-1976

(30) Penal Code Section 288 — Lewd or lascivious act upon a child under 14

- Specified in Penal Code § 290(c), Penal Code § 667.5(c)(6), and Health & Safety Code Sections 1522, 1568.09, 1569.17, and 1596.871
- A conviction for the attempt to commit this crime is non-exemptible

(31) Penal Code Section 287 — Oral copulation

- Formerly Penal Code § 288a prior to 1-1-2019
- Specified at Penal Code § 290(c) and “By Force” at Penal Code § 667.5(c)(5)
- NOTE: Need not be “By force” to be non-exemptible per Penal Code § 290(c)

- Rewritten by 1975 amendment, which removed far-reaching language. Prior to this amendment the section could be read to prohibit the act between consenting adults. Penal Code § 290(a)(2)(A)(F)(i) sets forth procedure by which a subject can establish such acts were decriminalized by 1975 or 1976 legislation. Reviewing agencies are advised to consult with Legal if the conviction is on or before 1-1-1976

(32) Penal Code Section 288.2 — Distributing lewd material to children

- Specified in Penal Code § 290(c) by amendment effective 1-1-1990
- Must be a felony conviction
- A conviction for the attempt to commit this crime is non-exemptible
- Consult with Legal if conviction before 1-1-1990

(33) Penal Code section 288.3 – Contact with minor to commit sexual offense

- Specified in Penal Code § 290(c) by amendment effective 9-20-2006
- A conviction for the attempt to commit this crime is non-exemptible

(34) Penal Code section 288.4 – Meeting with a minor for sexual purpose

- Specified in Penal Code § 290(c) by initiative effective 11-7-2006
- A conviction for the attempt to commit this crime is non-exemptible

(35) Penal Code Section 288.5 — Continuous sexual abuse of a child

- Specified in Penal Code § 290(c) by amendment effective 1-1-1990 and at Penal Code § 667.5(c)(16) by amendment effective 1-1-1992
- A conviction for the attempt to commit this crime is non-exemptible

(36) Penal Code Section 288.7 — Sexual conduct with a child 10 years or younger

- Specified in Penal Code, § 290(c) by amendment effective 9-20-2006
- A conviction for the attempt to commit this crime is non-exemptible

(37) Penal Code Section 289 — Genital or anal penetration by foreign object

- Penal Code § 289 is specified in Penal Code § 290(c) and Health & Safety Code Sections 1522, 1568.09, 1569.17, and 1596.971
- A conviction for the attempt to commit this crime is non-exemptible
- 1993-94 amendment repealed former Penal Code § 289.5 – relating to punishment for rape or sodomy whether penetration by foreign object or penis – and included it in Penal Code § 289. Reviewing agencies are advised to consult with Legal if conviction is for Penal Code § 289.5

(38) Offenses listed in Penal Code Section 290(c) — Registration of sex offenders (all such offenses are included in this list)

- Note that SB 213, effective 1-1-2018, removed misdemeanor convictions for Penal Code § 314 from the list of non-exemptible crimes in Section 290(c). Only felony convictions for Penal Code § 314 are non-exemptible.
- Specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, 1596.871
- If the person is noted on the rap sheet as required to register as a sex offender and the conviction for which registration is required is not listed on the rap sheet, then contact the DOJ Sex Registration Unit ASAP to get crime. It is the crime listed at 290(c) which is non-exemptible, not the requirement to register. Nevertheless, reviewing agencies are advised to consult with Legal if the underlying crime is exemptible (not listed at 290(c)) but the subject was ordered by court to register as a sex offender anyway (See Penal Code § 290.006)
- Penal Code Sections 288.2 and 288.5 added to list of offenses requiring registration by amendment effective 1-1-1990

(39) Penal Code Section 311.1 — Sent or brought into state for possession or distribution: child-related pornography

- Added by amendment to Penal Code § 290(c), effective 1-1-2004
- A conviction for the attempt to commit this crime is non-exemptible

(40) Penal Code Section 311.2(b), (c) or (d) — Sending or bringing into state, possessing for distribution: child-related pornography

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(41) Penal Code Section 311.3 — Sexual exploitation of a child

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(42) Penal Code Section 311.4 — Using a minor to assist in making or distributing child pornography

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(43) Penal Code Section 311.10 — Advertising or distributing child pornography

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(44) Penal Code Section 311.11 — Possessing child pornography

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(45) Penal Code Section 314 — Lewd or obscene exposure of private parts

- SB 213, effective 1-1-2018, removed misdemeanor convictions for Penal Code § 314 from the non-exemptible crimes list. Only felony convictions for this crime are non-exemptible, regardless of when the conviction occurred.
- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(46) Penal Code Section 347(a) — Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, or reservoir

- Added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871
- Must be a felony conviction

(47) Penal Code Section 368 — Elder or dependent adult abuse

- SB 213, effective 1-1-2018, removed misdemeanor convictions for Penal Code § 368 from the non-exemptible crimes list. Only felony convictions for this crime are non-exemptible, regardless of when the conviction occurred.
- SB 1992, effective 1-1-2001, specifies Penal Code § 368 in its entirety.
- Formerly Penal Code § 368(a) or (b) if prior to 1-1-1999, and (b) or (c) thereafter as specified at Health & Safety Code Sections 1522, 1568.09, 1569.17, and 1596.871

(48) Penal Code Section 417(b) — Drawing, exhibiting, or using firearm or deadly weapon on the grounds of a day care center

- Added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code Sections 1522, 1569.17 and 1596.871
- Must be a felony conviction

(49) Penal Code Section 451(a) — Arson with great bodily injury

- A felony violation of Penal Code § 451(a) specified at Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871
- Also specified at Penal Code § 667.5(c)(10)

(50) Penal Code Section 451(b) — Arson of inhabited structure or property

- A felony violation of Penal Code § 451(b) specified ONLY at Health & Safety Code Section 1596.871(f)(1)(B)
- Applies only to facilities covered under Health & Safety Code Section 1596.871 (Family Child Care Homes, Child Care Centers, and TrustLine)

(51) Penal Code Sections 518 with 186.22 — Extortion/gang related

- Added by Proposition 21, effective 3-8-2000, at Penal Code § 667.5(19)
- Must be a felony conviction for extortion, as defined in Penal Code Section 518, with a sentencing enhancement under Penal Code Section 186.22(b) (gang related) or a felony conviction for Penal Code Section 186.22(a) (gang related). Review of court records may be necessary to determine enhancement (gang-related conduct)

(52) Penal Code Section 647.6 [or prior to 1987 former section 647a] — Annoy, molest child under 18

- Specified in Penal Code § 290(c)
- A conviction for the attempt to commit this crime is non-exemptible

(53) Penal Code Section 653f(c) — Solicit another to commit rape, sodomy etc.

- Specified in Penal Code § 290(c)
- Reviewing agencies are advised to consult with Legal if conviction under 653f(c) is prior to 1-1-1980
- A conviction for the attempt to commit this crime is non-exemptible

(54) Penal Code Section 664/187 — Any attempted murder

- Specified in Penal Code § 667.5(c)(12)
- Reviewing agencies are advised to consult with Legal if conviction is from out of state for similar crime.

(55) Penal Code Section 667.5(c)(7)³ — Any felony punishable by death or imprisonment in the state prison for life without possibility of parole but not for an indeterminate sentence

- An example of an indeterminate sentence is “5 years to life” or “life in prison with possibility of parole”

(56) Penal Code Section 667.5(c)(8) — Enhancement for any felony which inflicts great bodily injury

- On or after 7-1-1977, felony must have been charged and proved as provided for in Penal Code §12022.7 or §12022.9. Prior to 7-1-1977, as specified in Penal Code §§ 213, 264, and 461 or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Penal Code § 12022.5 or § 12022.55

³ If any Penal Code § 667.5(c) entry appears on rap sheet alone without any other Penal Code section violation, then reviewing agencies are advised to consult with Legal.

(57) Penal Code Sections 18745, 18750, or 18755 [or 12308, 12309, or 12310 if the conviction was prior to January 1, 2012] — Exploding or igniting or attempting to explode or ignite any destructive device or explosive with the intent to commit murder

- These sections are specified in Penal Code § 667.5(c)(13)
- These code sections were renumbered as a result of legislation initiated in 2010 by the California Law Revision Commission, Senate Bill 1080. The new code sections took effect 1-1-2012

(58) Penal Code Section 12022.53 — Enhanced sentence for listed felonies where use of firearm

- Specified in Penal Code § 667.5(c)(22) by Proposition 21, effective 3-8-2000
- Underlying conviction must be for a felony listed in Penal Code §12022.53
- Some subsections of Penal Code § 261 and § 262 are exemptible

(59) Penal Code Section 11418(b)(1) or (b)(2) — Weapons of mass destruction

- Must be felony conviction

(60) Business & Professions Code Section 729 — Sexual exploitation by physicians, surgeons, psychotherapists, or alcohol and drug abuse counselors

- Must be felony conviction
- Added by SB 1992, effective 1-1-2001, as an amendment to Health & Safety Code Sections 1522, 1568.09, 1569.17 and 1596.871

b. Federal Non-Exemptible Crimes

The federal Adam Walsh Child Protection and Safety Act of 2006 (Assembly Bill 595, Chapter 246, Statutes of 2009) allowed California to amend state law and implement the federal requirements. These crimes are in addition to the state non-exemptible crimes. Under federal law, an individual is ineligible to request a criminal record exemption for any felony conviction for child abuse or neglect, spousal abuse, crimes against a child (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery.

H&SC section 1522(g)(2)(A)(iii) states:

“Under no circumstances shall an exemption be granted pursuant to this subdivision to any foster care provider applicant if that applicant or any other person specified in [H&SC section 1522] subdivision (b) in those homes, has a felony conviction for either of the following offenses:

- (I) A felony conviction for **child abuse or neglect, spousal abuse, crimes against a child (including child pornography)**, or for a **crime involving violence**, including rape, sexual assault, or homicide, but not including other physical assault and battery. For purposes of this subparagraph, a crime involving violence means any violent crime specified in clause (i) of subparagraph (A) or subparagraph (B).” (emphasis added)

The reference to “crimes involving violence” means those violent crimes on the state’s non-exemptible crimes list.

Felony convictions for “child abuse or neglect”:

There are no additional crimes for this category as the state’s existing non-exemptible crimes list covers these crimes.

Felony convictions for “spousal abuse⁴”:

This list represents crimes *likely* to be non-exemptible under the Adam Walsh Act. The Adam Walsh Act does not enumerate all California crimes that should be considered non-exemptible. This list is not exhaustive. The reviewing agency shall use the criteria stated above to make a final determination as to whether or not a conviction is non-exemptible pursuant to the Adam Walsh Act.

Penal Code (PC) section 166(c)(4)	(Violation of domestic violence protective order by violence or threat of violence) *If against a spouse
PC section 243(e)	(Battery of spouse or cohabitant) *If against a spouse
PC section 262(a)(2)	(Rape of spouse-by intoxication)
PC section 262(a)(3)	(Rape of spouse-victim unconscious)
PC section 262(a)(5)	(Rape of spouse-threat to use authority)
PC section 266g	(Placing wife in house of prostitution against her will)
PC section 273.4	(Female genital mutilation) *If against a spouse
PC section 273.5	(Willful infliction of corporal injury) *If against spouse
PC section 646.9	(Stalking) *If against spouse

Felony convictions for “crimes against a child (including child pornography)”:

This list provides guidance as to which crimes are *likely* to be federal non-exemptible crimes. This list is not exhaustive. The reviewing agency shall use the criteria stated above to make a final determination as to whether or not a conviction is non-exemptible pursuant to the Adam Walsh Act.

PC section 157	(Substitute one child for another to deceive)
PC section 261.5	(Statutory rape)
PC section 270	(Failure to provide after final adjudication)
PC section 271	(Desert/abandon child under 14)
PC section 271a	(Abandonment of child...false misrep as orphan)
PC section 272	(Contributing to the delinquency of a minor)
PC section 273ab	(Assault resulting in death of child under 8)
PC section 278	(Child stealing/Unlawfully detain child from legal custodian)
PC section 278.5	(Deprivation of custody or visitation)
PC section 278.5(a)	(Maliciously deprive custody of child)
PC section 280	(Removal of child from county of adoption)
PC section 280(b)	(Conceal child from adoption proceedings)

⁴ For purposes of this subsection, “spousal abuse,” as referenced in Health and Safety Code section 1522(g)(2)(A)(iii)(I), means the abuse of an individual to whom the perpetrator is legally married or registered as a domestic partner.

PC section 313.1(a) and (b)	(Harmful/patently offensive matter to children)
PC section 626.9	(Possess or discharge firearm in or within 1000 feet of a gun free K-12 school zone)
PC section 626.95	(Firearm at playground or youth center)
PC section 626.10(a)	(Possessing weapon at K-12 school)
PC section 646.9	(Stalking vs. child)
PC section 653j	(Solicit child to commit serious specified felony)
PC section 27505	(Sell firearm to a minor)
PC section 18715	(Reckless possession of destructive device or explosive in public area near theatre, school, etc...)
Business & Profession	
(BP) section 4336(a)	(Dangerous drug by minor as agent)
Health & Safety	
(HS) section 11353	(Induce, use or employ minor to violate drug provision)
HS section 11353.5	(Controlled substance given or sold to minor)
HS section 11353.7	(Controlled substance given or sold to minor in park)
HS section 11354(a)	(Minor induce, use or employ minor to violate drug provision)
HS section 11361(a)	(Sell Marijuana to minor)
HS section 11361(b)	(Furnish Marijuana to minor)
HS section 11371	(Induce minor to prescription violation)
HS section 11371.1	(Induce minor to violated provision of drug education by use or possession of controlled substance)
HS section 11379.7	(Manufacturing meth, etc. where child present)
HS section 11380	(Minor induce, use or employ minor to violate drug provision)
Welfare & Institutions Code	
(W&IC) section 1001.5	(Alcohol at Youth Authority)

Felony conviction for “crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery”:

There are no additional crimes for this category as the state’s existing non-exemptible crimes list covers these crimes. An exemption may not be granted for any crime on the state’s non-exemptible crimes list.

c. Federal 5-Year Ban Crimes

Under federal law, statute further prohibits the Department of Social Services from granting a criminal record exemption for any felony conviction that occurred within the last five years, for physical assault, battery, or drug or alcohol-related offenses. The law includes crimes for which an exemption may not be granted if the conviction occurred within the last 5 years. These crimes are in addition to the state’s existing non-exemptible crimes and the federal non-exemptible crimes.

H&SC section 1522(g)(2)(A)(iii) states:

“Under no circumstances shall an exemption be granted pursuant to this subdivision to any foster care provider applicant if that applicant or any other person specified in subdivision [H&SC section 1522] (b) in those homes, has a felony conviction for either of the following offenses:

(I) [continued]

(II) A felony conviction, within the last five years, for **physical assault, battery, or drug or alcohol-related offense.**” (emphasis added)

If an applicant or any prospective associated individual has been convicted of any one of these crimes within the last 5 years, he/she is not eligible to request a criminal record exemption. The approval must be denied or rescinded if the individual continues to reside or be regularly present in the home.

Felony conviction, within the last 5 years, for “physical assault or battery”:

This list represents crimes *likely* to be non-exemptible under the Adam Walsh Act. The Adam Walsh Act does not enumerate all California crimes that should be considered non-exemptible. This list is not exhaustive. The reviewing agency shall use the criteria stated above to make a final determination as to whether or not a conviction is non-exemptible pursuant to the Adam Walsh Act.

Penal Code (PC) section 69	(Obstruct / resist an executive officer by force or violence or threat)
PC section 136.1(c)(1)	(Intimidate witness by force, or threat of force or violence)
PC section 137(b)	(Influence testimony by force or threat of force)
PC section 139(a)	(Threat of force upon witness)
PC section 140(a)	(Use of or threat of force upon witness)
PC section 148.10(a)	(Resist officer resulting in death of officer)
PC section 149	(Unlawful assault / beating by public officer)
PC section 186.26(c)	(Recruiting criminal street gang member by use of physical violence)
PC section 192(c)(3)	(Vehicular manslaughter – accident knowingly caused for financial gain resulting in death)
PC section 210.5	(Hostage – using person as a shield)
PC section 217.1(a)	(Assault public official)
PC section 218	(Attempted train wrecking)
PC section 219.1	(Throwing missile at common carrier vehicle)
PC section 219.2	(Throwing hard substance at train)
PC section 236/237	(False imprisonment by force or violence)
PC section 236.1	(Human trafficking by force or violence)
PC section 241.1	(Assault against custodial officer)
PC section 241.4	(Assault against school peace officer)
PC section 241.7	(Assault against juror)
PC section 242	(Battery)
PC section 243(c)(1)	(Battery against custodial officer...)
PC section 243(c)(2)	(Battery against peace officer)
PC section 243(d)	(Battery causing serious bodily injury)
PC section 243.1	(Battery against a custodial officer)
PC section 243.3	(Battery against transportation worker or passenger)
PC section 243.6	(Battery against school employee with injuries)
PC section 243.7	(Battery against juror)
PC section 243.9	(Aggravated battery - gassing)
PC section 244	(Assault w/ caustic chemicals)
PC section 244.5	(Assault w/ stun gun or taser)
PC section 245(a)(1)	(Assault w/ deadly weapon)

PC section 245(a)(2)	(ADW – firearm)
PC section 245(a)(3)	(ADW – machine gun)
PC section 245(b)	(ADW – semiautomatic firearm)
PC section 245(c)	(ADW – upon peace officer or firefighter)
PC section 245(d)(1)	(ADW – firearm upon peace officer or firefighter)
PC section 245(d)(2)	(ADW – semiautomatic firearm upon officer)
PC section 245(d)(3)	(ADW – machine gun upon officer...)
PC section 245.2	(ADW – driver of cab, bus...)
PC section 245.3	(ADW – custodial officer...)
PC section 245.5	(ADW – school employee)
PC section 245.6(d)	(Hazing resulting in death or SBI)
PC section 246	(Shooting into inhabited or occupied dwelling, auto, aircraft, etc)
PC section 247.5	(Discharge of laser at occupied aircraft)
PC section 261(a)(5)	(Rape – victim submits under induced belief that perpetrator is spouse)
PC section 261(a)(7)	(Rape – by threat to use official authority)
PC section 261.5	(Unlawful sexual intercourse with a minor – felony violation if victim is 3+ years younger or Perpetrator is 21+ and victim is under 16)
PC section 265	(Abduction for marriage by force)
PC section 266a	(Abduction person against will for prostitution)
PC section 266b	(Abduction person against will for illicit relation)
PC section 266i(a)	(Pandering by threat or violence)
PC section 273.4	(Female genital mutilation)
PC section 273.5	(Willful infliction of corporal injury) * Other than spouse
PC section 375(d)	(Unlawful use gas, acid or explosive upon public group)
PC section 405a	(Lynching)
PC section 417(c)	(Drawing or exhibiting firearm in threatening manner to Peace Officer)
PC section 417.3	(Drawing or exhibiting firearm in threatening manner to Vehicle Occupant)
PC section 417.6(a)	(SBI results during 417 or 417.8)
PC section 417.8	(Drawing or exhibiting firearm with intent to resist arrest)
PC section 520	(Extortion by force or threat of force)
PC section 587.1(b)	(Maliciously moving train creating a substantial likelihood of SBI or death to another)
PC section 653f(a)	(Solicitation of carjacking, robbery...)
PC section 653f(b)	(Solicitation of murder)
PC section 836.6	(Escape police) *If by force
PC section 4011.7	(Escape hospital) *If by force
PC section 4131.5	(Battery in jail)
PC section 4501	(ADW by prisoner)
PC section 4501.1	(Aggravated battery by prisoner – gassing)
PC section 4501.5	(Battery by prisoner)
PC section 4503	(Hostage by prisoner) *If by force
PC section 4530(a)	(Escape prison by force)
PC section 4532(a)(2)	(Escape jail/prison by force)
PC section 11413	(Terrorism by use of destructive device)
PC section 11418.1	(False WMD that causes fear)
PC section 11418.5	(Threat to use WMD)
PC section 11419	(Possession of restricted biological agents)

PC section 12303	(Possession of destructive device)
PC section 12303.1	(Explosive device on vehicle, vessel, aircraft, etc.)
PC section 12308	(Exploding destructive device w/ intent to murder)
PC section 12309	(Exploding destructive device causing injury)
PC section 12310(a)	(Exploding destructive device causing death)
PC section 12310(b)	(Exploding destructive device causing mayhem)
PC section 12355(a)	(Placing boobytrap)
Vehicle Code	
(VC) section 2800.3	(Death/SBI caused by flight from officer)
VC section 23110(b)	(Throw substance on highway with GBI intent)
VC section 38318(b)	(Throw substance at OHV with GBI intent)
Welfare & Institutions Code	
(WIC) section 871(b)	(Minor escape custody) *If by force
WIC section 1768.7	(Minor escape custody) *If by force
WIC section 1768.8	(Assault/battery on person in CYA)
WIC section 1768.85	(Battery by gassing on person in CYA)

Felony conviction, within the last 5 years, for “drug and alcohol-related offense”:

This list provides guidance as to which crimes are *likely* to be federal 5-year ban crimes. This list is not exhaustive. The reviewing agency shall use the criteria stated above to make a final determination as to whether or not a conviction is non-exemptible pursuant to the Adam Walsh Act.

Business & Professions Code

(BP) section 4060	(Cont. sub. without a prescription)
BP section 4324	(Forgery of prescription)
BP section 25603	(Bring liquor into prison)

Harbors & Navigation Code

(HN) section 655(f)	(Watercraft under the influence causing injury)
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Health & Safety Code

(HS) section 11104(a)	(Furnish cont. sub. for manufacturing)
HS section 11106(j)	(Sell cont. sub. without permit)
HS section 11152	(Nonconforming prescription)
HS section 11153(a)	(Cont. sub. prescription for unlawful purpose)
HS section 11154	(Unlawful prescription)
HS section 11155	(Illegal cont. sub. prescription)
HS section 11156	(Give cont. sub. to addict)
HS section 11157	(False prescription)
HS section 11162.5(a)	(Counterfeit prescription)
HS section 11166	(Fill old, forged or altered prescription)
HS section 11173	(Obtain cont. sub. by fraud)
HS section 11174	(False name to obtain cont. sub.)
HS section 11350	(Possession of cont. sub.)
HS section 11351	(Possession cont. sub. for sale)
HS section 11351.5	(Possession of cocaine base for sale)
HS section 11352	(Sell or transport of cont. sub. into state or country)
HS section 11355	(Sale of substance falsely represented to be cont. sub.)
HS section 11357(a)	(Possession of concentrated cannabis)
HS section 11358	(Planting, cultivating, harvesting Marijuana)
HS section 11359	(Possession of Marijuana for sale)

HS section 11360(a)	(Transport over 28.5 grams of Marijuana into state)
HS section 11363	(Cultivation of Peyote)
HS section 11364.7(b)	(Manufacturing or furnishing drug paraphernalia)
HS section 11366	(Maintaining a place for sale of cont. sub.)
HS section 11366.5	(Provide a place for manufacture or sale of cont. sub.)
HS section 11366.6	(Using space designed to suppress police entry)
HS section 11366.7(b)	(Sale of chemical, drug or device to make cont. sub.)
HS section 11366.8	(False compartment to conceal cont. sub.)
HS section 11368	(Forging a drug prescription)
HS section 11370.1	(Possess of cont. sub. while armed with a firearm)
HS section 11370.6(a)	(Possession of over \$100,000 from sale of cont. sub.)
HS section 11370.9	(Possession of over \$25,000 from sale of cont. sub.)
HS section 11374.5	(Manufacture of cont. sub., disposal of hazardous by-products)
HS section 11375(b)	(Possession for sale of cont. sub.)
HS section 11377(a)	(Unauthorized possession of cont. sub.)
HS section 11378	(Possession for Sale)
HS section 11378.5	(Possession for sale, including Phencyclidine...)
HS section 11379(b)	(Transport cont. sub. into state or country for sale)
HS section 11379.2	(Possession for sale of Ketamine)
HS section 11379.5	(Transportation for sale, Phencyclidine: PCP)
HS section 11379.6	(Manufacturing cont. sub.)
HS section 11382	(Sale of falsely represented substances)
HS section 11383	(Possession of... w/intent to manufacture PCP)
HS section 11383.5	(Possession of... w/intent to manufacture Meth)
HS section 11383.6	(Possession of chemicals to make PCP w/intent to sell to manufacturer)
HS section 11383.7	(Possession of chemicals to make meth w/intent to sell to manufacturer)
HS section 11390	(Cultivation of mushrooms)
HS section 11391	(Transport of mushrooms into state)
HS section 11550(e)	(Under the influence of Cocaine, Heroin, Meth or PCP with loaded firearm)
PC section 191.5(a)	(Gross vehicular manslaughter: intoxicated)
PC section 222	(Administering drugs to assist in commission of crime)
PC section 382.5	(Dinitrophenol for human consumption – banned diet drug)
PC section 2772	(Interfere with prison work) * If by cont. sub. or alcohol
PC section 2790	(Interfere with prison work) * If by cont. sub. or alcohol
PC section 4573	(Bring cont. sub to jail)
PC section 4573.5	(Bring alcohol or drugs to prison)
PC section 4573.6	(Possession of cont. sub. in jail or prison)
PC section 4573.8	(Possession of cont. sub. in jail or prison)
PC section 4573.9	(Sell cont. sub. in jail or prison)
VC section 23153	(DUI w bodily injury)
VC section 23175	(DUI with prior specified convictions)
VC section 23175.5	(DUI within 10 yrs of prior felony DUI)
VC section 23550(a)	(DUI with prior specified convictions)
VC section 23550.5(a)	(DUI within 10 years of prior felony DUI)
VC section 23550.5(b)	(DUI with prior vehicular manslaughter)
W&IC section 1001.5	(Alcohol at Youth Authority)

112 CERTIFICATE OF REHABILITATION

Unlike state licensed facilities, Resource Families, applicants, and associated individuals who have been convicted of a non-exemptible crime covered in H&SC 1522 are not eligible to request an exemption when they have obtained a Certificate of Rehabilitation.

113 ARREST-ONLY, INITIAL AND SUBSEQUENT

Criminal Offender Record Information (CORI) may contain only arrest information or arrest information in addition to conviction information.

If an **initial** applicant **or associated individual** is currently awaiting trial for a criminal offense, the reviewing agency may cease processing the application. This means that the review is put on “hold” while the criminal case is pending. This “cease” should not be considered a denial that triggers due process procedures unless the county obtained independent evidence to support a denial and will be issuing an NOA. However, in these cases, the NLI must be sent to DOJ when the reviewing agency ceases processing the application. The individual will have to re-submit fingerprints if he or she wishes to continue with the RFA process after resolution of the criminal matter.

If an individual’s criminal record indicates an arrest for a crime listed in Health and Safety Code (H&SC) section 1522(e), a county shall not grant the individual a clearance until an investigation of the arrest, including a review of any crime reports, has been completed. However, a record of arrest cannot be used to deny or rescind approval unless the reviewing agency has investigated the arrest and secured evidence that the conduct by the person may pose a risk to the health and safety of a child.

H&SC 1522(e)(2) states:

The department shall not issue a criminal record clearance to a person who has been arrested for any crime specified in Section 290 of the Penal Code, or for violating Section 245, 273ab, or 273.5, or subdivision (b) of Section 273a, of the Penal Code, or, prior to January 1, 1994, paragraph (2) of Section 273a of the Penal Code, or for any crime for which the department is prohibited from granting a criminal record exemption pursuant to subdivision (g), prior to the completion of an investigation pursuant to paragraph (1).

In addition to serious arrests listed at H&SC 1522(e), the reviewing agency **has discretion to** investigate any and all arrest information that may lead to evidence indicating a risk to the health and safety of a child. **Unlike the serious arrests listed in 1522(e), these discretionary investigations should not delay the approval process.** The reviewing agency should obtain and review any available arrest reports and attempt to interview any relevant witnesses. The only exception to this requirement would be if the individual obtained a finding of factual innocence, that information shall not be investigated (see section 114, *Finding of Factual Innocence*).

Check with the court in the county where the arrest occurred to determine if the arrest is active. If the individual is awaiting trial (active arrest or warrant) the reviewing agency may cease processing an initial application. A letter must be sent indicating that the clearance cannot be processed until the criminal case concludes.

For subsequent arrest information, please see section 123, *Arrests and Convictions – Subsequent to Clearance or Exemption*. The reviewing agency is mandated to investigate the arrest conduct to ensure the continued health, safety and welfare of a child. This mandate is independent of any law enforcement duty to investigate or criminally prosecute the conduct. Failure to criminally prosecute does not preclude the reviewing agency from continuing its investigation and taking administrative action, if appropriate.

Ensure the following conditions are met:

- The arrest has not subsequently turned into a conviction (see section 119, *Exemptions*).
- The individual has not had an administrative action that would prevent the issuance of a clearance (see section 125, *Administrative Actions*).
- The rap sheet does not indicate that the individual has an outstanding warrant or pending criminal trial (see section 116, *Arrest Warrants*).

The reviewing agency will also receive subsequent criminal arrest information (rap back or subsequent arrest notification). The report will specify the violation, but usually will not indicate the disposition. The reviewing agency should investigate any, and all, arrest information that may lead to evidence indicating a risk to the health and safety of children.

During the arrest investigation the reviewing agency may only recommend excluding a person from the home after obtaining evidence that he/she may pose a risk to the health and safety of a child.

Procedures for Arrests Requiring Investigation

If an investigation is warranted, admissible evidence must be obtained. It is recommended that the reviewing agency take the following steps:

- Request and review information contained in the individual's records.
- Obtain a copy of the arrest report and evaluate the individual's role in the crime. Individuals frequently make statements to the police that are documented in the arrest reports that may be considered an "admission" under the Evidence Code. In addition, officer observations such as observations of the scene, the subject's conduct, or injuries to the victim, may be admissible as direct evidence if the report is certified. Such statements should be provided to the consulting attorney for review during a legal consult.
- Contact and interview witnesses.
- Interview the individual for additional information and ask the individual if they have any documentation related to the arrest.
- Document in detail all actions and witness interviews.
- Ensure the privacy of the investigation and individual.

Procedures After Investigation Has Been Completed

- Prepare a final report documenting all actions and findings.
- Document the results of your investigation.

When issuing a finding related to an arrest that did not result in a conviction, the finding should describe the conduct underlying the arrest and not the fact that the individual was arrested. For example, a finding regarding an arrest-only for domestic violence may read, “On or about June 1, 2016, John Smith engaged in a physical altercation with [victim – confidential] during which he choked and punched [victim – confidential], resulting in visible injuries to her face and neck.” This principle applies to the allegations in an NOA or Position Statement as well. If it appears that a potential administrative action may be needed, contact the **assigned RFA** county liaison and consulting attorney. Refer to section 125, *Administrative Actions* for more information.

114 FINDING OF FACTUAL INNOCENCE

For innocent people who are arrested, California has a process by which an individual can get his/her arrest records sealed for 3 years and destroyed thereafter. Individuals can petition to clear their arrest records up to two (2) years after the date of arrest or the filing of the accusatory pleading, whichever is later. A finding of factual innocence can be made only if no reasonable cause exists to believe the individual arrested committed the offense. When an individual succeeds with this process, the police reports, fingerprints, booking photos and all records of the arrest get eliminated. The individual then can legally answer “no” when asked whether he/she has been arrested (PC section 851.8).

Reviewing agencies shall not investigate arrest information related to a successful petition for a finding of factual innocence.

115 JUVENILE RECORDS

If a person committed a crime when they were under the age of 18 and the charges were adjudicated in Juvenile Court, the disposition shall not be considered a conviction for background check purposes. Juvenile Court adjudications may be investigated to determine if the underlying conduct should be used as a basis to deny or rescind a criminal record clearance or exemption, similar to an arrest-only incident (see section 113, *Arrest-Only, Initial and Subsequent*). Likewise, an NOA for denial or rescission based on a juvenile adjudication should identify the criminal conduct underlying the juvenile adjudication and not describe it as a juvenile “conviction.” When a person under the age of 18 is tried as an adult in superior court, any resulting conviction, except a minor traffic violation, may be used as the basis to deny or rescind a criminal record clearance or exemption.

In some cases, a juvenile court record may be sealed and unavailable for inspection. The records may be sealed automatically by the court or through a petition filed by the person to whom the records pertain or a probation officer. Once sealed, the proceedings are deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events.

Five years after the jurisdiction of the juvenile court over a person is terminated, the probation officer may destroy all probation records concerning the person.

With limited exceptions, juvenile court records shall be destroyed five years after the record has been sealed or once the person reaches a particular age, depending on the conduct that lead to the Juvenile Court’s jurisdiction over the person. Alternatively, a person may request the release

of the records to him or herself. The proceedings in any case in which the juvenile court record is destroyed or released to the person shall be deemed never to have occurred, and the person may reply accordingly to any inquiry about the events in the case.

116 ARREST WARRANTS

A warrant is a legal process initiated at the municipal or superior court level. For example, if an individual has been cited or arrested for any crime and he/she does not make a mandated court appearance, a judge may issue a warrant for that individual's arrest.

The Department of Justice (DOJ) will attempt to obtain the adjudication of the warrant before the rap sheet is forwarded to the reviewing agency; however, in many instances the reviewing agency will not see the status of the warrant on the initial rap sheet.

a. Initial Inquiry Only

Contact the court or review its website to determine if the warrant is valid, current or active, or resulted in a conviction.

If the warrant is valid, current, or active, the reviewing agency has discretion to either continue processing the background check or to cease processing until the pending criminal matter has been resolved.

- It would be appropriate to cease processing the case if the warrant was, for example, related to a non-exemptible crime which would prohibit RFA approval if the criminal case ultimately results in a conviction. In these cases, the NLI must be sent to DOJ. The individual will have to re-submit fingerprints if he or she wishes to continue with the RFA process after resolution of the criminal matter.
- If an individual has a conviction(s) on his or her CORI, the reviewing agency may move forward with the exemption process even if there is an active warrant. Any facts and circumstances surrounding the warrant shall be considered when evaluating the exemption request for evidence of present good character and rehabilitation.
- A clearance may be appropriate if there are no convictions, nothing in the person's criminal history indicates a potential risk to the health and safety of a child, and the warrant is for an infraction that would not require a criminal record exemption.
- If the reviewing agency cannot determine whether a warrant is active, continue processing the background check based on the available information.

b. Subsequent

If the reviewing agency becomes aware, either through a subsequent rap sheet or any other means, that the individual has an outstanding warrant and the individual has been granted a criminal record clearance or an exemption, agencies must:

- Contact the resource family to determine if the individual is still in the home. If not, close the case. If yes, continue to evaluate the warrant.
- Contact the court to determine if the warrant is valid, current or active, or resulted in a conviction.
- Evaluate any available evidence to determine if an administrative action is necessary to protect the health and safety of a child.

117 DIVERSION/DEFERRED ENTRY OF JUDGMENT

Diversion programs are detailed in the Penal Code 1000 through 1000.12 and 1001 through 1001.67. These programs afford some criminal defendants an opportunity to avoid further prosecution and civil disabilities by participating in a work program, educational program, or rehabilitative counseling. Depending on the program type, the individual's success or failure in the program, and any civil disability protection obtained, an exemption may or may not be appropriate.

When referencing diversion programs, rap sheets often provide unclear or insufficient information. The diversion program type may or may not be listed. The term "terminated" is not consistently used by the courts and could mean completion or failure of the diversion program. Additionally, "reinstatement of the criminal proceedings" does not necessarily indicate that the person has been or will be convicted. Check records to ensure accuracy. Once the diversion program is identified, approval agencies shall review the underlying statutory authority to determine whether or not the relevant criminal history can be considered for RFA purposes. On successful completion of the program, the charges are dismissed, the person need not disclose the arrest or diversion, and the record of arrest shall not be used to deny employment, licensure, benefits, or certification.

NOTE: Participation in a diversion program is not "Awaiting Trial" and therefore, the individual's case cannot be closed pending completion of the diversion program.

- If an individual has a conviction(s) on his or her CORI, the reviewing agency may move forward with the exemption process even if the individual is currently participating in a diversion program. The individual's participation and progress in the diversion program shall be considered when evaluating the exemption request for evidence of present good character and rehabilitation.
- A clearance may be appropriate pending completion of a diversion program if there are no convictions, nothing in the person's criminal history indicates a potential risk to the health and safety of a child, and the arrest was not for a crime listed in H&SC 1522(e).

If the case results in a conviction, both the crime and the nature of the individual's participation in the diversion program may be considered in the processing of a **subsequent** exemption request.

Identifying the Diversion Program and its effect:

Because each diversion program under the Penal Code has its own criteria and protections, the specific diversion program and the individual's progress in that program must be identified. Take the following steps:

1. Check the rap sheet. If the information is absent or cursory, contact the court and/or probation department for assistance identifying the specific diversion program and the individual's progress in that program. Obtain the court records reflecting the individual's referral to diversion program.
2. If still unable to identify the diversion program and individual's progress, send written notification to the individual requesting identification and documentation of the criminal charge, the diversion program, the progress made in the program, and the expected completion date.

3. Obtain and analyze the written response and any supporting documents to determine the diversion program used and the progress made.

Informal Diversion/Probation Note: Completion of an informal diversion/ probation program will not prevent the reviewing agency from proving conduct to exclude. These are often referred to as District Attorney (DA) diversion, county diversion or deferred prosecution. Determine the following: 1) Whether or not it is an informal diversion program; 2) Whether or not a conviction exists; and/or 3) Whether an arrest-only investigation is appropriate.

Below are the most common diversion programs and instructions on how to process them based on the civil relief detailed in each statutory section. **Be sure to check the Penal Code section of the relevant diversion program to ensure that there have been no changes to the statute.** Check with **county counsel** if necessary.

After Identifying the Diversion Program, Process as Follows:

PENAL CODE §1000 – 1000.8 DIVERSION PROGRAM

This program is an 18-month to three-year diversion program for DRUG OFFENDERS. It may also be called Deferred Entry of Judgment. Although a plea of guilty is required, the plea is conditional and cannot be used to deny or exclude. Upon successful completion, the charges are dismissed, the person need not disclose the arrest or diversion, the arrest is deemed never to have occurred, and the record of arrest can no longer be used to deny a resource family certificate or exclude.

- A. Process as an arrest-only at any time prior to successful completion (see section 113, *Arrest-Only, Initial and Subsequent*).
- B. Process as a conviction if the person fails the program and is convicted.
- C. Process as a clearance if the person successfully completed the diversion program, there are no additional convictions, and the case is inappropriate for continued investigation as described in D.
- D. Process as an arrest-only investigation after successful completion ONLY if independent or additional evidence exists to prove conduct posing a risk of threat to the health and safety of a child or nonminor dependent. This is because **the arrest is deemed to never have occurred**. Additional evidence includes evidence obtained independent of the arrest record, or evidence developed from the arrest record prior to successful completion of the diversion program. Check for any Child Abuse Central Index hits.

PENAL CODE §1000.6 DIVERSION PROGRAM (1985-1995) (Repealed January 1, 1996.)

This was a diversion program for individuals charged with DOMESTIC VIOLENCE OTHER THAN SPOUSAL ABUSE (violence or threat of violence against family or household members). A plea was not required. Statements made in the program are inadmissible. Upon successful completion, the charges were dismissed, the person need not disclose the arrest or diversion,

the arrest was deemed never to have occurred, and the record of arrest can no longer be used to deny a resource family certificate or exclude.

- A. Process as an arrest-only at any time prior to successful completion (see section 113, *Arrest-Only, Initial and Subsequent*).
- B. Process as a conviction if the person fails the program and is convicted.
- C. Process as a clearance if the person successfully completed the diversion program, there are no additional convictions, and the case is inappropriate for continued investigation as described in D.
- D. Process as an arrest-only investigation after successful completion ONLY if independent or additional evidence exists to prove conduct posing a risk of threat to the health and safety of a child or nonminor dependent. This is because **the arrest is deemed to never have occurred**. Additional evidence includes evidence obtained independent of the arrest record, or evidence developed from the arrest record prior to successful completion of the diversion program. Check for any Child Abuse Central Index hits.

PENAL CODE §1000.12 DIVERSION PROGRAM

A person charged with PHYSICALLY ABUSING OR NEGLECTING A MINOR VICTIM may be referred to counseling in lieu of criminal prosecution. The criminal conduct must NOT have involved sex abuse, molest, force, or violence. A plea is not required. Charges are dismissed after successfully completing counseling.

- A. Process as a clearance if the person has no convictions.
- B. Process as a conviction if the person fails the program and is convicted.
- C. Process as an arrest-only investigation at any time (Cross reference arrest only section). The reviewing agency may use the record of arrest and any other available evidence to prove that the individual neglected or abused a minor victim (conduct inimical), even after successful completion of this diversion program.

PENAL CODE §1001 – 1001.9 DIVERSION PROGRAM

This is a pretrial MISDEMEANOR DIVERSION PROGRAM that does not require a plea. It may last up to two years. Statements made in the program are inadmissible. Upon successful completion, the charges are dismissed, the person need not disclose the arrest or diversion, the arrest is deemed never to have occurred, and the record of arrest can no longer be used to deny a resource family certificate or exclude.

- A. Process as an arrest-only at any time prior to successful completion (see section 113, *Arrest-Only, Initial and Subsequent*).
- B. Process as a conviction if the person fails the program and is convicted.
- C. Process as a clearance if the person successfully completed the diversion program, there are no additional convictions, and the case is inappropriate for continued investigation as described in D.

D. Process as an arrest-only investigation after successful completion ONLY if independent or additional evidence exists to prove conduct posing a risk of threat to the health and safety of a child or nonminor dependent. This is because **the arrest is deemed to never have occurred**. Additional evidence includes evidence obtained independent of the arrest record, or evidence developed from the arrest record prior to successful completion of the diversion program. Check for any Child Abuse Central Index hits

PENAL CODE §1001.20 – 1001.34 DIVERSION PROGRAM

This is a diversion program for persons with COGNITIVE DEVELOPMENTAL DISABILITIES who are charged with any misdemeanor offense. It can last up to two years. A plea is not required. Statements made in the program are inadmissible. Upon successful completion, the charges are dismissed, the person need not disclose the arrest or diversion, the arrest is deemed never to have occurred, and the record of arrest can no longer be used to deny a resource family certificate or exclude.

A. Process as an arrest-only at any time prior to successful completion (see section 113, *Arrest-Only, Initial and Subsequent*).

B. Process as a conviction if the person fails the program and is convicted.

C. Process as a clearance if the person successfully completed the diversion program, there are no additional convictions, and the case is inappropriate for continued investigation as described in D.

D. Process as an arrest-only investigation after successful completion ONLY if independent or additional evidence exists to prove conduct posing a risk of threat to the health and safety of a child or nonminor dependent. This is because **the arrest is deemed to never have occurred**. Additional evidence includes evidence obtained independent of the arrest record, or evidence developed from the arrest record prior to successful completion of the diversion program.

PENAL CODE §1001.60 – 1001.67 DIVERSION PROGRAM

This is a diversion program for persons who WRITE CHECKS WITH INSUFFICIENT FUNDS in violation of Penal Code § 476a, a misdemeanor. The program does not require a plea, and statements made in the program are inadmissible. The program can last up to six months.

A. Process as a clearance if the person has no convictions.

B. Process as a conviction if the person fails the program and is convicted.

PENAL CODE §1001.70 – 1001.75 DIVERSION PROGRAM

This diversion program is for PARENTS OR LEGAL GUARDIANS who have contributed to their own children's unlawful behavior in violation of Penal Code § 272, contributing to the delinquency of a minor. The program does not require a plea, and statements made in the program cannot be used to deny or exclude. The program can last up to two years. Upon successful completion, the charges are dismissed, the person need not disclose, **the arrest is**

deemed never to have occurred, and the record of arrest can no longer be used to deny a resource family certificate or exclude.

- A. Process as an arrest-only at any time prior to successful completion (see section 113, *Arrest-Only, Initial and Subsequent*).
- B. Process as a conviction if the person fails the program and is convicted.
- C. Process as a clearance if the person successfully completed the diversion program, there are no additional convictions, and the case is inappropriate for continued investigation as described in D.
- D. Process as an arrest-only investigation after successful completion ONLY if independent or additional evidence exists to prove conduct posing a risk of threat to the health and safety of a child or nonminor dependent. This is because **the arrest is deemed to never have occurred**. Additional evidence includes evidence obtained independent of the arrest record, or evidence developed from the arrest record prior to successful completion of the diversion program. Check for any Child Abuse Central Index hits.

PENAL CODE §1210 and 1210.1 TREATMENT PROGRAM (PROP 36)

This treatment program for NONVIOLENT DRUG OFFENDERS is offered as a condition of probation, meaning the person stands convicted until dismissed upon successful completion. Upon successful completion, the conviction is dismissed, the arrest is deemed never to have occurred, and the record of arrest can no longer be used to deny a resource family certificate or exclude.

- A. Process as a conviction at any time prior to successful completion and dismissal of the conviction. The person has a conviction until it is dismissed.
- B. Issue a clearance after successful completion and dismissal of the conviction. Investigation into the conduct may be initiated or continued as described in C below.
- C. Process as an arrest-only investigation after successful completion only if independent or additional evidence exists to prove the conduct or continue the investigation. Additional evidence includes evidence obtained independent of the arrest record, or evidence developed from the arrest record prior to successful completion.

118 CHANGES IN DISPOSITIONAL STATUS, POST-CONVICTION

a. Governor's Pardon

The denial of an exemption cannot be based on the record of a criminal conviction that has been pardoned. **The entry is no longer considered a conviction for purposes of the RFA background check. Adverse action based on a pardoned conviction is not authorized by statute and is prohibited by law. If in doubt about the status of the conviction, discuss with the assigned RFA county liaison.**

b. Expungement

Convictions that have been set aside or dismissed per Penal Code (PC) sections 1203.4 or 1203.4a are considered convictions for exemption processing purposes pursuant to these PC

sections and H&SC 1522(f). When the court sets aside or dismisses convictions based on these PC sections, it means that the convicted individual has satisfactorily fulfilled his or her probationary period and has applied to the court to set aside/dismiss the plea and/or the verdict. It does not mean that the individual was never convicted of the crime or is rehabilitated. Therefore, the individual is required to disclose the conviction on the RFA 01B.

Note: Any conviction rendered as a result of a *nolo contendere* plea is a conviction and shall be evaluated accordingly pursuant to H&SC section 1522(f).

c. Reduction

Crimes that are punishable as either a felony or a misdemeanor, at the discretion of the court, are known as “wobblers.” An individual who is convicted of a felony crime considered a wobbler can petition the court for a reduction of the conviction to a misdemeanor per PC 17. If the conviction is reduced pursuant to PC 17, it is considered a misdemeanor **for all purposes**, including Resource Family Approval background checks.

Example: A rap sheet with a felony conviction for PC 273.5 – Corporal Injury of a Spouse/Cohabitant may indicate that the conviction has been reduced to a misdemeanor pursuant to PC 17. While a felony conviction for PC 273.5 is a non-exemptible crime (see Adam Walsh federal non-exemptible crimes list), this conviction is now considered a misdemeanor for all purposes, and the individual is eligible to request a criminal record exemption.

119 EXEMPTIONS

An exemption is a Department of Social Services authorized written document that “exempts” an individual from the requirement of having a criminal record clearance (see section 102, *Criminal Record Clearance*).

An individual who has been convicted of a **misdemeanor or felony** crime (other than a minor traffic violation or a specific marijuana-related conviction more than 2 years old) is disqualified from approval as a resource family or from residing or being regularly present in a resource family home unless the individual is granted a criminal record exemption by the reviewing agency. A “minor traffic violation” means a violation of the Vehicle Code which has been deemed an infraction or a violation of any other law which has been deemed an infraction.

Exemptions are granted under the following circumstances:

- **Standard** – A standard exemption may be granted if the reviewing agency is in possession of substantial and convincing evidence to support a reasonable belief that the individual is rehabilitated and of present good character necessary to justify the granting of an exemption.
- **Simplified** – A simplified exemption shall be granted if the summary criminal history information (i.e., CORI/rap sheet, self-disclosures, etc.) independently supports a reasonable belief that the individual is rehabilitated and of present good character necessary to justify the granting of an exemption. However, an individual whose criminal history satisfies the simplified exemption criteria may be required to complete the standard exemption process if doing so is necessary to protect the health and safety of a child or nonminor dependent.

An individual convicted of certain crimes specified in statute cannot obtain an exemption (see section 111, *Non-Exemptible Crimes* for a list of the crimes that are non-exemptible).

- An individual convicted of crimes that are *not* classified as non-exemptible may request an exemption.

If the reviewing agency requires an individual to complete the standard exemption process, the applicant/Resource Family must be sent a notice informing them that the individual must obtain a criminal record exemption, provided there are no convictions for non-exemptible crimes.

Concurrently, send the affected individual a corresponding notice to his or her address on record informing him or her of the same. This notice to the affected individual must include a copy of his/her Criminal Offender Record Information (CORI) (see section 109, *Criminal Offender Record Information*).

NOTE: Notwithstanding the granting of an exemption, the reviewing agency shall consider all criminal history information during the family evaluation.

The following are the 3 types of exemption processes:

1. Standard Exemption – The standard exemption process is used to evaluate an individual's criminal history if he or she has a conviction that meets any of the following criteria:
 - Felony conviction within the past 7 years;
 - Misdemeanor conviction within the past 5 years;
 - Misdemeanor Conviction for Penal Code §261.5 (statutory rape);
 - Misdemeanor Conviction for Penal Code §314 (lewd or obscene exposure of private parts);
 - Misdemeanor Conviction for Penal Code §368 (elder or dependent adult abuse).
2. Simplified Exemption – The simplified exemption process may be used for individuals whose criminal history does not meet any of the criteria listed above for a standard exemption. The simplified exemption process entails only an examination of the convicted person's rap sheet and any written or verbal self-disclosures received by the reviewing agency. The simplified exemption does not require a response from the individual and/or Resource Family.

Note: The reviewing agency has discretion to require a criminal record exemption using the standard exemption process even if the conviction(s) meets the simplified exemption process criteria and is not on the non-exemptible list.

3. Individual Exemption – If the Resource Family elects not to pursue an exemption on behalf of an affected individual and the individual no longer resides or is regularly present in the home, the affected individual has the right to request an individual exemption on his/her own behalf. A reviewing agency may associate the individual to a RFH on receipt of a written request from a Resource Family/applicant.

a. Standard Exemption

Upon receiving a rap sheet that contains a conviction that does not meet the simplified exemption criteria (see section 123, *Arrests and Convictions – Subsequent to Clearance or Exemption*) and is not on the non-exemptible crimes list (see b. *Simplified Exemption* below), the reviewing agency must immediately notify the Resource Family and the affected individual with separate, concurrent letters indicating the need for an exemption. An individual who has been convicted of a crime, other than a minor traffic violation, cannot obtain Resource Family approval, nor can he/she reside or be regularly present in a Resource Family home unless granted a criminal record exemption by the reviewing agency. Subsequent to approval, if additional criminal history information is received, the Resource Family and/or associated individual must seek an exemption to maintain approval **or to reside or be regularly present in the home** (see section 123, *Arrests and Convictions – Subsequent to Clearance or Exemption*).

The standard exemption process requires the compilation and evaluation of relevant information that would support the approval or denial of an exemption request. A decision can be made only after all submitted documentation has been reviewed.

(1) Exemption Needed notices require that the following be submitted within forty-five (45) calendar days from the date on the notice:

- (A) A signed exemption needed letter indicating that an exemption is being requested, returned from the Resource Family applicant, the Resource Family applicant on behalf of the individual, or the individual on his/her own behalf if the Resource Family chooses not to request an exemption.
- (B) A signed copy of the original *Resource Family Criminal Record Statement* ([RFA 01B](#)).
- (C) A written statement signed by the individual describing the events surrounding each conviction, including the approximate date, what happened, why it happened, and any other information he/she feels is important about the crime. The individual also must describe what he/she has done since the conviction to ensure he/she will not be involved in further criminal activity.
- (D) Documentation relevant to the conviction listed as the basis for the exemption including but not limited to: minute order or other court record, court docket or transcript, law enforcement records, and records from the Probation Department or California Department of Corrections and Rehabilitation (CDCR).
- (E) Verification of court ordered trainings, classes, courses, treatment, counseling completed, or other documentation demonstrating rehabilitation.
- (F) Three signed, original, and current character references, including the telephone number and address where he or she can be contacted. Character references must be current. The [LIC 301E](#) may be used as a guide to ensure the relevant information is captured by the person providing the reference. An individual listed as a reference on a Resource Family Application form (RFA 01A) may be the same individual providing a character reference for a criminal record exemption request, but **the written statement itself should be specific to the exemption request and not copied from the RFA application.**

(2) Evaluation of Standard Exemption

The reviewing agency must evaluate each exemption request and consider various factors, including but not limited to the following, to determine whether there is evidence of present good character and rehabilitation.

The following factors may support a determination that an individual **has** been rehabilitated and **is** presently of good character:

- (A) The nature of the crime or conduct did not involve acts of violence or physical harm to another person.
- (B) A substantial period of time has elapsed since the crime was committed or since the conduct occurred.
- (C) The number of offenses does not indicate a longstanding pattern of criminal conduct.
- (D) Circumstances surrounding the commission of the crime that would demonstrate that repetition is not likely.
 - (i) **This factor requires the individual to attempt to obtain a copy of the arrest report. If the individual is unable to obtain the arrest report, the reviewing agency must obtain it to complete the exemption analysis. Because individuals most often cannot obtain these reports or are not provided with un-redacted copies, the burden generally falls upon the reviewing agency to obtain an un-redacted copy of the arrest report. The reviewing agency may only provide the individual with a copy through the discovery process associated to an administrative hearing.**
- (E) Activities since conviction including, but not limited to, employment or participation in therapy, education or treatment, that would indicate changed behavior.
- (F) Granting by the Governor of a full and unconditional pardon (see section 118, *Expungements/Pardons*).
- (G) Character references indicate present good character.
 - (i) A character reference that demonstrates a knowledge and understanding of the individual's criminal background and an awareness of the individual's changed behavior and rehabilitation shall be given more weight than those that do not demonstrate such knowledge, understanding, and awareness.
- (H) A certificate of rehabilitation from a superior court (see section 112, *Certificate of Rehabilitation*).
- (I) Evidence of honesty and truthfulness as revealed in the application documents and interviews or during conversations between the individual and the reviewing agency.
- (J) The individual successfully completed the terms of probation or parole.

The following factors may support a determination, *but is not conclusive evidence*, that an individual requiring a criminal record exemption **has not** been rehabilitated or **is not** presently of good character:

- (A) False or misleading statements on forms, letters, documents, or during conversations between the individual or others and the reviewing agency, in order to obtain or maintain home approval or to obtain or maintain a criminal record exemption. This includes the individual's intentional failure to fully disclose his or her criminal history or child abuse or neglect history when required to do so in application documents or interviews.
 - (i) Evidence may include comments on the Resource Family Criminal Record Statement ([RFA 01B](#)). Failure to provide truthful statements may be grounds for an exemption denial; however, the reviewing agency will have to prove that the person intended to deceive.
- (B) The individual's statements or testimony denies or minimizes guilt or attempts to impeach a conviction.
- (C) The individual has not sought ongoing counseling, treatment or aftercare where such aftercare is determined to be necessary for an alcohol or substance abuse problem

- or has not completed education or counseling for the underlying cause of criminal behavior, such as anger management, child endangerment or negligent vehicle operation.
- (D) The individual has not paid full restitution or interest to a victim and/or has not paid court-ordered fines.
 - (E) The individual's statements or testimony fails to accept full responsibility for criminal conduct that resulted in a conviction, or the individual fails to express remorse.
 - (F) The individual has a conviction within the last 5 years for fraud or theft from a government program.
 - (G) The individual is currently on criminal probation.
 - (i) The relevant laws do not prohibit the granting of a criminal record exemption to an individual who is on criminal probation. Criminal probation is one of many factors that the reviewing agency should be considering.

To grant an exemption, the reviewing agency must evaluate the possibility of potential risk to the health and safety of children in care. Factors such as lack of remorse, honesty, integrity or failure to complete required courses or trainings are not automatic grounds for denial if there is other substantial and convincing evidence to support the granting an exemption. In all cases, the rationale for the decision must be thoroughly documented, in writing, in the exemption case file. The analysis must be based on objective facts, not on impressions or other non-objective criteria.

Assuming that an exemption was requested and that all the information specified in this section has been submitted, the exemption request must be evaluated for evidence of present good character and rehabilitation.

(3) Present Good Character/Rehabilitation

Rehabilitation can be determined by an individual's conduct following his or her conviction(s). The Department has issued a precedential decision clarifying that assertions of rehabilitation are no substitute for a track record of accomplishment when showing rehabilitation from drug use (see In Re Dodd, 99 CDSS 08).

The reviewing agency must consider all evidence relevant to what the individual has done since his/her last conviction to demonstrate "rehabilitation and present good character." For example, for a person with an alcohol or substance abuse history, rehabilitation is almost universally predicated on a choice to confront his or her problem, obtain treatment, followed by sobriety, and sustained through aftercare such as ongoing participation in a supportive program such as AA, NA, or another 12-Step program, a counseling program, or obtaining a sponsor.

Another example is that if the person has a history of domestic violence, rehabilitation may include completion of counseling or an anger management or domestic violence class, combined with the person's statements indicating they accept responsibility for their conduct, do not blame the victim, have learned the cause for their prior at-risk behavior and now respond appropriately.

For crimes of dishonesty such as forgery or theft, the Department has issued a relevant precedential decision, In re Powell, 99 CDSS 17. This precedential decision states the importance of being able to trust the truth and veracity of those who deal directly with foster

children, since we rely upon them to truthfully report any incidents that may arise as well as engender honesty as a positive role model.

The affected person must present substantial and convincing evidence satisfactory to the reviewing agency that he/she has been rehabilitated and presently is of such good character as to justify being granted an exemption

(4) References

Carefully review the character references. Consider the following:

- ✓ Are references complete and legible?
- ✓ Are they from a relative, employee, resident of the home, or the applicant/resource family?

References may be contacted, as necessary. Failure to submit character references may result in an exemption denial. The reviewing agency has discretion, however, to approve an exemption when the individual submits fewer than three character references, provided sufficient evidence of rehabilitation exists.

If any document or information is missing, either contact the individual or send an *Additional Information Needed* letter.

(5) Additional Factors

Carefully review the convictions while considering the following:

- (A) The roles and responsibilities of the Resource Family and the individual's position or relationship to the family.
- (B) The individual's sphere of influence in the home and potential opportunity to harm a child. Do the convictions warrant special consideration, given the relationship of the individual to the family?
- (C) The type of crime in relation to a child in out-of-home care.
 - For example, an individual with convictions for contributing to the delinquency of minors would be a concern if he/she planned on living in a resource family home.

(6) Conditions

When an individual meets all other exemption approval criteria, but there continue to be concerns about his/her ability to provide a particular element of care or be regularly present or reside in the home, the worker may recommend approval of the exemption with conditions. A conditional exemption places a restriction or condition on a standard exemption which limits contact with a child in out of home care or restricts his/her role in some way, e.g., individual is not to dispense prescription medications to a child or is not to transport children.

All conditional exemptions should be approved by a manager or designee or equivalent.

Prior to granting a conditional exemption, the reviewing agency may contact the Resource Family to discuss the parameters of the conditional approval and obtain their agreement

with the terms. The Resource Family/individual may decline the conditional exemption and may appeal any subsequent decision to deny (see section 124, *Appeal of the Exemption Denial*).

A reviewing agency may deny a request for a criminal record exemption if any of the following occurs:

- (1) The individual, or applicant or Resource Family acting on the individual's behalf, fails to provide the documents specified in the Exemption Needed notice within 45 calendar days from the date on the notice provided by the reviewing agency.
- (2) The individual, applicant, or Resource Family acting on the individual's behalf, fails to cooperate in the exemption process.
- (3) The reviewing agency determines the individual is not of **present** good character or has not been rehabilitated.

NOTE: If a reviewing agency determines there is good cause and documents the reasons, it has discretion to continue evaluating the exemption request beyond the 45 days to provide documents specified in the Exemption Needed notice on a case-by-case basis.

b. Simplified Exemption

The simplified exemption process cannot be used to deny a criminal record exemption. If appropriate, the simplified process results in an exemption approval without the involvement of either the individual or the Resource Family. Unlike standard exemptions, a simplified exemption does not need to be requested. The simplified exemption process is a review based only on the convicted person's rap sheet and/or any written or verbal self-disclosure during the background check process. This process is designed to expedite the exemption decision by the reviewing agency when the rap sheet independently supports a reasonable belief that the individual is of present good character to justify the granting of an exemption. **The reviewing agency has discretion to require a criminal record exemption using the standard exemption process even if the conviction meets the simplified exemption criteria if doing so is necessary to protect the health and safety of a child or nonminor dependent.** Factors to consider when determining whether or not to require a standard exemption may include, but are not limited to, any demonstrated pattern of criminal conduct, the time that has passed since the individual's most recent conviction, and any information obtained from the individual's self-disclosure form (RFA 01B).

NOTE: The simplified exemption process cannot be used to expedite a denial.

Use of the simplified process must be indicated on the approving agency's criminal record clearance and exemption tracking log. The reviewing agency should notify the Resource Family and the affected individual of the approval by letter. A simplified exemption process may be used when all simplified exemption approval criteria are met.

A simplified exemption may be appropriate if an individual's criminal history does not include a non-exemptible conviction (see section 111, *Non-Exemptible Crimes*) and meets all of the following criteria:

- No felony conviction within the past 7 years;
- No misdemeanor conviction within the past 5 years;
- No convictions for any of the following crimes:
 - Misdemeanor conviction for Penal Code §261.5 (statutory rape);

- Misdemeanor conviction for Penal Code §314 (lewd or obscene exposure of private parts);
- Misdemeanor conviction for Penal Code §368 (elder or dependent adult abuse).

In deciding whether the reviewing agency should use its discretion in requiring an individual to complete the standard exemption process, the following *may* be considered:

1. The individual has a demonstrated pattern of criminal activity.
2. The conviction(s) involved violence and may pose a risk to the health and safety of a child.
3. Determinations made by reviewing the penal code language, the elements of the crime, and the original charges.
4. If there is any arrest that meets the investigation criteria at H&SC 1522(e), **which includes arrests for non-exemptible crimes at any time (see section 113, *Arrest-Only, Initial or Subsequent*)**.
5. The rap sheet indicates that the individual was initially charged with a felony or a crime **listed at H&SC 1522(e)**, but the charge was reduced and the person was subsequently convicted of a misdemeanor.
6. The rap sheet indicates that the individual was initially convicted of a felony, but the conviction was subsequently reduced to a misdemeanor per 17PC.
7. The individual is currently on formal (i.e., supervised) and/or informal (i.e., conditional, summary, or court) probation.
8. Prior or present administrative actions.

120. CERTIFIED RECORDS OF ARRESTS AND CONVICTIONS

a. Convictions

A record of conviction is a record maintained by the court or other agency that documents the finding that a person was convicted of a crime and contains information on any sentence or fine. It may also indicate the reasons why the person was convicted. The most common types of court records used to prove a conviction are a judgment of conviction, a sentencing order, or a signed waiver and plea agreement. For the signed waiver and plea, you should also obtain the District Attorney's complaint or information, which will show the charges identified in the waiver and plea. If the court's conviction record has been purged, the court will often still be able to provide a certified copy of the court docket or other disposition record.

Counties shall have a legal consult prior to denying an exemption. The consult will confirm which state agency – Office of Administrative Hearings (OAH) or CDSS State Hearings Division (SHD) – will conduct the administrative hearing in the event the denied exemption is appealed.

- For SHD, it is a best practice to obtain a certified copy of court conviction records, DOJ arrest disposition, or CDCR 969b packet and/or any crime reports, but certified documents are not required.
- For OAH, a certified copy of the court conviction record, DOJ arrest disposition, or CDCR 969b packet and/or any crime reports is required.

The certified court conviction records may be obtained by requesting the document from the office of the county court clerk in the county where the person was convicted. The specific

county is usually noted in the agency column of the rap sheet. If the conviction occurred outside of California, attempt to identify the appropriate out-of-state agency and request a copy of the court conviction record.

A court may be unable to respond to the reviewing agency's letter of request because the information on the rap sheet is so vague that it is impossible to determine in what court system the person was convicted, or there is no record of the conviction because the record has been purged and an electronic docket is not available. If unable to obtain a court conviction record and the individual does not admit to the conviction in writing, the reviewing agency may obtain certified copies of disposition information, also known as the DOJ arrest disposition, by contacting the Department of Justice, Bureau of Criminal Identification and Analysis, Keeper of Records. The Department of Justice will provide this information if the stated purpose is for an "administrative law hearing only." An investigative subpoena is required. You may contact the DOJ either via email at keeperofrecords@doj.ca.gov or telephone at (916) 210-3310. A California Department of Corrections and Rehabilitation (CDCR) 969b prison packet may be obtained from CDCR to prove a conviction for someone previously incarcerated in prison. **If all other attempts to obtain proof of the conviction(s) are unsuccessful, consult with the assigned RFA county liaison to schedule a legal consult. The consulting attorney will determine if a "stipulation to convictions" by the affected individual is a possibility.**

If a reviewing agency obtains information that a conviction actually occurred during the course of an arrest investigation, this newly-discovered conviction must be processed pursuant to section 123, *Arrests and Convictions – Subsequent to Clearance or Exemption*.

b. Arrests

If the subject of an exemption or arrest investigation is unable to obtain un-redacted arrest or other law enforcement reports, the reviewing agency must obtain the reports in order to evaluate the underlying conduct. If the reviewing agency is going to issue a Notice of Action (NOA), the reviewing agency must obtain certified copies of these reports in order to use them as evidence at hearing.

The law enforcement records may be obtained by requesting them from the office where the person was arrested or cited. The specific city or county is usually noted in the agency column of the rap sheet. If the arrest occurred outside of California, attempt to identify the appropriate out-of-state agency and request a copy of law enforcement report.

c. Unavailable Records

Despite a reviewing agency's best efforts, arrest and conviction records may be unavailable due to the agency's retention policies or unresponsiveness. If a specific record is no longer available, the agency will usually respond with a letter indicating the record has been purged. Sometimes a "purged" letter will contain information regarding the conviction and disposition which can be used as evidence. However, there are instances when an agency will not respond to a request for records. A reviewing agency should document efforts to obtain records. If multiple attempts to obtain records have been made and the reviewing agency has not received a response, a designated person, as determined by the reviewing agency, should make a determination that the documents are unavailable. As always, counties may utilize a legal consult to determine the appropriate course of action based on the evidence obtained. If a county plans to seek an exemption denial or rescission, a legal consult is required prior to issuing a Notice of Action.

121 NOTIFICATION OF THE EXEMPTION DECISION

Apply the following procedures when sending notifications regarding the exemption decision:

a. Approval

When granting a standard or simplified exemption, it is best practice to send separate and concurrent written notifications to the Resource Family and to the affected person.

Individual – Following an exemption needed notice, if the person is no longer associated to the home, the affected person still has a right to seek an exemption on his or her own behalf (i.e., an individual exemption). It is best practice to send a written notification of an individual exemption approval to the affected individual. This process is for an individual who is not residing or regularly present in a resource family home.

b. Denial

- (1) Standard – Prior to issuing a Notice of Action (NOA) ([RFA 09B Notice of Action to Individual Regarding Resource Family Approval Criminal Record Exemption Decision](#)) for denial of a criminal record exemption, the reviewing agency must seek a legal consult. When a reviewing agency issues an NOA for an exemption denial or rescission to the individual, and the denial or rescission requires an action against the resource family or applicant, the criminal history of the individual who is the subject of the exemption decision shall not be listed in the NOA to the family or applicant. A separate NOA for denial or rescission of the approval must be sent to the family or applicant that does not include the criminal history. The reviewing agency must notify the applicant or Resource Family of the denial or rescission using [RFA 09: Notice of Action Regarding Resource Family Approval](#) and must concurrently notify the affected person using [RFA 09B: Notice of Action to Individual Regarding Resource Family Approval Criminal Record Exemption Decision](#). These forms can be found on the CDSS RFA website:

<http://www.cdss.ca.gov/inforesources/Resource-Family-Approval-Program>

- A. RFA Applicant/Resource Family – If the reviewing agency denies or rescinds the exemption of an applicant or Resource Family, the application must be denied or the Resource Family approval must be rescinded.
- B. Associated Individual – If the reviewing agency denies or rescinds the exemption of a prospective or actively associated individual, the individual may not reside or be regularly present in the home until an exemption is granted (see section on “Individual” below). If the person continues to reside or be regularly present in the home, the application must be denied or the Resource Family approval must be rescinded. Use the legal consult to determine if an exclusion action is appropriate based on conduct that did not result in a conviction.

- (2) Individual – If an individual who resides or is regularly present in the home is denied a criminal record exemption, the reviewing agency shall inform the Resource Family and the individual of the fact through separate, concurrent NOA notices. If the affected individual is no longer residing or regularly present in the home, he/she has the right to appeal the exemption denial or rescission on his/her own behalf.

Note: All NOAs must include the reason an exemption was denied. The reason cannot include specific information about the conviction(s) in communications with persons other than the affected individual.

However, specific details can be disclosed on the NOA when they were obtained from one of the following sources, independent of criminal history information received from the Department of Justice pursuant to the background check:

- Admissions by the individual in the [RFA 01B](#) (*Resource Family Criminal Record Statement*) or [LIC 508D](#) (*Out-of-State Disclosure & Criminal Record Statement*) or a written statement describing a crime;
- The reviewing agency has obtained a certified copy of a court record of a criminal conviction;
- The reviewing agency has an arrest disposition from DOJ;
- The reviewing agency has conviction records from the county District Attorney's office, Probation Department or the California Department of Corrections and Rehabilitation; or
- The reviewing agency has a statement from a reliable third party non-applicant regarding a conviction.

122 CLEARANCE OR EXEMPTION TRANSFER

(For Resource Family Transfers to a County Only)

If a Resource Family applicant or resident indicates that he/she is currently a licensed foster family home, approved relative/NREFM home, or an approved resource family with a completed background check, the clearance or exemption documentation of that check and subsequent arrest notifications (rap back service) may be transferred from one reviewing agency to another, provided that all of the following occur:

1. The transfer is within the RFA/foster care applicant type. The following are defined by the Department of Justice as the same applicant type under RFA for the purposes of conversion; therefore, transfers between these category types are allowed: Resource Family Homes, Relative/ Nonrelative Extended Family Member (NREFM) Homes, and Licensed Foster Family Homes.
2. The individual has an "active" status at the Department of Justice. That is, the original approval or licensing agency is still authorized to receive subsequent history information from the Department of Justice and has not made the applicant inactive by submitting a "No Longer Interested (NLI) Notification" form ([BCIA 8302](#)) to the Department of Justice.
3. The Department of Justice confirms that the authority to receive subsequent rap service has been transferred to the reviewing agency requesting the transfer (see below for specifics).

The reviewing agency requesting the transfer must contact the agency that previously processed the background check to determine whether the background check is eligible for a transfer and to inquire as to whether the individual has a clearance or a criminal record exemption.

For background checks processed by the Community Care Licensing Division (i.e., foster family homes), contact Caregiver Background Check Bureau Customer Service at (888) 422-5669. If the background check was processed by a county licensing agency and the correct office cannot be located, contact your assigned county liaison. If the background check was processed by a county relative reviewing agency, contact the county's Relative Assessment or Kinship Unit or RFA Single Point of Contact.

The reviewing agency requesting the transfer must also review the date of the Child Abuse Central Index check. If the inquiry was made prior to January 1, 1999, the individual must submit a new Child Abuse Central Index request as part of the transfer process. The reviewing agency requesting the transfer must ensure that the individual submits to the Department of Justice a Child Abuse Central Index Check for County Licensed Facilities ([LIC 198](#)), the current processing fee, and the Substitute Agency Notification Request ([BCII 9002](#)) with Steps I and II completed.

NOTE: The original agency shall not forward the individual's CORI to another agency at any time. Any CORI/RAP sheet received from DOJ may not be shared with anyone with the exception of the affected individual. However, the reviewing agency exemption decision documents may be shared.

a. Transferring a Criminal Record Clearance

A criminal record clearance to provide foster care in a state-licensed facility or approved home may be transferred to a resource family home provided:

- (1) The Resource Family/applicant has requested a criminal record clearance transfer, in writing, via the BCII 9002 or another template and provided proof of identification. The request shall contain all prescribed data elements and format protocols pursuant to a written agreement between the Department and the Department of Justice. If proof of identification was not received with the written request, timely follow up is needed.
- (2) A Federal Bureau of Investigation criminal history check has been completed and results received prior to transfer for Resource Family Homes.
- (3) Department of Justice confirms that the authority to receive subsequent rap service has been transferred to the reviewing agency requesting the transfer.

A. Relocation Between Counties

The reviewing agency may allow an individual to transfer his or her subsequent arrest notification if the individual moves from one county to another, as specified in H&SC section 1522(h). If a Resource Family moves to a different county, the approval remains in full force and effect unless approval is rescinded or the family chooses to surrender the approval.

i. Process for Requesting and Completing a Transfer of Clearance

If the individual's background check is eligible for a transfer and the individual has a criminal record clearance, the county requesting the transfer must:

- Give the individual a copy of the Substitute Agency Notification Request ([BCII 9002](#)), the phone number of the agency that processed the background check and instructions to:
 - Complete Step I of the form (applicant information).
 - Contact the licensing or reviewing agency that processed the clearance to obtain information to complete Step II.
 - Return the form with Step I and Step II completed.

- When the individual returns the form with Steps I and II completed, complete Step III and forward the form to the Department of Justice.
 - If accepted, the Department of Justice will notify the reviewing agency requesting the transfer **that it has been completed via postal mail.**
 - The **Department of Justice will also notify the original** licensing or reviewing agency **via postal mail** that the Department of Justice has authorized the transfer of subsequent rap service to the reviewing agency **and request they** send a No Longer Interested Notification (BCIA 8302) to the Department of Justice. Copies of the form are available on the Department of Justice website:

<https://www.oag.ca.gov/fingerprints/forms>

The transfer of subsequent arrest notification is not complete until the Department of Justice has approved the transfer request.

b. Transferring a Criminal Record Exemption

Resource Families who relocate shall retain their resource family status pending the outcome of an update to Resource Family Approval. In addition to resource family relocation between counties, exemptions originally granted for foster family homes and relative/NREFM homes that are now applying to convert to a Resource Family may be transferred for conversion purposes.

If the exemption was originally issued by another County or the Department the reviewing agency requesting the transfer must:

- Give the individual a copy of the Substitute Agency Notification Request (BCII 9002), the phone number of the agency that processed the original exemption, and instructions to:
 - Complete Step I of the Substitute Agency Notification Request form ([BCII 9002](#)) – applicant information.
 - Contact the licensing or reviewing agency that processed the original exemption to obtain information to complete Step II.
 - Return the form with Step I and Step II completed.

If it is determined that the exemption can be transferred, the reviewing agency requesting the transfer must:

- Complete Step III of the Substitute Agency Notification Request ([BCII 9002](#)) and send the completed form to the Department of Justice.
 - If accepted, the Department of Justice will notify the reviewing agency requesting the transfer that it has been completed via postal mail.
 - The Department of Justice will also notify the original licensing or reviewing agency via postal mail that the Department of Justice has authorized the transfer of subsequent arrest notifications to the reviewing agency and request they send a No Longer Interested Notification ([BCIA 8302](#)) to the Department of Justice. Copies of the form are available on the Department of Justice link below:

<https://oag.ca.gov/sites/all/files/agweb/pdfs/fingerprints/forms/nli.pdf>

- Request the exemption case file from the agency that granted the exemption. Specify that the file must contain all criminal history information and all relevant exemption support material. The exemption file must be provided in a manner to protect the confidentiality of the records. All original documentation regarding the individual's exemption will be maintained by the agency requesting the transfer. The original agency shall maintain copies of all exemption decision records for three (3) years for federal compliance purposes.

NOTE: The original agency shall not forward the individual's CORI with the exemption case file. Any CORI/rap sheet received from DOJ may not be shared with anyone with the exception of the affected individual.

- Review the exemption case file to determine:
 - Whether the individual's conviction(s), for which the exemption was granted, is now non-exemptible:

If the individual's exemption was granted for a conviction that is now non-exemptible, the exemption must be rescinded and the transfer denied (see section 125, *Administrative Actions*).
 - Whether the prior exemption was granted in error or there is new evidence indicating a potential risk to the health and safety of a child in out of home care or other individual. If so, the prior exemption should be reviewed anew.
 - Whether the individual's exemption includes all convictions. If all convictions have not been addressed, process a new exemption that includes all convictions.

NOTE: If the reviewing agency has any questions or doubts about the veracity of the exemption that was previously granted, consult with Legal. However, the receiving agency may not re-evaluate a previous exemption decision absent one of the extenuating circumstances discussed above pursuant to H&SC 1522(h)(3).

Subsequent to an approved transfer, the reviewing agency must continue to enforce and incorporate, as part of an approved exemption notification, any condition(s) placed on the individual pursuant to the previously granted exemption.

PLEASE NOTE that the [BCII 9002](#) form is currently being revised to the BCIA 9002, which will also include the correct address the transfer request must be sent to. All BCII 9002/transfer requests must be sent to:

Department of Justice
BCIA App Services Program
Attention: ARU – DSS Transfer Request
P. O. Box 903387
Sacramento CA 94203-3870

123 ARRESTS AND CONVICTIONS – SUBSEQUENT TO CLEARANCE OR EXEMPTION

The Department of Justice will continue to send the reviewing agency subsequent arrest notifications unless otherwise notified by the reviewing agency that the individual is no longer associated to an approved resource family home or subsequent rap back service has been transferred to another reviewing agency.

a. Arrests

If an individual was allowed in a [resource family](#) home because he/she had a criminal record clearance or exemption and the reviewing agency subsequently receives a rap sheet containing an arrest but no convictions, the individual shall be allowed to remain in the home while the underlying conduct is investigated. Consult with the [assigned RFA county liaison and consulting attorney](#) if there is an immediate risk or threat to the health and safety of a child or nonminor dependent that may warrant an immediate exclusion action.

If, as a result of an arrest investigation, a reviewing agency obtains evidence demonstrating conduct that poses a potential risk to the health and safety of a child, contact the Resource Family and determine if the individual is still associated to the home. Conduct a legal consult and rescind the clearance or exemption. Additionally, rescind the Resource Family's approval if the individual continues to reside or is regularly present in the home.

RFA standards do not impact a placing agency's authority to make any placement decisions to ensure the health, safety, and well-being of the child or nonminor dependent, including situations in which the removal of a child or nonminor dependent is based in whole or in part on subsequent criminal history information.

b. Convictions

If the rap sheet includes a subsequent conviction, the reviewing agency must determine if immediate action is required while a criminal record exemption is evaluated. Unlike state licensed facilities, RFA approval agencies may not order the removal of an individual from the resource family/applicant's home pending a criminal record exemption decision. Thus, it is

important to communicate with the resource family/applicant and the affected individual, to determine whether or not the individual will voluntarily move out of the home. If the individual remains in the home after a criminal record is denied, an administrative action against the application or approval of the resource family will be necessary.

If the conviction presents a risk of physical or emotional abuse, abandonment, or any other substantial threat to the health and safety of a child or nonminor dependent, an immediate exclusion action or temporary suspension order may be recommended to CDSS by the reviewing agency. Notify the Resource Family that the individual has been convicted of a crime affecting his or her clearance/exemption and determine if the individual will continue to reside or be regularly present in the home. Schedule a legal consult to determine the appropriate administrative action.

If the individual is no longer associated to the home, conduct a legal consult and proceed with rescission of the clearance/exemption. At a legal consult, determine if an exclusion action for the record is appropriate, which will ensure that the individual does not have access to other resource family homes or licensed community care facilities. If the affected individual continues to reside or be regularly present in the home, a Notice of Action (NOA) rescinding approval may be necessary as recommended at the legal consult.

If an individual is actively associated to a Resource Family home and a subsequent rap sheet with convictions is received, follow the procedures below.

(1) Non-Exemptible or 5-year Ban Conviction – Resource Family

If a member of the Resource Family has been convicted of a non-exemptible or 5-year ban crime (see section 112, *Non-Exemptible Crimes*), the approval must be rescinded.

- A. If it is decided that a Temporary Suspension Order is appropriate, prepare the Statement of Facts. Coordinate with the county liaison to ensure all required documents are sent to the assigned consulting attorney.
- B. If it is determined that the individual does not present a risk to children or other individuals, the reviewing agency may consider using an expedited rescission as discussed in paragraph (3) below and in section 125, *Administrative Actions*.
- C. Send the Resource Family and the individual separate Notices of Actions (NOA) informing them that the reviewing agency has received a subsequent rap sheet containing a non-exemptible or 5-year ban conviction and that the Resource Family approval has been rescinded. The letter to the affected individual must identify the documents or materials relied on to make the determination. In addition, the letter must list the conviction and, if known, the approximate date and court location where the conviction occurred.

(2) Non-Exemptible or 5-Year Ban Conviction – Associated Individual

- A. Prior to sending a written notification, make a reasonable attempt to contact the Resource Family by telephone to inform him/her that the affected individual was convicted of a non-exemptible or 5-year ban crime and may no longer reside or be regularly present in a resource family home.

- (A) If the affected individual will remain in the home, an administrative action against the RFA approval may be necessary. Conduct a legal consult to determine the appropriate action. Send separate Notices of Action (NOA) to the Resource Family and/or the affected individual. The NOA to the affected individual must identify the documents or materials relied on to make the determination.

(3) Exemptible Felony/Violent Misdemeanor – Resource Family

Subsequent to a clearance or subsequent to an exemption if a decision has been made not to rescind existing exemption

- A. Decide, in consultation with the County Liaison, whether to issue a Temporary Suspension Order or wait while allowing the Resource Family to seek an exemption.
- B. Send separate and concurrent notices to the Resource Family and the individual specifying the administrative action as determined at Legal Consult. The notice to the individual must list his/her conviction(s).
- C. For felonies and misdemeanors that may require immediate exclusion, the reviewing agency, consulting attorney and county liaison will discuss and determine whether the case should be referred for a rescission or whether a decision on legal action should be postponed until the reviewing agency has processed the exemption request.
- D. If the conviction is for a nonviolent felony, the reviewing agency, consulting attorney and county liaison will discuss and determine whether the case should be referred for a rescission, or whether a decision on legal action should be postponed until the county reviewing agency has processed the exemption request. The reviewing agency, consulting attorney, and county liaison should consider whether the individual is likely to obtain an exemption when making their assessment.
- E. For any crime involving violence or a crime against children or dependent adults, the reviewing agency, the consulting attorney and county liaison may decide not to proceed with a Temporary Suspension Order (TSO). In these situations, if no immediate risk to children in out-of-home care is identified, it would be appropriate to pursue an expedited rescission (see Section 125, *Administrative Actions*).

If the decision is to seek rescission, the individual will be allowed to remain in the home pending action on the expedited rescission. In these cases, an exemption is not processed by the reviewing agency and the individual receives his/her appeal rights through the rescission process.

If the decision is to postpone action until a decision is made on the exemption, the individual will be allowed to remain in the home pending action on the exemption.

(4) Exemptible Felony/Violent Misdemeanor – Associated Individual

Subsequent to a clearance or subsequent to an exemption if a decision has been made not to rescind existing exemption

- A. Prior to sending a written notification, make a reasonable attempt to contact the Resource Family, informing the Resource Family that the individual was convicted of

a felony/serious misdemeanor crime and may not reside or be regularly present in the home unless an exemption is granted.

- B. Send separate and concurrent notices to the Resource Family and the individual at his/her current home address specifying the above. The notice to the individual must list his/her conviction(s).
- C. Use the Legal Consult to determine if a Temporary Suspension Order is appropriate if the individual will continue to be associated to the home.

(5) Non-Violent Misdemeanor – Associated Individual

If the conviction is for a crime that is not a felony and not a violent misdemeanor, send a letter to the resource family allowing the person to remain in the home, provided they request an exemption.

Concurrently, the affected individual must be sent a corresponding notice to his/her address on record informing him/her of the same. This letter must include a list of his/her conviction(s).

- A. If the Resource Family still wishes the individual to reside in the home, the affected individual or the Resource Family, in coordination with the affected individual, must request an exemption.

After receiving an exemption needed notice from the reviewing agency, if the Resource Family or affected individual chooses not to request an exemption and the individual no longer resides or is regularly present in the home, the affected individual has the right to request an exemption on his/her own behalf.

- B. The Resource Family or the individual may request an exemption by completing and returning the exemption needed notice, along with the items listed in the notice. An exemption request is not considered complete until all requested items listed in the notice have been submitted.
- C. If the exemption request is for a member of the Resource Family, and a complete exemption request is not submitted, the reviewing agency may deny the exemption.
- D. If the exemption request is for an associated individual other than a member of the Resource Family and a complete exemption request is not submitted, the reviewing agency may cease processing the exemption request and close the case.

124 APPEAL OF THE EXEMPTION DENIAL

A Resource Family, applicant, or individual who has received a Notice of Action (denial or rescission of approval, exemption denial or rescission) and/or order of exclusion is accorded the right to a state hearing and other due process rights. The hearing forum, Office of Administrative Hearings (OAH) or State Hearings Division (SHD), will be determined at the mandatory legal consult prior to issuing the Notice of Action.

If a Respondent chooses to appeal an action for an application or exemption denial, he or she shall submit a written appeal to the County address listed in the Notice of Action within ninety (90) days from the date the notice was served on the respondent. If a Respondent chooses to appeal an action for an exemption rescission, exclusion order, or rescission of approval he or she shall submit a written appeal to the County or Department address listed in the Notice of Action or exclusion order within twenty-five (25) days from the date the notice was personally served on the respondent or within thirty (30) days if the notice was served on the respondent by mail. A Respondent may submit an appeal using an appeal form provided with the Notice of Action or exclusion order or may prepare his or her own written appeal. The reviewing agency shall notify the Department of Social Services, in writing, if it receives an appeal to a Notice of Action that included an order of exclusion.

If there are multiple actions included, the applicant, individual, or Resource Family may appeal in a single, unified appeal letter to the reviewing agency or Department, as applicable. The appeal must include the affected individual's mailing address and telephone number. If the reviewing agency or Department receives two such related appeals separately, the cases should be consolidated into a single, unified case with related case numbers (i.e., A case and B case). This will prevent any confusion regarding which Resource Family/applicant the exemption appeal is related to and will prevent conflicting outcomes.

A Resource Family or an applicant may appeal an exemption denial or rescission on behalf of the affected individual or an individual may appeal an exemption denial or rescission on his/her own behalf. If an individual is no longer residing or regularly present in the applicant or resource family home, he/she is afforded a separate hearing. If after an appeal is filed the exemption matter and related resource family approval matter proceeds to a hearing, the individual who is the subject of the exemption decision must waive their privacy rights regarding their criminal history in order to consolidate the matters into one hearing. Otherwise, separate hearings must be held. The Administrative Law Judge (ALJ) or attorney should address this issue at the prehearing conference.

NOTE: An individual is still associated to an applicant or Resource Family while an administrative action is pending. Do not send an NLI to DOJ until the time for appeal or set aside have lapsed or the case has been closed as applicable following a final decision and order.

125 ADMINISTRATIVE ACTIONS

An "administrative action" means an action or decision by the county or Department that triggers due process rights, namely, the right to receive an adequate notice that meets legal sufficiency requirements, the right to appeal, and the right to a hearing.

The following is a list of actions which may be considered by the reviewing agency based on the background assessment results. The type of action taken is determined at a legal consult and is based on the risk or threat posed by the conviction or conduct to the health and safety of a child or nonminor dependent in out-of-home care.

NOTE: If the reviewing agency has possession of evidence sufficient to take one of the following administrative action, e.g. a prior administrative action, the reviewing agency may immediately schedule a legal consult and need not wait until all components of the comprehensive assessment are complete.

1. Exemption Denial/Rescission (see section 121, *Notification of the Exemption Decision*)

2. RFA Application Denial

If an applicant was convicted of a non-exemptible crime or denied an exemption for an exemptible crime, the RFA application shall be denied. The application may also be denied if the applicant has a CACI history of child abuse or severe neglect or engaged in other conduct posing a risk to the health and safety of a child or nonminor dependent or other individual.

3. RFA Rescission

For background check purposes, an approval may be rescinded when a resource family parent has an exemption denied or rescinded or has engaged in prohibited conduct. An approval may also be rescinded if an adult that resides or is regularly present in the home has an exemption denied or rescinded or has engaged in prohibited conduct. The rescission does not become effective until after a Notice of Action has been served and there is no appeal, after the action is affirmed in a final decision and order, or pursuant to a stipulation, waiver and order.

An expedited rescission is sought when a serious situation exists that does not constitute an immediate health or safety risk, but that requires quick action by the county. A worker should monitor the home closely while an expedited rescission is pending and continue to assess whether it is necessary to upgrade the action to a Temporary Suspension Order (TSO). The case summary in the Statement of Facts must clearly explain why an expedited rescission is requested and that the case was discussed with the consulting attorney.

4. Temporary Suspension Order (TSO)

A Temporary Suspension Order (TSO) suspends the resource family approval prior to a hearing when urgent action is needed to protect a child from physical or mental abuse, abandonment, or any other substantial threat to health or safety. A TSO should result in the immediate removal of children or nonminor dependents in care.

The reviewing agency shall serve the resource family with the TSO with a notice of action, and if the matter is to be heard before the Office of Administrative Hearings, an accusation. The temporary suspension order shall list the effective date on the order.

5. Exclusion

An exclusion action against an individual must be taken by the Department and is generally taken only for the most serious conduct. If the reviewing agency is aware of the need for an RFA exclusion action, it must notify the Department as soon as it becomes aware. The purpose of the exclusion is to remove the individual from presence in any resource family home or from employment in, presence in, and contact with clients of any facility licensed by the department or certified by a licensed foster family agency, and from holding the position of member of the board of directors, executive director, or officer of the licensee of any facility licensed by the department. If the individual resides in a resource family home, then the approval must be rescinded and the rescission action should be joined with the exclusion action.

In rare situations the department may issue an exclusion order requiring the immediate removal of an individual when in the opinion of the department, the action is necessary to protect a child or nonminor dependent from physical or mental abuse, abandonment, or any other substantial threat to their health or safety. An immediate exclusion may be necessary if the individual is still living in the home and the placing agency is unable or unwilling to remove children in the home, and a TSO will not be effective to protect children in the home.

An “exclusion action” is to be distinguished from removal from the home pending a criminal record exemption decision. The fact that someone in the resource family home has been arrested or convicted of a crime does not authorize a reviewing agency to order the individual’s removal from the home absent an exclusion order (see section 123, *Arrests and Convictions – Subsequent to Clearance or Exemption*). An exclusion order has a lifetime effect and is effective in Department licensed facilities as well as resource family homes, unless the individual successfully petitions the Department for reinstatement. In contrast, an exclusion from presence in any resource family home that results from a denied or rescinded exemption only applies until the individual is granted an exemption.

Note: If the Department seeks to exclude an individual from a resource family home, an exclusion order shall be served with the Notice of Action.

126 RECORD RETENTION AND STORAGE

a. Retention Period

The reviewing agency shall retain all records related to currently approved resource families. Records shall also be securely maintained for at least three years following the date of an application withdrawal or denial, rescission of approval, criminal record exemption denial or rescission, exclusion, or surrender of approval. If there was an administrative action related to a denial, rescission, or exclusion, the time period to maintain the file shall begin on the date that a final decision and order is issued. Records shall be stored in a confidential section of the Resource Family file.

b. Subsequent Arrest Notifications and No Longer Interested (NLI)

When a reviewing agency learns that an individual does not reside or is not regularly present in a resource family home, the subsequent arrest notification should remain active until there is a determination that the individual does not intend to return to the home. Use a case-by-case evaluation to determine if the individual does not intend to return to the home. Once such a determination is made, immediately send the NLI to the DOJ.

When an applicant withdraws, immediately send the NLI to DOJ. Also send the NLI immediately when, following the conclusion of the appeal process, an administrative action results in a denial or rescission.

127 RAP SHEET FREQUENTLY USED ABBREVIATIONS

A & B	Assault & Battery	CAC	California Administration Code
ACCESS	Accessory	CASE COMP	Case Compromised
ACCUS SET ASIDE	Accusation Set Aside	CC	Concurrent
ACHS	Automated Criminal History System	CCN	Court Case Number
AD	Advertise; Advertisement	CCW	Carry Concealed Weapon
ADLT	Adult	CCWPT	Concurrent With Present Term
ADMISS EVID INSUFF	Admissible Evidence Insufficient	CDC	California Department of Corrections
ADW or AWDW	Assault With Deadly Weapon	CDL	California Driver's License
ALC or ALCO	Alcohol	CDM	Contribute to the Delinquency of a Minor
AMMO	Ammunition	CDW	Carrying Dangerous Weapon
ANML	Animal	CERT JUV CRT	Certified To Juvenile Court
AP	Assessment Penalty	CERT SUP CRT	Certified To Superior Court
APP	Applicant	CHP	California Highway Patrol
ARR	Arrest	CII	Criminal Identification & Information Number
ARRESTEE EXON	Arrestee Exonerated	CJIS	Criminal Justice Information System
ASCERT EVID INSUFF	Ascertainable Evidence Insufficient	CLETS	California Law Enforcement Telecommunications System
ASLT	Assault	CMF	California Medical Facility
AT	Auto Theft	CNTL	Controlled
ATT	Attempt; Attempted	CNTRFEIT	Counterfeit
AWOL	Absent Without Official Leave	CNTS	Counts
B & P	Business & Professions Code	CO	County
B/F	Bail Bond Forfeited	COMB W/OTH CNTS	Combined With Other Counts
B/W	Bench Warrant	COM	Comment
BATT	Battery	COMM	Committed
BCII	Bureau of Criminal Identification and Information	COMP REFUSES TO PROS	Complainant Refuses to Prosecute
BECAM WIT F/PEO	Became Witness For People	CONREP	Conditional Release Program
BFMV	Burglary From Motor Vehicle	CONS	Consent; Consolidated
BLDG	Building	CONSP	Conspiracy
BUS	Business	CONT	Continue
C & R	Counseled & Released	CONV or "J"	Convicted
CA	City Attorney	COC	Contempt Of Court
CA/DMH	California Department of Mental Health	COP	Copulation

CORI	Criminal Offender Record Information	DWD	Driving While Drunk
CORP	Corporate; Corporation	DWI	Driving While Intoxicated
CORP CODE	Corporation Code	DWOC	Drive Without Owner's Consent
CORP DELICTI	Corpus Delicti	DWOL	Drive Without License
CRC	California Rehabilitation Center	E/R	En Route
CRT	Court	EMER	Emergency
CRT PROB	Court Probation	EMP	Employee
CS	Consecutive	ENT	Enter; Entry
CTS	Credit Time Served	EOSS or EXEC SENT SUSP	Execution of Sentence Suspended
CVC	California Vehicle Code	EQUIP	Equipment
CWGB	Condition With Good Behavior	ESC	Escape; Escaped
DAMAGE TO PROP	Damage To Property	ESP	Espionage
DANG WPN or DW	Dangerous Weapon	ESTAB	Establish, Establishment
DA	District Attorney	ESTABLISH	Establishment
DEFT	Defendant	EXPLO	Explosive
DEG	Degree	EXT	Extortion
DEL	Delinquent	F/ARM	Firearm
DEP	Deportation	FAC	Facility
DEPT. 95	Psycho	FBI	Federal Bureau of Investigation
DET	Detention	FCI	Federal Correctional Institute
DIS	Disrupt; Disorderly	FED	Federal
DISCHRG or DISCH	Discharge; Discharged	FEL	Felon; Felony
DISCL	Disclose	FG	Fish & Game Code
DISM	Dismissed	FLS	False
DISORD	Disorderly	FN	Fine
DIST	Distribute; Distribution	FN PD	Fine Paid
DIV	Diversion	FND NOT GUILTY	Found Not Guilty
D.L.	Driver's License	FOJ or FURTH OF JUST	Furtherance Of Justice
DLR	Dealer	FTA	Failure To Appear
DMV	Department Of Motor Vehicles	FTPF	Failure To Pay Fine
DOB	Date Of Birth	FUG	Fugitive
DOC	Document	FURTH INVEST	Further Investigation
DOJ	Department of Justice	GBI	Great Bodily Injury
DP	Disturbing The Peace	GJI	Grand Jury Indictment
DRK	Drunk	GL	Grand Larceny
DS	Day(s)	GMS	Grams
DSP	Disposition Record Number	GOVT	Government
DTH	Death	GP	Guilty Plea
DUI	Driving Under the Influence Alcohol/Drugs	GT	Grand Theft

GTA	Grand Theft Auto	JUDG & SENT SUSP	Judgment & Sentence Suspended
H & R	Hit & Run	JUDG ARR DEFT DISCH	Judgment Arrested Defendant Discharged
HAB	Habitual	JUDG SUSP or J/S	Judgment Suspended
HAZ	Hazard; Hazardous	JUDL	Judicial
HNT	Hunt	JUV	Juvenile
HS or H & S	Health & Safety Code	L & L	Lewd & Lascivious
HTA	Held To Answer	LACK OF EVID	Lack Of Evidence
HWY	Highway	LACK OF CORP	Lack Of Corpus
HYPO	Hypodermic	LACK OF PROB CAUSE	Lack Of Probable Cause
ID	Identification	LACK OF PROS or LOP	Lack Of Prosecution
IDN	Identification Number	LEG or LEGIS	Legislative; Legislature
IE or INSUFF EVID	Insufficient Evidence	LIC	License
ILL SEARCH & SEIZ	Illegal Search & Seizure	LIO	Lesser Included Offense
IMM	Immigration	LIQ	Liquor
IMP SENT SUSP or ISS	Imposition of Sentence Suspended	LVE	Leave
INADMISS SEARCH & SEIZ	Inadmissible Search & Seizure	MAL	Malicious
INFLU	Influence	MANSL	Manslaughter
INFO	Information	MARIJ	Marijuana
INFO PROB or INFORM	Informal Probation	MAT	Material
INFO SET ASIDE	Information Set Aside	MC	Municipal Code
INJ	Injury; Injure	MCW	Municipal Court Warrant
INN	Institution Number	MDSO	Mentally Disordered Sex Offender
INSUFF CAUSE	Insufficient Cause	MFG	Manufacturing
INSUFF EVID W/CODEFT	Insufficient Evidence For Co- Defendant	MISD	Misdemeanor
INT	Interest	MNI	Master Name Index
INT OF JUST	Interest Of Justice	MNR	Minor
IOE	Insufficient Of Evidence	MNU	Miscellaneous Numbers
IRA	Internal Revenue Act	MOD	Modified
IRO	Included Reduced Offense	MOS	Months
ISS	Issued	MOT OF CRT	Motion Of Court
JD#	Judicial District Number	MOT OF DA	Motion Of District Attorney
JDG	Judgment	MOT OF DDA	Motion Of Deputy District Attorney
JL	Jail	MOT OF PEO	Motion Of People

MTR	Motor	PET	Petition
NARC	Narcotics	PET REQ	Petition Requested
NBR	Number	PFC	Prior Felony Conviction
NC	No Charge	PG	Pled Guilty
NCF	No Charge Filed	PH	Phone
NCIC	National Crime Information Center	PL	Petty Larceny
NDL	Needle	PLEA BARG	Plea Bargain
NEG	Negligence	PLEA TO OTH CHG	Plea To Other Charge
NEGO PLEA	Negotiated Plea	PNC	Pled Nolo Contendre
NFA	National Firearms Act	PO	Peace Officer
NFS	No Filing Sought	POSS	Possess
NLETS	National Law Enforcement Telecommunication System	PR	Prior
NMVTA	National Motor Vehicle Theft Act	PREM	Premises
NO EVID BY PEO	No Evidence By People	PRESCRIP	Prescription
NO FURTH INFO	No Further Information	PROB	Probation
NO JUD COM	No Judicial Comment	PROB EXT	Probation Extended
NTCU	Narcotic Treatment Control Unit	PROB MOD	Probation Modified
O/R	Own Recognizance	PROB REINST	Probation Reinstated
OAWDL	Operate Auto Without Driver's License	PROB REVKD	Probation Revoked
OBJ	Object	PROB TERM	Probation Terminated
OBT	Obtaining	PROB TRANS	Probation Transferred
OFCL	Official	PROB VIO	Probation Violated
OFCR	Officer	PROC SUSP or PROC SS	Proceedings Suspended
OFF	Offense	PROG	Program
OFN	Offender	PRON JUDG SUSP	Pronouncement Judgment Suspended
OHV	Off-Highway Vehicle	PRON JUDG W/HELD	Pronouncement Judgment Withheld
OL	Operator's License	PROS	Prosecute
OLN	Operator's License Number	PROC	Procedure
OPR	Operate; Operation	PROP	Property
ORD	Ordinance	PRSN	Person
OTC	Out To Court	PRSNL	Personnel
P/J	Penalty Of Judgment Withheld	PRV	Private
PA	Penalty Assessment	PT	Petty Theft
PAND	Pandering	PUB	Public
PAR	Parole	R.N.	Registered Nurse
PASS	Passenger	RAP	Record of Arrest and Prosecution
PC	Penal Code	RECOMM	Recommitted
PD	Paid; Police Department	RED	Reduced
PDR	Personal Data Record	REF	Refuse; Referred

REG	Register; Registration	SURV	Survey
REJ	Rejected	SYR	Syringe
REL	Released	T & C	Terms & Conditions
REM	Remain	TAWOC	Takes Auto Without Consent
REP	Represent; Representation	TERM	Terminated
REQ	Required	TFT	To Finish Term
RESTN or RSTN	Restitution	TK	Take
REVKD	Revoked	TPL	Termed Prescribed By Law
REWRD	Reward	TRAN	Transit
RIFL	Rifle	TRANSF	Transfer
RMV	Remove	TRANSP	Transport; Transportation
RPT	Report	TT	Total Term; Total Fixed Term
RR	Railroad; Reduced Related Charge	UC	University Of California
RSP	Receiving Stolen Property	UNAUTH	Unauthorized
RTFT	Returned to Finish Term	UNEMPLOY	Unemployment
SAB	Sabotage	UNIV	University
SBI	Serious Bodily Injury	UNLAW	Unlawful
SCH	School	UNOCC	Unoccupied
SEC	Second	VC	Vehicle Code
SENT or SEN	Sentence	VCIN	Violent Crime Information Network
SENT SUSP or SS	Sentence Suspended	VD	Venereal Disease
SID	State Identification Number	VEH	Vehicle
SIG	Signal	VES	Vessel
SIS	Sentence Imposes Suspended	VICT	Victim
SN or SSN or SOC	Social Security Number	VIOL	Violation; Violate
SP or ST PRIS	State Prison	VOLT	Voltage
SPEC CIRC	Specific Circumstances	W/	With
SP SS	State Prison Term Suspended	W/O	Without
SSA	Selective Service Act	W/PR	With Prior
ST	Street	WIT	Witness
STIP PROB CAUSE	Stipulation Probable Cause	WPN	Weapon
STLN	Stolen	WST	Waste
STU	Student	XIMP	(X =computer generated) Imposition of Sentence Suspended
SUB	Substance	YR(S)	Year(s)
SPEC	Specific	1118 PC	Acquittal, Non-Jury Case
ST HOSP	State Hospital	1538.5 PC	Dismissed Per Motion
STRU	Short Term Return Unit		

128 RAP SHEET FREQUENTLY USED AGENCY IDENTIFIERS

AD	Arson Division/Department/District	IS	Immigration & Naturalization Service
AF	Air Force	JC	Justice Court
AL	Alien Registration	JD	Juvenile Detention
AP	Airport Authority/Police	JV	Juvenile Court
AR	Army	MA	Marine Corps
AT	U.S. Dept of Alcohol, Tobacco & Firearms	MC	Municipal Court
BN	Federal Bureau of Narcotics	ME	Medical Examiner
CA	City Attorney	MF	Medical Facility
CB	County Board/Commission/Department	MG	Magistrate
CC	City Board/Commission/Department	MJ	Municipal/City Jail
CD	Count Detention Bureau	MR	Marshall
CE	Consulate/Embassy	MS	Military Stockade
CG	Coast Guard	NA	Navy
CI	Correctional Institution	NF	Nuclear Facility
CJ	County Jail	NP	National Park
CL	State College	NT	Narcotic Task Force
CM	Community College	PA	Parole
CN	County Penitentiary	PD	Police Department
CO	Coroner	PF	Private Facility
CP	County Police	PK	Park District
CR	County Clerk/Recorder	PM	Provost Marshall
CS	Custom Station	PO	Proprietary Security Organization
CT	Contractor	PP	Public Prosecutor
CU	Court Unknown	PR	Probation Department
DA	District Attorney	PS	Department of Public Safety
DB	Disciplinary Barracks	PT	Port/Harbor
DC	District Court	PU	Public Facility
DD	Department of Defense	PV	Private School
DE	Drug Enforcement Unit/Administration	RA	Reporting Agency
DJ	Department of Justice	RC	Rehabilitation Center
FA	Federal Appeal Court	RE	Reformatory
FB	Federal Bureau of Investigation	RR	Railroad
FC	Federal Board/Commission/Dept/Agency	SA	State Court of Appeal
FD	Federal District Court	SB	State Board
FF	Fire Department	SC	Superior Court
FI	Financial Institution	SD	State Department
FM	Fire Marshall	SE	Secret Service
FP	Federal Prison	SF	State Farm
FS	Federal Supreme Court	SG	State Agency
GW	Game Warden	SJ	State Jail
HC	House of Corrections	SM	State Commission
HO	Hospital	SO	Sheriff's Office
HP	Highway Patrol	SP	State Prison
HR	Human Resources	SS	State Supreme Court

ST	State Police	TF	Task Force
SU	State University	USD	Unified School District
SW	Social Welfare	YA	Youth Authority
TD	Transit District	YO	Youth Organization

APPENDIX

Temporary (Emergency) Placement Protocol

PLEASE NOTE: CLETS and live scan fingerprint checks shall not be conducted to screen potential RFA applicants and/or dissuade a relative/NREFM from applying as a Resource Family. These checks cannot be completed other than in the circumstances outlined below.

When a child has been taken into custody, or when the sudden unavailability of a foster caregiver requires a change in placement for a dependent child, a relative/NREFM may request temporary (i.e., emergency) placement of the child. The County has the discretion to place the child with that relative/NREFM prior to approval as a resource family in accordance with the process outlined in Welfare and Institutions Code (W&IC) section 361.4 and summarized as follows:

Conduct California Law Enforcement Telecommunications System (CLETS) and child abuse checks.

- If the CLETS information indicates that the person has been convicted of an exemptible crime under Section 1522 of the Health and Safety Code, the child may be placed in the home on an emergency basis only after the placement has been approved by the deputy director or director of the county welfare or probation department or his or her designee. However, a child may not be placed if CLETS indicates a conviction for misdemeanor Penal Code (PC) sections 261.5, 314, or 368, notwithstanding the fact that these are exemptible crimes.
- If the CLETS information indicates the person was arrested for a serious crime under subdivision (e) of Section 1522 of the Health and Safety Code, the child shall not be placed on an emergency basis until an investigation has been completed and the deputy director or director of the county welfare or probation department or his or her designee, and the court, have considered the investigation results and approved the placement.
- If the CLETS information indicates that the person has been convicted of a non-exemptible crime under Section 1522 of the Health and Safety Code, the child shall not be placed in the home on an emergency basis.

IMPORTANT: A criminal record exemption shall not be granted based on CLETS results. An emergency placement as described above does not mean that an individual has received an exemption. Exemptions are not a part of emergency placements. Live scan fingerprint-based criminal history information is necessary to determine if the individual needs an exemption prior to Resource Family approval.

➤ If an Emergency Placement is Made

- 1) A live scan fingerprint check shall be conducted within 5 business days following an emergency placement or within 10 calendar days of the CLETS check, whichever occurs sooner, on all adults subject to RFA background check requirements.
- 2) The live scan fingerprint check triggers the RFA process. When fingerprints are submitted under the Authorized Applicant Type: RESRCE FAM PER 16519 WI on the

BCIA 8016 *Request for Live Scan Service* form, the individual is submitting his or her fingerprints as an applicant for Resource Family Approval (RFA).

- 3) The County making the emergency placement shall provide the caregiver with the RFA 01A *RFA Application*. The County completing the RFA process shall arrange to receive this application from the applicant within 5 business days of placement or within 10 calendar days of the CLETS check, whichever occurs sooner, pursuant to RFA Written Directives (WDs) section 4-08.
- 4) If the results of the live scan fingerprint check (i.e., CORI or rap sheet) reveal any conviction(s) for an exemptible crime(s) (individuals with a non-exemptible conviction are ineligible for an exemption), the exemption process should be initiated as soon as possible. Exemptions may be granted through the simplified exemption process based solely on the information contained in the rap sheet and self-disclosure form, while the standard exemption process requires the individual to request an exemption in response to an *Exemption Needed Notification* letter.
 - The standard exemption process is required to evaluate whether the county may grant an exemption based on substantial and convincing evidence that the individual is of present good character, as well as to provide adequate due process if the exemption request has been denied.
- 5) A denial letter (i.e., NOA) must be sent to the individual. The denial letter (RFA 09B) must list the criminal history upon which the denial is based. If the denial will result in a RFA application denial, a NOA for application denial (RFA 09) must also be sent to the applicant. It is considered best practice to send written notification when the county grants an exemption, as well.

➤ **If No Emergency Placement is Made**

- 1) If no placement has been made on an emergency basis, the County must be in receipt of the RFA 01A *RFA Application* prior to requiring that an individual submit to the live scan fingerprint check.
 - Any individual who has submitted to the live scan fingerprint check is entitled to due process, including *written* notification of the results (i.e. notice of exemption needed letter or non-exemptible conviction notification, if applicable), a copy of his or her rap sheet, and the right to appeal a denial.
- 2) If the results of the live scan fingerprint check (i.e., CORI or rap sheet) reveals any conviction(s) for an exemptible crime(s) (individuals with a non-exemptible conviction are ineligible for an exemption), the exemption process should be initiated as soon as possible. Exemptions may be granted through the simplified exemption process based solely on the information contained in the rap sheet and self-disclosure form, while the standard exemption process requires the individual to request an exemption in response to an *Exemption Needed Notification* letter.
 - The standard exemption process is required to evaluate whether the county may grant an exemption based on substantial and convincing evidence that the individual is of present good character and to provide adequate due process if the exemption request has been denied.
 - A denial letter (i.e., NOA) must be sent to the individual. The denial letter (RFA 09B) must list the criminal history upon which the denial is based. If the denial

will result in a RFA application denial, a NOA for application denial (RFA 09) must also be sent to the applicant. It is considered best practice to send written notification when the county grants an exemption, as well.

- A county may not close an individual's file, or require that an applicant withdraw their RFA application, without affording them their due process rights, namely, written notice of any adverse action and of the right to appeal the denial of a criminal record exemption and/or RFA application.
- 3) If the results of the live scan fingerprint check (i.e., CORI or rap sheet) reveal any convictions for a non-exemptible crime, a NOA for exemption denial (RFA 09B) must be sent to the individual identifying the relevant non-exemptible conviction(s) along with a copy of the full rap sheet received from DOJ. If the exemption denial will result in an RFA application denial, a NOA for application denial (RFA 09) must also be sent to the applicant but should not include details of the individual's criminal history.
- A county may not close an individual's file, or require that an applicant withdraw their RFA application, without affording them their due process rights, namely, written notice of any adverse action and of the right to appeal the denial of a criminal record exemption and/or RFA application.

NOTE: Placement does not guarantee approval as a resource family.

Certified Arrest Records Request Template

[County Letterhead Here]

[Date]

[Enter county sheriff or local police agency name]
ATTN: RECORDS DIVISION
FAX #: ()

VIA FACSIMILE

REQUEST FOR CERTIFIED COPIES OF CRIME REPORTS

Dear Custodian of Records:

I am a [enter job title] with the [enter county and RFA unit name], and I am requesting certified copies of arrest, incident, or investigation reports, including any supplemental reports, regarding the individual named below. Welfare and Institutions Code (W&IC) section 16519.5(d) mandates the County to conduct criminal background reviews of individuals who apply for Resource Family Approval (California's new unified foster care and adoption approval program) and of individuals who reside in or are present in a Resource Family home. Authority for the counties to obtain law enforcement records in the performance of their duties is outlined in W&IC section 16519.5(s) and Health and Safety Code section 1522(e).

Report Number(s):
Suspect Name:
D.O.B.:
Crime(s):

Please provide ALL certified reports on file for this individual, including supplemental reports and copies of photos, even if the report is not specifically listed above. "Certification" means stamp or seal on letterhead stating that the records are true and correct copies of reports on file. A certification form is enclosed for your convenience.

Please mail the **certified** arrest records to me at the following address:

ATTN:

Thank you. If the above requested report(s) cannot be provided, or if you have any questions, you may call me at: xxx-xxx-xxxx.

Sincerely,

[Name, Title]

DECLARATION OF CUSTODIAN OF RECORDS

I, _____, declare:
(Print name)

1. I am a Custodian of Records for _____.
(Name of Law Enforcement Agency)

2. The attached document(s) identified as:

(e.g., crime reports, incident report, pleas, arrest disposition, etc.)

and consisting of _____ page(s), is a true and correct copy of the original on file in this office.

3. The documents are provided to the California Department of Social Services for use in an administrative action under the California Health and Safety Code.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct to the best of my knowledge and belief.

Executed on _____, at _____.
(Date) (City, State)

(Signature)
Custodian of Records

OFFICIAL STAMP/SEAL

Certified Court Records Request Template

[County Letterhead Here]

[DATE]

[COURT NAME HERE] SUPERIOR COURT
ATTN: RECORDS
FAX #:

VIA FACSIMILE

REQUEST FOR CERTIFIED COPIES OF COURT RECORDS

Dear Custodian of Records:

I am a [enter job title here] with the [enter county name and RFA unit name here], and I am requesting certified copies of the below judgment of conviction, court docket, complaint, minute orders, and sentencing records regarding the individual named below. ***If the original court records have been purged, please provide a certified copy of the electronic docket, screen printout, or any record showing the case disposition.*** Authority to obtain these documents is found in Welfare and Institutions Code section 16519.5(d) and (s) and Health and Safety Code section 1522(e), which mandate the County to conduct criminal background reviews and authorizes counties to obtain court records of individuals who apply for Resource Family Approval (formerly known as “foster care”) or individuals who reside in or are present in a Resource Family home.

Case Number(s):

Individual’s Name:

DOB:

Conviction Information:

Please mail the **certified** court documents to me at the following address:

ATTN:

Thank you. If the above requested information cannot be located or if you have any questions, you may call me at ()

Sincerely,

[Name, Title]

DECLARATION OF CUSTODIAN OF RECORDS

I, _____, declare:
(Print name)

1. I am a Custodian of Records for _____.
(Court)
2. The attached document(s) identified as:

and consisting of _____ page(s), is a true and correct copy of the original on file in this office.

3. The documents are provided to [insert county name] in relation to a criminal background check assessment as required by Welfare and Institutions Code section 16519.5.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct to the best of my knowledge and belief.

Executed on _____, at _____.
(Date) (City, State)

(Signature)
Custodian of Records



Certified CDCR 969(b) Packet Request Template

[County Letterhead Here]

[DATE]

California Department of Corrections and Rehabilitation
ATTN: 969b UNIT, CUSTODIAN OF RECORDS
1515 Street, Sacramento, CA 95811
FAX #: (916)

VIA FACSIMILE

REQUEST FOR CERTIFIED COPIES OF 969(b) Packet

Dear Custodian of Records:

I am a [enter job title here] with the [enter county name and RFA unit name here], and I am requesting certified copies of the 969(b) PIN packet for the individual named below. Legal authority to obtain these documents is found in Welfare and Institutions Code section 16519.5(d) and (s) and Health and Safety Code section 1522(e), which mandate the County to conduct criminal background reviews of individuals who apply for Resource Family Approval (formerly known as “foster care”) or individuals who reside in or are present in a Resource Family home.

CDCR Number:
Inmate Name:
D.O.B.:
Conviction Information reported to DOJ:

Comments: Please provide ALL certified 969b records on file for this individual. A certification form is attached for your convenience if you do not have your own seal, stamp, or certification form.

Please mail the **certified** documents to me at the following address:

ATTN:

Thank you. If the above requested information cannot be located or if you have any questions, you may call me at ()

Sincerely,

[Name, Title]

DECLARATION OF CUSTODIAN OF RECORDS

I, _____, declare:
(Print name)

1. I am a Custodian of Records for _____.
(Employer)
2. The attached document(s) identified as:

and consisting of _____ page(s), is a true and correct copy of the original on file in this office.

3. The documents are provided to [insert county name] in relation to a criminal background check assessment as required by Welfare and Institutions Code section 16519.5.

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct to the best of my knowledge and belief.

Executed on _____, at _____.
(Date) (City, State)

(Signature)
Custodian of Records



Exemption Needed Notification Template

<Date>

Resource Family: <Name>

Background Check Worker: <Name>

<Name>

<Address>

EXEMPTION NEEDED NOTIFICATION

Criminal Record Exemption Needed for <insert subject name>

This notice is to inform you that <insert County Name or Department/Division> has received criminal record information concerning you. **You cannot reside or be regularly present in a resource family's home until a criminal record exemption has been granted.** Pursuant to state law, an exemption may be granted if the county is in receipt of substantial and convincing evidence of present good character and rehabilitation. If you are someone other than the resource family or applicant, a separate notice (excluding your criminal record) has been sent to the resource family or applicant notifying them of the need for a criminal record exemption.

If you intend to reside or be regularly present in a resource family's home, you may request an exemption in coordination with the resource family or applicant. If you intend to disassociate yourself from the resource family, you have the right to request an exemption on your own behalf.

To request an exemption, the documents listed on page three **must** be submitted **within forty-five (45) calendar days** from the date of this notice. An exemption can take approximately seventy-five (75) days to process after a **complete** exemption request is received by <insert County Name or Department/Division>. Please provide your response by completing and returning the attached Action Request Form along with your exemption request to:

<County or Department/Division>

<Address>

<Address>

<Attn:>

Your exemption request must be received no later than: <insert DATE>

If the items listed below are not submitted within forty-five (45) calendar days of the date of this notice, your exemption may be denied. If you are denied an exemption, further action may be taken, including an application denial or rescission of the resource family's approval.

A copy of your Criminal Offender Record Information (CORI) received from the Department of Justice (DOJ) and/or the Federal Bureau of Investigation (FBI) is attached to this letter. The conviction(s) for which you must request an exemption have been highlighted.

If you have any questions regarding this notice, please contact your Background Check Worker at: <xxx-xxx-xxxx>.

If the items listed below are not submitted **within forty-five (45) calendar days** from the date of this notice, your **exemption may be denied**. If an exemption is denied, you will not be eligible to request an exemption until two years have lapsed.

1. A detailed description of the individual's role as it applies to the resource family or applicant. If you no longer reside or are regularly present in the resource family's or applicant's home, include any plans to return to the home if an exemption is granted.
2. A signed Exemption Needed letter indicating that an exemption is being requested, returned from the applicant or Resource Family on behalf of the individual or the individual on his/her own behalf.
3. A signed copy of the mandatory Resource Family Criminal Record Statement (RFA 01B).
4. A signed statement describing any and all convictions within or outside the state, including approximate dates, what happened, how and where it happened, and any other information about the crime(s). The statement must describe what the individual has done since the conviction to ensure he or she will not be involved in any criminal activity again. The individual need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7 or any conviction related to human trafficking for which relief has been granted pursuant to Penal Code section 1203.49.
5. Documentation relevant to the conviction listed as the basis for the exemption including but not limited to: Minute Order, court record, court docket or transcript, law enforcement records, and letters from the Probation Department or California Department of Corrections and Rehabilitation (CDCR), as applicable.
6. Verification of trainings, classes, courses, treatment, counseling, or other documentation relevant to rehabilitation.
7. Three (3) signed character reference statements, including the telephone number and address where he or she can be contacted. Character references must be current. The LIC 301E may be used as a guide to ensure the relevant information is captured by the person providing the reference. An individual listed as a reference on a Resource Family Application form (RFA 01A) may be the same individual providing a character reference for a criminal record exemption request.

The <County/Department/Division> may compare the individual's statement with the RFA 01B, police reports, court documents, and any other documents obtained by the <insert County/Department/Division>.

ACTION REQUEST (CHECK ONLY ONE)

- YES** I am no longer residing or regularly present in the resource family's or applicant's home, but I will be requesting an exemption. The documents listed above are attached.
- YES** I am either the resource family or applicant or I will continue to reside or be regularly present in the resource family's or applicant's home. I will be requesting an exemption on my own or in coordination with the resource family or applicant. The documents listed above are attached.
- NO** I am no longer residing or regularly present in the resource family's or applicant's home and will not be requesting an exemption.

Please keep a copy of this letter.

Signature

Date

Print Name and Title

(____)_____
Telephone Number

Subsequent Conviction Notification Template

<Date>

Resource Family: <Name>

Background Check Worker: <Name>

<Name>

<Address>

SUBSEQUENT CONVICTION NOTIFICATION

Criminal Record Exemption Needed for <insert subject name>

This notice is to inform you that <insert County Name or Department/Division> has received additional or subsequent criminal record information concerning you. **Your existing criminal record clearance or exemption will be re-evaluated and you must request an exemption for the additional or subsequent conviction(s).** If you are someone other than the Resource Family or applicant, a separate notice (excluding your criminal record) has been sent to the resource family or applicant, notifying them of the need for a criminal record exemption for the additional or subsequent conviction(s).

You may continue to reside or be regularly present in a resource family's home while the exemption request is evaluated. You may request an exemption in coordination with the resource family. If you intend to disassociate yourself from the resource family, you have the right to request an exemption on your own behalf.

To request an exemption, the documents listed on page three **must** be submitted **within forty-five (45) calendar days** from the date of this notice. An exemption can take approximately seventy-five (75) days to process after a **complete** exemption request is received by <insert County Name or Department/Division>. Please provide your response by completing and returning the attached Action Request Form along with your exemption request to:

<County or Department/Division>

<Address>

<Address>

<Attn:>

Your exemption request must be received no later than: <insert DATE>

If the items listed below are not submitted within forty-five (45) calendar days from the date of this notice, your exemption may be denied. If you are denied an exemption, further action may be taken, including rescission of the resource family's approval.

A copy of your Criminal Offender Record Information (CORI) received from the California Department of Justice (DOJ) and/or the Federal Bureau of Investigation (FBI) is attached to this letter. The conviction(s) for which you must request an exemption have been highlighted.

If you have any questions regarding this notice, please contact your Background Check Worker at: <xxx-xxx-xxxx>.

If the items listed below are not submitted **within forty-five (45) calendar days** from the date of this notice, your **exemption may be denied**. If an exemption is denied or an existing exemption or approval is rescinded, you will not be eligible to request an exemption until two years have lapsed.

1. A signed Subsequent Conviction Notification letter indicating that an exemption is being requested, returned from the Resource Family on behalf of the individual or the individual on his/her own behalf.
2. A signed statement describing any and all convictions within or outside the state, including approximate dates, what happened, how and where it happened, and any other information about the crime(s). The statement must describe what the individual has done since the conviction to ensure he or she will not be involved in any criminal activity again. The individual need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7 or any conviction related to human trafficking for which relief has been granted pursuant to Penal Code section 1203.49.
3. Documentation relevant to the conviction listed as the basis for the exemption including but not limited to: Minute Order, court record, court docket or transcript, law enforcement records, and letters from the Probation Department or California Department of Corrections and Rehabilitation (CDCR), as applicable.
4. Verification of trainings, classes, courses, treatment, counseling, or other documentation relevant to rehabilitation.
5. Three (3) signed character reference statements, including the telephone number and address where he or she can be contacted. Character references must be current. The LIC 301E may be used as a guide to ensure the relevant information is captured by the person providing the reference. An individual listed as a reference on a Resource Family Application form (RFA 01A) may be the same individual providing a character reference for a criminal record exemption request.

The <County/Department/Division> may compare the individual's statement with the RFA 01B, police reports, court documents, and any other documents obtained by the <insert County/Department/Division>.

ACTION REQUEST (CHECK ONLY ONE)

- YES** I am no longer residing or regularly present in the resource family's home, but I will be requesting an exemption. The documents listed above are attached.

- YES** I am either the resource family or I will continue to reside or be regularly present in the resource family's home. I will be requesting an exemption on my own or in coordination with the resource family. The documents listed above are attached.

- NO** I am no longer residing or regularly present in the resource family's home and will not be requesting an exemption.

Please keep a copy of this letter.

Signature

Date

Print Name and Title

(_____)_____
Telephone Number

The California Integrated Core Practice Model for Children, Youth, And Families



Dear Colleagues:

We are very pleased to be able to provide *The California Children, Youth, and Families Integrated Core Practice Model (ICPM)* guide. This resource is intended to provide practical guidance and direction to support county child welfare, juvenile probation, behavioral health agencies, and community partners to improve delivery of timely, effective, and integrated services to children, youth, and families.

The State of California, in collaboration with counties across the state, has made significant progress in the implementation of the Katie A. Settlement Agreement. Building on the same core values and expected practices, the Continuum of Care Reform legislation has provided the statutory and policy framework to ensure services and supports provided to every child or youth and his or her family achieve the goals of developing and maintaining a stable, permanent family. The intent of this legislation is to ensure not only access to necessary services, but also to ensure integrated service delivery, reflecting findings of current research across the disciplines that tell us how integrated, collaborative services which demonstrate engagement and partnership with children, youth, and families are most effective in meeting the complex needs of children and families involved in multiple, government-funded service organizations.

The companion [*Medi-Cal Manual for Intensive Care Coordination \(ICC\), Intensive HomeBased Services \(IHBS\), and Therapeutic Foster Care \(TFC\) Services for Medi-Cal Beneficiaries*](#) has been updated and includes detailed information about Therapeutic Foster Care as well as other updates. *The California Integrated Training Guide* has been developed and will provide support to staff development activities that will ensure fidelity to this practice model. Additionally, the ICPM describes observable and measurable Practice Behaviors intended to assist practitioners and their supervisors in the development of effective skills through the supervisory and coaching process.

As partners, we will continue to play a supportive role in this statewide transformation effort. We recognize that local realities require local responses to meet the unique needs of children and families in each county, as well as the unique political, social, and economic circumstances that you face. We anticipate that as we implement and learn from our data and experience locally and statewide, this guide will be augmented, refined, and revised.

To all who contributed with your time and expertise as we continue to improve California's Systems of Care, thank you.

Sincerely,

JENNIFER KENT, Director
Department of Health Care Services

WILL LIGHTBOURNE, Director
California Department of Social Services



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I. CHAPTER 1: INTRODUCTION

A. Purpose and Background

The California Integrated Core Practice Model for Children, Youth, and Families (ICPM) provides practical guidance and direction to support county child welfare, juvenile probation, behavioral health agencies, and their partners in delivery of timely, effective, and collaborative services to children, youth, and families. The first part of this ICPM provides background and context as to the purpose and intent of an integrated model for California’s youth-serving agencies. The second chapter defines the ICPM and the standards of practice that describe what is expected when working with children, youth, and their families. The third section of the guide addresses how to support the development and delivery of a service structure that will ensure that the ICPM is implemented and supported with fidelity to the model. Fidelity can be defined as adherence, integrity, and quality of implementation to the ICPM.

The Continuum of Care Reform (CCR) draws together existing and new reforms to California’s child welfare services and related programs. CCR reflects the understanding that children who must live apart from their biological parents do best when they are cared for in committed, nurturing, family homes that provide stability and permanence. CCR also provides the statutory and policy framework to ensure services and supports provided to every child or youth and his or her family achieve the goals of developing and maintaining a stable, permanent family. To accomplish these efforts, public agencies, tribal and community partners, and contractors will practice the values, principles, and practices articulated in this guide.

The fundamental principles of CCR are:

- All children deserve to live with a committed, nurturing, and permanent family that prepares youth for a successful transition into adulthood.
- The experiences and viewpoints of children, youth, and families are important in assessment, placement, and service planning. A process known as the “child and family team,” which includes the child or youth and family, and their formal and informal support network, will be the foundation for ensuring these perspectives are incorporated throughout the duration of placement.
- Children should not have to change placements to get the services and supports they need. Research shows that being placed in foster care is a traumatic experience. For home-based placements to be successful, services, including substance use disorder and mental health (also known as behavioral health) interventions, should be available in a home setting.
- Agencies serving children and youth, including child welfare, juvenile probation, mental health, education, and other community service providers, must collaborate effectively to engage and surround the child and family with needed services, resources, and supports, rather than requiring a child, youth, and caregivers to navigate multiple service providers.
- The goal for all children and youth in foster care is normalcy in development while establishing permanent, lifelong, familial relationships. Therefore, children should not remain in a group living environment for long periods of time.

This manual is a compilation of the *Pathways to Mental Health Services: Core Practice Model Guide* and California’s Child Welfare Core Practice Model. Additionally, this manual reflects CCR legislative enhancements, updates for Intensive Care Coordination (ICC), Intensive Home

Based Services (IHBS), and Therapeutic Foster Care (TFC) services per the recently released *Medi-Cal Manual for ICC, IHBS, and TFC Services for Medi-Cal Beneficiaries, Third Edition*, and the continuing evolution of best practices in the field. Furthermore, this manual provides specific expectations for best practices for staff in child welfare, juvenile probation, mental health, and their community partners as they work collaboratively to serve the child, youth, and family members and/or caregivers in achieving their goals.

The manual outlines implementation of a strategic and practical framework which invites county agencies to integrate initial and ongoing **engagement, assessment, service planning, delivery, coordination, and care management, monitoring and adapting services, and transitioning** when care is completed. This framework is built on the adoption of System of Care and Wraparound values and principles that guided the Katie A. Settlement Agreement, as well as other key values and theories that inform human services work, including:

Orienting and Biodevelopmental Theories that help us understand:

- How and why key factors such as current and historical trauma and other stressors lead to maltreatment, criminological, and other dysfunctional coping behaviors that hamper intervention efforts.
- The importance of protecting and promoting attachment bonds, family connections, and their cultural group as we work with family members.
- That parenting is challenging, and all parents need help at times with structure, transitions, and milestones.

Using these theories leads to:

- Greater empathy and a shift in emotional reactions to families who enter the system.
- Development and use of strategies for building on strengths and working to enhance motivation and support for change.

Intervention Theories help us to:

- Work with families to find and use services that will address the key factors that can interrupt unsafe patterns such as life situations, thinking patterns, emotions, and triggers. Intervention theories can promote effective parenting, prosocial supports, and effective coping behavior.
- Understand what may have happened so we can help individuals and entire families recognize and define for themselves what needs to change and how to change it, so children can be safe and remain in the immediate or extended family.
- Understand the needs of children and youth in foster care and adoption, including those in juvenile probation, to help them keep ties to family and community, develop new attachments, and an enhanced prosocial support network.
- Understand how to help families, children, and youth through transitions. This includes proactive planning for trauma reactions that prevent or respond effectively to maladaptive behaviors which may cause placement disruptions.

Organizational Theories help us understand how our system must change to support and sustain the ICPM at practice and leadership levels to:

- Support opportunities to gain new knowledge and skills; try new things; acknowledge and learn from mistakes take time to use critical thinking and reflection, even in times of crisis.
- Support workforce development efforts that ensure the success of direct service staff and their managers. This includes training; field-based coaching and mentoring; direct strengths-based feedback and supervision, as well as routine assessment and evaluation processes. All are required elements to ensure excellent service delivery to children, youth, and family members.
- Engage in frequent communication that encourages active partnership with staff at all levels of implementation and system improvement activities.
- Listen to stakeholders inside and outside of the organization to hear successes, concerns/worries, and ideas for working together to celebrate success and overcome barriers.
- Affirm the efforts of staff and agency partners to build on skills and abilities, increase confidence, and advance opportunities to mentor others.
- Implement and model inclusive decision-making inside the organization with staff at all levels across agencies and with partners, using team-based strategies that are key to the ICPM implementation.
- Promote frequent and regular opportunities for Tribes, agency partners, staff, youth, and caregivers to share their voice, identifying barriers and opportunities for solutions that improve services.
- Implement, monitor, and refine data collection that is integrated into practice tools and structures to provide transparent information about practice fidelity, service effectiveness, and informs continuous quality improvement efforts.
- Ensure support for staff and leadership who hold each other accountable for sustaining the ICPM practice with a practice-to-policy feedback loop that engages staff and stakeholders in data collection and evaluation.

The ICPM is a framework that sets the child and family team ([ACL 16-84](#)) as the primary vehicle for a team-based process built on ten principles of family engagement as described in Chapter 2, Principles and Values. It is typically implemented in four phases with related activities that describe what is to be done, and that fit the four components of the theory of change that explain its effectiveness.

This ICPM recognizes learning by counties and providers over the last two decades, as they have moved from working with children, youth, and their families from within a single agency perspective to working in a cross-system, cross-agency team environment that more effectively and efficiently addresses concurrent and complex child, youth, and family needs. Successful service planning, implementation, and monitoring require the commitment of teams whose members understand the unique roles of parents and caregivers and each other. Each member has specialty knowledge, skills, and resources to help identify and meet underlying needs, and provide services to ensure access to resources that are culturally and linguistically competent, trauma-informed, evidence-based, and responsive to the unique goals and preferences of the family members.

Evidence-based practice research from child welfare, behavioral health, and juvenile probation indicates that highly integrated and coordinated cross-system service planning and delivery

better meet the needs of children, youth, and families, result in improved outcomes, and lower rates of re-entry or recidivism.

Coordinated integrated assessment and care reduces redundancy of effort, increases access to specialty expertise and resources, and can significantly improve the care experience for the family. Adoption and implementation of the ICPM in California across the child welfare, juvenile probation, and behavioral health systems will continue to require the investment of time, resources, patience, and system support at all levels, including direct involvement from parents, families, and youth with lived-experience. It also represents a commitment to spread the philosophy and practices to other service sectors and stakeholders that touch and influence the lives of children, youth, and families.

While this guide speaks to the values, principles, and practices which support children and their families as they strive to achieve their goals, it does not generally prescribe who should do each specific task. However, there is a clear expectation that services are developed through a single assessment process, to capture a shared view of the family's strengths and needs, as well as a shared planning process. The California Department of Social Services (CDSS) has selected the Child and Adolescent Needs and Strengths (CANS) as the functional assessment tool to be used with the Child and Family Team (CFT) process to guide case planning and placement decisions for child welfare. The Department of Health Care Services (DHCS) has also selected the CANS, as well as the Pediatric Symptom Checklist, to measure child and youth functioning. The CANS results provide a platform for the CFT to guide conversations and support the process of learning more about the child or youth and family's needs, as well as identifying behavior patterns.

The single assessment process creates and establishes an authentic partnership with children, youth, and families, which results in coordinated and integrated plans that are individualized to address the unique needs of each child and family member.

B. ICPM Development Process

The practice standards referenced in this document have been enhanced by a very thorough, thoughtful, and comprehensive articulation of a Child Welfare Core Practice Model (CW-CPM) for California. In developing its model, welfare partners in the county and the County Welfare Director's Association included not only what had been described in the 2013 Pathways to Mental Health CPM, Wraparound, and the California Partnership for Permanency (CAPP), but also other initiatives like FAMILY to FAMILY, Linkages, Quality Parenting Initiative, and Safety Organized Practice. They identified and reviewed the theoretical framework underlying modern human services work, defined the related values and principles, casework components, and practice elements. Finally, they described observable practice behaviors for both direct service and leadership.

Building on this welfare focused work, workgroups from the California Behavioral Health Directors Association (CBHDA) and Chief Probation Officers of California (CPOC) reviewed and offered added perspective to the CW Practice Behaviors that articulate and expand "*enhanced*" practice behaviors held in common across all three disciplines. The workgroups additionally identified their own role and discipline specific behaviors when participating as a member of a CFT that may, at a later point, be developed into a role specific matrix to support shared understanding and support practice fidelity. These *Child Welfare* and *Enhanced* descriptions were mapped to the major practice elements that define the Integrated Core Practice Behaviors document. As a draft, this ICPM was reviewed by CDSS and Department of Health Care Services (DHCS) Shared Management Systems' Community Team, a representative key

stakeholders team required by the Katie A. Settlement Agreement, and various additional stakeholder groups that included state and county government, provider, family, and youth.

Critical to successful implementation of the principles and practices of this ICPM is also the involvement and readiness of all public agency leaders to work in a consistent and aligned manner. The idea of ready and involved leaders invites a supposition that the organizations they lead are also ready for change. To support leader and organizational readiness, included in this ICPM, as Addendum G are *Leadership Behaviors* developed as part of and contained within the CW-CPM. These thoughtfully crafted guidelines, while reflecting a CWS perspective, contain useful suggestions about how supervisors, managers and director level staff from mental health and juvenile probation can also put theory and concept to action. These same leadership behaviors will also prove most useful in counties where efforts to develop or sustain collaborative services via an Interagency Memorandum of Understanding are present.

In addition, the Medi-Cal Manual for Intensive Care Coordination (ICC), Intensive Home-Based Services (IHBS) & Therapeutic Foster Care (TFC) services for Medi-Cal Beneficiaries (Third edition) from DHCS has been updated and is consistent with this ICPM. These manuals are intended to complement each other.

It is important to note that there is substantial room for local flexibility within this ICPM guide, so long as the values, principles, and the practice elements are consistently reflected in local implementation. In this ICPM guide, child and family team-based practices and descriptions are built upon the National Wraparound Institute¹ (NWI) model, as it was used to inform the Katie A. Settlement Agreement, and because it is among the most widely accepted practice standards for family-centered planning and service delivery. Counties may choose to use other specific approaches for CFT meetings, such as Team Decision Making, Family Group Decision Making, Safety Organized Practice, or others if the values and principles of the structured approach include using a CFT to engage families to make decisions, create integrated plans, monitor and adapt those plans, and together decide when goals are achieved.

A note about terminology: This guide uses the terms child, children, youth, and family to describe people who are involved with, at risk of involvement with, or eligible to receive services from, the child welfare, juvenile probation, and behavioral health systems. The terms “child, youth, and children” may be used interchangeably and additionally may include non-minor dependents and parenting teens. The term “family” includes biological and adoptive parents and relatives, stepfamilies, and unrelated persons that have emotionally significant relationships. For American Indian youth and families, this term includes their tribe and tribal relations as understood under the tribe’s customs and traditions. Youth, family, and for American Indian youth, tribes, are considered best and uniquely qualified to identify who fits this description. When a caregiver other than family is assuming the role of a surrogate or co-parent, they should typically be included when “family” is referenced. When children and youth are included in any activity or process is referenced in this guide, it is assumed that their involvement will be as developmentally appropriate.

C. California’s Child Welfare, Behavioral Health and Juvenile Probation Systems

County child welfare, behavioral health, and juvenile probation systems are complex and challenging. Since the specific programs and services available at the county level vary, it is essential for county public agency staff members of all systems to be cross-trained at the local

¹ National Wraparound Initiative, Research and Training Center on Family Support and Children’s Mental Health, Portland State University

level, so that they will be best prepared to engage families consistently and work collaboratively to plan and deliver services to children and youth served across systems. This ICPM Guide provides a framework to help counties build effective partnerships among child welfare, behavioral health, juvenile probation, and the children, youth, and families they mutually serve to improve sustainable safety, permanency, and well-being.

1. Child Welfare System and Services

California counties are the primary governmental bodies that directly interact with children, youth, and families to address, and intervene when necessary, cases of child abuse and neglect. The county social services department or agency, through its child welfare division, administers and provides child welfare and foster care services under Sections 300 et seq. and 16500 of the California Welfare and Institutions Code (WIC). The county child welfare division investigates reports of child abuse and provides case management and other services to help families stay together, whenever possible. The principles, values, and practice behaviors contained in this guide apply universally to all children and youth served by the welfare authority, regardless of their jurisdictional or case status.

Each county is responsible to receive reports of potential abuse or neglect and respond to that referral based on state law and the circumstances of the referral. If services are delivered, staff works with the family to find the least intrusive approach to support the child, youth, and family with ameliorating the issues that brought them to the attention of child welfare. If the assessment of the home indicates that formal supports are needed, the child or youth may be removed or may remain in the home to receive family maintenance services. It is important to note that not all counties offer family maintenance services. If the child or youth is provided any services by the child welfare system (CWS), the CWS is responsible for coordinating their care through a family-focused and needs-driven approach.

The county social worker (CSW) is responsible for reporting the progress of the family to the Juvenile Dependency Court every six months until the family maintenance case is dismissed, the child can be reunified, or is placed in a permanent home. If the child can safely be returned to their family, the CSW will work on transitioning the family out of the system. If a child is unable to reunify with family, the CSW will work on identifying a permanent home through adoption or guardianship. If a child remains in care and turns 18 years of age, the child may be eligible for extended foster care services up to age 21.

Appendix A provides a basic illustration of the child welfare process; acronyms and abbreviations are defined in the Glossary.

2. Behavioral Health Services

Behavioral health services², including Substance Use Disorder (SUD) services, mental health services provided by Medi-Cal Managed Care Plans (see Appendix B for more information on covered mental health services) or through Medi-Cal Fee for Service providers and Specialty Mental Health Services (SMHS), are available to Medi-Cal beneficiaries, including children and youth under the age of 21.

The Department of Health Care Services (DHCS) contracts with county Mental Health Plans (MHPs) and each MHP provides, or arranges for, SMHS for Medi-Cal beneficiaries (children, youth, and adults) who meet SMHS medical necessity criteria. SMHS are provided by county

² The terms mental health and behavioral health may be used inter-changeably in this document.

staff and/or by contracted community based organizations, organizational providers, and/or individual providers.

For children and youth who are in child welfare or are involved with juvenile probation, child welfare departments or juvenile probation screen and refer children and youth who may be in need of services. For children who are referred to MHPs, MHPs conduct an assessment to determine if a child or youth meets medical necessity criteria for SMHS. For children and youth who meet medical necessity criteria, SMHS are provided or arranged for by MHPs. Children and youth who do not meet medical necessity criteria may receive non-SMHS through Medi-Cal Managed Care Plans or through Medi-Cal Fee-for-Service providers.

Service planning and implementation consider the needs, strengths, and choices of the child and family and are driven by their identified goals and/or desired results as well as by Court orders.

Appendix B provides a basic illustration of how to access services from the MHP or Medi-Cal Managed Care Plans for children and youth; acronyms and abbreviations are also defined in the Glossary.

3. Juvenile Probation Services

The responsibility of juvenile probation services is delivered through the county's probation department. Probation departments provide services to youth under WIC Section 602, specifically youth who are alleged and/or have been found to have committed law violations. Probation services include pre- and post-adjudication services to youth who have been arrested. Services may vary county to county. Some counties provide diversion services to prevent youth from entering the juvenile justice system. After arrest, each youth is assigned a probation officer who investigates the circumstances of the arrest and all relevant social and family issues. The intake officers investigate each case and recommend the most appropriate course of action. Youth who have been arrested will be brought to juvenile hall. Based on the charges, the probation officer may decide to counsel the youth and dismiss the charges, recommend informal probation to divert the youth to services from a community based organization, and/or assign community service hours and restitution in lieu of filing a petition, or refer the case to the District Attorney for formal prosecution.

Post-adjudication services include ongoing supervision and enforcement of the imposed conditions of probation for youth under the jurisdiction of juvenile probation by the Court. Most youth on probation remain in their home, however, some youth may be declared wards of the court and are subject to the dual jurisdiction of child welfare and juvenile probation. Youth who are placed by juvenile probation outside of their home must receive services that meet all of the Title IV-E requirements, including the provision of services to families, efforts to reunify or find other permanent placements, as well as ensuring placement in the least restrictive setting in the community. The deputy probation officers supervise youth in the community by visiting the youth and their families or caregivers, at the office or in their homes, schools, and/or community based organizations, and may refer to other agencies for a variety of supporting services.

More intensive supervision will be typically provided for repeat violent offenders or those whose crimes involve a serious violent act. Some youth are referred to community based organizations or community schools where probation officers may be assigned and may be in the classroom on a regular basis. At times, youth may be removed from their homes by the court and placed in foster homes or residential programs based on the needs of the youth and community safety. Youth ordered to placement are placed by the probation officer in the most

appropriate placement based on the needs of the youth. While in placement, the probation officer will monitor suitability of the placement and prepare aftercare plans for youth completing programs. Higher risk youth may be placed in a camp or ranch.

Appendix C illustrates the juvenile justice service process; acronyms and abbreviations are defined in the Glossary.

D. What Children, Youth, and Families Can Expect in Their Interactions with Child Welfare, Behavioral Health, and Juvenile Probation

Active participation on the part of the child, youth, parent, and other family is essential to developing an accurate and shared assessment, identifying needed services, and developing an integrated intervention and service plan. Careful attention should be given by all system partners to enhance youth's and parents' engagement, reflected in the ongoing assessment, planning, and service delivery processes. Often, the addition of a parent and/or youth mentor to the team increases support, adds emotional safety, models empowered decision-making, and increases involvement of family members. In all cases, children, youth, and family members are active, equal team partners and:

- Will be authentically included in decisions throughout the entire service delivery process from beginning to end.
- Will be asked and supported to voice their strengths, preferences, and needs to guide the plan development.
- Will be given information in a clear way so that they understand the roles of all the service providers and others involved, and the reason they are involved.
- Will be actively involved in the CANS assessment process, including opportunities to confirm that information as understood by team members reflects their experiences and perspectives.
- Will have the opportunity to build relationships with their child's resource parents when reunification is the jointly agreed-upon and court-approved plan.
- Will have a safe place within the team to talk about issues and needs without fear of judgment.
- Will be asked and supported in identifying their natural support system and the people they want as members of their child and family team.
- Will have a realistic plan that will ensure access to the supports they need, whenever they feel they need them after services end.

II. CHAPTER 2: THE INTEGRATED CORE PRACTICE MODEL (ICPM)

A. Definition

This Integrated Core Practice Model is an articulation of the shared values, core components, and standards of practice expected from those serving California's children, youth, and families. It sets out specific expectations for practice behaviors for staff in direct service as well as those who serve in supervisory and leadership roles in child welfare, juvenile probation, and behavioral health as they work together in integrated teams to assure effective service delivery for California's children, youth, and families. Additionally, the ICPM promotes a set of values, principles, and practices that is meant to be shared by all who seek to support children, youth,

and families including tribal partners, education, other health and human services agencies, or community partners.

The drive for improved outcomes and more efficient services for children, youth, and families receiving care from government supported systems requires improved tracking and data-informed decision-making at all levels - policy, program, and practice. At the same time, ensuring access to individualized child and family-centered planning must respect and demonstrate cultural and linguistic competence, recognize the social determinants of health including the impact of poverty, distinguish exposure to violence and trauma, including the effects of historical and secondary trauma, and promote the power of hope, resilience, and recovery.

The implementation of the ICPM will continue to require adaptation of administrative policies and procedures, in day-to-day tasks and assignments, and in supervisory and coaching practices with direct services staff. Assuring fidelity in the implementation of the ICPM will result in consistent practices statewide, guided by values and principles, standards, and activities which will increase the likelihood of positive and enduring outcomes for children, youth, and families.

B. Trauma-Informed Practice

In any given year, over 30,000 children come into the care of California's child welfare system³. Most are victims of abuse or neglect and live with caregivers who are impaired, and/or deal with school and community violence as a fact of life. In addition, many of the families that come to the attention of the child welfare system have experienced multigenerational or historical trauma— collective emotional and psychological injury both over the individual lifespan and across generations. Identifying and understanding these traumas, preventing further trauma, and providing effective interventions are crucial to assisting children and youth traumatized by maltreatment and other stressors.

Identifying and understanding the impact of trauma on individuals is foundational to the implementation of this ICPM. Trauma experiences that occur in childhood affect brain function, the attainment of developmental milestones, social perceptions, relationships, health, emotion, and behavior throughout the individual's lifetime, as first identified the Adverse Childhood Experiences (ACE) Study⁴.

The identification of trauma and its impacts on behavioral responses and developmental milestones of children and adults is a critical aspect of the initial and ongoing assessment process. It is the responsibility of practitioners to ensure that trauma exposure and responses are recognized (through engagement and assessment processes) and treated (through services and intervention strategies).

³ Needell, B., Webster, D., Armijo, M., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Williams, D., Yee, H., Hightower, L., Lou, C., Peng, C., King, B., & Henry, C. (2012). *Child welfare services reports for California*. The University of California at Berkeley Center for Social Services Research. Retrieved December 11, 2012, from http://cssr.berkeley.edu/ucb_childwelfare

⁴ Felitti VJ, Anda RF, Nordenberg D, Williamson DF, Spitz AM, Edwards V, Koss MP, Marks JS.; Relationship of childhood abuse and household dysfunction to many of the leading causes of death in adults. The Adverse Childhood Experiences (ACE) Study; American Journal of Preventive Medicine. 1998 May; 14(4):245-58

The Chadwick Trauma-Informed Systems Project (CTISP) defines a trauma-informed system as “one in which all parties involved recognize and respond to the varying impact of traumatic stress on children, caregivers, families, and those who have contact with the system. Programs and organizations within the system infuse this knowledge, awareness, and skills into their organizational cultures, policies, and practices. They act in collaboration, using the best available science, to facilitate and support resiliency and recovery.”

Trauma-informed practice focuses upon what has happened to a child and his/her family rather than what is wrong with that child or family. It means using knowledge of trauma and recovery to design and deliver services.

The National Child Traumatic Stress Network Child Welfare Committee has defined the following essential elements of trauma-informed practice⁵:

- Maximize physical and psychological safety for children and families.
- Identify trauma-related needs of children and families.
- Enhance child well-being and resilience.
- Enhance family well-being and resilience.
- Partner with youth and families, enhancing the child, youth, and family’s sense of control through choice.
- Enhance the well-being and resilience of those working in the system.
- Partner with child-serving agencies and systems.

C. Values and Principles

This ICPM is informed by nationally recognized core values and principles, derived largely from research about how collaborative and integrated family services work best. These guidelines, with the use of complementary evidence-informed practices, suggest that a spectrum of community-based services and supports for children, youth, and families with, or at risk of, serious challenges, will improve the outcome of services.

1. Values

Family-driven and youth-guided: Family-driven and youth-guided practices recognize that no one knows more about the family’s story and their specific needs than the family members themselves. The family members can best describe their history, culture, and preferences. About themselves, they are the experts. Consistent with the important developmental task of personal individuation, the choices of a child or youth should be solicited and respected, whenever possible, during the process.

While addressing the needs and building on the strengths of the child or youth may be the primary target or purpose of interventions, services must focus on the needs of the whole family, with supports that empower families and enhance their ability to access internal, natural, and community resources. When family members see their own choices reflected in integrated

⁵ Chadwick Trauma-Informed Systems Project. (2012). Creating trauma-informed child welfare systems: A guide for administrators (1st ed.). San Diego, CA: Chadwick Center for Children and Families.

service plans, even when that plan requires that a child and/or youth be placed outside their biological family to ensure safety, plans are more likely to be successful.

Community-based: The locus of service and resources reside within an adaptive and supportive structure of systems, processes, and relationships at the community level. Services and support strategies should take place in the most inclusive, responsive, accessible, and least restrictive settings where safety, permanence, and family members' participation in community life is maximized. Children, youth, and family members need access to the same range of activities and environments as other families, children, and youth within their community to support positive functioning and development.

Culturally and linguistically competent: Culture includes a broad range of factors that shape identity, including, but reaching beyond, racial, ethnic, gender, and linguistic differences. It is critical that members of the team demonstrate respect for diversity in expression, opinion, and preference, especially as they come together in teams to make decisions. Words and body language must demonstrate an accepting and curious approach to understanding the family, including their needs and strengths. It is critical that communication meets language and literacy needs, with the use of plain language that everyone can understand, and the use of a translator or interpreter whenever language barriers exist.

A family's traditions, values, and heritage are sources of strength. Relationships with people and organizations with whom they share a cultural or spiritual identity can be essential sources of support. These resources are often "natural" in that they potentially endure as sources of support after formal services have ended; it is important that the team embrace these organizations and individuals, strengthening and nurturing positive connections to assist the family members to achieve and maintain positive change in their lives.

2. Ten Guiding Practice Principles

Family voice and choice. Each family member's perspective is intentionally elicited and prioritized during all phases of the teaming and service process. The team strives to find options and choices for the plan that authentically reflect the family members' perspectives and preferences.

Team-based: The team consists of individuals agreed upon by the family members and committed to the family through informal, formal, and community support, and service relationships. At times, family members' choices about team membership may be shaped or limited by practical or legal considerations, however, the family should be supported to make informed decisions about who should be part of the team. Ultimately, family members may choose not to participate in the process if they are unwilling to accept certain members.

Natural supports: The team actively seeks and encourages full participation of members drawn from the family members' networks of interpersonal and community relationships. The plan reflects activities and interventions drawn on sources of natural support. These networks include friends, extended family, neighbors, coworkers, church members, and so on.

Collaboration and integration: Team members work cooperatively and share responsibility to jointly develop, implement, monitor, and evaluate an integrated, collaborative plan. This principle recognizes that the team is more likely to be successful to accomplish its work when team members approach decisions in an open-minded manner, prepared to listen to, and be influenced by, other team members. Members must be willing to provide their own perspectives with a commitment to focus on strengths and opportunities in addressing needs, and work to

ensure that others have opportunity to provide input and feel safe doing so. Each team member must be committed to the team goals and the integrated team plan. For professional team members, interactions are governed by the goals in the plan and the decisions made by the team. This includes the use of resources controlled by individual members of the team. When legal mandates or other requirements constrain decisions, team members must be willing to work creatively and flexibly to find ways to satisfy mandates while also working toward team goals.

Community-based: The team will strive to implement service and support strategies that are accessible and available within the community where the family lives. Children, youth, and family members will receive support so that they can access the same range of activities and environments as other families, children, and youth within their community that support their positive functioning and development.

Culturally respectful: The planning and service process demonstrates respect for, and builds on the values, preferences - including language preferences, beliefs, culture- and identity of the family members, and their community or tribe. Culture is recognized as the wisdom, healing traditions, and transmitted values that bind people from one generation to another. Cultural humility requires acknowledgement that professional staff most often cannot meet all elements of cultural competence for all people served. Professionals must ensure that the service plan supports the achievement of goals for change and is integrated into the youth's and family's cultures. Cultural humility and openness to learning foster successful empowerment and better outcomes.

Individualized: The principle of family voice and choice lays the foundation for individualization and flexibility in building the plan. While formal services may provide a portion of the help and support that a family needs, plans and resources must be customized to the specific needs of the individual child, youth, and family members. Each element of the family's service plan must be built on the unique and specific strengths, needs, and interests of family members, including the assets and resources of their community and culture.

Strengths-based: The service process and plan identify, build on, and enhance the capabilities, knowledge, skills, and assets of the child, youth, and family members, their tribe and community, and other team members. The team takes time to recognize and validate the skills, knowledge, insight, and strategies that the family and their team members have used to meet the challenges they have encountered in their lives - even though sometimes these strengths have been inadequate in the past. This commitment to a strengths-based orientation intends to highlight and support the achievement of outcomes not through a focus on eliminating family member's deficits, but rather through an effort to utilize and increase their assets. This begins with a uniform and singular use of the CANS assessment. Doing so validates, builds on, and expands each family members' perspective (e.g., positive self-regard, self-efficacy, hope, optimism, and clarity of values, purpose, and identity), their interpersonal assets (e.g., social competence and social connectedness), and their expertise, skill, and knowledge.

Persistence: The team does not give up on, blame or reject children, youth, or their families. When faced with challenges or setbacks, the team continues working towards meeting the needs of the youth and family and towards achieving the team's goals. Undesired behavior, events, or outcomes are not seen as evidence of youth or family "failure" but, rather, are interpreted as an indication that the plan should be revised to be more successful in achieving the positive outcomes associated with the goals. At times, this requires team commitment to revise and implement a plan, even in the face of limited system capacity or resources.

Outcomes-based: The team ties the goals and strategies of the plan to observable or measurable indicators of success, monitors progress consistent with those indicators, and revises the CANS and service plan accordingly. This principle emphasizes that the team is accountable – to the family and all the team members, to the systems of care which serve the children, youth, and families, and to the community. Tracking progress toward outcomes and goals keeps the plan on track and indicates need for revision of strategies and interventions as necessary. It also helps the team maintain hope, cohesion, and effectiveness and allows the family to recognize that things are, indeed, changing and progress is being made.

Historically, the ability to retain children, youth, and family members in treatment services to completion has been a problem. Particularly, children, youth, and families from vulnerable populations (e.g., children of single parents, children living in poverty, minority families) are least likely to stay in treatment. When asked about reasons for dropping out, parents often identify stressors associated with getting to appointments, a sense that the treatment or service offered is irrelevant to their needs, and a perceived lack of connection with the service provider.

While a provider may have little control over a child and family's daily life stressors or difficulties in accessing care, they clearly have control over the relevance and opportunity to avoid redundancy of services offered to families (supporting the principles of voice and choice and individualized), as well as their efforts in relationship building (also known as engagement). Within the CFT process, including a focus on the needs identified as highest priority by the child, youth, and family members themselves is a critical component of initial and sustained engagement during the service delivery process.

An additional practical construct to this approach is the reality that families with complex needs often received services directed by multiple and competing service plans. Bringing service plan expectations and resources together, as well as following a shared CANS, single and functional structured assessment process, will result in a simplified, coordinated plan that will greatly improve the prognosis of success and dramatically lower the stress on family members.

D. Team-Based Practices

Working as part of a team in the ICPM framework requires the ability to keep an open mind while integrating the various educational, professional, and personal life perspectives of all other team members. There are multiple advantages in working as a team; it helps guard against individual bias, promotes better informed decision-making through consideration of multiple perspectives and approaches, and shares risk.

Over the past several decades, the definition of the child and family team has evolved from the process of bringing together professionals to provide services to an identified child or youth and family (i.e. multidisciplinary teams), to one that includes youth and families as equal partners and decision makers within the team. Effective team-based practices encourage inclusion of youth and families with lived-experience in participation at every level of program development, implementation, evaluation, and service delivery.

1. Elements of Successful Team-Based Practices

Successful teams are comprised of people who come together, committed to common missions and goals to which they hold themselves mutually accountable. Experience suggests that the teaming process is most successful when:

- Team membership includes the child, youth, and family. For those youth and families involved with child welfare, behavioral health, and/or juvenile probation, include the formal support person(s) from those disciplines. It is important that family members understand that including professionals on their team is the best way to get those professionals and the court out of their lives.
- For families with very young children who may not be developmentally able to participate (e.g., ages 0-5), the child's voice may have to be elicited through proxy representatives on the team such as parents, caregivers, siblings, and professionals.
- Team membership may also include extended family members, informal support persons such as friends, neighbors, coaches, faith-based connections, and other formal supports such as educational professionals and/or other agencies providing service to the child and family.
- The family ultimately decides who should be members of their team.
- The team has agreed-upon ground rules and a defined decision making process.
- A brainstorming and option generating process occurs during the planning process to ensure that multiple methods of meeting a need are considered and explored.

2. Collaboration and Integration

Teams must embrace the foundational concept of collaboration and integration of effort. Collaboration requires a willingness to share the power and responsibility for decision-making with others when working toward common goals, seeking mutual understanding of perspectives based on shared respect between members, recognizing and appreciating the importance of divergent opinions in finding effective and individually customized solutions to complex problems.

- Roles and motives within team membership are transparent and clear to all. Members of the team must be able to differentiate personal values and preferences from role responsibility so that the family members can lead the effort.
- Team meeting schedules and locations are guided by the family's needs and preferences.
- Team meetings have a clearly defined purpose, goal, and agenda for each meeting.
- All team members participate in the development and decisions about implementation and revision of the plan. When planning within constraints of court orders or sanctions, the team continues to honor family members' culture and preferences as they consider options for compliance.
- The strengths of all team members are identified and serve as resources to the plan, which includes the strengths of the professional team members.
- Specific action steps to be carried out by team members are clearly defined within a timeframe and tracked.

These factors, when implemented with fidelity, result in increased satisfaction among participants and better outcomes for children, youth, and families.

E. The ICPM Theory of Change

A Theory of Change is a specific and measurable description of a social change initiative that forms the basis for strategic planning, ongoing decision-making, and evaluation. This is also sometimes referred to as a Logic Model. Like any good planning and evaluation method for social change, it requires participants to be clear on long-term goals, identify measurable indicators of success, and formulate actions to achieve goals. It differs from any other method of describing initiatives in a few ways:

- it shows a causal pathway from here to there by specifying what is needed for goals to be achieved, including inputs and outputs;
- it requires the articulation of underlying assumptions which can be tested and measured;
- it changes the way of thinking about initiatives from what you are doing to what you want to achieve.

A Theory of Change provides a roadmap to get you from here to there. The roadmap can be read by others to show the planned course of change. This is helpful when communicating to stakeholders including staff, partner, organizations and others. It also provides the chance to demonstrate success and lessons along the way⁶.

⁶ <http://www.theoryofchange.org>

Resource Family Approval Written Directives



VERSION 6
EFFECTIVE DATE: 04/11/2019

Prepared by:

California Department of Social Services



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RESOURCE FAMILY APPROVAL WRITTEN DIRECTIVES

ARTICLE I. INTRODUCTION

SECTION 1-01: Purpose

- (a) The Resource Family Approval Program was implemented to establish a unified, family-friendly, and child-centered resource family approval process to replace previous multiple processes for licensing foster family homes and approving relatives and nonrelative extended family members as foster care providers, and approving families for legal guardianship or adoption.
- (b) A Resource Family is considered eligible to provide foster care for related and unrelated children in out-of-home placement, is considered approved for adoption or legal guardianship, and does not have to undergo any additional approval or licensure processes.

SECTION 1-02: Authority

- (a) **Federal Authority.** Title IV-E, Section 471(a)(10) of the Social Security Act requires that the state of California establish a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for these institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights.
- (b) **State Authority.** Welfare and Institutions Code section 16519.5 requires the California Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, to implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families. *(Added by Stats. 2007, c. 464 (A.B. 340), § 3. Amended by Stats. 2011, c. 32 (A.B. 106), § 69, eff. June 29, 2011; Stats. 2012, c. 35 (S.B. 1013), § 136, eff. June 27, 2012; Stats. 2013, c. 21, § 42, eff. June 27, 2013; Stats. 2014, c. 772 (S.B. 1460), § 21, eff. September 29, 2014; Stats. 2015, c. 773 (A.B. 403), § 111, eff. October 11, 2015; Stats. 2016, c. 612 (A.B. 1997), § 119 and 131, eff. September 25, 2016; Stats. 2017, c. 732 (A.B. 404), § 103 and 126, eff. October 12, 2017; Stats. 2018, c. 935 (S.B. 1083), § 7.5, eff. September 29, 2018; Stats. 2018, c. 910 (A.B. 1930), § 45 and 54 eff. September, 29, 2018.)*

SECTION 1-03: Interstate Compact on Placement of Children

- (a) The Interstate Compact on Placement of Children (ICPC) is set forth in Family Code section 7900 et seq. and hereby adopted and entered into with all other jurisdictions joining therein. It further designates the California Department of Social Services as the “appropriate public authority” responsible for administration of ICPC.
- (b) The ICPC is a contract among member states and U.S. territories authorizing them to work together to ensure that children who are placed across state lines for foster care or adoption receive adequate protection and support services. The ICPC establishes procedures for the placement of children and fixes the responsibility for agencies and individuals involved in placing children.
- (c) Nothing herein shall supersede any timelines, requirements, or provisions set forth by Family Code section 7900 et seq, Manual of Policies and Procedures (MPP) section 31-510, or regulations adopted by the Association of Administrators of the Interstate on the Placement of Children (AAICPC).

SECTION 1-04: Tribally Approved and Tribally Specified Homes

- (a) Tribally Approved Homes (TAHs) are homes that have gone through a tribal approval process as defined by the Tribe or Tribal Agency approving the home. TAHs are exempt from the Resource Family Approval process but must meet minimum federal standards for approval.
- (b) Tribally Specified Homes are designated as a preferred placement option for an Indian child by the Indian child’s Tribe. A Tribally Specified Home must be either tribally approved or approved pursuant to the Resource Family Approval standards.

SECTION 1-05: Historical Program Notes

- (a) **Written Directives:** Pursuant to Welfare and Institutions Code section 16519.5(f)(1)(A), the Department has issued Written Directives to administer the Resource Family Approval Program operated by Counties.
 - (1) Version and Effective Date
 - **Version 1: Effective November 1, 2013** (Revision Date: 11/22/2013)
 - Authorized and approved by Greg Rose, Deputy Director, for the Children and Family Services Division and Dave Dodds, Deputy Director, for the Community Care Licensing Division.
 - (2) Version 2 through 6 authorized and approved by Greg Rose, Deputy Director for the Children and Family Services Division, and Pam Dickfoss, Deputy Director for the Community Care Licensing Division.

- **Version 2: Effective October 15, 2015** (Revision Date: 09/01/2015)
- **Version 2.1: Effective June 18, 2016** (Revision Date: 05/18/2016)
- **Version 3: Effective September 30, 2016** (Revision Date: 08/30/2016)
- **Version 4: Effective February 6, 2017** (Revision Date: 01/06/2017)
- **Version 4.1: Effective June 09, 2017** (Revision Date: 05/09/2017)
- **Version 5: Effective February 6, 2018** (Revision Date: 02/06/2018)
- **Version 6: Effective April 11, 2019** (Revision Date: 04/10/2019)

ARTICLE 2: GENERAL PROVISIONS

SECTION 2-01: Written Directives

- (a) The Written Directives:
 - (1) Have the same force and effect as regulations.
 - (2) Ensure Counties use the same standards for Resource Family Approval.
- (b) A County may not implement policies or procedures that conflict with or attempt to supersede the Written Directives.
- (c) The Department may amend the Written Directives to address policy, program, or other issues identified by a County or the Department.
 - (1) An amendment to the Written Directives shall be effective on the date of publication of the change by the Department.

ARTICLE 3: DEFINITIONS AND FORMS

SECTION 3-01: Definitions

- (a) The following definitions shall apply whenever the terms are used in the Written Directives:
 - (1) “Accusation” means a written statement of charges filed by a County or the Department that specifies the applicable law or Written Directives that a Respondent is alleged to have violated that may constitute grounds for revocation, rescission, suspension, limitations, or conditions, as described in Government Code section 11503.
 - (2) “Adoption Assistance Program” or “AAP” means a program of financial or medical assistance to facilitate the adoption of children who otherwise would remain in long-term foster care, as described in Welfare and Institutions Code section 16115 through 16125.

- (3) “Adoptive parent” means a person who has obtained an order of adoption of a minor child or, in the case of an adult adoption, an adult.
- (4) “Adult” means a person who is 18 or older.
- (5) “Age or developmentally appropriate” means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group, as defined in Welfare and Institutions Code section 362.05(c)(2).
- (6) “Allegation” means information which asserts or indicates that a Resource Family may not have met or may not be meeting the requirements of one or more of the Written Directives or any applicable laws.
- (7) “Alternative caregiver” means a person who is at least 18 years of age and provides alternative care for a foster child in either his or her home or the home of the caregiver as defined in Welfare and Institutions Code section 16501.02(a)(2).
- (8) “Applicant” means an individual or individuals who have submitted an application to a County for Resource Family Approval.
- (9) “Application” means the form used to apply for Resource Family Approval.
- (10) “Approved Relative Caregiver Funding Program” or “ARC Program” means a program, as defined in Welfare and Institutions Code section 11461.3, which provides the approved relative caregiver of a dependent child or nonminor dependent who is not eligible for AFDC-FC, a monthly payment equal to the Home-Based Foster Care (HBFC) Level of Care (LOC) basic rate at the child’s assessed level of care.
- (11) “Associated individual” means a person who is required to obtain or has obtained, a criminal record clearance or exemption pursuant to Welfare and Institutions Code section 16519.5 because they reside or are regularly present in the home of an applicant or Resource Family.
- (12) “Authorized representative” means:
 - (A) A person or entity authorized by law to act on behalf of a child or nonminor dependent. The person or entity may include, but not be limited to, a parent or attorney of a child or nonminor dependent, Court Appointed Special Advocate (CASA), legal guardian, conservator, or public placement agency.
 - (B) For due process pursuant to Welfare and Institutions Code section 16519.6, an attorney or other person or entity authorized by a party to act on behalf of the party on appeal.
- (13) “Birth parent” means a biological parent or, in the case of a person previously adopted, an adoptive parent.
- (14) “Capacity” means the number of children and nonminor dependents for whom a Resource Family is approved to provide care and supervision.
- (15) “Case management visit” means a visit between a RFA program staff member, Resource Family, or other individual residing in the home to provide support or consultation to the family or to discuss concerns, deficiencies, or other issues.
- (16) “Certified respite care provider” means an individual who has been certified pursuant to Welfare and Institutions Code section 16501.01 to provide respite care services to

- a child or nonminor dependent in the home of the Resource Family or the certified respite care provider.
- (17) “Child” means a person who is under 18 placed with or who is being considered for placement with a Resource Family by a placement agency with or without a court order.
 - (18) “Child Abuse Central Index” or “CACI” means the statewide, multi-jurisdictional, centralized index of child abuse investigation reports maintained by the California Department of Justice. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental or emotional abuse or severe neglect. Each child protection agency (police, sheriff, county welfare, and probation departments) is required by law to forward to the California Department of Justice a report of every child abuse incident it investigates, unless an incident is determined to be inconclusive or unfounded.
 - (19) “Child with special health care needs” means the following, as defined in Welfare and Institutions Code section 17710(a):
 - (A) A child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who meets both of the following requirements:
 - (i) Has a condition that can rapidly deteriorate resulting in permanent injury or death or a medical condition that requires specialized in-home health care.
 - (ii) Has been adjudged a dependent of the court pursuant to Welfare and Institutions Code section 300, is in the custody of a county welfare department, or has a developmental disability and is receiving services and case management from a regional center.
 - (20) “Compelling reason” means a decision to place a child with an applicant prior to approval as a Resource Family based upon the best interest of the child, to include maintaining a child’s family-like connections.
 - (21) “Complainant” means a person who makes an allegation or provides information to a County concerning a Resource Family, which is considered to be a complaint. If an administrative action is pending, “Complainant” may also mean a County or the Department as that term is typically used in an administrative action.
 - (22) “Complaint” means one or more allegations made concerning a Resource Family.
 - (23) “Comprehensive Assessment” means an evaluation of an applicant using the home environment and permanency assessments and any other factors set forth in the Written Directives for the purpose of determining the applicant’s suitability as a Resource Family.
 - (24) “Conviction” means a plea or verdict of guilty or a conviction following a plea of nolo contendere, notwithstanding a subsequent order pursuant to Penal Code sections 1203.4 and 1203.4a permitting the person to withdraw his or her pleas of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.
 - (25) “Corrective Action Plan” or “CAP” means a plan developed by a County which describes how a Resource Family is not conforming to the requirements of an applicable statute, regulation, or the Written Directives and the steps the Resource

- Family and the County will take to ensure that the Resource Family corrects identified deficiencies within a specified time.
- (26) “County” means a county child welfare agency or probation department that approves Resource Families.
 - (27) “Criminal Record Exemption” or “Exemption” means an exemption from the presumptive disqualification of a person with one or more criminal convictions to be approved as, reside in, or be regularly present in a Resource Family home.
 - (28) “Current foster family agency” means a licensed foster family agency by which a Resource Family is currently approved.
 - (29) “Deficiency” means any failure to conform to any applicable statute, regulation, or Written Directive.
 - (30) “Department” means the California Department of Social Services.
 - (31) “Digital signature” means an electronic identifier created by computer, intended by the party using it to have the same force and effect as the use of a manual signature, as defined in Government Code section 16.5(d).
 - (32) “Director” means the director of the California Department of Social Services or his or her designee.
 - (33) “Documented Alternative Plan” or “DAP” means a written plan approved by a County describing an applicant’s or Resource Family’s use of an acceptable alternative to a specific requirement.
 - (34) “Emergency placement” means a placement of a child or nonminor dependent with a relative or nonrelative extended family member prior to Resource Family Approval as defined in Welfare and Institutions Code section 309 and 361.45.
 - (35) “Excluded individual” means a person who is prohibited from residence, presence, or contact with children or nonminor dependents in the home of a Resource Family as a result of an order by the Department or an administrative action.
 - (36) “Family evaluation” means a component of the Permanency Assessment which includes interviews of an applicant or Resource Family, to evaluate their family system dynamics and strengths, and areas where more support or resources may be needed for more effective and quality parenting skills.
 - (37) “Family health care” means health care provided to a child or nonminor dependent by a Resource Family in accordance with the written instructions of the health professional for the child or nonminor dependent.
 - (38) “Foster care” means 24-hour out-of-home care provided to children or nonminor dependents whose families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting.
 - (39) “Gender expression” refers to the ways a person communicates their gender identity through clothing, haircut, behavior, and interaction with others.
 - (40) “Gender identity” means a person’s internal identification or self-image as male, female, or other.
 - (41) “General neglect” means as defined in Penal Code section 11165.2(b).
 - (42) “Health care practitioner” means any of the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code and who provide specialized in-home health care prescribed by a physician for a child with special health care needs: Physician, Physician Assistant, Nurse Practitioner, Public

- Health Nurse, Registered Nurse, Licensed Vocational Nurse, Psychiatric Technician, Physical Therapist, Occupational Therapist, and Respiratory Therapist.
- (43) “Health professional” means any of the following persons who are licensed or certified pursuant to Division 2 of the Business and Professions Code: Physician, Physician Assistant, Nurse Practitioner, or Public Health Nurse.
 - (44) “Home Environment Assessment” means a component of the Resource Family Approval process which requires an applicant or Resource Family to meet standards that include, but are not limited to, a background check, health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home, and capacity determination.
 - (45) “ICPC” means the Interstate Compact on the Placement of Children.
 - (46) “Inactive status” means a period of time during which a Resource Family is not eligible to provide foster care for a child or nonminor dependent and is not subject to the requirements specified in Article 11, or Article 11.1 if applicable, or an update.
 - (47) “Inconclusive” means that an investigation concluded that an allegation in a complaint is not substantiated or unfounded.
 - (48) “Individual Exemption” means an exemption granted to a person who has requested an exemption on his/her own behalf, when a Resource Family or applicant elected not to pursue an exemption on behalf of the affected person and voluntarily terminated the person’s residency and/or presence in the home.
 - (49) “Individualized health care plan” means a written plan developed by an individualized health care plan team and approved by the team physician, or other health care practitioner designated by the physician to serve on the team, for the provision of specialized in-home health care to a child with special health care needs as specified in Welfare and Institutions Code section 17731.
 - (50) “Individualized health care plan team” means those persons who develop an individualized health care plan for a child with special health care needs, including the primary care physician for a child or other health care practitioner chosen by the physician to serve on the team, the county social worker or regional center caseworker for the child, and any health care practitioner chosen to monitor the specialized in-home health care provided to a child pursuant to the individualized health care plan, as defined in Welfare and Institutions Code section 17710.
 - (51) “Infant” means a child under two years of age.
 - (52) “Kinship Guardianship Assistance Payments” or “Kin-GAP” means a program of financial assistance or medical assistance (Medi-Cal) to facilitate the achievement of permanency for foster children through legal guardianship by a relative caregiver as defined in Welfare and Institutions Code sections 11362 and 11391.
 - (53) “Legal Division” means the Legal Division of the California Department of Social Services.
 - (54) “Mandated Reporter” means an individual, as specified in Penal Code section 11165.7, who is mandated by the state of California to report known or suspected child abuse or neglect to the county child welfare agency and/or local law enforcement agency.

- (55) “Nonminor dependent (NMD)” means a foster child who is at least 18 years of age and not more than 21 years of age or a nonminor former dependent or ward, as defined in Welfare and Institutions Code section 11400.
- (56) “Nonrelative extended family member” or “NREFM” means an adult who has an established familial relationship with a relative of a child or a familial or mentoring relationship with a child as defined in Welfare and Institutions Code section 362.7.
- (57) “Notice of Defense” means a written statement signed by or on behalf of a Respondent in response to an Accusation or Statement of Issues that constitutes a request for hearing, as described in Government Code section 11506.
- (58) “Occasional short-term babysitter” means a person who cares for a child in or out of a Resource Family’s home on an occasional basis for no more than 24 hours at a time.
- (59) “Permanency Assessment” means a component of the Resource Family Approval process, which requires an applicant or Resource Family to meet standards that include, but are not limited to, training, family evaluation, and any other activities that relate to a Resource Family’s ability to achieve permanency with a child or nonminor dependent.
- (60) “Placement agency” means a county probation department, county welfare department, county social service department, county mental health department, county public guardian, general acute care hospital discharge planner or coordinator, conservator pursuant to Part 3 (commencing with Section 1800) of Division 4 of the Probate Code, conservator pursuant to Chapter 3 (commencing with section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code, and regional center for persons with developmental disabilities, that is engaged in finding homes or other places for children and nonminor dependents for temporary or permanent care, as defined in Health and Safety Code section 1536.1(a).
- (61) “Portability” means the process by which either:
- (A) A Resource Family currently approved by a licensed foster family agency may transfer their approval to a County pursuant to Welfare and Institutions Code section 16519.58 and section 5.01-01.
 - (B) A Resource Family currently approved by a County may be approved by a subsequent licensed foster family agency pursuant to Health and Safety Code section 1517.5(b) and Articles 2.1 and 5.1 of the Foster Family Agency Interim Licensing Standards.
 - (C) A Resource Family currently approved by a licensed foster family agency may be approved by a subsequent licensed foster family agency pursuant to Health and Safety Code section 1517.5(a) and Articles 2.1 and 5.1 of the Foster Family Agency Interim Licensing Standards.
- (62) “Position Statement” means a written statement by a party that includes a summary of the facts and issues in a case and the party’s position that is filed prior to a hearing at the State Hearings Division, as described in Welfare and Institutions Code section 10952.5.
- (63) “Precedential decision” means a decision adopted by the Department that contains a significant legal or policy determination of general application that is likely to recur

- and that has been designated as a precedent decision in whole or in part, as described in Government Code section 11425.60.
- (64) “Quality Parenting Initiative (QPI) Partnership Plan” means the document that describes the roles of a Resource Family and a County in mutually supporting a child or nonminor dependent in care and meets the case plan objectives.
- (65) “Reasonable and prudent parent standard” means the careful and sensible parental decisions that maintain a child’s health, safety, and best interests, while at the same time encouraging the emotional and developmental growth of the child, as defined in Welfare and Institutions Code section 362.05.
- (66) “Relative” means an adult who is related to a child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” or the spouse of any of these persons even if the marriage was terminated by death or dissolution, as defined in Welfare and Institutions Code section 11400.
- (67) “Rescind” means an administrative action by a County to revoke a criminal record exemption or approval of a Resource Family.
- (68) “Reside” means physical presence in the home of a relative, nonrelative extended family member, applicant, or Resource Family for 30 days or longer or the point at which presence in the home is not for a temporary or transitory purpose, whichever occurs first.
- (69) “Resource Family” means an individual or family that a County determines to have successfully met the application and assessment criteria necessary for providing care for a child or nonminor dependent who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department.
- (70) “Resource Family Approval” or “approval” means that an applicant or Resource Family successfully meets the Home Environment Assessment and Permanency Assessment standards adopted pursuant to Welfare and Institutions Code section 16519.5.
- (71) “Resource Family Approval Program” or “program” means the single process for approving families for foster care, legal guardianship, and adoption.
- (72) “Resource Parent” means an individual who is approved as a Resource Family.
- (73) “Respite care” means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month, as defined in Welfare and Institutions Code section 16501(b), in the home of a licensed foster family, certified family, approved relative or nonrelative extended family member, Resource Family, or a certified respite care provider.
- (74) “Respondent” means an applicant, Resource Parent, or individual who has been served with a Notice of Action and is the subject of an administrative action. For matters that shall be heard by the State Hearing Division, a “Respondent” also means a “Claimant,” as defined in CDSS Manual of Policy and Procedures section 22-001.
- (75) “RFA program staff” means child welfare agency or probation department staff whose roles and responsibilities include performing components of the Resource Family Approval program as specified in the Written Directives.

- (76) “Risk assessment” means the consideration of factors regarding an applicant that include, but are not limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence history.
- (77) “Self-administer” means the act of a child or nonminor dependent giving himself or herself medication or injections.
- (78) “Serious complaint” means a complaint containing an allegation which may involve any of the following:
- (A) Conduct by any person as described in Penal Code section 11165.5.
 - (B) Death or serious bodily injury, or risk of death or serious bodily injury, to any person.
 - (C) A violation of Section 11-08 or 11.1-06 or Welfare and Institutions Code section 16001.9.
- (79) “Serious deficiency” means any failure to conform to Resource Family Approval requirements that presents an immediate or substantial threat to the physical health, mental health, or safety of any child or nonminor dependent in a home.
- (80) “Serious incident” means an incident reported by a Resource Family which may involve any of the following:
- (A) Conduct by any person as described in Penal Code section 11165.5.
 - (B) Death or serious bodily injury, or risk of death or serious bodily injury, to any person.
 - (C) A violation of Section 11-08 or 11.1-06 or Welfare and Institutions Code section 16001.9.
- (81) “Severe neglect” means as defined in Penal Code section 11165.2(a).
- (82) “Sexual orientation” describes a person’s emotional, romantic or sexual attraction to others that may be shaped at an early age.
- (83) “Sibling” means two or more children related by blood, adoption, or affinity through a common legal or biological parent as defined in Welfare and Institutions Code sections 362.1 and 16002.
- (84) “Sibling group” means two or more children who are related to each other as full, half, or step siblings as defined in Welfare and Institutions Code section 361.5.
- (85) “Simplified exemption process” means a process by which an exemption may be granted on a County’s own motion, as authorized in Health and Safety Code section 1522(g)(2)(D).
- (86) “Smoking” means as defined in subdivision (c) of Section 22950.5 of the Business and Professions Code.
- (87) “Specialized in-home health care” means those services identified by a child’s primary physician as appropriately administered by a Specialized Resource Family.
- (88) “Specialized Resource Family” means a Resource Family who has been trained by a health care practitioner to provide specialized in-home health care to children with special health care needs.
- (89) “Specialized Resource Parent” means an individual who is approved as a Specialized Resource Family.
- (90) “Statement of Issues” means a written statement filed by a County or Department regarding grounds for denial of a license, approval or privilege and specifying the statutes and rules with which a Respondent must show compliance, as described in Government Code section 11504.

- (91) “Subsequent foster family agency” means a licensed foster family agency to which a Resource Family has submitted a portability application for Resource Family Approval pursuant to Health and Safety Code section 1517.5.
- (92) “Substantiated” means that an investigation concluded that based on a preponderance of the evidence, meaning that it is more likely than not, an allegation in a complaint occurred.
- (93) “Surrender” means a voluntary relinquishment of Resource Family Approval by a Resource Family or Resource Parent.
- (94) “Tobacco product” means a product or device as defined in subdivision (d) of Section 22950.5 of the Business and Professions Code.
- (95) “Transgender” means a person whose gender identity does not correspond with their anatomical sex. A transgender girl or woman is a girl or woman whose birth sex was male but who understands herself to be female. A transgender boy or man is a boy or man whose birth sex was female but who understands himself to be male.
- (96) “Tribally Approved Home (TAH)” means a home that has been licensed or approved by an Indian Tribe for foster care or adoptive placement of an Indian child using standards established by the Tribe pursuant to the Indian Child Welfare Act (25 U.S.C. 1915), is not required to be licensed by the Department or a County, and is equivalent to a Department or county licensed home. Background check requirements for foster or adoptive placement as required by Health and Safety Code sections 1522 and 1522.1 apply to a Tribally Approved Home.
- (97) “Tribally Specified Home” means a designation by the Indian child’s Tribe of its preferred placement option for the Indian child. Tribally Specified Homes are the second order of placement preference for an Indian Child pursuant to Welfare and Institutions Code section 361.31.
- (98) “Unfounded” means that an investigation concluded that an allegation in the complaint is false, could not have happened, or is without any reasonable basis.
- (99) “Withdrawal” means a voluntary decision by an applicant to stop the application and assessment process.
- (100) “Written Report” means a summary, analysis, and determination of an applicant’s suitability to foster, adopt, and provide legal guardianship of a child or nonminor dependent based on all the information gathered through the application and Comprehensive Assessment processes.
- (101) “Written Directives” means the written processes, standards, and requirements issued by the Department to implement the Resource Family Approval Program.

SECTION 3-02: Forms

- (a) A County shall use the following Resource Family Approval forms:
 - (1) RFA 01A: Resource Family Application
 - (2) RFA 01B: Resource Family Criminal Record Statement
 - (3) RFA 02: Resource Family Background Checklist and Out-of-State Child Abuse Registry Checklist
 - (4) LIC 198B: Out-Of-State Child Abuse/Neglect Report Request
 - (5) RFA 03: Resource Family Home Health and Safety Assessment Checklist
 - (6) RFA 07: Resource Family Health Questionnaire

- (7) RFA 09: Notice of Action Regarding Resource Family Approval
- (8) RFA 09B: Notice of Action to Individual Regarding Resource Family Approval Criminal Record Exemption Decision
- (9) RFA 09E: Order to Individual of Exclusion from Resource Family Homes and Department Licensed Facilities
- (10) RFA 09I: Order to Individual of Immediate Exclusion from Resource Family Homes and Department Licensed Facilities
- (11) RFA 10: Resource Family Approval - Portability Application
- (12) RFA 802: Complaint Intake Report
- (13) RFA 809: Resource Family Visit Record
- (14) RFA 809C: Resource Family Visit – Corrective Action Plan
- (15) RFA 9099: Complaint Investigation Report
- (16) RFA 9099C: Complaint Investigation Report – Continued

(b) A County may use the following Resource Family Approval forms or an equivalent form containing the same information:

- (1) RFA 04: Resource Family Risk Assessment
- (2) RFA 05: Resource Family Approval Written Report
- (3) RFA 05A: Resource Family Approval Certificate
- (4) RFA 06: Resource Family Approval Update Report
- (5) RFA 811: Confidential Names
- (6) RFA 812: Detail Supportive Information

(c) A County may use electronic document transmission and digital signatures when collecting forms and documents in which a signature is required for the purpose of Resource Family Approval.

- (1) If a County intends to use digital signatures, the county shall ensure that the technological safeguards and requirements provided in Government Code section 16.5, and Civil Code section 1633.1 through 1633.17 are observed.
- (2) All electronic forms or forms containing a digital signature shall be maintained in the applicant's or Resource Family's file.
- (3) If an applicant or Resource Family requests not to use electronic document transmission, paper copies shall be made available.

ARTICLE 4: GENERAL REQUIREMENTS FOR COUNTIES

SECTION 4-01: Implementation Plan

- (a) County shall maintain an implementation plan for operation of the Resource Family Approval Program.
 - (1) A County shall modify its implementation plan, if necessary, as determined by the Department during an annual review.
- (b) An implementation plan shall include the following:
 - (1) Program statement and vision.

- (2) Program goals, objectives, and intended outcomes.
 - (3) The County's organizational structure, including child welfare agency and probation department staff roles and responsibilities.
 - (4) Description of how the County will maintain separation between the operation of the RFA program and its placement, adoption, and social work responsibilities.
 - (5) Description of a plan for maintaining RFA program staff qualifications, skills, and program expertise.
 - (6) If applicable, identification of the role of any contracted licensed adoption agencies or foster family agencies that will be involved with the implementation or operation of the program, including a description of activities to be performed, as well as their staff qualifications, skills, and expertise.
 - (7) Description of the County plan for tribal outreach and participation.
 - (8) Resource Family Approval process, including plans for out-of-county approvals.
 - (9) Proposed Resource Family Approval assessment tools.
 - (10) Training plan for child welfare agency and probation department staff and Resource Families.
 - (11) Procedures for the monitoring of Resource Families.
 - (12) Procedures for due process regarding denied or rescinded approvals or other adverse actions, and whether the County intends to use the Legal Division for consultations and hearings.
 - (13) If applicable, a request to delegate specific program responsibilities to the Department.
 - (14) Any other information requested by the Department related to implementation.
- (c) A County shall consult with its probation department prior to any modifications to its implementation plan.
- (d) A County shall maintain a copy of its implementation plan and any amendments to the plan.

SECTION 4-02: RFA Program Requirements

- (a) A County shall ensure that RFA program staff have the education and experience, and the core competencies necessary to competently participate in the assessment and evaluation of an applicant or Resource Family.
- (1) A County shall require social work personnel to meet the minimum qualification requirements for social worker or probation officer positions according to the County's requirements.
- (b) A County shall ensure RFA program staff are trained to perform assigned tasks.
- (c) A County shall ensure RFA program staff participating in the assessment and evaluation of an applicant or Resource Family meet core competency requirements, including having necessary knowledge and skills.
- (1) For purposes of this subsection, "knowledge" includes an understanding of the following:

- (A) The child protective and probation systems.
 - (B) The Resource Family Approval assessment and approval process.
 - (C) The contents of the Written Directives.
 - (D) The personal rights of children in foster care and how to ensure those rights are afforded to children.
 - (E) Child and family confidentiality principles.
 - (F) Techniques for interviewing children, nonminor dependents, and adults.
 - (G) Developmental stages of childhood and effects of trauma on development, as well as the impact of poverty on the lives of families and children.
 - (H) The priorities of safety, permanency, and well-being for children in foster care.
 - (I) The impact of trauma, grief, and loss on a child involved in the child welfare system and its impact on placement and permanency goals.
 - (J) The impact of mental health and substance abuse on children and families.
 - (K) Permanency timelines and the role caregivers play in supporting timely permanency.
 - (L) That teaming or collaboration assists in developing solutions that are individualized to the family and their culture, community, and Tribes.
 - (M) The practice of cultural humility and how this approach improves family engagement, shows respect for families, and ensures assessments incorporate a family's unique culture.
 - (N) Ongoing training and services prepare caregivers to meet the needs of children and nonminor dependents and assists families with forming lifelong relationships.
 - (O) Resource Family Approval prepares families to better meet the needs of vulnerable children in the foster care system and assists with a seamless transition to permanency.
 - (P) The impact of personal biases when working with children and families.
- (2) For purposes of this subsection, "skills" include the ability to do the following:
- (A) Explain the Resource Family Approval requirements to applicants and Resource Families.
 - (B) Correctly apply the Written Directives and applicable laws.
 - (C) Conduct a Home Environment Assessment, family evaluation, and prepare a Written Report.
 - (D) Incorporate an assessment of an applicant's mental health and substance abuse into the risk assessment.
 - (E) Interview children, nonminor dependents, and adults using a variety of interviewing techniques.
 - (F) Conduct visits for assessment purposes in a way that engages Resource Families to build rapport and establish trust.
 - (G) Assess a variety of information including, but not limited to, historical, social, and economic factors pertaining to individuals.
 - (H) Summarize, evaluate, and make a final determination of an applicant in the Written Report.
 - (I) Investigate complaints, and prepare, conduct, and report findings of complaint investigations.

- (J) Utilize teaming or collaborative strategies to engage Resource Families.
 - (K) Ability to assess and identify children who have been abused, neglected, or maltreated.
 - (L) Recognize how personal beliefs, values, norms, and world views can affect the dynamics of case planning and outcomes.
 - (M) Present self in a manner that is respectful, culturally humble, professional, and adapts well to meet both community and cultural needs of children and families.
 - (N) Collaborate with families to achieve mutual goals, build upon family strengths, and ensure quality comprehensive Written Reports are developed.
- (d) A County shall provide RFA program staff with a copy of the Written Directives.
 - (e) A County shall designate a Resource Family Approval Program Project Manager to be responsible for the day-to-day administration of the Program and to serve as the point of contact to the Department.
 - (f) If a County assigns the components of the Comprehensive Assessment, as set forth in Section 6-01(a), to different RFA program staff, the County shall ensure a RFA program staff member or supervisor reviews all components of the Comprehensive Assessment prior to approving a Written Report.
 - (g) If a RFA program staff member discovers that he or she has a conflict of interest related to the performance of his or her duties, then the staff member shall immediately report the conflict to a supervisor, who may transfer responsibility for the duty to another staff member.

SECTION 4-03: County Reporting Requirements

- (a) A County shall collect and submit the data elements and information as determined by the Department for the purpose of meeting the reporting requirements of Welfare and Institutions Code section 16519.5(f)(7). The Department shall give Counties no less than 30 calendar days notice of the date on which the information should be submitted to the Department.
- (b) A County shall report to the Department on a **monthly** basis the number of applicants with a child or nonminor dependent placed in a home prior to Resource Family Approval, pursuant to Section 4-08 and 4-09, whose **application process** has exceeded 90 calendar days from the date of placement, and provide a summary of the reasons for the delay.
- (c) On a quarterly basis, a County shall provide the Department with a log of applications that were denied and Resource Families that were approved, had approval rescinded, or surrendered approval.

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The reporting requirement specified in Section 4-03(b) complies with the Emergency Caregiver Funding provisions and the monthly reporting template will be provided to Counties by the Department. The reporting requirement specified in Section 4-03(c) is provided on a separate template sent to Counties by the Department. Effective July 1st, 2019 this report will be on the RFA 181 form.

- (d) A County shall submit information and records to the Department regarding administrative actions initiated by the County, including the following:
- (1) Upload a Notice of Action for the denial or rescission of Resource Family Approval or the denial or rescission of a criminal record exemption and enter required information in the Notice of Action (NOA) database maintained by the Department.
 - (2) For exclusion actions initiated prior to January 1, 2017, a Notice of Action for the exclusion of an individual from the home of a Resource Family and an exclusion order.
 - (3) Update the Notice of Action (NOA) database regarding whether an appeal was received and the subsequent disposition of the action.
 - (4) Legal pleadings, including an Accusation, Statement of Issues, or Position Statement.
 - (5) Final decisions or resolutions following an appeal, including a default decision and order; dismissal; stipulation, waiver and order; any agreement pursuant to a withdrawal; proposed decision; decision and order; order pursuant to a writ of mandamus; or any other final order.
- (e) A County shall notify the Department of a serious complaint by sending an email to RFA@dss.ca.gov and to the county's assigned liaison by the close of the next business day following receipt of the serious complaint.
- (1) The following information shall be included in the notification described in this subsection:
 - (A) Date, time, and location of the complaint.
 - (B) Resource Family identification number.
 - (C) Birthdates and genders of children and/or nonminor dependents placed with the Resource Family.
 - (D) Type of allegation involved in the complaint.
 - (E) Detailed information about the complaint.
 - (F) Other agencies notified, if any.
 - (2) Upon completion of a serious complaint investigation pursuant to Section 9-06A, a County shall submit the final disposition of the investigation to the Department by submitting form RFA 9099: Complaint Investigation Report and, if applicable, form RFA 9099C: Complaint Investigation Report – Continued.
- (f) A County shall notify the Department of a serious incident by sending an email to RFA@dss.ca.gov and the county's assigned liaison by the close of the next business day following receipt of the incident report.

- (1) The following information shall be included in the notification:
 - (A) Date, time, and location of the incident.
 - (B) Resource Family identification number.
 - (C) Birthdates and genders of children and/or nonminor dependents who were involved in the incident.
 - (D) Type of incident.
 - (E) Detailed information about the incident.
 - (F) Other agencies notified, if any.
- (2) Upon completion of a serious incident investigation pursuant to Section 9-06B, a County shall notify the Department if the County developed a corrective action plan by submitting form RFA 809C: Resource Family Evaluation – Corrective Action Plan.

SECTION 4-04: Confidentiality

- (a) A County shall comply with Welfare and Institutions Code section 10850, section 9201 of the Family Code, and all other applicable laws to ensure that all applications and records concerning individuals made or kept by any officer or agency in connection with the administration of the Resource Family Approval Program are kept confidential. A County shall maintain the confidentiality of all information and records in accordance with applicable laws and Written Directives.
- (b) A County shall comply with its confidentiality policies, procedures, and guidelines. The location of the County's confidentiality policies, procedures, and guidelines shall be made known to all employees, agents, and independent contractors. A County shall require its employees, agents, and independent contractors to comply with the confidentiality policies, procedures, guidelines, and the provisions of this section.
- (c) All documents identified in Section 10-05(b), and any other information the County deems necessary, shall be maintained in a confidential section of the Resource Family file.
- (d) (1) Information in a Written Report:
 - (A) Shall be released to the individual to whom the information pertains pursuant to Civil Code section 1798.24(a).
 - (i) Upon written request, the County shall provide the requestor copies of material he or she submitted to the County or documents he or she signed during the assessment process.
 - (B) May be included in any social study prepared for the court to assist the juvenile court in determining whether placement with a relative is appropriate pursuant to Welfare and Institutions Code section 361.3.
 - (i) Information that is otherwise confidential and not specifically required by Welfare and Institutions Code section 361.3 shall not be included in the social study.
 - (C) Shall be released as otherwise required by law.

- (2) A Written Report may be shared with a placement agency for the purpose of determining whether to place a child or nonminor dependent with a Resource Family.
 - (3) A Written Report may be shared with the Department and the individuals and entities listed in Welfare and Institutions Code section 16519.555.
- (e) A County, the Department, or a foster family agency may share confidential information and documents containing confidential information with another County, the Department or foster family agency for purposes of the Resource Family Approval Program or for authorized purposes related to the placement of children with Resource Families.

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This section allows counties to share the written report, which includes the county's evaluation of an individual's background check results. However, any criminal offender record information documents (CORI) received directly from the California Department of Justice, including subsequent arrest notifications, are confidential and access is strictly regulated by statute. For RFA approval purposes, counties are only authorized to share the DOJ CORI with the subject of the document pursuant to Penal Code section 11105(t) and 11105.2.

SECTION 4-05: Implementation of Resource Family Approval Program by a County

- (a) Upon implementation of the Resource Family Approval Program in a County, the County may not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of adoptive families or guardians.
- (b) A County shall operate the Resource Family Approval Program separately from its placement, adoption, and social work responsibilities below the second line supervisor level.
 - (1) If a County is unable to maintain separation between the program and its placement, adoption, or social work responsibilities, and it has less than three full-time equivalent RFA program staff, the County shall submit to the Department a written request for an exception to compliance with subsection (b). The written request for an exception must contain the following:
 - (A) An explanation as to how the County will maintain separation between the program and its placement and social work responsibilities.
 - (B) A statement that the County will ensure RFA program staff does not conduct a complaint investigation against a Resource Family if the RFA program staff participated in any assessment of the Resource Family or granted the approval of the Resource Family, unless adequate staff is unavailable.
 - (C) A statement that the County will ensure RFA program staff does not conduct a complaint investigation against a Resource Family if the RFA program staff has a direct relationship with or interest in the Resource Family or Complainant.

- (2) The Department shall provide a County with a written response indicating approval or denial of the request.
- (3) An exception granted by the Department shall remain in effect for three years from the date of the approval letter, at which time the approval will expire.
 - (A) If a County remains unable to comply with subsection (b) once an approval has expired, a new written request for an exception, as specified in paragraph (1), shall be submitted to the Department.

SECTION 4-06: Incoming ICPC Requests

- (a) Upon receipt of a complete incoming ICPC request, a County shall complete a Comprehensive Assessment of an applicant for Resource Family Approval within 60 calendar days, except as provided in paragraph (1).
 - (1) Pre-approval training, as specified in Section 6-06, may be completed after the 60-day timeframe.
 - (2) A report shall be submitted to the sending agency within 60 calendar days pursuant to Family Code section 7901.1.
 - (A) The report shall address the extent to which placement in the home would meet the needs of the child.
 - (B) If the applicant has not completed pre-approval training, the report shall state the anticipated date of completion.
 - (3) A signed Interstate Compact Placement Request form (ICPC 100A) recommending that a placement of the child be made shall not be returned to the sending state until a County has completed the Comprehensive Assessment of the applicant pursuant to Section 6-01 and has approved the Resource Family as evidenced through the issuance of a Written Report as specified in Section 6-07.

SECTION 4-07: Out of County Resource Family Approval Assessments

- (a) When a county placement agency places a child or nonminor dependent with a relative or nonrelative extended family member who resides in another county on an emergency basis, the County may choose any of the following options regarding the Resource Family Approval assessments:
 - (1) The County may assess the relative or nonrelative extended family member for Resource Family Approval.
 - (2) The County may request the County of residence to assess the relative or nonrelative extended family member for Resource Family Approval. The County of residence shall proceed with the Comprehensive Assessment in accordance with Article 6 and the protocols adopted by the County Welfare Director's Association or Chief Probation Officers of California.
 - (3) The County may join with the County of residence to establish an agreement that clearly outlines the assessment responsibilities for each County and which County will be responsible for the approval and monitoring of the Resource Family.

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For RFA program staff in the child welfare agency, the County Welfare Director's Association (CWDA) has established a Statewide Intercounty Protocol to provide consistency and agreement with how to assess families who live out of county. This protocol may be found on the CWDA website at <http://www.cwda.org/childrens-services-0> and on the CDSS RFA website at <http://www.cdss.ca.gov/inforesources/Resource-Family-Approval-Program>.

- (b) A County that approves a Resource Family, or a County that agrees to be responsible for the approval and monitoring of a Resource Family pursuant to paragraph (3) of subsection (a), shall comply with the requirements applicable to a County as specified in the Written Directives.

SECTION 4-08: Placement Prior to Approval – Emergency Placement

- (a) A County welfare agency may place a child or nonminor dependent with a relative or NREFM on an emergency basis, pursuant to Welfare and Institutions Code section 309 or 361.45.
- (b) Prior to the emergency placement of a child or nonminor dependent with a relative or NREFM, a County shall follow the process described in Welfare and Institutions Code section 361.4.
- (c) Within 10 calendar days following the criminal records check conducted through the CLETS, or five business days after a child or nonminor dependent is placed with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or 361.45, whichever is sooner, a County shall:
 - (1) Ensure the relative or NREFM completes form RFA-01(A): Resource Family Application and RFA-01(B): Resource Family Criminal Records Statement.
 - (2) Initiate a Home Environment Assessment, including a background check, as specified in Sections 6-02 and 6-03A.
 - (A) A County shall document the date on which the health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home is conducted by using form RFA-03: Resource Family Home Health and Safety Assessment Checklist.
 - (3) Discuss funding available to a relative or NREFM prior to approval as a Resource Family.
- (d) Unless subsection (e) applies, a County shall complete a Comprehensive Assessment of an applicant, as specified in Section 6-01, and prepare a Written Report, as specified in Section 6-07, within 90 calendar days of the date a child or nonminor dependent was placed with the relative or NREFM.
 - (1) If a County is unable to complete the Comprehensive Assessment within 90 days, the County shall document the reasons for the delay, if the delay was due to a good cause reason, and generate a timeframe for completion.

- (A) A good cause reason for delay is created when the circumstances for the delay are outside the direct control of the county.
- (e) Notwithstanding subsection (d), if a Resource Family's approval is to care for a specific child or nonminor dependent pursuant to Section 6-07(e), then a County shall initiate an approval update, as specified in Section 9-02(b)(4), within five business days of the emergency placement of another child or nonminor dependent pursuant to this section.
- (f) A relative or NREFM is not eligible to receive an Aid to Families with Dependent Children-Foster Care payment on behalf of a child or nonminor dependent until the applicant receives Resource Family Approval and the child or nonminor dependent meets all other eligibility criteria.
 - (1) A relative or NREFM shall receive emergency caregiver funding effective the date of placement pursuant to Welfare and Institutions Code section 11461.36.
- (g) The emergency placement of a child or nonminor dependent with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or 361.45 does not ensure approval as a Resource Family.

SECTION 4-09: Placement Prior to Approval – Compelling Reason

- (a) A County may place a child or nonminor dependent with an applicant prior to Resource Family Approval based on a compelling reason, pursuant to Welfare and Institutions Code section 16519.5(e).
 - (1) A compelling reason may include, but is not limited to the following:
 - (A) The unique needs of a child or nonminor dependent.
 - (B) The best interest of a child or nonminor dependent to maintain his or her family or family-like connections with an applicant.
- (b) Prior to placing a child or nonminor dependent with an applicant for a compelling reason, a County shall:
 - (1) Verify that a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home has been completed and documented on form RFA-03: Resource Family Home Health and Safety Assessment Checklist, and that a capacity determination has been completed, as specified in Section 6-02.
 - (2) Verify that a background check of the applicant and all adults residing or regularly present in the home has been completed as specified in Section 6-03A, and if necessary, any criminal record exemptions have been approved pursuant to Section 6-03B.
- (c) Unless Subsection (d) applies, a County shall conduct a Permanency Assessment of an applicant, as specified in Section 6-04, and prepare a Written Report, as specified in Section 6-07, within 90 calendar days of the date a child or nonminor dependent was placed pursuant to Welfare and Institutions Code section 309 or 361.45 unless good cause exists.

- (1) If good cause exists, a County shall document the reasons for the delay and generate a timeframe for completion.
- (d) Notwithstanding subsection (c), if a Resource Family's approval is to care for a specific child or nonminor dependent pursuant to Section 6-07(e), then a County shall initiate an approval update, as specified in Section 9-02(b)(4) within five business days of the placement of another child or nonminor dependent pursuant to this section.
- (e) An applicant is not eligible to receive an Aid to Families with Dependent Children-Foster Care payment on behalf of a child or nonminor dependent until the applicant receives Resource Family Approval and the child or nonminor dependent meets all other eligibility criteria.
 - (1) A relative or NREFM shall receive emergency caregiver funding effective the date of placement pursuant to Welfare and Institutions Code section 11461.36"
- (f) The placement of a child or nonminor dependent with an applicant pursuant to Welfare and Institutions Code section 16519.5(e) does not ensure approval as a Resource Family.

ARTICLE 5: RESOURCE FAMILY APPLICATION PROCESS

SECTION 5-01: Nondiscrimination of Applicants

- (a) Any adult shall be permitted to apply for Resource Family Approval regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, gender identity, gender expression, actual or perceived sexual orientation, medical condition, genetic information, citizenship, primary language, immigration status, or ancestry.

SECTION 5-02: Applicant Qualifications

- (a) An applicant shall be at least 18 years of age.
- (b) An applicant shall be in good physical and mental health.
 - (1) Verification of good physical health of each applicant shall include form RFA 07: Health Questionnaire, or a health screening by a health professional that was issued not more than one year prior to the date of application.
 - (2) Good mental health may include, but not be limited to, information that shows the applicant has not engaged in conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual.

SECTION 5-03A: Application Requirements-Applicant

- (a) An applicant shall comply with the requirements specified in this section and the following requirements:
 - (1) Submit a completed application on form RFA 01A: Resource Family Application.

- (2) Consent to release all requested evaluative reports and records, including physical and mental health reports and records.
 - (A) Confidential information and documents containing confidential information may be shared by a County or the Department pursuant to Section 4-04 (e).
- (3) Allow a home health and safety assessment pursuant to Section 6-02, to determine whether there are conditions in the home that affect the health, safety, and well-being of a child or nonminor dependent.
- (4) Provide the names and contact information of two individuals who can attest to the applicant's character and ability to provide a safe environment for a child or nonminor dependent.
 - (A) If an applicant is unable to provide two references, the applicant shall document the reasons.
- (5) Consent for a County to conduct a background check pursuant to Section 6-03A, including submitting a completed form RFA 01B: Resource Family Criminal Record Statement, and if applicable, form LIC 198B: Out-of-State Child Abuse/Neglect Report Request or an equivalent form from a responding State if that State will not complete the LIC198B.
- (6) Consent for a County to obtain a Department of Motor Vehicles report, on each applicant and all adults residing or regularly present in the home who may frequently transport children or nonminor dependents.
- (7) Participate in a family evaluation, pursuant to Section 6-05, which includes a comprehensive inquiry into the applicant's personal history, family history, and family dynamics.
- (8) Complete pre-approval training as specified in Section 6-06 and as required by a County.
- (9) Submit the following supporting documentation:
 - (A) Proof of identity for each applicant.
 - (B) Form RFA 07: Health Questionnaire, or a health screening by a health professional that was issued not more than one year prior to the date of application, for each applicant.
 - (i) As deemed appropriate and necessary by a County, an applicant may be required to complete a health screening by a health professional to verify the applicant is in good physical health.
 - (C) If employed, verification of current employment.
 - (D) Verification of the applicant's current income and disclosure of expenses.
 - (E) Documents verifying that an applicant owns or rents the home in which the applicant resides or has written permission to reside at the residence by the owner of the home.
 - (F) History of the applicant's prior or present status as an approved relative or nonrelative extended family member, a certified family home, or an employee, volunteer, or licensee of a community care facility.
- (10) Complete any other activities, as determined by a County, related to an applicant's ability to achieve permanency with a child or nonminor dependent or to help determine the applicant's ability to be approved as a Resource Family.

- (b) An applicant shall not make or disseminate any false or misleading statements in connection with an application. This includes, but is not limited to, information regarding an applicant, family members, and adults residing or regularly present in the home.
- (c) If an applicant moves to a new home location, the applicant shall notify the RFA program staff 30 calendar days prior to moving or as soon as the information is available.
- (d) An applicant or individual for which a criminal record clearance or exemption has been requested shall notify the RFA program staff in writing within five business days of any change in mailing address or telephone number.
- (e) An applicant shall have the right to withdraw an application, prior to approval or denial, verbally or in writing.
 - (1) If an applicant withdraws and the county has already established subsequent arrest notification service for the applicant(s), and other adults who reside or are regularly present in the home, the county shall submit a No Longer Interested (NLI) notification form to the Department of Justice immediately for each individual, pursuant to Penal Code section 11105.2(d).
 - (2) A County shall maintain documentation of the withdrawal in the applicant's file that includes the following information:
 - (A) Date of withdrawal
 - (B) A copy of the No Longer Interested Notification form sent to the Department of Justice, terminating subsequent arrest notifications pursuant to Penal Code section 11105.2(d).
 - (3) An applicant who withdraws an application may submit a new application, or resubmit their previous application, within 12 months of the date of withdrawal.
 - (A) If an applicant resubmits their previous application, the County shall verify that the information remains current or has been updated, and require the applicant to sign the application again as confirmation.
 - (B) The date of the applicant's resubmission of the application begins the timeline for processing the application if the applicant received a placement prior to approval.
 - (C) A County may use information submitted by the applicant prior to withdrawal.
 - (D) As deemed necessary, the County may require an applicant to resubmit documents or complete application requirements that were submitted or completed prior to withdrawal.
 - (4) Paragraph (3) shall not apply if the County or Department, as applicable, have taken an administrative action related to the initial application.
 - (5) A County or the Department may institute or continue any administrative action against an applicant, notwithstanding a withdrawal pursuant to this paragraph, as authorized by subdivision (m) of section 16519.6 of the Welfare and Institutions Code.

SECTION 5-03B: Application Requirements - County

- (a) A County shall accept an application for Resource Family approval, upon submission, from an individual who requested an application pursuant to Section 5-01.
- (b) Prior to conducting any component of a Comprehensive Assessment pursuant to Section 6-01, a County shall require an applicant to complete, sign, and submit form RFA 01A: Resource Family Application.
 - (1) A County may allow an individual to begin pre-approval training, as specified in Section 6-06, prior to the submission of an application.
- (c) If a child or nonminor dependent is placed in the home of a relative or NREFM prior to approval on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, a County shall, within 10 calendar days following the criminal records check conducted through the CLETS, or five business days after a child or nonminor dependent is placed with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or 361.45, whichever is sooner, require the relative or NREFM applicant to complete, sign, and submit form RFA 01A: Resource Family Application and form RFA 01B: Resource Family Criminal Record Statement.
- (d) The review of an application shall be governed by the law and Written Directives in effect at the time of the decision to approve or deny an application or a criminal record exemption, or if a denial is appealed or an action for the record is filed, as specified in Section 12-01(d). Nothing in this subsection shall supersede any provision of federal or state law or any regulation adopted pursuant to federal or state law.
- (e) A County shall require an applicant to provide the supporting documentation specified in Section 5-03A(a)(9) prior to approval as a Resource Family.

Handbook

A County may assist an applicant with obtaining the supporting documentation specified in Section 5-03A(a)(9).

- (f) As deemed necessary by a County, the County may require an applicant to complete a health screening by a health professional to verify the applicant is in good physical health.
- (g) A County may not charge an applicant an application processing fee.
- (h) A County shall discuss and address questions regarding the following with an applicant:
 - (1) Benefits associated with foster care, Adoption Assistance Program (AAP), Kin-GAP, Approved Relative Caregiver (ARC) funding, emergency caregiver funding if the applicant received a placement prior to approval and any other assistance that may apply.

- (2) Personal Rights of foster children as specified in Section 11-08 and, if applicable, Section 11.1-06, including how to access additional information and resources that address these personal rights.
 - (3) The applicant's right to a due process hearing.
 - (4) Access to health, mental health, and dental care through Medi-Cal, in home supportive services, and developmental or other services based on the needs of a child or nonminor dependent in the care of a Resource Family.
 - (5) The reasonable and prudent parent standard as specified in Section 11-12.
 - (6) If the applicant is married, in a domestic partnership, or resides with a significant other who is not applying for Resource Family Approval, the impact on the other individual's ability to file a petition for adoption.
- (i) A County and applicant shall discuss and sign the Quality Parenting Initiative (QPI) Partnership Plan, if applicable.
 - (j) A County shall advise an applicant or Resource Family that if he or she moves to a new home location, the applicant or Resource Family is required to notify the RFA program staff 30 calendar days prior to moving or as soon as the information is available and that the applicant or Resource Family will be subject to an approval update as required by Section 9-02.
 - (k)
 - (1) When an applicant fails to complete the application process specified in Section 5-03A, a County shall provide the applicant with written notice that includes the following:
 - (A) A description of all outstanding items necessary to complete the application process.
 - (B) A time period in which to complete the outstanding items.
 - (C) An advisement that pursuant to Welfare and Institutions Code section 16519.5(c)(7)(C), the County may cease review of the application if after 30 days the applicant does not make a good faith effort to complete the outstanding application items, or if applicable, that the County may deny the application.
 - (2) The county shall document proof of service of the written notice in the applicant's file.
 - (A) The County may document proof of service by certified mail by retaining a copy of the notice with the certified mail receipt service or as specified in Section 12-08(e).
 - (3) If after providing the written notice specified in subsection (k)(1) the applicant fails to make a good faith effort to complete the application process within 30 days of the date of the notice, the County may cease any further review of the application, or if applicable, deny the application pursuant to Section 10-01A.
 - (4) A County shall not cease processing an application pursuant to this Subsection if a child or nonminor dependent is placed with the applicant(s) on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, or for placement based on a compelling reason pursuant to Welfare and Institutions Code section 16519.5(e)(1).

- (5) If a County ceases review of an application and has already established subsequent arrest notification service for the applicant(s), and any associated individual, the county shall submit a No Longer Interested (NLI) Notification form to the Department of Justice immediately, for each individual, pursuant to Penal Code section 11105.2(d).
- (l) A County shall allow an applicant up to 12 months after ceasing review of an application to resume the Resource Family Approval process.
 - (1) The County may use the information submitted previously by the applicant but shall verify that the information remains current or has been updated, and require the applicant to sign the application again as confirmation.
 - (2) As deemed necessary by a County, the County may require an applicant to resubmit documents or complete application requirements that were submitted or completed prior to ceasing the review.
 - (3) If an applicant requests to resume the Resource Family Approval process after 12 months of ceasing a review of an application, the applicant must submit a new application.
- (m) (1) A County shall cease any further review of an application as follows:
 - (A) An individual has had a previous application denial within the preceding year.
 - (B) An individual has had a previous rescission, revocation, exemption denial, or exemption rescission by the Department or County within the preceding two years.
 - (C) An individual was excluded from Resource Family homes or facilities licensed by the Department, unless the excluded individual has been reinstated pursuant to Government Code section 11522 and Welfare and Institutions Code section 16519.6(g).
 - (2) Notwithstanding paragraph (1), a 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.
 - (3) The cessation of review shall not constitute a denial of the application for purposes of this section or any other law.

ARTICLE 5.1: RESOURCE FAMILY APPLICATION PROCESS - PORTABILITY

SECTION 5.1-01: Portability Requirements – FFA to County

- (a) A Resource Family shall complete all the following:
 - (1) Complete and sign Section I of form RFA 10: Resource Family Approval - Portability Application and provide a copy of this completed form to the County.
 - (2) Authorize the County to request that clearances and exemptions issued to the Resource Family and all adults residing or regularly present in the home be

transferred from the Department to the County pursuant to Health and Safety Code section 1522(h)(3).

(3) Cooperate with the County during the approval update process specified in Section 9-04.

(b) County Requirements: Upon receipt of a Resource Family's completed form RFA 10: Resource Family Approval- Portability Application, the County shall complete all of the following:

(1) Complete Section II of form RFA 10: Resource Family Approval- Portability Application.

(2) Provide a copy of the completed RFA 10: Resource Family Approval – Portability Application to the current foster family agency. The provision of this form shall constitute the County's request for a copy of the Resource Family case record, including but not limited to the written report and any updates.

(3) If a child is currently placed in the home, notify the placement agency of the Resource Family's intent to transfer their Resource Family Approval to the County.

(4) Submit a request to the Department for criminal record clearances and exemptions issued to the Resource Family and all adults residing or regularly present in the home to be transferred from the Department to the County pursuant to Health and Safety Code section 1522(h)(3).

(5) Complete an approval update for the Resource Family in accordance with Section 9-04.

Handbook

The Resource Family Approval Background Assessment Guide is available as a resource for the procedures associated with transferring criminal record clearances, exemptions, and subsequent arrest notifications.

(c) If the County approves a Resource Family's portability application, the County shall complete the following:

(1) Submit a request to the California Department of Justice to transfer subsequent arrest notifications for the Resource Family and all adults residing or regularly present in the home to the County, as specified in Health and Safety Code section 1522(h)(4).

(2) Complete form RFA 05A: Resource Family Approval Certificate, or an equivalent certificate that complies with the requirements of Section 6-08.

(A) A copy of the RFA 05A: Resource Family Approval Certificate or an equivalent certificate shall be provided to the foster family agency.

(B) A copy of the RFA 05A: Resource Family Approval Certificate or an equivalent certificate shall be provided to the placement agency if a child is currently placed with the Resource Family.

(d) If the County denies a Resource Family's portability application, the County shall provide due process for denial of the application in accordance with Article 12.

- (1) A County shall provide the foster family agency with a copy of the notice of denial after complying with due process procedures outlined in Article 12.
- (e) (1) If a Resource Family fails to complete the portability application process, the County may cease review of the portability application in accordance with Section 5-03B(k).
- (2) Prior to ceasing review of the portability application, the County shall provide the Resource Family with written notice that includes the following:
 - (A) A description of all outstanding items necessary to complete the portability application process.
 - (B) A time period in which to complete the outstanding items.
 - (C) A statement that pursuant to Welfare and Institutions Code section 16519.5(c)(7)(C), the County may cease review of the portability application if after 30 days the Resource Family does not make a good faith effort to complete the outstanding items.
- (3) The County shall document proof of service of the written notice in the Resource Family's file.
 - (A) The county may document proof of service by certified mail by retaining a copy of the notice with the certified mail receipt or as specified in section 12-08(e).
- (4) If after providing the written notice specified in subsection (e)(2), the Resource Family fails to make a good faith effort to cooperate within 30 days of the date of the notice, the County may cease any further review of the portability application.
 - (A) The County shall notify the foster family agency if the County ceased review of the portability application.
- (5) To ensure rap back service is not prematurely terminated, the County shall not transfer rap back service pursuant to paragraph (1) of subsection (c), until the Resource Family's portability application has been approved.
- (f) A Resource Family maintains its approval status with its current foster family agency unless any of the following occur:
 - (1) Approval is rescinded by the foster family agency or Department;
 - (2) The Resource Family chooses to surrender its approval;
 - (3) The approval is forfeited by operation of law; or
 - (4) The Resource Family is approved by a County in accordance with Section 5.1-01.

Handbook

The requirements for a foster family agency when a Resource Family is seeking approval from a County are specified in Section 88336 of the Foster Family Agency Interim Licensing Standards.

SECTION 5.1-02: Portability Requirements – County to FFA

- (a) County Requirements: When a Resource Family that is currently approved by a County seeks approval by a subsequent foster family agency, the County shall complete all the following:
 - (1) Within 20 business days of the County's receipt of the form RFA 10: Resource Family Approval- Portability Application from the subsequent foster family agency:

- (A) Complete and sign Section III of form RFA 10 – Resource Family Approval – Portability Application. Return the completed form to the subsequent foster family agency.
 - (B) Provide the subsequent foster family agency with a copy of the Resource Family’s file, excluding any criminal offender record information documents received directly from the California Department of Justice.
 - (2) If there is a child currently placed in the home, notify the child’s social worker of the Resource Family’s intent to be approved by a subsequent foster family agency.
 - (3) Maintain all responsibilities of case management for the Resource Family until the subsequent foster family agency has issued the LIC 05A: Resource Family Approval Certificate or equivalent approval certificate.
 - (4) Send the No Longer Interested (NLI) form (BCIA 8302) for all adults residing or regularly present in the home to the Department of Justice after a County receives a copy of the LIC 05A: Resource Family Approval Certificate or equivalent from the subsequent foster family agency verifying the Resource Family’s subsequent approval.
 - (5) Securely retain the Resource Family file as specified in Section 10-05 following the date of forfeiture of the approval.
- (b) The RFA 05A: Resource Family Approval Certificate of a Resource Family approved by a County shall be forfeited by operation of law upon approval as a Resource Family by a subsequent foster family agency in accordance with Section 88336.1(a) of the Foster Family Agency Interim Licensing Standards.

Handbook

The requirements for a Resource Family and subsequent foster family agency are specified in Articles 2.1 and 5.1 of the Foster Family Agency Interim Licensing Standards.

- (c) A Resource Family shall maintain its approval status with the County unless any of the following occur:
- (1) Approval is rescinded by the County;
 - (2) The Resource Family chooses to surrender its approval;
 - (3) The approval is forfeited by operation of law; or
 - (4) The Resource Family is approved by a subsequent foster family agency in accordance with Section 5.1-01.

ARTICLE 6: RESOURCE FAMILY APPROVAL ASSESSMENT PROCESS

SECTION 6-01: Comprehensive Assessment

- (a) A County shall conduct a Comprehensive Assessment of an applicant that includes the following:
- (1) A Home Environment Assessment pursuant to Section 6-02.
 - (2) A Permanency Assessment pursuant to Section 6-04.

- (b) A County may use tools, including questionnaires and forms, to complete a Comprehensive Assessment.
- (c) As deemed appropriate and necessary by a County, the County may require an applicant to complete additional activities to help determine the applicant's ability to be approved as a Resource Family.
- (d) Notwithstanding subsection (a), a County may discontinue any component of the Comprehensive Assessment of an applicant at any time it determines there is sufficient evidence to deny the application or upon the verbal or written withdrawal of an application by the applicant.
- (e) When a child or nonminor dependent has been placed pursuant to Section 4-08 or 4-09, a County shall complete the Comprehensive Assessment of an applicant and prepare a Written Report, as specified in Section 6-07, within 90 calendar days of the date of the placement, unless good cause exists.
 - (1) If good cause exists to exceed the 90 calendar day requirement specified in subsection (e), then a County shall document the reasons for the delay and generate a timeframe for completion.
 - (2) The County shall submit to the Department on a monthly basis the number of applications with a placement prior to approval pending 90 days or more and the reason for the delay pursuant to Welfare and Institutions Code section 11461.36 and Section 4-03(b).

SECTION 6-02: Home Environment Assessment

- (a) A County shall conduct a Home Environment Assessment that includes all of the following:
 - (1) A background check pursuant to Section 6-03A.
 - (2) A health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the applicant's home using form RFA-03: Resource Family Home Health and Safety Assessment Checklist, to determine compliance with Article 11 and, if applicable, Section 11.1-07.
 - (A) The health and safety assessment of the home and grounds shall include the following:
 - (i) The type of residence, such as a single-family home, apartment, or duplex.
 - (ii) The number of bedrooms and bathrooms.
 - (iii) Any other relevant information, such as the presence of weapons, animals, or a pool.
- (b) If a child or nonminor dependent is placed in the home of a relative or NREFM prior to approval on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, a County shall, within 10 calendar days following the criminal records check conducted through the CLETS, or five business days after a child or nonminor dependent is placed with a relative or NREFM pursuant to Welfare and Institutions Code section 309 or

361.45, whichever is sooner, initiate a Home Environment Assessment, including a background check, as specified in this section and Section 6-03A.

SECTION 6-03A: Background Check

- (a) A County shall conduct a background check for an applicant and all adults residing or regularly present in the home of an applicant or Resource Family and not exempt pursuant to Subsection (g).

Handbook

The Resource Family Approval [Background Assessment Guide \(BAG\)](#) is available as a resource for the RFA background check procedures.

- (b) A background check shall include all of the following:
- (1) A review of an individual's state and federal criminal record information, pursuant to Welfare and Institutions Code section 16519.5(d), to determine whether a criminal record clearance or exemption may be granted.
 - (A) A County shall obtain from an applicant and all adults residing or regularly present in the home a completed form RFA-01B: Resource Family Criminal Record Statement.
 - (2) Consideration of all substantiated allegations of child abuse and severe neglect listed on the Child Abuse Central Index (CACI), pursuant to Health and Safety Code section 1522.1, to determine whether the individual poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual.
 - (A) Consideration of the allegations described in paragraph (2) shall include a review of the investigation report and file prepared by the child protective agency.
 - (B) A County may not deny an application or take any other administrative action based upon a CACI report unless the County obtains an investigation report, documentation, interviews, child welfare system records, or other evidence that supports the substantiated allegation of child abuse or severe neglect.
 - (C) If the applicant or any adult residing in the home has lived in another state within five years before the applicant has applied for Resource Family Approval, then an out-of-state child abuse and neglect registry check shall be conducted using form LIC 198B: Out-of-State Child Abuse/Neglect Report Request, or an equivalent form from a responding State if that State requires its own, state-specific form.
 - (3) A Megan's Law registered sex offender check.
 - (4) A Department of Motor Vehicles check on an applicant and any adults residing or regularly present in the home who may frequently transport a child or nonminor dependent.
 - (5) A check for prior licensing-related administrative actions contained in the Administrative Action Records System (AARS) database maintained by the Department.

- (6) A check for prior licensing history and criminal record exemption denial or rescission actions contained in the Licensing Information System (LIS) maintained by the Department.
 - (7) A check for prior Resource Family-related administrative actions contained in the Administrative Action Records System (AARS) and Notice of Action (NOA) databases maintained by the Department.
- (c) Prior to approval, a County may conduct a reference check pursuant to Welfare and Institutions Code section 16519.55(c).
- (d) Prior to initial presence in a Resource Family's home, any individual described in subdivision (a) shall obtain one of the following:
- (1) A criminal record clearance, or criminal record exemption pursuant to Section 6-03B.
 - (2) An approved transfer of a criminal record clearance pursuant to subdivision (i).
 - (3) An approved transfer of a criminal record exemption pursuant to Section 6-03B(q).
 - (A) Violation of this subdivision may result in a denial of the application, rescission of the Resource Family's approval or other administrative action.
- (e) If an individual's criminal record indicates an arrest for an offense specified in Health and Safety Code section 1522(e), a County shall not grant the individual a clearance or exemption until an investigation has been completed.
- (1) If an individual's criminal record indicates an arrest for an offense not specified in Health and Safety Code section 1522(e), a County shall consider the information pursuant to Family Code section 8712 and may conduct an investigation as described in subparagraph (A) to ensure compliance with Resource Family Approval standards.
 - (2) An investigation of the facts regarding arrests, CACI entries, or convictions may lead to a denial of Resource Family Approval, an exclusion action, or both.
 - (3) If a County finds that an individual described in subdivision (a) has been convicted of a crime other than a minor traffic violation, the application shall be denied or approval shall be rescinded, as applicable, unless the County grants a criminal record exemption pursuant to Section 6-03B.
 - (4) If a County finds that an individual is awaiting trial, or has an active warrant for an arrest, then the County may cease processing the criminal record information and close the case provided that closure of the case does not pose an imminent risk to a child or nonminor dependent in placement. If the County chooses to close the case, the individual may resubmit fingerprints when criminal proceedings have concluded. For purposes of this subsection, cease processing and case closure shall not constitute a denial of a clearance or a criminal record exemption.
 - (5) A County shall verify that a subsequent arrest notification (rap back) service, as specified in Penal Code section 11105.2, is in place for each applicant and all adults residing or regularly present in the home of an applicant or Resource Family.
 - (6) Any action which a County is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order

pursuant to Penal Code sections 1203.4 and 1203.4a permitting the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this section, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

- (7) For purposes of this subsection, a “minor traffic violation” means a violation of the Vehicle Code which has been deemed an infraction or a violation of any other law which has been deemed an infraction.
- (f) A County or the Department is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties as provided in Health and Safety Code section 1522(e) and Welfare and Institutions Code section 16519.5(s).
- (g) The following individuals are exempt from the background check requirements of this section:
 - (1) A medical professional, who holds a valid license or certification from the governing California medical care regulatory entity and who is not employed, retained, or contracted by the Resource Family, if all of the following apply:
 - (A) The criminal record of the individual has been cleared as a condition of licensure or certification by the individual's California medical care regulatory entity.
 - (B) The individual is providing time-limited specialized clinical care or services.
 - (C) The individual is providing care or services within the applicable scope of practice.
 - (D) The individual is not a licensed, certified, or approved caregiver or an employee of the Resource Family.
 - (2) A third-party repair person, or similar retained contractor, if all the following apply:
 - (A) The individual is hired for a defined, time-limited job.
 - (B) The individual is not left alone with a child or nonminor dependent.
 - (C) When a child or nonminor dependent is present in the room in which the repairperson or contractor is working, a Resource Parent who has a criminal record clearance or exemption is also present.
 - (3) Employees of a licensed home health agency and other members of licensed hospice interdisciplinary teams who have a contract for a child or nonminor dependent in the home, and are in the home at the request of the child’s or nonminor dependent’s authorized representative.
 - (A) The exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.
 - (4) Clergy and other spiritual caregivers who are performing services in common areas of the home, or who are advising a child or nonminor dependent at the request of, or with the permission of, the child or nonminor dependent or his or her authorized representative.
 - (A) This exemption shall not apply to an individual who is a licensed, certified, or approved caregiver or an employee of the Resource Family.

- (5) Members of fraternal, service and similar organizations who conduct group activities for a child or nonminor dependent if all the following apply:
 - (A) Members are not left alone with a child or nonminor dependent.
 - (B) Members do not take a child or nonminor dependent from the home.
 - (C) The same group does not conduct such activities more often than once a month.
 - (6) Adult friends and family of the Resource Family who come into the home to visit, for a length of time no longer than 30 calendar days provided they are not left alone with a child or nonminor dependent.
 - (7) Parents of friends of a child or nonminor dependent when a child or nonminor dependent is visiting the friend's home and the friend, Resource Family, or both are also present.
 - (8) Occasional short-term babysitters.
 - (9) Individuals who come into the home for the purpose of facilitating an extracurricular, enrichment, cultural, or social activity as described in Section 11-14, provided they are not left alone with a child or nonminor dependent.
- (h) Nothing in this section shall prevent a County from requiring a background check for an individual specified in subsection (g), provided that the individual has contact that may pose a risk to the health and safety of a child or nonminor dependent placed with an applicant or Resource Family.
- (i) (1) A County may accept the transfer of a criminal record clearance that has been issued by the same County, another County, or the Department for a Resource Family, an approved relative or nonrelative extended family member, or licensed foster family home. The request to transfer shall be in writing to the County evaluating the applicant or Resource Family and shall include a copy of a proof of identification accepted by the California Department of Justice for Live Scan purposes. The County shall verify whether the individual has a clearance that can be transferred.
- (2) With respect to notifications issued by the California Department of Justice pursuant to Penal Code section 11105.2 concerning an individual whose criminal record clearance was originally processed by another County or the Department, the following shall apply:
- (A) The California Department of Justice shall process a request from the County to receive the notifications only if all of the following conditions are met:
 - (i) The request shall be submitted to the California Department of Justice by the agency to be substituted to receive the notification.
 - (ii) The request shall be for the same California Department of Justice applicant type as the type for which the original criminal record clearance was obtained.
 - (iii) The request shall contain all prescribed data elements and format protocols pursuant to a written agreement between the California Department and the Department of Justice.

- (j) A nonminor dependent shall not be subject to a background check for purposes of Resource Family Approval.
- (k)
 - (1) After a County and the Department have determined that an administrative action for the record will not be filed, pursuant to Section 12-04, a County shall request that the California Department of Justice terminate the subsequent arrest notification (rap back) service for an individual at the following times:
 - (A) When an applicant withdraws his or her application prior to the approval or denial of the application.
 - (B) When a County ceases processing an application pursuant to Section 5-03B.
 - (C) When a Resource Family surrenders approval.
 - (D) When an individual no longer resides or is regularly present in a Resource Family's home.
 - (2) A County shall request that the California Department of Justice terminate the subsequent arrest notification (rap back) service for an individual if the County denies an application, rescinds approval, or denies or rescinds a criminal record exemption, or the Department excludes an individual, and, pursuant to Section 12-04, it was determined that the time for appeal or late appeal for good cause has lapsed, or that there was an appeal of the denial, rescission, or exclusion, and there has been a final determination in the administrative action and the time for reconsideration or rehearing has lapsed.

SECTION 6-03B: Criminal Record Exemption

- (a)
 - (1) The county shall notify a Resource Family to act immediately to remove from the home or bar from entering the home any person described in Section 6-03A(a), while the county considers granting or denying an exemption, as follows:
 - (A) Any person who has been convicted of or is awaiting trial for a sex offense against a minor.
 - (B) Any person who has been convicted of a felony.
 - (C) Any person who has been convicted of an offense specified in Sections 243.4, 273a, 273d, 273g, or 368 of the Penal Code or any other crime specified in Health and Safety Code Section 1522(c)(3).
 - (2) Upon notification, the Resource Family shall comply with the notice. If the individual who is the subject of the notice is the Resource Family, the Resource parent's spouse or a dependent adult, the county shall not order the Resource Family to remove the individual from the home but shall act to temporarily suspend the approval, if applicable, in accordance with Welfare and Institutions Code section 16519.5(g)(5)(iv), or take other appropriate action.
- (b) A County may grant criminal record exemptions if the County has been granted permission by the Department pursuant to Welfare and Institutions Code section 361.4 prior to January 1, 2017.

- (c) A County may not grant a criminal record exemption for an individual whose criminal record indicates a conviction for any offense specified in Health and Safety Code section 1522(g)(2)(A).
- (1) A County shall, in writing, separately notify the individual and the applicant or Resource Family when the individual has been convicted of a crime for which an exemption may not be granted.
 - (A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption may not be granted, including the crime, date, and location of the conviction, and shall include a copy of criminal offender record information received from the California Department of Justice.
 - (B) For purposes of this subsection, “spousal abuse,” as referenced in Health and Safety Code section 1522(g)(2)(A)(iii)(I), means the abuse of an individual to whom the perpetrator is legally married or registered as a domestic partner.
 - (2) If the individual is convicted of an offense for which the County is prohibited from granting a criminal record exemption, the Resource Family’s approval shall not be forfeited pursuant to Welfare and Institutions Code section 16519.501(b) prior to the provision of due process as described in Article 12, including, but not limited to, written notification of a denied or rescinded criminal record exemption and an opportunity to appeal.
- (d) A County shall grant an exemption using the simplified exemption process based solely on criminal record information collected pursuant to Section 6-03A, and without an exemption request as described in subsections (e) through (i), if the County determines that the individual has a criminal conviction and meets all the following criteria:
- (1) The individual does not have a misdemeanor conviction within the last five years.
 - (2) The individual does not have a felony conviction within the last seven years.
 - (3) The individual has not been convicted of a crime described in Health and Safety Code section 1522(g)(2)(A) or (g)(2)(B).
 - (4) The individual’s criminal history does not indicate a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent.
- (e) At a County’s discretion, an individual who is otherwise eligible for the simplified exemption process, pursuant to subsection (c), may be required to request an exemption as described in subsections (e) through (i), if the County determines such action is necessary to protect the health and safety of children and nonminor dependents.
- (f) If any criminal record information collected pursuant to Section 6-03A indicates an individual has been convicted of a crime described at Health and Safety Code section 1522(g)(2)(B), a County shall, in writing, separately notify the individual and if applicable, separately notify the applicant or Resource Family of the following:
- (1) The individual must be granted an exemption in order to reside or be regularly present in a Resource Family home.
 - (2) The authority and criteria for the granting of a criminal record exemption.

- (A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption is needed, including the crime, date, and location of the conviction, and shall include a copy of the criminal offender record information received from the California Department of Justice.
 - (3) The individual, applicant or Resource Family acting on the individual's behalf, has the right to request a criminal record exemption and the right to appeal if the exemption is denied.
 - (4) The individual shall be excluded for a period of two years in accordance with subsection (q) if a criminal record exemption is denied.
- (g) If an individual, or the applicant or Resource Family acting on the individual's behalf, chooses to request an exemption, then the person making the request shall submit the following documents to a County within forty-five (45) calendar days of the date on the exemption needed notice provided by the County:
- (1) A letter indicating that an exemption is being requested, signed by the individual or by the applicant or Resource Family on behalf of the individual.
 - (2) A detailed description of the individual's role as it applies to the Resource Family or applicant.
 - (3) A signed copy of the form RFA-01B: Resource Family Criminal Record Statement.
 - (4) A signed statement describing any and all convictions within or outside the state, including approximate dates, what happened, and how and where it happened. The statement shall describe the actions the individual has taken since the conviction to demonstrate he or she has been rehabilitated and is presently of good character.
 - (A) The individual need not disclose any marijuana-related offenses covered by the marijuana reform legislation codified at Health and Safety Code sections 11361.5 and 11361.7, or any conviction related to human trafficking for which relief has been granted pursuant to Penal Code section 1203.49.
 - (5) Documentation relevant to the conviction(s), including, but not limited to, minute orders, court dockets, transcripts, or other court records, law enforcement records, county probation department letters or records, parole records, or California Department of Corrections and Rehabilitation records.
 - (A) If the law enforcement agency or court will not release a record to an individual, the individual shall notify the County, and the County shall request the record.
 - (B) If the County determines that it is too burdensome for the individual to obtain the record, the County shall request the record.
 - (6) Verification of trainings, classes, courses, treatment, or counseling, or other documentation relevant to rehabilitation.
 - (7) Three signed, original, and current character references, including the reference's contact telephone number and mailing address.
 - (A) An individual listed as a reference on form RFA 01A: Resource Family Application may be the same individual providing a character reference for a criminal record exemption request.

(B) If an individual submits fewer than three character references, a County may approve an exemption provided sufficient evidence of rehabilitation exists, as provided in Subdivision (i).

- (h) A County may grant a criminal record exemption for a crime listed in Health and Safety Code section 1522(g)(2)(B) if all of the following occurs:
- (1) The individual requests an exemption or the applicant or Resource Family requests an exemption on the individual's behalf, pursuant to subsection (g).
 - (2) The individual, applicant, or Resource Family presents substantial and convincing evidence satisfactory to the County that the individual has been rehabilitated and presently is of such good character as to justify the granting of an exemption.
 - (3) The individual was not convicted of a crime listed in Health and Safety Code section 1522(g)(2)(A).
- (i) The following factors may be considered to support a determination that an individual has been rehabilitated and is presently of good character:
- (1) The nature of the crime or conduct did not involve acts of violence or physical harm to another person.
 - (2) A substantial period of time has elapsed since the crime was committed or since the conduct occurred.
 - (3) The number of offenses does not indicate a longstanding pattern of criminal conduct.
 - (4) The circumstances surrounding the commission of the crime or conduct indicate that repetition is not likely.
 - (5) The individual has engaged in positive activities since the conviction or conduct that would indicate changed behavior, including, but not limited to, employment, education, or participation in counseling or treatment.
 - (6) Granting by the Governor of a full and unconditional pardon.
 - (7) Character references indicate present good character.
 - (A) A character reference that demonstrates a knowledge and understanding of the individual's criminal background and an awareness of the individual's changed behavior and rehabilitation shall be given more weight than those that do not demonstrate such knowledge, understanding, and awareness.
 - (8) A certificate of rehabilitation from a superior court.
 - (9) Evidence of honesty and truthfulness as revealed in the application documents, interviews, and conversations between the individual and the County or Department.
- (j) The following factors may be considered to support a determination, but are not conclusive evidence, that an individual requiring a criminal record exemption has not been rehabilitated or is not presently of good character:
- (1) False or misleading statements on forms, letters, other documents, or in conversations between the individual or others and the County, in order to obtain or maintain approval or to obtain or maintain a criminal record exemption. This includes the individual's knowing failure to fully disclose his or her criminal history or child abuse or neglect history when required to do so in application documents or interviews.
 - (2) The individual is currently on probation.

- (3) The individual's statements or testimony denies or minimizes guilt or attempts to impeach a conviction.
 - (4) The individual has not sought counseling, treatment, or aftercare for an alcohol or substance abuse problem.
 - (5) The individual has not paid full restitution or interest to a victim or only paid it when faced with jail or another consequence.
 - (6) The individual's statements or testimony fails to accept full responsibility for criminal conduct that resulted in a conviction, or the individual fails to express remorse for the conduct that is the subject of an allegation at issue.
 - (7) The individual has a recent conviction within the last five years for fraud or theft from a government program within the Department's jurisdiction.
- (k) A County may grant a criminal record exemption that places conditions on an individual's approval or presence in a Resource Family's home.
- (l) A County may deny a criminal record exemption if any of the following occurs:
- (1) The individual, or applicant or Resource Family acting on the individual's behalf, fails to provide the documents specified in subsection (g) within 45 calendar days of the date on the exemption needed notice provided by the County.
 - (2) The individual, or applicant or Resource Family acting on the individual's behalf, fails to cooperate in the exemption process.
 - (3) The County determines the individual is not of good character or has not been rehabilitated.
- (m) A County may rescind an individual's criminal record exemption if any of the following occurs:
- (1) The exemption was granted in error.
 - (2) The exemption does not comply with current exemption laws or regulations.
 - (3) The conviction for which an exemption was granted subsequently becomes non-exemptible by law.
 - (4) Evidence obtained after the exemption was granted shows that the individual engaged in conduct that is inconsistent with the good character requirement of a criminal record exemption, as evidenced by factors including, but not limited to, any of the following:
 - (A) Violation of any applicable law or regulation.
 - (B) Any conduct by the individual indicating the individual may pose a risk to the health and safety of any child or nonminor dependent who is or may be placed with a Resource Family.
 - (C) Nondisclosure of a conviction or evidence of lack of rehabilitation that the individual failed to disclose to the County, even if it occurred before the exemption was granted.
 - (D) The individual is convicted of a subsequent crime.
- (n) If a County denies a criminal record exemption or rescinds an exemption, the County shall provide the individual with a notice of the denial or rescission that conforms to the requirements of Section 12-05 and includes the following:

- (1) The authority to deny a criminal record exemption or to rescind an exemption.
 - (2) The specific criminal conviction for which the exemption was denied.
 - (A) Only the notice to the individual shall indicate the specific criminal conviction(s) for which an exemption was denied, including the crime, date, and location of the conviction.
 - (3) The individual's right to appeal the County's decision pursuant to Article 12.
- (o) If an individual, applicant, or Resource Family appeals a County's decision to deny a criminal record exemption or to rescind an exemption, the County shall provide due process as specified in Welfare and Institutions Code section 16519.5 et seq. and Article 12.
- (p) A County shall take the following actions if a criminal record exemption is denied or rescinded:
- (1) For an applicant, denial of the application.
 - (2) For a Resource Family, rescission of Resource Family Approval.
 - (3) For an adult who resides or is regularly present in the home, if the individual will continue to reside or be regularly present in the home, then denial of the application or rescission of the approval.
 - (4) If applicable, conduct a visit to the home as set forth in Section 12-07(e) to verify that an adult who had a criminal record exemption denied or rescinded is no longer residing or present in the home.
- (q) (1) If an exemption has been denied or an exemption is rescinded, the individual shall be excluded for a period of two years unless the individual has been convicted of a crime for which no exemption may be granted pursuant to subsection (b).
- (A) The Department shall have authority to not impose the exclusion in accordance with Welfare and Institutions Code section 16519.6(g)(5) and Health and Safety Code section 1558.1(e).
 - (B) Exclusion or removal of an individual pursuant to this paragraph shall not be considered an order of exclusion for purposes of Health and Safety Code section 1558, Section 16519.6 of the Welfare and Institutions Code, or any other applicable law.
- (2) If an exemption has been denied or an exemption has been rescinded based on a conviction of a crime for which no exemption may be granted, the individual shall be excluded for the remainder of the individual's life.
- (r) A County shall maintain written documentation containing the reasons for granting, denying, or rescinding a criminal record exemption.
- (s) (1) A County may accept the transfer of a criminal record exemption that has been issued by the same County, another County, or the Department for a resource family, an approved relative or nonrelative extended family member or licensed foster family home. The request to transfer shall be in writing to the County evaluating the applicant or Resource Family and shall include a copy of a proof of identification accepted by the California Department of Justice for Live Scan

- purposes. The County shall verify whether the individual has an exemption that can be transferred, and subsequent to an approved transfer, continue to enforce and incorporate, as part of an approved exemption notification, any condition(s) placed on the individual pursuant to the previously granted exemption.
- (2) With respect to notifications issued by the California Department of Justice pursuant to Penal Code section 11105.2 concerning an individual whose criminal record exemption was originally processed by another County, or the Department, the following shall apply:
- (A) The California Department of Justice shall process a request from the County to receive the notifications only if all the following conditions are met:
- (i) The request shall be submitted to the California Department of Justice by the agency to be substituted to receive the notification.
 - (ii) The request shall be for the same California Department of Justice applicant type as the type for which the original exemption was obtained.
 - (iii) The request shall contain all prescribed data elements and format protocols pursuant to a written agreement between the Department and the California Department of Justice.

SECTION 6-04: Permanency Assessment

- (a) A County shall conduct a Permanency Assessment that includes all of the following:
- (1) Verification that each applicant completed pre-approval training as specified in Section 6-06.
 - (2) A family evaluation of each applicant as specified in Section 6-05.
 - (3) Verification of the completion of any other activities related to an applicant's ability to achieve permanency with a child or nonminor dependent.

SECTION 6-05: Family Evaluation

- (a) A County shall conduct interviews as follows:
- (1) A minimum of two face-to-face interviews with an applicant.
 - (A) If there is more than one applicant, then one individual interview of each applicant and one joint interview of all applicants shall occur.
 - (B) If an applicant refuses to participate in an interview, a County shall deny the application.
 - (C) One of the required interviews shall occur at the applicant's residence and shall include observation of the family environment, and if applicable, any parent-child interaction.

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Flexibility with the applicant's schedule should be considered when scheduling the interviews. Interviews may occur prior to or after a child and family team meeting, monthly caseworker visit, during the home health and safety assessment, or other convenient times or locations for the family.

- (2) (A) A minimum of one separate face-to-face interview of all other adults, children, nonminor dependents, and adoptive, biological, and guardianship children, residing in the home of an applicant to ascertain:
 - (i) Parenting skills of the applicant.
 - (ii) Strengths and weaknesses of the applicant.
 - (B) Interviews with other adults residing in the home shall include a discussion of the individual's background check results.
 - (C) If the RFA program staff is unable to meet with the other adults face to face, then the interview may be conducted via web-based audio-video communications.
 - (D) If an adult residing in the home is unable to participate in an interview due to a compelling circumstance, a County shall determine if the interview is necessary to assess the applicant's ability to be approved as a Resource Family.
 - (3) Additional interviews of an applicant or other individuals, as deemed necessary by the County.
- (b) At a minimum, the following information shall be gathered during the family evaluation of an applicant:
- (1) Motivation to become a Resource Family, including the relationship to a specific child or nonminor dependent considered for placement with the applicant.
 - (2) Childhood upbringing and experiences.
 - (3) Adult experiences and personal characteristics.
 - (4) A risk assessment, which shall include:
 - (A) Past and current alcohol and other substance use and abuse history.
 - (B) Physical, emotional, and sexual abuse, neglect, and family domestic violence history.
 - (C) Past and current physical and mental health.
 - (5) Current relationships.
 - (A) Co-parenting roles.
 - (B) If the applicant's spouse, domestic partner or significant other did not apply for Resource Family Approval, then the reasons for the individual application shall be discussed.
 - (6) Parenting experiences, practices, and discipline methods.
 - (A) Discussion of how the applicant will promote a normal, healthy, balanced, and supported childhood experience and treat a child or nonminor dependent as part of the family, to the extent possible.
 - (B) Ability to parent a child from different backgrounds or experiences, including race, ethnicity, sexual orientation, gender identity, or a child who is gender non-conforming.
 - (7) Discussion of the background check results.
 - (8) Discussion of any services needed by the applicant to meet their Resource Family responsibilities.
 - (9) Employment.
 - (10) Financial situation.

- (A) Ability to ensure the stability and financial security of the family.
- (B) Understanding of legal and financial responsibilities when caring for a child or nonminor dependent.
- (11) Knowledge or ability to demonstrate an understanding of the following:
 - (A) The safety, permanence, protection and well-being needs of children and nonminor dependents who have been victims of child abuse and neglect.
 - (B) The needs and development of children and nonminor dependents.
 - (C) Effective parenting skills or knowledge about parenting.
 - (D) A Resource Family's role and capacity to work cooperatively with the county, birth parents, extended family, and other service providers in implementing the child's case plan.
 - (E) The rights of children and nonminor dependents in care and a Resource Family's responsibility to safeguard those rights.
- (12) An ability and willingness to do the following:
 - (A) Meet the needs of children and nonminor dependents.
 - (B) Make use of support resources offered by a County or by a support structure in place, or both.
 - (C) Prepare a child for adulthood or prepare a nonminor dependent for the transition to independent living.
 - (D) Participate in the Quality Parenting Initiative Partnership Plan, if applicable.
 - (E) Honor the natural connections of a child or nonminor dependent.
 - (F) Support permanency plans for a child or nonminor dependent, including reunification, and help prepare a child or nonminor dependent for permanence or provide permanency.
- (c) When evaluating information that shows an applicant has a history of conduct that may pose a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, or other individual, a County shall consider the factors specified in Section 6-03B (i) and (j), if applicable, and any other relevant information.
- (d) A County may review information contained in the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) databases regarding an applicant to develop topics to discuss with an applicant during a family evaluation.

SECTION 6-06: Pre-Approval Training

- (a) A County shall ensure that each applicant completes a minimum of 12 hours of pre-approval training prior to Resource Family Approval.
 - (1) An individual may begin pre-approval training no more than 60 days prior to submitting an application.
 - (A) An application must be submitted prior to the completion of pre-approval training.
- (b) Pre-approval training shall address the following topics:

- (1) A Resource Family orientation, which includes the requirements set forth in Articles 6, 11, and 11.1.
- (2) An overview of the child protective and probation systems.
- (3) The effects of trauma, including grief and loss, child abuse and neglect, and domestic violence on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.
- (4) Positive discipline and the importance of self-esteem.
- (5) Common health issues of children and nonminor dependents in foster care.
- (6) Accessing services and supports available to foster children to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.
- (7) Personal rights of children and nonminor dependents in foster care including the Resource Family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.
- (8) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.
- (9) Basic instruction on existing laws and procedures regarding the safety of foster youth at school; and ensuring a harassment and violence free school environment pursuant to Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.
- (10) Permanence, well-being, and education needs of children, including the importance of the Resource Family's role in education, educational protections specific to foster youth under state and federal law, and the rights and obligations of Resource Families to access and maintain educational and health information, including the requirements of Education Code sections 49069.3, 49076, and 56055 and Welfare and Institutions Code section 16010.
- (11) Child and adolescent development, including sexual orientation, gender identity, and expression.
- (12) The role of a Resource Family, including working cooperatively with the child welfare agency or probation department, a child's family, and other service providers and agencies to develop and implement the child's or nonminor dependent's case plan.
- (13) The role of a Resource Family on the child and family team as defined in Welfare and Institutions Code section 16501(a)(4).
- (14) Knowledge and skills relating to the reasonable and prudent parent standard, as specified in Health and Safety Code section 1522.44.
- (15) An overview of the specialized training described in Welfare and Institutions Code section 16519.5(h).
- (16) Options for permanency.
- (17) Birth parent relationships and safety issues regarding contact.

- (18) The rights of children and nonminor dependents to sexual and reproductive health care and information and to confidentiality of sensitive health information.
- (19) The duties and responsibilities of the Resource Family in ensuring children and nonminor dependents can obtain sexual and reproductive health services and information.
- (20) Guidance about how to engage and talk with children and nonminor dependents about healthy sexual development and reproductive and sexual health in a manner that is medically accurate, age or developmentally appropriate, trauma-informed, and strengths-based.
- (21) Information about current contraception methods and how to select and provide appropriate referral resources and materials for information and service delivery.
- (22) The role of a Resource Family as a mandated reporter, including training on child abuse and neglect identification, and abuse and neglect reporting, as defined in Penal Code section 11166.
 - (A) As part of the training described in paragraph (22), a County shall provide a copy of Penal code sections 11165.7, 11166, and 11167.
 - (B) Once training has been completed, an applicant shall submit a signed statement on a form provided by the County, verifying that the applicant has knowledge of child abuse and neglect reporting responsibilities pursuant to provisions of Penal Code section 11166, and confidentiality rights under subdivision (d) of section 11167, and agrees to comply with those provisions.

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California mandated reporter information and resources, including a free on-line training, can be found at www.mandatedreporter.ca.com.

- (c) A County may require an applicant to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent.
- (d) A County shall provide an applicant with pre-approval training or shall require that an applicant complete pre-approval training provided by qualified sources that may include colleges, hospitals, foster parent associations, adult schools, certified foster parent instructors, and online sources.
 - (1) When a County does not provide the pre-approval training, the County shall provide an applicant with information as to where the training is available.
 - (2) Upon request of an applicant, a County shall make efforts to assist the applicant with accessing training.

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A County may assist an applicant with completing training requirements, such as offering one-on-one training in the home (as determined necessary by the RFA worker) or providing child care or transportation stipends.

- (e) Nothing in this section shall preclude a County from requiring an applicant to complete pre-approval training hours in excess of the requirements in this section or as required by state law for any specialized training.
- (f) Upon the applicant's completion of pre-approval training, as well as any required additional training, a County shall provide documentation of the completed training to the applicant(s).
 - (1) A certificate or other form of documentation of completed training shall include the following:
 - (A) The name or topic of the training.
 - (B) The name of the individual(s) who completed the training.
 - (C) The date training was completed.
 - (D) The number of training hours completed.

SECTION 6-07: Written Report

- (a) A County shall complete form RFA-05: Resource Family Approval Written Report or an equivalent report of the Comprehensive Assessment of an applicant.
- (b) A Written Report shall include, but not be limited to, the following:
 - (1) Identifying information of an applicant, any adopted, biological, or guardianship children residing in the home, and any adults residing or regularly present in the home.
 - (2) A description of the physical features of the home, as specified in Section 6-02(a)(2)(A).
 - (A) Any identified concerns regarding an animal that may adversely impact the health and safety of a child or nonminor dependent shall be evaluated and resolved with the applicant prior to approval.
 - (3) An evaluation and determination of whether an applicant's home is safe and in compliance with the requirements specified in Section 6-02, Article 11, and if applicable, Section 11.1-07, including any Documented Alternative Plans pursuant to Section 10-03.
 - (4) An evaluation of the results of a background check of an applicant and all adults residing or regularly present in the home, including any criminal record exemptions granted, as specified in Sections 6-03A and 6-03B.
 - (5) A summary of all interviews of applicant(s), children, nonminor dependents, adoptive, biological, guardianship children, adults residing in the home, and other individuals.

- (A) If an adult residing in the home is unable to participate in an interview due to a compelling circumstance, document the reasons and the County's determination regarding whether the interview is necessary to assess the applicant's ability to be approved as a Resource Family.
- (6) An evaluation of the information obtained during a family evaluation of an applicant, including a risk assessment, as specified in Section 6-05.
 - (A) If an applicant applied as an individual but is currently married, in a domestic partnership, or residing with a significant other in the home, then the evaluation shall include the impact, if any, this has on the applicant's ability to be approved as a Resource Family.
- (7) Verification that an applicant completed pre-approval training as specified in Section 6-06.
 - (A) The Written Report shall state the number of training hours completed, any specialized training received, and an evaluation of any feedback provided by a trainer.
- (8) A statement verifying whether an applicant has provided the supporting documentation specified in Section 5-03A(a)(9).
- (9) A determination of an applicant's commitment and capability to meet the needs of a child or nonminor dependent including, but not be limited to, the following:
 - (A) Strengths and weaknesses of the applicant.
 - (B) Whether the applicant would only prefer to adopt, become a legal guardian, or provide foster care.
 - (C) Understanding of the needs, safety, permanence, and well-being of children or nonminor dependents, including those who have been victims of abuse or neglect.
 - (D) Ability and willingness to participate in the Quality Parenting Initiative Partnership Plan, if applicable.
- (10) If the county has determined the applicant may be approved only for a specific child or nonminor dependent; an evaluation of the reasons as specified in subsection (e).
 - (A) The name of the specified child or nonminor dependent shall be listed on form RFA-01A: Resource Family Application.
- (11) A capacity determination, as specified in Section 10-04, and the reasons supporting the determination.
- (12) A summary of an applicant's understanding of the legal and financial responsibilities for providing care to a child or nonminor dependent.
- (13) A statement that an applicant has been provided with the information specified in Section 5-03B(h).
- (14) Any concerns regarding the applicant.
 - (A) Describe any historical or current events contributing to the concern and frequency and duration of the concern.
 - (B) Attempts by the County or applicant(s) to resolve or mitigate the concern.
 - (C) The County's determination of whether the concern has been resolved and the impact the concern has on the applicant's ability to meet the qualifications of a Resource Family.
- (15) A statement that the applicant has signed the Quality Parenting Initiative (QPI) Partnership Plan, if applicable, as specified in Section 5-03B(i).

- (16) The characteristics of a child or nonminor dependent an applicant may best serve.
 - (17) Any resources, services, or training that would assist an applicant in meeting the needs of a child or nonminor dependent.
 - (18) A statement that the application is approved or denied and the reasons for the determination.
- (c) A County may evaluate character references provided by an applicant, pursuant to Section 5-03A(a)(4)(A), in the Written Report.
 - (d) A County may approve an application that places conditions on the approval, provided each applicant meets all of the standards for approval. Any conditions shall be specified in writing on the Resource Family Approval certificate pursuant to Section 6-08(a)(2)(F).
 - (e) A County may approve an applicant to care for a specific child or nonminor dependent in circumstances when consideration of the familial or tribal relationship is of such sufficient significance that it outweighs any concerns about the applicant identified through the family evaluation required by Section 6-05.
 - (1) The applicant shall meet all Resource Family Approval standards described in the Written Directives.
 - (2) The identified concerns or issues about the applicant shall not be of such significance that it may impact the health, safety, or well-being of the specified child or nonminor dependent.
 - (3) Approval for a specific child or nonminor dependent does not guarantee initial or continued placement of the specified child or nonminor dependent with a Resource Family.
 - (4) Prior to approving an applicant for a specific child or nonminor dependent, a County shall advise the applicant that the Resource Family may not accept the placement of any other child or nonminor dependent unless one of the following occurs:
 - (A) An approval update is completed pursuant to Section 9-03.
 - (B) A child or nonminor dependent is placed with a Resource Family on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45.
 - (i) A County shall initiate an approval update pursuant to Section 9-03 within five business days of an emergency placement.
 - (f) If a County has discontinued the Comprehensive Assessment of an applicant pursuant to Section 6-01(d), then the County is not required to complete any section of the Written Report that was not completed prior to the determination of denial.
 - (g) A County shall obtain an applicant's signature acknowledging receipt of the Written Report.
 - (1) If an applicant is unwilling to sign the Written Report, RFA program staff may document the refusal in the signature space.
 - (h) A County shall distribute a copy of a Written Report as follows:
 - (1) To an applicant or Resource Family.
 - (2) To the County's case file.

SECTION 6-08: Resource Family Approval Certificate

- (a) If a County approves an application, as documented in the Written Report, or updates an approval pursuant to Section 9-02 through 9-04 or changes the capacity pursuant to Section 10-04, then a County shall complete form RFA-05A: Resource Family Approval Certificate or an equivalent certificate.
 - (1) The certificate of approval for a Resource Family home remains in effect and does not expire regardless of when the update to the approval is completed.
 - (2) The certificate shall contain the following:
 - (A) The name of the County.
 - (B) The full name(s) of the Resource Family and address of the home.
 - (C) The date of approval.
 - (D) The date and type of most recent update.
 - (E) The capacity for which the Resource Family is approved.
 - (F) If applicable, that the approval is for a specific child or nonminor dependent pursuant to Section 6-07(e).
 - (G) If applicable, that there are conditions placed on the approval pursuant to Section 6-07(d).
 - (3) The certificate may not contain the name of a child or nonminor dependent when the approval is for a specific child or nonminor dependent pursuant to Section 6-07(e).
 - (4) A copy of the completed Resource Family Approval Certificate shall be kept in the Resource Family file and in the Resource Family home.

ARTICLE 7: RESERVED

ARTICLE 8: RESOURCE FAMILY ANNUAL AND OTHER TRAINING

SECTION 8-01: Annual and Other Training

- (a) A County shall ensure that each Resource Parent submits copies of the certificates verifying completion of cardiopulmonary resuscitation (CPR) and first aid training no later than 90 days following Resource Family approval as specified in Section 11-19(a).
 - (1) A County shall verify that each Resource Parent maintains current certificates of cardiopulmonary resuscitation (CPR) and first aid training.
- (b) A County shall ensure that each Resource Parent completes a minimum of eight hours of annual training, due every 12 months on the approval anniversary date. If there is a child or nonminor dependent placed in the home, a portion of the annual training shall support the case plans, goals, and needs of the child. Annual training shall be provided by qualified sources that may include those listed in Section 6-06(d), and which shall include the following:
 - (1) One or more of the courses specified in Welfare and Institutions Code section 16519.5(g)(13).

- (2) Knowledge and skills related to the application of the reasonable and prudent parent standard for the participation of a child in age or developmentally appropriate activities, as set forth in Health and Safety Code section 1522.44.
- (c) Annual training may include, but not be limited to, the following topics:
- (1) Trauma informed care and attachment.
 - (2) Core Practice Model.
 - (3) Crisis intervention.
 - (4) Behavior management.
 - (5) Supporting children and nonminor dependents in school.
 - (6) Effects of drug and alcohol abuse on children and nonminor dependents.
 - (7) Effects of domestic violence on children and nonminor dependents.
 - (8) Assisting with self-administration of psychotropic medications.
 - (9) Emancipation and independent living.
- (d) In addition to the training specified in subsection (b), a County may require a Resource Parent to receive relevant specialized training, as specified in Welfare and Institutions Code section 16519.5(h), to meet the needs of a particular child or nonminor dependent in care.
- (1) Specialized training may include, but is not limited to, the following:
 - (A) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children.
 - (B) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.
 - (C) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.
 - (D) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.
 - (E) Understanding how to use best practices for providing care and supervision to nonminor dependents.
 - (F) Understanding how to use best practices for providing care and supervision to children with special health care needs.
 - (G) Understanding the different permanency options and the services and benefits associated with the options.
- (e) Nothing in this section shall preclude a County from requiring Resource Family to complete training hours in excess of the requirements in this section or as required by state law for specialized training.

ARTICLE 9: MONITORING RESOURCE FAMILIES

SECTION 9-01: Monitoring Resource Families

- (a) A County shall monitor Resource Families through the following:
 - (1) Visiting the homes of Resource Families periodically and as necessary to ensure Resource Families conform to applicable laws, the Written Directives, and any exclusion orders, and to verify that only individuals with a criminal record clearance or exemption reside or are regularly present in the home.
 - (2) Conducting approval updates as required by Sections 9-02 through 9-04.
 - (3) Investigating complaints regarding Resource Families and serious incidents reported by Resource Families as required by Sections 9-06A and 9-06B.
 - (4) Developing corrective action plans and requiring Resource Families to comply with corrective action plans to correct identified deficiencies as required by Section 9-07.
 - (5) Investigating possible address matches of registered sex offenders as required by Section 9-08.
 - (6) Collaborating with the Department regarding RFA exclusion investigations and administrative actions, and for Resource Families who are certified or registered by the Department or associated to a licensed facility, investigations of complaints and serious incidents and administrative actions concerning the Resource Family.
- (b) RFA program staff shall document each visit to the home of a Resource Family on form RFA 809: Resource Family Visit Record. A copy of the form shall be provided to the Resource Family upon completion.
- (c) A County shall ensure that a RFA program staff who identifies a condition that may adversely impact the health and safety of a child or nonminor dependent, takes appropriate actions and reports his or her observations to the social worker or probation officer for the child or nonminor dependent.
- (d) The review of a Resource Family's compliance with the requirements to maintain approval shall be governed by the law and Written Directives in effect at the time of the condition, deficiency, incident, or allegation at issue. Nothing in this subsection shall supersede any provision of federal or state law or any regulations adopted pursuant to federal or state law.

SECTION 9-02: Update of Resource Family Approval

- (a) At least once every 12 months a County shall update the approval of a Resource Family, no sooner than 60 calendar days prior to the 12-month anniversary date and shall be completed no later than 30 calendar days after the 12-month anniversary date. The 12-month anniversary date shall be either of the following:
 - (1) An update has not occurred within 12 months from the approval date.
 - (2) If an update has occurred; 12 months from the date the update was completed.

- (b) A County shall complete an update for a Resource Family, as specified in Subsection (d), when any of the following occur:
 - (1) A significant change has occurred in the Resource Family's circumstances, as determined by a County.
 - (A) An update due to a significant change shall begin within 30 calendar days of a County's knowledge of the change.
 - (2) Relocation to a new home.
 - (A) A County shall begin an update to the Resource Family's approval within within 30 calendar days of being notified that the Resource Family has moved.
 - (3) A Resource Family who is approved for a specific child or nonminor dependent requests to care for an additional children or nonminor dependents.
 - (4) A Resource Family who is approved for a specific child or nonminor dependent accepts a placement on an emergency basis pursuant to Welfare and Institutions Code section 309 or 361.45, or for a compelling reason pursuant to Welfare and Institutions Code section 16519.5(e).
 - (A) A County shall begin an update specified in paragraph (4) within five business days.
 - (5) A Resource Family request to end inactive status pursuant to Section 10-02(c).
- (c) A County shall complete an update for a Resource Family, as specified in Section 9-03, in order to add or remove a Resource Parent.
- (d) During an update of a Resource Family's approval, a County shall:
 - (1) Ask the Resource Family to verify that all personal information in the Written Report, and any updates to the Written Report are current and, if applicable, update.
 - (2) Conduct a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home using form RFA 03: Resource Family Home Health and Safety Assessment Checklist to ensure compliance with Section 6-02(a)(2).
 - (3) Confirm that a subsequent arrest notification (rap back) service is in place for all adults residing or regularly present in the home.
 - (A) If there are new adults residing or regularly present in the home, complete a background check, as specified in Section 06-03A, shall be completed for each new adult.
 - (4) Address any significant changes to the family evaluation, which may include, but not be limited to the following:
 - (A) A change in the number of people residing in the home, including the following:
 - (i) Any additional individuals residing or regularly present in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person in the home.
 - (ii) Any adult who plans to reside or be regularly present in the home or move out of the home.
 - (B) A change in marital or domestic partnership status or a change in a relationship with a significant other.

- (C) A change in the physical or mental health of a Resource Parent, a child or nonminor dependent, or any other residents in the home.
 - (D) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
 - (E) A change in employment or financial situation.
 - (F) A change in any information evaluated in the risk assessment as specified in Section 6-05(b)(4).
- (5) Interview all individuals residing in the home.
 - (A) If an individual is unavailable or refuses to be interviewed, document the reasons, and determine if the interview is necessary to assess the Resource Family's continued ability to be approved as a Resource Family.
 - (6) Review the Resource Family's current capacity and if necessary, revise the capacity in accordance with Section 10-04.
 - (7) Review current DAP(s) and evaluate the need for continued approval.
 - (8) Review the Resource Family's current annual and other training to identify any training that is overdue.
 - (A) If training is overdue, a County may develop a corrective action plan.
 - (i) An update may not be finalized until the Resource Family completes the annual and other required training.
 - (9) Assess whether a Resource Family shall complete additional activities to maintain their approval.
 - (10) For a move to a new home location, a County shall ensure a Resource Family submits documents verifying that the Resource Family owns or rents the home in which the Resource Family resides, or written permission to reside at the residence by the owner of the home.
- (e) A County shall document any deficiencies identified and develop a corrective action plan with the Resource Family as specified in Section 9-07.
 - (1) If the identified deficiencies are unable to be corrected, a County may choose to rescind the Resource Family's approval.
 - (2) In accordance with Section 10-01A(e), a County shall attempt to resolve areas of concern, if possible, prior to rescinding an approval, or take other action as appropriate.
 - (f) A County shall complete form RFA 06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the completed form to the Resource Family and obtain a signature from the Resource Family acknowledging receipt of the completed form.
 - (g) A County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.
 - (1) A new anniversary date to complete the next update within 12 months shall begin on the date the update is completed,
 - (h) For purposes of this section, a Resource Family maintains their approval unless approval is rescinded by a County or the Resource Family chooses to surrender the approval.

- (i) When a Resource Family fails to cooperate in an update process, specified in Subsection (a), a County shall provide the Resource Family with written notice that includes the following:
 - (1) A description of all outstanding items necessary to complete the update.
 - (2) A time period the Resource Family has to complete the outstanding items.
 - (3) That pursuant to Welfare and Institutions Code section 16519.501(e), the approval shall be forfeited by operation of law if the Resource Family fails to cooperate with the annual update within 30 days of the date of the written notice from the Resource Family.
 - (4) The County shall document proof of service of the written notice in the Resource Family file.

SECTION 9-03: Approval Update Due to Addition or Removal of a Resource Parent

- (a) An individual who resides in the home of a Resource Family may submit an application in order to be added to the approval certificate as a Resource Parent. The application and assessment process shall include the following:
 - (1) The individual shall:
 - (A) Comply with the applicant qualifications specified in Section 5-02.
 - (B) Comply with the application requirements specified in paragraphs (1), (2), (4), (5), (6), (7) and (9) of Section 5-03A(a).
 - (C) Except for Section 5-03A(a)(9)(F), provide the supporting documentation specified in Section 5-03A(a)(9).
 - (2) The County shall complete an update to the Resource Family's approval to include the items specified in Section 9-02(d).
 - (3) If any deficiencies are identified, a County shall document the deficiencies and develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.
 - (4) A County shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the form to the Resource Family upon completion.
 - (5) If the County approves the application, then the County shall complete form RFA-05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.
 - (A) An update pursuant to this Section does not change a Resource Family's date of approval.
- (b) If a County denies the application described in subsection (a), then due process shall be provided to the applicant in accordance with Article 12.
- (c) If one or more parents of a Resource Family request to be removed from an approval and be approved separately, the following shall apply:
 - (1) The request shall be submitted in writing to the County.
 - (2) The County shall complete an approval update for each Resource Parent to include the items specified in Section 9-02(d) and collect documents specified in Section 5-03A(a)(9)(f).

- (3) If any deficiencies are identified, a County shall document the deficiencies and develop a corrective action plan for the Resource Parent to correct the identified deficiencies or take other actions as necessary.
 - (A) If the Resource Parent operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, a County shall notify the Department.
 - (4) The County shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form for each Resource Parent, and shall provide a copy of the form to the corresponding Resource Parent upon completion.
 - (5) The County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08 for each Resource Parent.
- (d) If a Resource Parent no longer wishes to be approved, the Resource Parent may surrender his or her approval.
- (1) The surrender shall be submitted verbally or in writing to the County.
 - (A) The County shall document the surrender of approval by a Resource Parent in the Resource Family's file.
 - (B) If the surrender was submitted verbally, the County shall provide a written confirmation to the Resource Family.
 - (2) The County shall complete an approval update for the remaining Resource Parent to include the items specified in Section 9-02(d).
 - (3) If any deficiencies are identified, a County shall document the deficiencies and develop a corrective action plan for the Resource Family to correct the identified deficiencies or take other actions as necessary.
 - (A) If the Resource Family operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, a County shall notify the Department.
 - (4) The County shall complete form RFA-06: Resource Family Approval Update Report or an equivalent form and shall provide a copy of the form to the Resource Family upon completion.
 - (5) The County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.
 - (A) An update pursuant to this Section does not change a Resource Family's date of approval.
- (e) A Resource Family maintains their approval status unless approval is rescinded by a County or the Resource Family chooses to surrender the approval.

SECTION 9-04 Approval Update Due to Portability

- (a) Upon receipt of a completed form RFA 10: Resource Family Approval- Portability Application from a Resource Family, the County shall complete an approval update pursuant to this Section.
- (b) During the approval update, the County shall:

- (1) Evaluate all information provided by the current foster family agency, including the information provided on Section III of form RFA 10: Resource Family Approval-Portability Application and all records in the Resource Family's file.
- (2) Ask the Resource Family to verify that all personal information contained in the Written Report and any updates to the Written Report is current.
- (3) Conduct a health and safety assessment of the home and grounds, outdoor activity space, and storage areas of the home using form RFA 03: Resource Family Home Health and Safety Assessment Checklist to ensure compliance with Article 11, and if applicable, Article 11.1-07.
- (4) Verify with the current foster family agency that a subsequent arrest notification (rap back) service is in place for all adults residing or regularly present in the home.
 - (A) If a new adult plans to reside or be regularly present in the home, the County shall complete a background check for any such adult.
- (5) Address any significant changes to the family evaluation, which may include but not be limited to, the following:
 - (A) A change in the number of people residing in the home, including the following:
 - (i) Any additional individuals in the Resource Family's home, including if the Resource Family becomes a guardian or conservator for any child or other person.
 - (ii) Any adult who plans to reside or be regularly present in the home or move out of the home.
 - (B) A change in marital or domestic partnership status or a change in a relationship with a significant other.
 - (C) A change in the physical or mental health of the Resource Parent, a child or nonminor dependent, or any other residents in the home.
 - (D) A move to a new home location.
 - (E) If the Resource Family has become licensed to operate a family day care home as defined in Health and Safety Code section 1596.78.
 - (F) A change in employment or financial situation.
 - (G) A change in any information evaluated in the risk assessment as specified in Section 6-05 (b)(4).
- (6) Interview all individuals residing in the home.
 - (A) If an individual is unavailable or refuses to be interviewed, document the reasons and determine if the interview is necessary to approve the Resource Family's portability application.
- (7) Review the Resource Family's current capacity and increase or decrease the capacity if necessary in accordance with Section 10-04.
- (8) Review the Resource Family's annual training to identify any training that is overdue.
 - (A) If training is overdue, the approval update may not be finalized until the Resource Family completes annual and other required training as specified in Section 08-01.
- (9) Review all current approved DAP(s) and evaluate the continued need for approval of the DAP(s).
- (10) Determine whether a Resource Family shall complete additional activities necessary to evaluate the Resource Family's portability application.

- (11) Determine whether the portability application is approved or denied and the reasons for the determination.
- (c) If any concerns are identified during the approval update, the County shall make a good faith effort to resolve its concerns prior to approving or denying the portability application.
 - (1) The County may approve a portability application that places conditions on the approval, provided the Resource Family meets all of the standards for approval. Any conditions shall be specified in writing on the Resource Family Approval certificate pursuant to Section 6-08(a)(1)(F).
 - (2) If the County determines that it cannot resolve its concerns, the County may deny the portability application.
 - (3) The County shall comply with the cross-reporting requirements of Section 9-06C if the identified concerns constitute a risk or threat to health or safety of a child or nonminor dependent.
- (d) If there were conditions placed on a criminal record exemption or a Resource Family's approval prior to transfer of the approval, the conditions shall be transferred if:
 - (1) The condition was imposed by the Department's Caregiver Background Check Bureau
 - (2) The condition was imposed as a result of an administrative action
 - (3) The condition was imposed due to a concern for the health, safety or welfare of a child or nonminor dependent and the concern has not been fully addressed
- (e) The County shall complete form RFA 06: Resource Family Approval Update Report, or an equivalent form.
- (f) The County shall distribute a copy of the approval update as follows:
 - (1) To the Resource Family.
 - (2) To the Resource Family file maintained by the County.
 - (3) If a County denies the portability application, to the current foster family agency.
 - (4) To the current placement agency if there is a child placed with the Resource Family.
- (g) A Resource Family maintains its approval status with its current foster family agency unless any of the following occur:
 - (1) Approval is rescinded by the current foster family agency or Department;
 - (2) The Resource Family chooses to surrender its approval;
 - (3) The approval is forfeited by operation of law; or
 - (4) The Resource Family is approved by a County in accordance with Section 5.1-01.

SECTION 9-05: Reserved

SECTION 9-06: Reserved

SECTION 9-06A: Complaints and Investigations

- (a) A County shall review any information presented by any person concerning a Resource Family to determine whether or not the Resource Family may not have met or may not be

meeting the requirements of one or more of the Written Directives or any applicable law, regardless of whether or not the information is presented in the form of an allegation.

- (b) Upon receipt of a complaint concerning a Resource Family, a RFA program staff member shall conduct a preliminary review of the complaint as follows:
 - (1) Review all information maintained on file concerning the Resource Family.
 - (2) Interview any complainant.
- (c) A County shall notify the Department of a serious complaint by the close of the next business day following receipt of the complaint as specified in Section 4-03(e).
- (d)
 - (1) A County shall investigate a complaint allegation unless, after a preliminary review as specified in subsection (b), the County determines the allegation could not have occurred or is part of a pattern and practice of harassment.
 - (2) A decision not to investigate an allegation shall be approved by a supervisor.
 - (3) A County shall document in the Resource Family's file all information received and reviewed pursuant to subsections (a) and (b), regardless of whether or not it is determined to be an allegation.
- (e) Prior to conducting an investigation of a complaint or incident, if the Resource Family operates a licensed family day care home, or it is known that the Resource Family is registered on the TrustLine or Home Care Aide registries, or associated to a facility licensed by the Department, a County shall notify the Department and collaborate with the Department on the investigation.
- (f)
 - (1) A County shall conduct an unannounced visit to a Resource Family's home within ten calendar days of receipt of a complaint to be investigated, unless the tenth day after the receipt of the complaint is not a business day, in which case the County shall conduct the visit on the following business day.
 - (2) A visit to a Resource Family's home may be delayed under the following circumstances:
 - (A) Law enforcement requests that the visit be delayed as it would adversely affect a law enforcement investigation.
 - (B) The visit would endanger the health and safety of a child or nonminor dependent placed with the Resource Family.
 - (C) The visit would increase the possibility of evidence being compromised.
 - (3) Notwithstanding paragraph (1), if a County has, on two separate occasions at different hours of the day, unsuccessfully conducted an unannounced visit to a Resource Family's home, and it appears that further attempts to make an unannounced visit will not be successful, then the County may schedule the visit with the Resource Family under the following circumstances:
 - (A) Doing so would not have a significant adverse effect upon the investigation or jeopardize the health and safety of any child or nonminor dependent placed with the Resource Family.
 - (B) The County has documented each attempt to make an unannounced visit to the home.

- (C) A supervisor approves the scheduling of the visit.
 - (4) Prior to visiting the home, the County may not disclose to the Resource Family that a complaint has been received concerning the Resource Family.
 - (5) When visiting a Resource Family's home, a County shall ensure that the Resource Family is aware of the complaint investigation process, their rights and responsibilities during the investigation process, including the right to dispute the investigation result.
- (g) When investigating a complaint, a County shall take reasonable steps to ascertain the validity of the complaint. These steps may include, but are not limited to, the following:
- (1) Assessing the health and safety of the home and grounds, outdoor activity space, and storage areas.
 - (2) Conducting interviews of a child or nonminor dependent, or any person who may have knowledge of the circumstances described in the complaint.
 - (3) Obtaining and/or reviewing any relevant records.
 - (4) Observing any child or nonminor dependent placed with the Resource Family in the home.
 - (5) Coordinating a medical examination of a child or nonminor dependent with the social worker or probation officer of the child or nonminor dependent.
 - (A) A nonminor dependent may not be examined by a medical professional without the nonminor dependent's consent.
 - (6) Making additional unannounced visits to the home as needed.
 - (7) Documenting all interviews and steps taken during the investigation.
- (h) When investigating a complaint, a County shall review any adverse action taken by the Department against a license, certificate, employment, approval, or registration of a Resource Family or an associated individual, to determine if the Resource Family did not conform to the Written Directives or any applicable law.
- (1) All allegations identified in an adverse action taken by the Department shall be documented as a complaint and investigated.
 - (2) A County may rely on an investigation conducted by the Department in lieu of investigating the allegations specified in the adverse action, when appropriate.
- (i) Before interviewing a minor who is not a foster child, a County shall make a reasonable effort to obtain the permission of the minor's parent, guardian, or authorized representative, unless doing so would adversely affect the investigation.
- (1) If the County interviews a minor who is not a foster child without first obtaining the permission of the minor's parent, guardian, or authorized representative, the County shall document the circumstances which necessitated that action.
 - (2) The County shall document all actions taken during the course of an investigation, including, but not limited to, all information obtained pursuant to subsection (f).

Handbook

A County has authority to interview a foster child without the permission of the Resource Family, but should follow the child interview protocols for their county. Before interviewing a child or nonminor dependent, a County may consider developing a plan regarding how, when, and where the child or nonminor dependent will be interviewed. Such a plan should be designed to help support the child or nonminor dependent in providing necessary and complete information.

- (j) During the course of a complaint investigation, if a County discovers or receives information indicating that a Resource Family may not be conforming to applicable laws or the Written Directives, which are unrelated to the complaint under investigation, the County shall review the information as specified in Section 9-06A(b) and take appropriate action in response.

- (k) Upon completion of a complaint investigation, a County shall:
 - (1) Complete form RFA 9099: Complaint Investigation Report, containing a finding for each allegation as either substantiated, inconclusive, or unfounded.
 - (A) A supervisor shall review and approve the written complaint investigation report prior to notifying the Resource Family or complainant.
 - (2) Give a copy of the form RFA 9099: Complaint Investigation Report to the Resource Family.
 - (3) Notify the complainant, if known, of the findings of the complaint investigation.
 - (4) Develop a corrective action plan to address a deficiency by completing form RFA 9099C: Complaint Investigation Report - Continued, for the Resource Family to correct any identified deficiencies.
 - (A) If a County determines that it is not possible to correct an identified deficiency, then the County shall document the deficiency and may proceed with the necessary administrative action pursuant to Article 12.
 - (5) Notify the Department of the final disposition of the complaint investigation and whether a corrective action plan was developed as specified in Section 4-03(e)(2).
 - (6) Document in the Resource Family file all information received and investigated during the complaint investigation.

- (l) A County shall maintain a complaint log, which shall be available for review by the Department, and which shall contain the following information for each complaint:
 - (1) The Resource Family involved.
 - (2) The complaint allegation(s).
 - (3) Date the complaint was received.
 - (4) Name of the RFA program staff member assigned to the investigation.
 - (5) Whether the RFA program staff member assigned to the investigation approved the Resource Family.
 - (6) Date the ten-day visit to the Resource Family's home is due.

- (7) If the ten-day visit to the Resource Family's home was scheduled, the date and time of each attempted unannounced visit, and the supervisor's approval to schedule the visit.
 - (8) Date the ten-day visit was made.
 - (9) Findings for each complaint allegation.
 - (10) If the complaint cannot be resolved within 60 calendar days after the ten-day visit, a notation that further investigation is required.
- (m) An unfounded complaint allegation and any information related to it shall be confidential and not released to the public.
 - (n) A County shall consider the identity of every complainant as confidential and may not disclose to a Resource Family or make public the identity of any complainant, unless explicitly authorized to do so by the complainant, or as required by law.
 - (o) County RFA program staff conducting a complaint investigation concerning a Resource Family may not be any of the following:
 - (1) The social worker or probation officer of any child or nonminor dependent placed with the Resource Family.
 - (2) A person who has any direct relationship with, or interest in, the Resource Family or any complainant, or who has any conflict of interest with any aspect of the investigation.
 - (3) A RFA program staff member who approved the Resource Family, unless no other qualified staff member is available.
 - (A) If a staff member who approved the Resource Family conducts the complaint investigation, the County shall document the circumstances that constitute the necessity and ensure that all documentation and evidence gathered during the investigation and the investigation report are reviewed by a supervisor prior to the form RFA 9099: Complaint Investigation Report being delivered to the Resource Family.
 - (p) If, during the course of an investigation, a RFA program staff member conducting a complaint investigation discovers that he or she has a conflict of interest, then the staff member shall immediately report the conflict to a supervisor, who may transfer responsibility for the investigation to another staff member.

SECTION 9-06B: Incident Reports and Investigations

- (a)
 - (1) A County shall investigate all serious incidents reported by a Resource Family and all incidents indicating that a Resource Family may not have met or may not be meeting applicable laws or the Written Directives.
 - (2) A County may investigate any incident reported by a Resource Family that does not meet the requirements of paragraph (1).
- (b) After a preliminary review of an incident report received from a Resource Family, a County shall notify a Resource Family if additional information is needed.

- (c) A County shall notify the Department of a serious incident by the close of the next business day following receipt of the incident report as specified in Section 4-03(f).
- (d) When investigating an incident, a County shall take reasonable steps to ascertain whether the incident was the result of a Resource Family not meeting applicable laws or the Written Directives. These steps may include, but are not limited to the following:
 - (1) If the Resource Family operates a licensed family day care home, or it is known that the Resource Family is registered on the TrustLine or Home Care Aide registries, or associated to a facility licensed by the Department, the County shall notify the Department and collaborate with the Department on the investigation.
 - (2) Assessing the health and safety of the home and grounds, outdoor activity space, and storage areas.
 - (3) Conducting interviews of a child, nonminor dependent, or any person who may have knowledge of the incident.
 - (4) Obtaining and/or reviewing any relevant records.
 - (5) Observing any child or nonminor dependent placed with the Resource Family in the home.
 - (6) Coordinating a medical examination of a child or nonminor dependent with the social worker or probation officer for the child or nonminor dependent.
 - (A) A nonminor dependent may not be examined by a medical professional without the nonminor dependent's consent.
 - (7) Making additional visits to the home as needed.
 - (8) Documenting all interviews and steps taken during the investigation.
- (e) During the course of an incident investigation, if a County discovers or receives information indicating that a Resource Family may not be meeting applicable laws or the Written Directives, which are unrelated to an incident under investigation, the County shall review the information as specified in Section 9-06A(a).
- (f) Upon completion of an incident investigation, a County shall:
 - (1) Complete a form RFA 809: Resource Family Visit Record.
 - (A) A supervisor shall review and approve the form RFA 809 prior to notifying the Resource Family.
 - (2) Develop a corrective action plan by completing form RFA 809C: Resource Family Visit – Corrective Action Plan for the Resource Family to correct any identified deficiencies.
 - (A) If a County determines that it is not possible to correct an identified deficiency, then the County shall document the deficiency and may proceed with the necessary administrative action procedures pursuant to Article 12.
 - (3) Give a copy of the form RFA 809 and 809C to the Resource Family.
 - (4) Notify the Department whether a corrective action plan was developed as specified in Section 4-03(f)(2).
 - (5) Document in the Resource Family's file all information received and investigated during the incident investigation.

SECTION 9-06C: Cross-Reporting Investigation Results

- (a) If, after an investigation of a complaint or incident, a County determines that a Resource Family has not met or is not meeting applicable laws or the Written Directives, the County shall immediately notify the following of its findings:
 - (1) The placement agency responsible for placing a child or nonminor dependent with the Resource Family.
 - (2) The Community Care Licensing Division of the Department, if the Resource Family is licensed as a family day care home.
 - (3) The Community Care Licensing Division of the Department if it is known that the Resource Family is registered on the TrustLine or Home Care Aid registries or associated to a facility licensed by the Department.
 - (4) The Department as provided in Section 12-07(a)(2), if a County will be recommending an exclusion action.

SECTION 9-07: Corrective Action Plan

- (a) Notwithstanding Section 9-06A(k)(4), if a County determines that a Resource Family is not conforming to an applicable statute, regulation, or the Written Directives, and that the identified deficiency may be corrected, then the County shall issue a written corrective action plan using form RFA 809C: Resource Family Visit Corrective Action Plan.
 - (1) If the Resource Family operates a licensed family day care home, and it is determined that any deficiency may pose a risk to the health and safety of children, a County shall notify the Department.
- (b) A Resource Family or person designated by the Resource Family shall meet with a County to discuss any deficiency.
 - (1) The County shall request and consider the Resource Family's feedback to develop a plan to correct each deficiency.
- (c) A written corrective action plan shall include the following information:
 - (1) The statute, regulation, or Written Directive that applies.
 - (2) A description of the nature of the deficiency that states the manner in which the Resource Family failed to conform to a specified statute, regulation, or Written Directive.
 - (3) A plan to correct each deficiency.
 - (4) A date by which each deficiency shall be corrected.
 - (A) In determining the date for correcting a deficiency, a County shall consider the following factors:
 - (i) The potential hazard presented by the deficiency.
 - (ii) The number of children and nonminor dependents affected.
 - (iii) The availability of equipment necessary to correct the deficiency.
 - (iv) The estimated time necessary for the delivery and installation of necessary equipment.

- (B) The date for correcting a deficiency shall not be more than 30 calendar days following service of a corrective action plan, unless a County determines that the deficiency cannot be completely corrected in 30 calendar days.
 - (i) If the date for correcting a deficiency is more than 30 calendar days following service of a corrective action plan, the corrective action plan shall specify which actions must be taken within 30 calendar days.
 - (ii) A County may require correction of a deficiency within 24 hours or less if there is an immediate threat to the health or safety of children or nonminor dependents.
- (5) The address and telephone number of the County responsible for reviewing corrective action plans for the area in which the home is located and the name and telephone number of the County first level manager.
- (6) A date for a follow-up visit to determine compliance with the corrective action plan.
- (d) A County shall provide a corrective action plan to a Resource Family as follows:
 - (1) The corrective action plan shall be given to the Resource Family upon completion of the visit.
 - (2) If the Resource Family is not at home, the corrective action plan shall be given to the person designated by the Resource Family upon completion of the visit and mailed to the Resource Family.
 - (3) If the Resource Family or the person designated by the Resource Family refuses to accept or acknowledge receipt of the corrective action plan, the County shall mail the corrective action plan to the Resource Family.
- (e) If a Resource Family disagrees with a corrective action plan, the Resource Family has the right to request a review.
 - (1) A Resource Family shall submit a written request for a review of the corrective action plan to the County first level manager listed on the corrective action plan within ten calendar days from the date the Resource Family received the corrective action plan.
 - (2) If the County first level manager determines that a corrective action plan was not issued in accordance with applicable statutes, regulations, or Written Directives, or that other circumstances existed, the first level manager may amend or dismiss the corrective action plan.
 - (3) The County first level manager may extend the date specified for correction of a deficiency if warranted by the facts or circumstances presented to support a request for an extension.
- (f) If a County determines that it is not possible for a Resource Family to correct an identified deficiency, then the County shall document the deficiency and may proceed with the necessary administrative action procedures pursuant to Article 12.

SECTION 9-08: Registered Sex Offender Address Investigations

- (a) A County shall investigate and report back to the Department possible address matches of registered sex offenders within 45 days using the information provided.
 - (1) Notwithstanding subsection (a), if a Resource Family is on inactive status pursuant to Section 10-02, a County shall investigate possible address matches of registered

- sex offenders in the home during the update conducted in accordance with Section 9-02.
- (2) Counties are responsible for completing registered sex offender address investigations regardless if they have entered into a contract with the Department to conduct complaint investigations on a County's behalf.
- (b) A County shall take the following actions when investigating a possible registered sex offender address match for a Resource Family's home:
- (1) A designation of "At Capacity" shall be applied and a Special Project Code "S-RSO RPRT RCVD-UNDER REVIEW" shall be entered in the Child Welfare Services/Case Management System (CWS/CMS) database pending completion of the investigation.
 - (2) Determine if the registered sex offender resides or is regularly present in the home.
 - (A) If the registered sex offender resides or is regularly present in the home and a child or nonminor dependent is placed in the home, the County shall treat this situation as a report to the Emergency Response hotline and immediately create a "General Neglect" referral for the child using the name of the Substitute Care Provider as the alleged perpetrator. The designated response time shall be listed as "immediate."
 - (B) A County may not permit a registered sex offender to reside or be regularly present in a Resource Family's home without a criminal record clearance or exemption if a child or nonminor dependent is placed with the Resource Family.
 - (C) A County shall immediately notify the social worker or probation officer for the child or nonminor dependent of the investigation.
 - (D) The County shall conduct a background check of the individual pursuant to Section 6-03A.
- (c) If the County denies the registered sex offender's criminal record clearance or exemption request, and the registered sex offender will continue to reside or be regularly present in the home, the County shall rescind the approval of the Resource Family in accordance with Section 10-01A(b) and Article 12.
- (1) If a child was placed with the family, the RFA program staff shall inform the child's social worker the results of the investigation including the determination to rescind the approval of the Resource Family.
- (d) Upon completion of the investigation, the County may remove the "At Capacity" designation in the Child Welfare Services/Case Management System (CWS/CMS) database when all individuals residing or regularly present in the home are cleared and the home is appropriate for placement.
- (1) The County shall enter a Special Project Code to appropriately describe the results of the investigation.
- (e) The County shall submit the results of the investigation within 45 calendar days on an encrypted electronic spreadsheet to CDSSRSOResponse@dss.ca.gov.

Handbook

Special Project Codes are described in ACL 13-64.

SECTION 9-09: Oversight of the Resource Family Approval Program

- (a) The Department shall provide ongoing oversight of a County's Resource Family Approval Program.
- (b) The Department shall provide a County with periodic training, as appropriate, to ensure proper administration by the County.
- (c) The Department may, without prior notice, inspect, review, and monitor implementation of the program in a County, including all activities, procedures, records, and forms related to the program.
- (d) The Department shall review a random sample of Resource Families in a County for compliance with applicable laws and the Written Directives, which may include home visits.
 - (1) The Department's review shall include, but not be limited to, the following Resource Family information:
 - (A) Application.
 - (B) Background checks, including any criminal record exemptions.
 - (C) Approval updates.
 - (D) Reports of serious complaints and serious incidents involving Resource Families.
 - (E) Administrative actions.
 - (F) County reviews of decisions related to capacity determinations and Resource Family corrective action plans and documented alternative plans.
- (e) The Department's review shall occur on an annual basis or more often if the Department becomes aware that a County is experiencing a disproportionate number of complaints against individual Resource Families.
- (f) The Department may conduct an independent investigation of serious complaints or serious incidents and change the findings depending on the results of the Department investigation.
- (g) The Department shall investigate unresolved complaints against a County.
- (h) The Department shall require a County to comply with a corrective action plan if it is not operating the program in accordance with applicable laws and the Written Directives.
 - (1) A County shall comply with a corrective action plan to correct program deficiencies within the time approved by the Department.
- (i) **The Department** shall assess County performance in related areas of the California Child and Family Services Review System and remedy identified problems.

- (j) A County shall interact with the Department as necessary to implement the program, including the following:
- (1) Providing the Department with timely, and when requested, immediate access to any written information, files, and data pertaining to the program as determined by the Department.
 - (2) Responding in a timely manner, or immediately as requested by the Department, to requests, inquiries, and meetings.
 - (3) Notifying the Department in writing when a County is not complying or believes that a County is unable to comply with applicable laws or the Written Directives, and describe the circumstances resulting in the non-compliance.

ARTICLE 10: ADMINISTRATIVE

SECTION 10-01A: Denying or Rescinding Resource Family Approvals, Exclusions, and Surrenders

- (a) A Resource Family maintains their approval status unless approval is rescinded by a County, the Resource Family chooses to surrender the approval, or the approval is forfeited pursuant to Section 10-01B.
- (b) A County may deny an application for approval, or may rescind the approval of a Resource Family, and the Department may exclude an individual from presence in any Resource Family home, for any of the following reasons:
- (1) Violation of Welfare and Institutions section 16519.5, the Written Directives, or any applicable law.
 - (2) Aiding, abetting, or permitting the violation of any applicable law or the Written Directives.
 - (3) Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child, nonminor dependent, another individual, or the people of the State of California.
 - (4) The conviction of an applicant, Resource Parent, or associated individual, at any time before or during his or her approval, of a crime as defined in Health and Safety Code section 1522.
 - (5) Engaging in acts of financial malfeasance, including but not limited to, improper use or embezzlement of the money or property of a child or nonminor dependent or fraudulent appropriation for personal gain of money or property, or willful or negligent failure to provide services.
 - (6) Failure to meet application requirements.
 - (7) Failure to meet Resource Family qualifications.
 - (8) Inability to provide adequate references.
 - (9) Failure or refusal to participate in interviews as specified in Section 6-05 (a).
 - (10) Failure to complete pre-approval or annual training, cardio-pulmonary resuscitation (CPR) and first aid training, specialized training, or other training required by the County.

- (11) Failure to receive a criminal record clearance or exemption.
 - (12) Failure to meet the Home Environment Assessment standards.
 - (13) Family evaluation results or other information indicates an inability to act as a reasonable and prudent parent or to provide or failure to ensure the care and supervision of a child or nonminor dependent.
 - (14) Failure to cooperate or comply as specified in Section 11-17.
 - (15) False or misleading statements made to a County to obtain or maintain Resource Family Approval.
 - (16) Conduct that would indicate the individual is not of reputable or responsible character.
- (c)
- (1) If a County denies an application, rescinds the approval of a Resource Family, or denies or rescinds a criminal record exemption, the County shall provide the applicable individual with due process as specified in Welfare and Institutions Code section 16519.5 et seq. and Article 12.
 - (2) If the Department excludes an individual from any Resource Family home, the Department shall provide the individual with due process as specified in Welfare and Institutions Code section 16519.5 et seq. and Article 12.
- (d) A County shall not deny an application based on any of the following:
- (1) An applicant's reliance on the funding described in Welfare and Institutions Code section 16519.5(l) to meet additional household expenses incurred due to the placement of a child or nonminor dependent.
 - (2) An applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative.
 - (3) An applicant's age, sex, race, religion, color, political affiliation, national origin, disability, marital status, gender identity, gender expression, actual or perceived sexual orientation, medical condition, genetic information, citizenship, primary language, immigration status, or ancestry.
 - (4) For purposes of this paragraph, "substantiated," "inconclusive," and "unfounded" are defined in as outlined in Penal Code section 11165.12.
 - (A) A substantiated, inconclusive, or unfounded allegation of general neglect, or an inconclusive or unfounded allegation of child abuse or severe neglect, contained in the Child Welfare Services/Case Management System (CWS/CMS) or Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) databases.
 - (B) Nothing in this paragraph shall prohibit a County from reevaluating or reinvestigating an allegation of child abuse or neglect.
 - (C) Nothing in this paragraph shall prohibit a County from denying an application for approval based on an allegation contained in CWS/CMS or CWS-CARES when a County:
 - (i) Obtains independent evidence substantiating the child abuse or neglect allegation contained in CWS/CMS or CWS-CARES; or
 - (ii) Verifies that the individual who is the subject of the allegation contained in CWS/CMS or CWS-CARES was provided due process

and that the substantiated allegation is based upon a decision and order as a result of a hearing pursuant to Manual of Policies and Procedures sections 31-020, 31-021 or Welfare and Institutions Code section 300 et seq.

- (D) If a County determines an allegation of general neglect is substantiated, the County shall provide the individual with an opportunity to dispute the substantiated allegation, pursuant to Manual of Policies and Procedures section 31-020.
 - (i) If the individual does not dispute the substantiated allegation, the County may deny the application.
 - (ii) If the individual disputes the substantiated allegation, and the substantiated disposition is upheld, the County may deny the application.
- (e) A County shall attempt to resolve areas of concern, if possible, prior to denying an application, rescinding approval, or denying or rescinding a criminal record exemption.
 - (1) Part of the duties to resolve areas of concern include identifying if additional supports or services are needed to support the applicant or Resource Family in meeting the requirements of approval.

Handbook

When concerns have been raised and a child or nonminor dependent is placed with an applicant or a Resource Family, the County should notify the child's or nonminor dependent's social worker or probation officer so that a Child and Family Team meeting can be convened.

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- (f) If a Resource Family no longer wishes to be approved, the Resource Family shall have the right to surrender their approval.
 - (1) A surrender of approval may be verbal or in writing.
 - (2) Documentation of a surrender of approval by a Resource Family shall be maintained in the Resource Family file.

SECTION 10-01B: Forfeiture of Resource Family Approval

- (a) A Resource Family approval shall be forfeited by operation of law when any of the following occurs:
 - (1) A Resource Family surrenders their approval to the County.
 - (2) A Resource Family is convicted of an offense for which a County is prohibited from granting a criminal record exemption pursuant to Health and Safety Code section 1522(g)(2), provided the county has complied with the due process requirements of Section 6-03B(c)(2).
 - (3) The sole Resource Parent dies.
 - (4) A Resource Family abandons the approved home. The Resource Family abandons the home when:

- (A) The Resource Family informs RFA program staff that the Resource Family no longer accepts responsibility for the home.
- (B) A County is unable to determine the Resource Family's whereabouts after the County has attempted to contact the Resource Family in all of the following ways:
 - (i) Visited the home and requested information of the Resource Family's whereabouts from an adult at the home, if an adult can be contacted.
 - (ii) Made at least one phone call per day to the Resource Family's last telephone number of record for three consecutive business days, and the Resource Family failed to respond.
 - (iii) Sent a certified letter to the Resource Family's last mailing address of record requesting that the Resource Family contact the County and has received an undeliverable or unclaimed response notice.
- (5) A Resource Family fails to cooperate with an update within 30 calendar days of the date of written notice, as specified in Section 9-02.
- (6) A Resource Family is approved by another foster family agency or a County as specified in Health and Safety Code section 1506.6(c).

SECTION 10-02: Inactive Status

- (a) A County shall place a Resource Family on inactive status upon written or verbal notification by the Resource Family that includes the following information:
 - (1) The date inactive status will begin.
 - (2) The reason(s) for the request to be placed on inactive status, which may include, but is not limited to:
 - (A) Birth of a child.
 - (B) Adoption of a child.
 - (C) Medical condition or surgery.
 - (D) Job loss.
 - (E) Relocation.
 - (F) Death of a family member.
 - (3) An anticipated date inactive status will end.
- (b) A County may not place a Resource Family on inactive status if a child or nonminor dependent is placed in the home.
- (c) A County shall advise a Resource Family that to end inactive status, the Resource Family is required to provide 30 calendar days written notice and that the Resource Family shall be subject to an approval update pursuant to Section 9-02.
 - (1) Within 30 calendar days of the written notice provided by a Resource Family, a County shall update the Resource Family's approval pursuant to Section 9-02, unless good cause exists.

- (A) If good cause exists, a County shall document the reasons for the delay beyond the 30 calendar days and generate a timeframe for completion of the update.
 - (2) A Resource Family may provide care to a child or nonminor dependent when an update is completed as specified in paragraph (1).
 - (3) A completed approval update will begin a new annual period.
- (d) If a child or nonminor dependent is placed with a relative or NREFM on an emergency basis per Welfare and Institutions Code section 309 or 361.45, or for a compelling reason per Welfare and Institutions Code section 16519.5(e), and the Resource Family is on inactive status, a County shall initiate a home health and safety assessment pursuant to Section 6-02 within 5 calendar days of the placement and complete an approval update pursuant to Section 9-02 within 30 calendar days of the placement, unless good cause exists.
- (1) If good cause exists, a County shall document the reasons for the delay beyond the 30 calendar days and generate a timeframe for completion of the update.
- (e) A period of inactive status may not exceed two years.
- (f) If there are conditions placed on a Resource Family's approval, the conditions shall be suspended during a period of inactive status.

SECTION 10-03: Documented Alternative Plan

- (a) A County may approve a Documented Alternative Plan (DAP) for any non-safety home environment standard set forth in Section 11-01(b)(2), Section 11-01(c)(1), and (c)(2).
- (1) A DAP issued regarding Section 11-01(b)(2) may be approved only for an adult residing in the home.
 - (2) A DAP issued regarding Section 11-01(c)(1) may be approved for a specific child or nonminor dependent in care.
 - (3) A DAP issued regarding Section 11-01(c)(2) may be approved for a specific child 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.
- (b) A County shall ensure that a DAP meets the following requirements:
- (1) Provides an alternative plan that meets the same standards in terms of safety, sanitation, and personal rights of each child and nonminor dependent in the home.
 - (2) Is not detrimental to the health and safety of any child or nonminor dependent in the home.
 - (3) Is in the best interests of children and nonminor dependents in the home.
 - (4) Is discussed and agreed upon between an applicant or a Resource Family and RFA program staff in a written document signed by both.
 - (A) The written document shall include supporting documentation for the request.
 - (5) Is submitted by the RFA program staff for approval by the County.

- (A) Approval or denial of the requested DAP shall be determined within 14 calendar days following submission of the request.
 - (B) Approval or denial of a requested DAP in an emergency or compelling reason placement shall be determined within seven calendar days following submission of the request.
- (c) A County shall provide a copy of a written approval or denial of a requested DAP to an applicant or Resource Family.
- (d) A County shall retain the written approval or denial of a DAP in the Resource Family file for an applicant or Resource Family.

SECTION 10-04: Capacity Determination

- (a) A County shall ensure that the capacity be no more than the total number of children and nonminor dependents that an applicant or Resource Family can properly care for as determined by the County.
- (1) The capacity may not exceed six, including adopted, biological, and guardianship children and children of a minor or nonminor dependent parent residing in the home.
 - (2) A County may approve a capacity greater than six for any of the following reasons:
 - (A) To allow sibling groups to remain together
 - (B) To allow a minor or nonminor dependent parent to remain with their child
 - (C) To allow a child or nonminor dependent who has an established relationship with a Resource Family to remain with that Resource Family
 - (3) The County may approve a capacity greater than six, pursuant to paragraph (2) if all of the following conditions are met:
 - (A) The Resource Family is not a Specialized Resource Family or an Intensive Services Foster Care Resource Family as defined in Welfare and Institutions Code section 18360.
 - (B) The home is sufficient in size to accommodate the needs of all children and nonminor dependents in the home.
- (b) When determining the capacity of an applicant or Resource Family, a County shall consider the following factors:
- (1) An applicant's or Resource Family's ability to comply with applicable laws and the Written Directives.
 - (2) The number of children or nonminor dependents, in addition to any adopted, biological, and guardianship children, and children of a minor or nonminor dependent parent residing in the home, for whom the applicant or Resource Family is capable of providing care and supervision and that the home can accommodate.
 - (3) Any other household members who live in the home and his or her individual needs.
 - (4) Circumstances in the family environment that may affect the ability of an applicant or Resource Family to provide care and supervision to a child or nonminor dependent.
 - (5) Physical features of a home, including all of the following:
 - (A) The number of bedrooms and bathrooms.

- (B) The sleeping arrangements of family members and other individuals residing in the home.
 - (C) Number of children or nonminor dependents who may share a bedroom as specified in Section 11-01(c).
- (c) A County may increase or decrease the capacity of a Resource Family when there is a change in any of the factors specified in subsection (b).
- (1) If a County increases or decreases the capacity of a Resource Family, then the County shall complete form RFA 05A: Resource Family Approval Certificate or an equivalent certificate as specified in Section 6-08.
- (d) If a County approves a capacity that is less than that requested by an applicant or Resource Family, the County shall provide written notification to the applicant or Resource Family that includes the following:
- (1) Specifies the reasons for the limitation.
 - (2) Lists the name and telephone number of the County first level manager.
 - (3) Notifies the applicant or Resource Family of his or her right to request a review of the decision.
- (e) If an applicant or Resource Family disagrees with a County's capacity determination, the applicant or Resource Family shall submit a written request for a review of the decision to the County first level manager listed on the written notification provided by the County within ten calendar days from the date the applicant or Resource Family received the notification.
- (1) If the County first level manager determines that a capacity determination was not issued in accordance with applicable statutes, regulations, or Written Directives, or that other circumstances existed, the first level manager may amend the capacity determination.

SECTION 10-05: Resource Family File

- (a) A County shall securely maintain a central Resource Family file for each applicant and Resource Family. Records shall be securely maintained for at least five years following the date of an application withdrawal or denial, rescission of approval, criminal record exemption denial or rescission, exclusion, or forfeiture or surrender of approval except as follows:
- (1) If an appeal, notice of defense or action for the record is filed, the time period to maintain the file shall begin on the date that a final decision and order is issued.
 - (2) If a county chooses to purge or destroy hard copy records after the file retention period in this section, an electronic version shall first be stored of records necessary to support an administrative action.
 - (3) Records necessary to support an administrative action that contain an original certification, including but not limited to court or law enforcement agency records, shall not be purged or destroyed.
- (b) The following records shall be stored in a confidential section of a Resource Family file:

- (1) RFA 01A: Resource Family Application.
- (2) RFA 01B: Resource Family Criminal Record Statement.
- (3) RFA 02: Resource Family Background Checklist and Out-Of-State Child Abuse Registry Checklist.
- (4) LIC 198B: Out-Of-State Child Abuse/Neglect Report Request.
- (5) RFA 04: Resource Family Risk Assessment or equivalent form.
- (6) RFA 05: Resource Family Approval Written Report or equivalent form.
- (7) RFA 06: Resource Family Approval Update Report or equivalent form.
- (8) RFA 07: Resource Family Health Questionnaire.
- (9) RFA 09: Notice of Action Regarding Resource Family Approval.
- (10) RFA 09B: Notice of Action Regarding RFA Criminal Background Exemption Decision.
- (11) RFA 09E: Order to Individual of Exclusion from Resource Family Homes and Department Licensed Facilities.
- (12) RFA 09I: Order to Individual of Immediate Exclusion from Resource Family Homes and Department Licensed Facilities.
- (13) RFA 10: Resource Family Approval – Portability Application
- (14) RFA 802: Complaint Intake Report.
- (15) RFA 9099: (if unfounded): Complaint Investigation Report.
- (16) Records related to a background check as specified in Sections 6-03A and 6-03B.
- (17) Supporting documentation as specified in Section 5-03A(a)(8).
- (18) All documentation or notes related to a family evaluation, including supporting documentation used in the evaluation.
- (19) Verification of completion of additional activities required by Section 6-04(a)(3).
- (20) Correspondence between an applicant or Resource Family and a County.

ARTICLE 11: REQUIREMENTS FOR RESOURCE FAMILIES

SECTION 11-01: Home and Grounds

- (a) The home and grounds of a Resource Family shall meet the requirements specified in this section and the following requirements:
 - (1) The home shall be clean, safe, sanitary, and in good repair.
 - (2) Except for a home with a sprinkler system, a home shall have an approved, commercially manufactured, and functioning carbon monoxide detector and smoke alarm or smoke detector installed in the hallway of each sleeping area in the home. A detector and alarm shall be audible in each bedroom.
 - (A) A carbon monoxide detector shall meet the standards set forth in Chapter 8 (commencing with Section 13260) of Part 2 of Division 12 of the Health and Safety Code.
 - (B) A smoke alarm or smoke detector shall meet the standards set forth in Section 13113.7 of the Health and Safety Code.
 - (3) All outdoor and indoor passageways, stairways, inclines, ramps, and open porches in and on the grounds of the home shall be free of obstruction.
 - (4) At least one toilet, sink, and tub or shower shall be maintained in a safe, clean, and operating condition.

- (A) Faucets to be used by a child or nonminor dependent for personal care and grooming shall deliver water that is safe and sanitary and hot water at a safe temperature.
 - (B) If age or developmentally appropriate, individual privacy shall be provided to a child or nonminor dependent in all toilet, bath, and shower areas.
 - (5) Fireplaces, freestanding stoves, and space heaters shall be maintained and used in a manner that ensures safe operation.
 - (6) A safe and comfortable temperature shall be maintained in the home.
 - (7) There shall be lighting as necessary in all rooms and other areas of the home and grounds to ensure comfort and safety.
 - (8) All water used in the home shall be safe and sanitary.
- (b) A bedroom for a child or nonminor dependent shall meet the following requirements:
- (1) Each bedroom used by a child or nonminor dependent shall have at least one operable window or door that ensures a safe, direct, emergency exit to the outside.
 - (A) A window with security bars shall have a safety release device that meets all state and local requirements.
 - (B) If the home of a Resource Family is in a high-rise building, the Resource Family is subject to the rules and regulations set forth by the State Fire Marshal.
 - (2) A room that is commonly used for other purposes may not be used as a bedroom. Such rooms shall include, but not be limited to, halls, stairways, public passageways, unfinished attics or basements, garages, storage areas, sheds, or similar detached buildings.
 - (A) A room commonly used for other purposes that is converted to a bedroom may be used as a bedroom for a child or nonminor dependent if it does not pose a violation of personal rights or a hazard to health and safety. If a County suspects that there is a hazard to health and safety, a Resource Family may be required to have the converted bedroom inspected by a local building inspector.
 - (3) A child or nonminor dependent shall be provided with an individual bed, which is equipped with a clean and comfortable mattress, and clean linens, blankets, and pillows, as needed, all in good repair.
 - (A) Linens shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
 - (4) Beds shall be arranged to allow easy passage between beds and easy entrance into the room.
 - (5) The following shall apply to a bunk bed for a child:
 - (A) Bunk beds shall have railings on both sides of the upper tier to prevent falling.
 - (B) A child under six years of age or who is unable to climb into or out of the upper tier unassisted may not be permitted to use the upper tier.
 - (C) Bunk beds of more than two tiers may not be used.
 - (6) Each infant, or child requiring a crib, shall be provided with an individual, safe, and sturdy bassinet or crib as appropriate to the age and size of the infant or child. The following shall apply to cribs:

- (A) Tiered or stacked cribs, or cribs with drop sides, may not be used.
 - (B) Crib slats may not pose the danger of an infant or child being trapped.
 - (C) A crib mattress shall be clean, comfortable, and fit properly in the crib.
 - (D) Linens shall include a fitted sheet that fits tightly on a crib mattress and overlaps the underside of the mattress so it cannot be dislodged.
 - (E) Linens shall be changed at least once per week or more often when necessary to ensure that clean linen is in use at all times.
 - (F) A bassinet or crib shall be free from all loose articles and objects.
 - (G) Objects may not hang above or be attached to any side of a bassinet or crib.
 - (H) An infant or child who can climb out of a crib shall be provided with an age-appropriate bed.
- (7) Each bedroom shall have portable or permanent storage space to accommodate a child's or nonminor dependent's clothing and personal belongings.
- (c) A bedroom sharing arrangement involving a child or nonminor dependent shall meet the following requirements:
- (1) No more than four children or nonminor dependents, or one child and one nonminor dependent, may share a bedroom.
 - (A) A child or nonminor dependent may share a bedroom with an adopted, biological, or guardianship child of a Resource Family provided that the total number of individuals in the bedroom does not exceed four.
 - (2) A child or nonminor dependent may not share a bedroom with a Resource Parent except as specified in Section 10-03(a)(3).
 - (3) 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 his or her 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 his or her court or child welfare documents.
 - (4) A child and nonminor dependent may share a bedroom under any of the following circumstances:
 - (A) The child and nonminor dependent are siblings.
 - (B) The child and nonminor dependent have been sharing a bedroom prior to the nonminor dependent turning 18.
 - (C) A nonminor dependent parent may share a bedroom with his or her child.
 - (D) The child is 16 years of age or older.
 - (E) A Resource Family may permit a child and nonminor dependent to share a bedroom consistent with the child's or nonminor dependent's gender identity regardless of the gender or sex listed on his or her court or child welfare documents.
 - (5) For purposes of this paragraph, a "child" shall include an adopted, biological, or guardianship child of a Resource Family. A Resource Family shall consider the

following factors to determine whether a bedroom sharing arrangement ensures compatibility with a child or nonminor dependent:

- (A) The age of the children and/or nonminor dependent, including the degree of age difference between them.
- (B) The sleeping patterns of the children and/or nonminor dependents and if they may be disruptive to one another.
- (C) The developmental levels and needs of the children and/or nonminor dependents.
- (D) The privacy needs of the children and/or nonminor dependents and the plans to meet those needs.
- (E) The history of the children and/or nonminor dependents, including previous sleeping arrangements and any information that may contraindicate sharing a room, if known.
- (F) Any history or suspicion of sexual abuse or sexual exploitation.
- (G) The supervision plan within the home.
- (H) The needs of a minor or nonminor dependent parent and his or her child.

- (6) When permitting any bedroom sharing arrangement involving a child or nonminor dependent, a Resource Family shall:
 - (A) Consult with the child or nonminor dependent about sharing a bedroom if it is age or developmentally appropriate.
 - (B) Consult with the child or nonminor dependent, in an age or developmentally appropriate manner, regarding the child's or nonminor dependent's sexual orientation and gender identity and what information the child or nonminor dependent wishes to disclose and to whom.
 - (i) The Resource Family shall not disclose information about the child's or nonminor dependent's sexual orientation and/or gender identity against the child's or nonminor dependent's wishes, unless compelled to do so by law or court order.
 - (C) Discuss the factors considered in making the determination, as specified in paragraph (5), with the child's or nonminor dependent's social worker or probation officer, including the following elements:
 - (i) The bedroom sharing arrangement ensures the health and safety of each child and/or nonminor dependent.
 - (ii) The children and/or nonminor dependents are compatible, including the adopted, biological, and guardianship children of the Resource Family who will be sharing the room.
- (d) Notwithstanding paragraph (2) of subsection (c), no more than two infants may share a bedroom with a Resource Family.
- (e) A County may approve a documented alternative plan (DAP), pursuant to Section 10-03, that authorizes alternative ways a Resource Family may comply with subsection (b)(2), (c)(1), and (c)(2).

- (f) A Resource Family who intends to accept a child or nonminor dependent with a developmental, mental, or physical disability shall make necessary modifications to the home and grounds to provide protection and assistance and to maximize the potential of a child or nonminor dependent for self-sufficiency.
- (g) A Resource Family may not smoke or permit any person to smoke inside the home, and when a child or nonminor dependent is present on the outdoor grounds of the home.
- (h) A Resource Family shall maintain first aid supplies appropriate to the needs of a child or nonminor dependent.
 - (1) A Resource Family shall ensure that a nonminor dependent has access to first aid supplies.

SECTION 11-02: Outdoor Activity Space

- (a) If a Resource Family provides a yard or outdoor activity space, the Resource Family shall comply with the following requirements:
 - (1) A yard or outdoor activity space shall be free from hazards that may endanger the health and safety of a child or a nonminor dependent.
- (b) A Resource Family shall ensure that swimming pools, fixed-in-place wading pools, hot tubs, spas, or similar bodies of water are inaccessible if he or she accepts placement of any of the following individuals:
 - (1) A child under ten years of age.
 - (2) A child who is developmentally, mentally, or physically disabled.
 - (3) A nonminor dependent who is developmentally, mentally, or physically disabled.
 - (4) A minor or nonminor dependent parent's child who is under ten years of age or developmentally, mentally, or physically disabled.
- (c) A Resource Family shall apply the reasonable and prudent parent standard, as set forth in Section 11-12, when deciding whether a child should have access to fish ponds, fountains, creeks, and similar bodies of water.
- (d) A Resource Family shall ensure the inaccessibility of swimming pools, fixed in-place wading pools, hot tubs, spas, or similar bodies of water by using at least one of the safety features described in paragraphs (1) or (2).
 - (1) The pool shall be isolated from access to the home by an enclosure, as defined in Health and Safety Code section 115921, and as specified in Health and Safety Code section 115923 and does not obscure the pool from view.
 - (A) If removable mesh pool fencing is used as the enclosure as provided in Health and Safety Code section 115922(a)(2), an applicant or a Resource Family shall ensure that it is installed and maintained according to the manufacturer's specifications.
 - (2) The pool shall be equipped with an approved safety pool cover.

- (A) A pool safety cover that meets the American Society for Testing and Materials specifications (F 1346-91) is considered an approved safety pool cover.
 - (B) Pool covers shall be supported by flotation devices.
 - (3) If a County determines that it is not structurally possible for a Resource Family to comply with paragraphs (1) or (2), the home shall be equipped with exit alarms on doors and windows that provide direct access to the pool. The alarms shall meet the following requirements:
 - (A) Produces an audible warning when the door or window is opened.
 - (B) Sounds continuously for a minimum of 30 seconds within seven seconds after the door is opened.
 - (C) Meets the requirements of UL 2017 General- Purpose Signaling Devices and Systems, Section 77.
 - (D) Have a minimum sound pressure rating of 85 dBA at 10 feet and the sound of the alarm should be distinctive from other household sounds, such as smoke alarms, telephones, and door bells.
 - (E) Automatically resets under all conditions.
 - (F) Equipped with manual means, such as touchpads or switches, to temporarily deactivate the alarm for a single opening of the door from either direction. Such deactivation shall last for no more than 15 seconds. The deactivation touchpads or switches shall be located at least 54 inches above the threshold of the door.
 - (4) If the home has an above-ground pool, the pool shall be made inaccessible when not in use by removing or making the ladder inaccessible, and if the pool is less than 60 inches in height, by the use of an enclosure. Any enclosure, whether or not it includes the above-ground pool structure itself, shall meet the requirements of subsection (d)(1).
 - (5) All pools that cannot be emptied after each use shall have an operative pump and filtering system.
 - (7) All pools shall be kept clean and maintained to ensure they are free from objects that may pose a risk to the safety of a child.
- (e) A Resource Family shall ensure that an adult who is able to swim provides continual supervision when a child or individual specified in subsection (b) is using a pool or other body of water required to be made inaccessible, as specified in subsection (d).

SECTION 11-03: Storage Area Requirements

- (a) Except as specified in subsections (d) and (e), a Resource Family shall store medicines, disinfectants, and cleaning solutions where they are inaccessible to a child or nonminor dependent.
- (b) A Resource Family shall store poisons and other dangerous items in a locked storage area.
- (c) Except as specified in paragraph (1), a Resource Family shall store firearms and other dangerous weapons in a locked container, as defined in Penal Code section 16850, which may include, but not be limited to, a lock box or gun safe.

- (1) In lieu of locked storage of firearms, a Resource Family may use locking devices, as defined in Penal Code section 16860, which may include but not be limited to, trigger locks, cable locks, or other firearm safety devices, as defined in Penal Code section 16540.
 - (2) Ammunition shall be stored in a locked container separate from firearms.
- (d) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining if it is age or developmentally appropriate for a child to have access to and use the following items:
- (1) Household kitchen knives and appliances for use in meal preparation.
 - (2) Medications necessary for self-administration by the child.
 - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (e) A Resource Family shall permit a nonminor dependent to have access to the following items:
- (1) Household kitchen knives and appliances for use in meal preparation.
 - (2) Medications necessary for self-administration by the nonminor dependent.
 - (3) Disinfectants and cleaning solutions for use in performing household chores.
- (f) In allowing a child or a nonminor dependent to access and use the items specified in subsection (d) or (e), a Resource Family shall ensure that the safety of a child, a nonminor dependent, and others in the home is maintained.
- (g) A Resource Family shall store and dispose of waste in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, or provide a breeding place or food source for insects or rodents.

SECTION 11-04: Reserved

SECTION 11-05: Emergency Procedures

- (a) A Resource Family shall provide two telephone numbers and, if available, two email addresses as 24-hour contact information to the County, including contact information for alternative caregivers and place emergency telephone numbers in a prominent location in the home.
- (b) A Resource Family shall ensure that an occasional short-term babysitter and an alternative caregiver knows where the emergency contact information is located.
- (c) At the time of placement of a child or nonminor dependent with a Resource Family, and every six months after placement, the Resource Family shall discuss and practice emergency procedures for the home with the child or nonminor dependent as age or developmentally appropriate.
- (d) A Resource Family shall review the emergency procedures with an occasional short-term babysitter or an alternative caregiver.

- (e) A Resource Family shall maintain a hard copy emergency binder in the home. If desired, other methods for keeping information may be used in addition to the hard copy binder, such as information electronically stored in a portable device that can be transported in an emergency. The binder shall contain the following:
- (1) Child's or nonminor dependent's information including, the child's or nonminor dependent's name, date of birth, and any medical conditions.
 - (2) Contact information for the child's or nonminor dependent's authorized representative and placement agency, as applicable.
 - (3) 24-hour contact information for the county child welfare agency or probation department.

SECTION 11-06: Reporting Requirements

- (a) A Resource Family shall make a report to a RFA program staff and the placement agency for a child or a nonminor dependent when any of the following events occur:
- (1) Death, serious bodily injury, or risk of death or serious bodily injury, to a child, nonminor dependent, or other individual residing in the home.
 - (2) Any suspected child abuse or neglect, as defined in Penal Code section 11165.6, or any suspected physical, sexual, or emotional abuse of a child or a nonminor dependent.
 - (3) Any injury to or illness of a child or a nonminor dependent that requires emergency medical or mental health treatment or hospitalization.
 - (4) Any incident that involves a child or a nonminor dependent and threatens the physical or emotional health or safety of the child, nonminor dependent, or any individual in the home.
 - (5) Any unusual absence of a child or, for a nonminor dependent, any prolonged absence that is unplanned or failure of the nonminor dependent to return to the home that lasts more than 72 hours.
 - (A) Report temporary absences if a personal history or the case plan indicate that a child or nonminor dependent may be in jeopardy when absent beyond the approved time.
 - (6) Removal of a child or a nonminor dependent from the home under emergency circumstances, which may include:
 - (A) Removal by a law enforcement officer when a child or nonminor dependent is arrested.
 - (B) Removal for emergency medical or mental health care.
 - (7) Relocation by the authorized representative for a child or nonminor dependent.
 - (8) Communicable disease outbreak as reported to a Resource Family by a health professional or by the local health authority.
 - (9) Poisonings, which shall also be reported immediately to the local fire authority.
 - (A) If a Resource Family is located in an area that does not have organized fire services, the Resource Family shall make a report to the State Fire Marshal within 24 hours after the poisoning occurs.
 - (10) Fires or explosions that occur in or on the premises of the home.
 - (11) If a Resource Family becomes licensed to operate a family day care home, as defined in Health and Safety Code section 1596.78.

- (12) All changes in the composition of a Resource family household, including, but not limited to, the following:
 - (A) Any additional individuals residing or regularly present in the Resource Family's home, including when a Resource Family becomes a legal guardian or conservator for any child or other person.
 - (B) Any adult moving in or out of the home.
 - (C) Except for a nonminor dependent, anyone who resides or is regularly present in the home who reaches his or her 18th birthday.
 - (13) A change in marital status.
 - (14) A significant change in the physical or mental health of a child, nonminor dependent or any other residents in the home, including the Resource Family.
- (b) A Resource Family shall make the report specified in subsection (a) to a RFA program staff by telephone, e-mail, or fax within 24 hours or by the next business day following the event and to the placement agency for a child or nonminor dependent by the next business day following the event.
- (1) The report specified in subsection (a) shall include the following information, if available:
 - (A) The name, age, sex, and date of admission of the child or nonminor dependent.
 - (B) Date and nature of the incident.
 - (C) Whether a Suspected Child Abuse Report was required and filed.
 - (D) Attending physician's name, findings, and treatment, if any.
 - (E) Current status of the incident.
 - (2) If the report specified in subsection (a) was made by telephone or did not include all of the information specified in paragraph (1) of subsection (b), then a Resource Family shall submit a written report containing the information to a County and the placement agency for a child or nonminor dependent within seven calendar days following the event.
- (c) A Resource Family shall notify a RFA program staff and the placement agency for a child or nonminor dependent of any changes to the Resource Family's mailing address. The notification shall occur by telephone, e-mail, or fax within ten business days following the change.
- (d) A Resource Family shall notify a RFA program staff and the placement agency for a child or a nonminor dependent by telephone, e-mail, or fax within 30 calendar days prior to moving home locations or as soon as the information is available.

SECTION 11-07: Records Requirements

- (a) A Resource Family shall maintain separate, complete, and current records in the home for a child. A child's file shall include the following:
 - (1) The name of the child, birth date, and date of placement with the Resource Family.

- (2) A summary of the child's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
 - (3) The Resource Family shall be responsible for maintaining information and records provided by physicians and educators including, but not limited to, the child's immunization records and any official grade or progress reports.
 - (4) Written authorization for the Resource Family to obtain medical and dental care in an emergency if authorization by the placement agency cannot be obtained.
 - (5) The case plan for the child.
 - (6) An itemized inventory list of the child's cash resources, personal property, and valuables.
 - (7) A copy of the personal rights accorded to a child.
 - (8) Written instructions by the physician of a child regarding the provision of family health care as described in Sections 11-15 and 11-16.
 - (9) Documentation of the date, time, and dose of any prescription medications and injections given to a child and the results of any glucose testing or monitoring for a child as described in Sections 11-15 and 11-16.
 - (10) Documentation of a child's or nonminor dependent's refusal to take any psychotropic medication.
- (b) A Resource Family shall maintain separate, complete, and current records in the home for a nonminor dependent. A nonminor dependent's file shall include the following:
- (1) The name of the nonminor dependent, birth date, and date of placement with the Resource Family.
 - (2) A summary of the nonminor dependent's health and education information and records, including mental health information or records, as described in Welfare and Institutions Code section 16010.
 - (3) The pre-placement appraisal as described in Section 11-18.
 - (4) The transitional independent living plan.
 - (5) If the cash resources, personal property, and valuables of the nonminor dependent are entrusted to the Resource Family, then an itemized inventory list of these items.
 - (6) A copy of the personal rights accorded to a nonminor dependent.
 - (7) Written instructions by the physician of a nonminor dependent regarding the provision of family health care as described in Sections 11-15 and 11-16.
 - (8) Documentation of the date, time, and dose of any prescription medications and injections given to a nonminor dependent and the results of any glucose testing or monitoring for a child or nonminor dependent as described in Sections 11-15 and 11-16.
 - (9) Documentation of a child's or nonminor dependent's refusal to take any psychotropic medication.
- (c) A nonminor dependent shall have access to his or her records in a manner that ensures the confidentiality of other records maintained in the home.
- (d) A Resource Family is not responsible for obtaining and maintaining the nonminor dependent's health and educational information but may assist the nonminor dependent

with any recordkeeping that the nonminor dependent requests of the Resource Family. This health and education information may include, but not be limited to, the following:

- (1) School records.
- (2) Immunization records.
- (3) Medical records.

(e) Upon the request of a nonminor dependent, a Resource Family shall assist the nonminor dependent in obtaining and keeping his or her own records. These records may include, but not be limited to, the following:

- (1) A certified birth certificate.
- (2) A Social Security card.
- (3) A California or other state identification card or driver's license.
- (4) A proof of citizenship or residency status; or for an alien, evidence of an approved petition for special immigrant juvenile status pursuant to Title 8, C.F.R. Section 204.11.
- (5) Death certificates of parents, if applicable.
- (6) A proof of county dependency status for education aid applications.
- (7) Written information concerning the nonminor dependent's dependency or delinquency case including: information about the nonminor dependent's family history; the nonminor dependent's placement history; the names, telephone numbers, and addresses of siblings and other relatives; and the procedures for inspecting the documents described under Welfare and Institutions Code section 827.

(f) All records for a child, as specified in subsection (a), or for a nonminor dependent, as specified in subsection (b), shall be available to a County or the Department to inspect, audit, and copy upon demand during business hours. Records may be removed if necessary for copying. Removal of records shall be subject to the following requirements:

- (1) A County or the Department representative may not remove any current emergency or health-related records for a child or nonminor dependent unless the same information is otherwise readily available in another document or format.
- (2) Prior to removing any records, a County or the Department representative shall prepare a list of the records to be removed, sign, and date the list upon removal of the records and leave a copy of the list with the Resource Family.
- (3) A County or the Department representative shall return the records to the home undamaged and in good order within three business days following the date the records were removed.

(g) If a child or nonminor dependent is removed or discharged from a home, a Resource Family shall distribute the child's or nonminor dependent's records as follows:

- (1) The child's or nonminor dependent's placement agency shall receive originals and any copies of all records.
- (2) The child's or nonminor dependent's authorized representative, if applicable, shall receive copies of all records.
- (3) The nonminor dependent shall receive copies of all records.

- (h) A Resource Family shall maintain all information and records regarding a child or nonminor dependent in a confidential manner and not disclose any confidential information except as otherwise authorized by law.
- (i) A Resource Family shall maintain copies of current certificates verifying completion of cardio-pulmonary resuscitation (CPR) and first aid training.

SECTION 11-08: Personal Rights

- (a) A Resource Family shall ensure that each child and nonminor dependent is accorded the personal rights specified in Welfare and Institutions Code section 16001.9.
- (b) In addition to subsection (a), a Resource Family shall ensure that each child is accorded the following personal rights:
 - (1) To be informed of and exercise their personal rights without harassment or punishment.
 - (2) To be free from corporal or unusual punishment; infliction of pain; humiliation; intimidation; ridicule; coercion; threat; physical, sexual, emotional, mental, or other abuse; or other actions of a punitive nature including interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, medication, or aids to physical functioning.
 - (3) To make and receive confidential telephone calls and send and receive unopened mail and electronic communication, unless prohibited by court order.
 - (A) Unless prohibited by court order or the placement agency for the child, a child may acquire, possess, and use his or her own cellular telephone.
 - (i) Reasonable restrictions on the use of a cellular telephone may be imposed by a Resource Family.
 - (4) To have access to letter writing material.
 - (5) To be accorded dignity in his or her personal relationships with other persons in the home.
 - (6) To be free from unreasonable searches of person.
 - (7) Not to be restrained or placed in any restraining device.
 - (8) To obtain, possess and use contraception including, but not limited to, birth control medication, emergency contraception, long-acting reversible contraceptives, condoms, and barrier methods.
 - (9) To be free to accept or decline a Resource Family's request to babysit the Resource Family's children, including adopted, biological, foster, and guardianship children.
 - (10) To be provided with and allowed to acquire, possess, and use adequate personal items, which includes his or her own:
 - (A) Clothes, provided the clothes are age-appropriate, do not violate school standards when worn during school activities, and are in accordance with the gender identity of the child.
 - (B) Toiletries and personal hygiene products appropriate for the child's or nonminor dependents' skin and hair, including razors used for shaving, as age or developmentally appropriate, and as appropriate to the child's or nonminor dependent's cultural, religious, ethnic or racial background.

- (C) Belongings, including items that were a gift to the child.
 - (11) Provided the rights of others are not infringed upon, to have visitors that include:
 - (A) Relatives, unless prohibited by court order.
 - (B) The authorized representative for the child.
 - (C) Other visitors, unless prohibited by court order or by the authorized representative for the child.
 - (12) To be informed, and to have his or her authorized representative informed, by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the County, and about the confidentiality of complaints.
 - (13) To be accorded the independence appropriate to the age, maturity, and capability of the child consistent with the child's case plan or the Transitional Independent Living Plan (TILP), if applicable.
 - (14) To have private or personal information, including, but not limited to, any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, sexual orientation, gender identity, and information relating to the biological family of the child, maintained in confidence.
 - (A) A Resource Family shall disclose information about the child to a County, the Juvenile Court, and the child's biological family, social worker, placement worker, probation officer, Tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
 - (B) As needed to ensure appropriate care, supervision, or education of the child, a Resource Family shall disclose information to respite care providers, occasional short-term babysitters, alternative caregivers, school officials, and other persons, unless the disclosure is prohibited by court order.
 - (15) To receive medical, dental, vision, and mental health services.
 - (A) Medical services may include, but are not limited to, services related to the prevention or treatment of pregnancy, sexual assault, or rape; and at 12 years of age or older, the prevention, diagnosis, or treatment of sexually-transmitted diseases.
 - (i) A child may consent personally to the services described in subsection (A), without the knowledge or consent of a parent, guardian, social worker, probation officer, judge, or authorized representative.
 - (ii) A child may obtain these services confidentially, unless prohibited by law.
- (c) In addition to subsection (a), a Resource Family shall ensure that each nonminor dependent is accorded the following personal rights:
- (1) The rights specified in paragraphs (1) through (9) of subsection (b).
 - (2) To be provided with and allowed to acquire, possess, maintain, and use adequate personal items which include the nonminor dependent's own:
 - (A) Clothes.
 - (B) Toiletries and personal hygiene products as specified in subsection (b)(10)(B).
 - (C) Belongings, including gifts to the nonminor dependent, furniture, equipment, and supplies, for his or her personal living space in accordance with his or her interests, needs, and tastes.

- (3) To have adequate privacy for visitors that include:
 - (A) Relatives, unless prohibited by court order.
 - (B) The placement agency.
 - (C) Other visitors, unless prohibited by court order.
 - (4) To be informed by the Resource Family of the provisions of law regarding complaints, the address and telephone number of the County, and about the confidentiality of complaints.
 - (5) To have the independence appropriate to the status of a legal adult, consistent with the case plan or the TILP for the nonminor dependent.
 - (6) To have private or personal information, including any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, and information relating to the biological family of the nonminor dependent, maintained in confidence.
 - (A) There shall be no release of confidential information without the prior written consent of a nonminor dependent, and this information shall only be released to the extent permitted by law.
 - (i) A Resource Family shall, with the consent of a nonminor dependent, only disclose relevant and necessary information about the nonminor dependent.
 - (ii) A Resource Family shall disclose information about a nonminor dependent to a County, the Juvenile Court, and the nonminor dependent's biological family, nonminor dependent's social worker, placement worker, probation officer, Tribe, physician, psychiatrist, CASA, attorney, and authorized representative, unless the disclosure is prohibited by court order.
 - (iii) As needed to ensure appropriate care, supervision, or education of a nonminor dependent, a Resource Family shall disclose information to school officials and other persons, unless disclosure is prohibited by court order.
 - (7) To access information regarding available educational, training, and employment options of the nonminor dependent's choosing.
 - (8) To select, obtain, prepare, and store food of the nonminor dependent's choosing.
 - (9) To select, obtain, or decline medical, dental, vision, and mental health care and related services at the nonminor dependent's discretion.
 - (10) To leave or depart the home at any time at the nonminor dependent's discretion.
 - (11) To acquire, possess, maintain, and use a personal vehicle for transportation.
 - (12) To acquire, possess, and use a personal cellular telephone.
- (d) In ensuring the rights of a child or a nonminor dependent, a Resource Family is not required to take any action that would impair the health and safety of a child, nonminor dependent, or others in the home consistent with Welfare and Institutions Code section 16001.9(b).
- (1) A Resource Family is not prohibited from taking the following actions for the protection of a child, nonminor dependent, or others in the home:
 - (A) Establishing house rules, that may include rules regarding visitation that shall apply to all visitors; curfew; dating; completing homework; laundry and

cleaning bedrooms and other areas; and use of entertainment equipment and cellular telephones.

- (B) Locking exterior doors and windows as long as a child or nonminor dependent can enter or exit the home.

- (e) At the following times, a Resource Family shall ensure a child or nonminor dependent is verbally notified in an age or developmentally appropriate manner, of his or her rights as specified in this section and in Welfare and Institutions Code section 16001.9, and provided with a written copy of these rights and information regarding agencies a child or nonminor dependent may contact concerning violation of these rights:
 - (1) Upon placement in the home.
 - (2) Upon the request of a child or a nonminor dependent.
 - (3) Each time a new right has been added to Welfare and Institutions Code section 16001.9 or this section.

SECTION 11-09: Telephones

- (a) A Resource Family shall have cellular telephone, Internet telephone, or landline telephone service in the home at all times.
- (b) Telephone service shall be accessible to a child or nonminor dependent in the home at all times.
- (c) A Resource Family is not required to purchase a cellular telephone for a child or nonminor dependent or pay for a child's or nonminor dependent's personal cellular telephone service fees.

SECTION 11-10: Transportation

- (a) A Resource Family shall ensure that a child or a nonminor dependent is provided with transportation for the following situations:
 - (1) Health-related services.
 - (2) School.
 - (3) Extracurricular, enrichment, cultural and social activities, provided the transportation to these activities is reasonable.
- (b) When determining if the transportation to an activity for a child or nonminor dependent is reasonable, a Resource Family may consider the location, frequency, cost for transportation, and time necessary to provide transportation.
- (c) A Resource Family may not allow a child or nonminor dependent to be transported by an individual the Resource Family knows or reasonably should know does not have a valid driver's license.
- (d) A Resource Family shall ensure that all individuals who transport a child or nonminor dependent use motor vehicles that are in safe operating condition.

- (e) (1) A Resource Family shall ensure that a child is properly restrained in an appropriate child passenger restraint system based on the child's age, weight, and size while being transported in a motor vehicle in accordance with applicable laws.
- (2) A Resource Family shall ensure that a nonminor dependent is properly restrained by a safety belt while being transported in a motor vehicle in accordance with applicable laws.
- (f) A Resource Family shall not smoke, or permit any individual to smoke in a motor vehicle that is regularly used for providing transportation to a child or nonminor dependent. This prohibition applies when the motor vehicle is moving or at rest.
- (g) Transportation shall be provided in accordance with any other arrangements specified in the case plan or transitional independent living plan for a child or nonminor dependent included in the written placement agreement between a Resource Family and the placement agency.
- (h) A Resource Family shall ensure that a nonminor dependent is provided with transportation under the following additional conditions:
 - (1) Except for the transportation described in subsection (a), transportation shall be provided by arrangement between a Resource Family and the nonminor dependent.
 - (2) Notwithstanding subsection (c) or (d), a nonminor dependent shall be permitted to arrange for his or her own transportation.
 - (3) A nonminor dependent may, but is not be required to, provide transportation to others.

SECTION 11-11: Food and Nutrition

- (a) A Resource Family shall provide or ensure the provision of nutritious meals, snacks, and beverages that can reasonably meet the child or nonminor dependent's special dietary needs or practices, as documented in the case plan for a child or a nonminor dependent, or as reported by the child or nonminor dependent, or the child's or nonminor dependent's family.
 - (1) The quantity and quality of food available to household members shall be equally available to a child or nonminor dependent.
- (b) A Resource Family shall invite a child or nonminor dependent to participate in all household meals.
- (c) A Resource Family shall ensure that a child, or nonminor dependent is provided with the following:
 - (1) Age-appropriate food, snacks, and beverages.
 - (2) At least three meals per day.

- (d) A Resource Family shall ensure that an infant, who is unable to hold a bottle, is held during bottle-feeding. A bottle given to an infant able to hold his or her own bottle shall be unbreakable. A bottle may not be propped up for an infant.
- (e) A Resource Family may encourage a child, as age or developmentally appropriate, to learn meal preparation, but may not require a child to prepare meals.
- (f) A Resource Family shall ensure that a nonminor dependent is provided with access to food, snacks, and beverages under the following additional conditions:
 - (1) As agreed upon with a Resource Family, a nonminor dependent shall be permitted to plan meals, grocery shop, and store and prepare food.
 - (2) A nonminor dependent shall have access to all meal preparation areas, appliances, and utensils for meal preparation.
 - (3) A nonminor dependent may prepare meals.
 - (4) A Resource Family may not require a nonminor dependent to prepare meals.

SECTION 11-12: Reasonable and Prudent Parent Standard

- (a) A Resource Family shall be responsible for applying the reasonable and prudent parent standard, as defined in Section 3-01, and as specified in this section, in providing care and supervision to a child.
 - (1) Except for circumstances that involve a child, or the determination and selection of an occasional short-term babysitter as specified in Section 11-13, the reasonable and prudent parent standard does not apply to a nonminor dependent.
 - (2) Applying the reasonable and prudent parent standard may not result in denying the rights of a child as specified in Welfare and Institutions Code section 16001.9, Section 11-08, or, if applicable, Section 11.1-06, or contradict court orders or the case plan for the child.
- (b) In applying the reasonable and prudent parent standard, a Resource Family shall consider the following:
 - (1) The age, maturity, and developmental level of a child.
 - (2) The nature and inherent risks of harm of the activity.
 - (3) The best interests of a child based on information known by the Resource Family.
 - (4) The behavioral history of a child and the child's ability to safely participate in the activity.
 - (5) The importance of encouraging a child's emotional and developmental growth.
 - (A) Emotional and developmental growth may include, but not be limited to, the following:
 - (i) The child's level of understanding about healthy relationships.
 - (ii) The child's level of understanding about sexuality and body development.
 - (iii) Feelings about spirituality.
 - (iv) Other stages of maturity experienced during adolescence.

- (6) The importance of providing a child with a sense of normalcy in the most family-like living experience possible.
- (c) A Resource Family shall consider information provided or known about a child when determining the best interests of a child. This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, sexual orientation, gender identity, developmental level of, and court orders for the child.
 - (1) A Resource Family may contact the child's social worker, physician, counselor, or educator to obtain the information described in subsection (c).

SECTION 11-13: Responsibility for Providing Care and Supervision

- (a) A Resource Family shall provide care and supervision that meets the needs of a child or nonminor dependent and ensures health, safety and well-being.
 - (1) If a Resource Family provides care for a minor or nonminor dependent parent and his or her child, the Resource Family shall work with the minor or nonminor dependent parent and a representative from the county child welfare agency or probation department to develop a shared responsibility plan as described in Welfare and Institutions Code sections 11465(d)(3) and 16501.25(b).
- (b) A Resource Family shall provide care and supervision in accordance with the case plan of a child or nonminor dependent, the placement agreement, and transitional independent living plan, if applicable.
- (c) A Resource Family may arrange for other care and supervision of a child that includes the following:
 - (1) An occasional short-term babysitter.
 - (A) If a Resource Family anticipates being absent from the home for less than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an occasional short-term babysitter to provide care and supervision to a child in the Resource Family's or short-term babysitter's home.
 - (i) If an occasional short-term babysitter will provide care and supervision in his or her home, a Resource Family shall use the reasonable and prudent parent standard to determine that the occasional short-term babysitter's home is safe and appropriate for the child and the child's personal rights will be respected.
 - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining and selecting an appropriate babysitter for occasional short-term use, including determining whether it is appropriate for a child or nonminor dependent to act as an occasional short-term babysitter.
 - (i) A child or nonminor dependent may not be required to babysit.
 - (C) An occasional short-term babysitter may be under 18 years of age, but shall have the maturity, experience, and ability necessary to provide adequate care and supervision to a child.

- (D) When a child is in the care of an occasional short-term babysitter, a Resource Family shall ensure that the babysitter knows how to contact the Resource Family in case of an emergency.
- (2) An alternative caregiver.
- (A) If a Resource Family anticipates being absent from the home for longer than 24 hours, on an occasional basis, the Resource Family is permitted to arrange for an alternative caregiver to provide care and supervision to a child unless prohibited by the child's social worker or probation officer or court order.
 - (B) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining and selecting an appropriate alternative caregiver.
 - (C) An alternative caregiver shall meet the following requirements:
 - (i) Be 18 or older.
 - (ii) Have the willingness and ability to and shall comply with applicable laws and Article 11.
 - (iii) Have the willingness and ability to provide care and supervision to a child, taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications, abilities and limitations, developmental level of, and court orders for a child.
 - (D) The care and supervision during a Resource Family's absence shall occur in the Resource Family's home or an alternative caregiver's home.
 - (i) If an alternative caregiver will provide care and supervision in his or her home, a Resource Family shall use the reasonable and prudent parent standard to determine that the alternative caregiver's home is safe and appropriate for the child and the child's personal rights will be respected.
 - (E) Prior to a Resource Family's absence from the home, the Resource Family shall provide verbal or written notification to the social worker or probation officer for a child as follows:
 - (i) The dates the Resource Family plans to be absent from the home.
 - (ii) The name, telephone number, and address, if applicable, of the alternative caregiver.
 - (iii) An emergency telephone number where the Resource Family can be contacted during his or her absence.
 - (F) A Resource Family shall obtain prior approval from the social worker or probation officer for a child for any absence that exceeds 72 hours.
 - (G) Before entrusting a child to an alternative caregiver, a Resource Family shall provide the alternative caregiver with the following:
 - (i) Information about the emotional, behavioral, medical, or physical conditions of a child, if any.
 - (ii) Any medication for which an alternative caregiver must assist a child with self-administration or as permitted by Health and Safety Code section 1507.25(b)(1), consistent with instructions from the child's physician.

- (iii) The name and telephone number of the social worker or probation officer for a child and the Resource Family's 24-hour emergency contact information.

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Effective January 1, 2019, a criminal record clearance or exemption is no longer a requirement to be an alternative caregiver. However, if an alternative caregiver is an adult who is residing or regularly present in the home of a Resource Family, then the alternative caregiver would be required to complete a background check pursuant to Section 88331.3.

- (3) Respite care.
 - (A) A Resource Family may use respite care approved by a county child welfare agency or probation department.
 - (B) A respite caregiver shall be an approved relative or NREFM, a licensed foster family home, a certified family home, Resource Family, or certified respite care provider.
 - (C) Respite care shall not be provided for the purpose of routine, ongoing child care.

- (d) Leaving a Child Alone.
 - (1) If a Resource Family anticipates being absent from the home on an occasional basis, the Resource Family may leave a child over age 10 in the home without adult supervision, but may not leave a child unsupervised overnight.
 - (2) A Resource Family shall apply the reasonable and prudent parent standard as specified in Section 11-12, to determine the appropriateness of leaving a child over age 10 in the home without adult supervision.
 - (3) Before leaving a child alone, a Resource Family shall ensure that the child knows the following:
 - (A) Where emergency numbers are posted.
 - (B) Emergency procedures.
 - (C) Where and how to contact the Resource Family.

- (e) Licensed and license-exempt child care.
 - (1) A Resource Family may arrange for a child to be cared for by a licensed child day care facility, as defined in Health and Safety Code section 1596.750, or a licensed family day care home, as defined in Health and Safety Code section 1596.78.
 - (2) A Resource Family may arrange for a child to be cared for by any of the following programs exempt from licensure pursuant to Health and Safety Code section 1596.792:
 - (A) Any cooperative arrangement between parents for the care of their children when no payment is involved as described in Health and Safety Code section 1596.792(e).
 - (B) Any arrangement for the receiving and care of children by a relative as described in Health and Safety Code section 1596.792(f) if contact with that relative is approved by the child's social worker or probation officer.

- (C) A public recreation program as described in Health and Safety Code section 1596.792(g).
 - (D) Extended day care programs operated by public or private schools as described in Health and Safety Code section 1596.792(h).
 - (E) Any child day care program that offers temporary child care services to parents as described in Health and Safety Code section 1596.792(k).
 - (F) Any program that provides activities for children of an instructional nature in a classroom-like setting as described in Health and Safety Code section 1596.792(l).
- (f) A Resource Family shall permit a child to participate in extracurricular, enrichment, cultural, and social activities as specified in Section 11-14.
 - (1) A Resource Family shall permit a child to participate in a manner that affirms his or her gender identity expression.
 - (g) A Resource Family who chooses to leave a child in a parked vehicle shall do the following:
 - (1) Comply with the requirements of Vehicle Code section 15620.
 - (2) Apply the reasonable and prudent parent standard, as specified in Section 11-12, to determine whether it is appropriate to leave a child in a parked vehicle.
 - (h) A Resource Family is responsible for ensuring care and supervision of the children of a minor parent placed in the home.
 - (1) A Resource Family shall provide direct care and supervision of the children of a minor parent during the hours that the minor parent is unavailable or unable to provide care and supervision.
 - (i) Unless restricted by a child's case plan or court order, a Resource Family shall permit and facilitate connections between a child and his or her relatives and nonrelative extended family members and other caring and committed adults.
 - (1) In permitting and facilitating the connections described in subsection (i), a Resource Family is not required to take any action that would impair the health and safety of a child.
 - (j) A Resource Family shall provide care and supervision to a nonminor dependent as follows:
 - (1) A Resource Family shall provide care and supervision in accordance with a nonminor dependent's case plan and transitional independent living plan.
 - (2) A Resource Family shall assist a nonminor dependent with developing the skills necessary for self-sufficiency, including the following:
 - (A) Financial literacy.
 - (B) Nutrition and healthy food choices, grocery shopping, and meal preparation.
 - (C) Identifying a suitable home and home maintenance.
 - (D) Child care.
 - (E) Automotive maintenance.
 - (F) Educational and career development.
 - (G) Obtaining medical, dental, vision, and mental health care.
 - (H) Access to community resources.

- (I) Developing and reaching goals.
 - (J) Self-care, including laundry.
 - (K) Drug and alcohol abuse awareness and prevention.
 - (L) Safe sex and reproductive health information.
- (3) A Resource Family may arrange for other care and supervision of a nonminor dependent as follows:
- (A) If a Resource Family anticipates being absent from the home, the Resource Family is permitted to leave a nonminor dependent in the home alone and may leave a nonminor dependent in the home overnight without adult supervision.
 - (i) In making a decision to leave a nonminor dependent home alone, a Resource Family shall maintain the health and safety of the nonminor dependent.
 - (ii) A Resource Family shall consider the maturity, experience, and ability of a nonminor dependent when leaving the nonminor dependent in the home alone.
 - (iii) Before leaving a nonminor dependent in the home alone, a Resource Family shall ensure that the nonminor dependent knows the following:
 - a. The location of emergency telephone numbers.
 - b. Emergency procedures.
 - c. Where and how to contact the Resource Family.
 - (B) A Resource Family may leave a nonminor dependent in the home alone for more than 72 hours if the following occur:
 - (i) The Resource Family shall provide verbal or written notification to the placement agency for the nonminor dependent that includes the following:
 - a. The dates the Resource Family plans to be absent from the home.
 - b. An emergency telephone number where the Resource Family can be reached in their absence.
 - c. A Resource Family is responsible for ensuring that a nonminor dependent parent provides care and supervision for the nonminor dependent's children.
 - (ii) A Resource Family shall obtain prior approval from the placement agency for the nonminor dependent before leaving the nonminor dependent alone in the home for more than 72 hours.
 - (C) A Resource Family shall provide direct care and supervision of the children of a nonminor dependent parent during the hours that the nonminor dependent parent is unavailable or unable to provide care and supervision.
- (k) Unless restricted by a **case plan**, transitional independent living plan, or court order, a Resource Family shall encourage a nonminor dependent to seek, select, and maintain permanent connections with his or her relatives and nonrelative extended family members and other caring and committed adults.

- (1) In encouraging the nonminor dependent's connections described in subsection (k), a Resource Family is not required to take any action that would impair the health and safety of a nonminor dependent.

SECTION 11-14: Extracurricular, Enrichment, Cultural and Social Activities

- (a) A Resource Family shall permit and promote a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities, as specified in Welfare and Institutions Code sections 362.05 and 727.
 - (1) A Resource Family shall permit a child to participate in a manner that affirms his or her gender identity expression.
- (b) A Resource Family shall apply the reasonable and prudent parent standard, as specified in Section 11-12, in determining whether to permit a child to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.
- (c) A child or nonminor dependent shall be entitled to participate in extracurricular, enrichment, cultural, and social activities, that may include, but not be limited to, the following:
 - (1) Sports
 - (2) School or after-school activities, including band, dances, and field trips.
 - (3) Leisure time, including bike riding, socializing with friends, shopping, and movies.
 - (4) Community events, including concerts, dances, plays, and celebrations of special events.
 - (5) Dating.
 - (6) Overnight activities lasting one or more nights including sleepovers with friends.
 - (7) Babysitting.
 - (8) Having visitors in the home.
 - (9) Use of computer equipment or similar electronic devices, if available.
 - (10) Use of a cellular telephone, if available.
- (d) For a child age 16 or older or a nonminor dependent, a Resource Family shall provide access to information regarding available vocational and postsecondary educational options. The information may include, but not be limited to, the following:
 - (1) Admission criteria for universities, community colleges, trade or vocational schools.
 - (2) Informational brochures and Internet research on postsecondary or vocational schools or programs, independent living skills programs, employment-related programs, and other local resources to assist youth.
 - (3) Campus tours.
 - (4) Community or school-sponsored events promoting postsecondary or vocational schools or programs, internships, volunteerism, or employment.
 - (5) Financial aid information, including information about federal, state and school-specific aid, state and school-specific scholarships, grants and loans, as well as aid available specifically to a current or former foster child and contact information for the Student Aid Commission.
 - (6) Career options, requirements, and salary information for trade, vocational, or professional careers.

SECTION 11-15: Health Related Services

- (a) Family health care shall be provided by a Resource Family to a child, and as requested by a nonminor dependent, in accordance with the written instructions from the health professional for the child or nonminor dependent.
 - (1) The Resource Family shall ask the health professional to provide adequate and practical written instructions.

- (c) When a child or nonminor dependent has a health condition that requires medication, including injections, a Resource Family shall comply with the following:
 - (1) Assist a child with self-administration of the medication as directed on the label or in writing by the physician of the child.
 - (A) If the physician of a child gives permission, as specified in Section 11-16(f), then the child may self-administer medications, including injections.
 - (2) Assist a nonminor dependent with self-administration of the medication, if requested by the nonminor dependent, as directed on the label or in writing by the physician of the nonminor dependent.
 - (3) Ensure that instructions are followed as outlined by the appropriate health professional.
 - (4) Store medication in the original container with the original, unaltered label.
 - (5) Document the date, time, and dose of any prescription medication given to a child or nonminor dependent.
 - (6) If a child or nonminor dependent cannot determine his or her own need for medication, a Resource Family shall determine the need of the child or nonminor dependent in accordance with written medical instructions.

- (d) For children 12 years of age or older, a Resource Family shall allow access and assist a child or nonminor dependent in accessing age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections (STIs).
 - (1) A Resource Family shall direct a child or nonminor dependent to reliable sources of information
 - (2) A Resource Family shall not require a child or nonminor dependent to practice abstinence.

- (e) A Resource Family shall maintain documentation of all prescription medications given to a child or nonminor dependent in the file for a child or nonminor dependent as specified in Section 11-07.

SECTION 11-16: Emergency Medical Assistance, Injections, and Self-Administration of Medications

- (a) A Resource Family or designated substitute caregiver may provide emergency medical assistance to a child or nonminor dependent and give injections to a child or nonminor dependent for severe diabetic hypoglycemia and anaphylactic shock.

- (b) A Resource Family or designated substitute caregiver may give prescribed injections, including insulin, to a child or nonminor dependent as prescribed by the physician of the child or nonminor dependent.
- (c) Prior to administering any medical assistance or injections authorized by this section, a Resource Family and any designated substitute caregiver shall obtain training from a health professional practicing within his or her scope of practice.
- (d) A Resource Family shall ensure that the date, time, and dose of all injections given to a child or nonminor dependent, including injections self-administered by a child, are documented by the person giving the injection or assisting with the self-administration of the injection.
- (e) A Resource Family shall ensure the date, time, and results of glucose testing and monitoring for a child or nonminor dependent are documented by the person assisting with the testing.
- (f) Unless prohibited by court order, a child may self-administer medication or injections if the physician of a child gives permission. A Resource Family shall ensure that a child knows how to do all of the following:
 - (1) Self-administer their medication and injections.
 - (2) Document when they self-administer their medication and injections.
 - (3) Properly store the medication so that it is not accessible to other children or nonminor dependents.
- (g) Psychotropic medication shall only be used in accordance with the written directions of the physician prescribing the medication and in accordance with authorization requirements specified in Sections 369.5(a)(1) and 739.5(a)(1) of the Welfare and Institutions Code and Section 88270(a)(4).
 - (1) Psychotropic medications may be administered without court authorization in an emergency, Emergency procedures are specified in CA Rules of Court, rule 5.640.
- (h) A Resource Family shall maintain documentation of all injections given pursuant to subsection (d) and the results of all glucose testing and monitoring pursuant to subsection (e) in the file for a child or nonminor dependent as specified in Section 11-07.

SECTION 11-17: Cooperation and Compliance

- (a) A Resource Family may not make or disseminate any false or misleading statements in regards to Resource Family Approval or operation of the home. This includes, but is not limited to, information regarding a Resource Family, family members, adults residing or regularly present in the home, persons who currently provide or may provide care or supervision to a child or nonminor dependent, or any of the services provided to a child or nonminor dependent.

- (b) A Resource Family shall comply and maintain compliance with all applicable laws and the Written Directives.
- (c) A Resource Family shall cooperate with a County, and any service providers in completing the requirements, qualifications, or training specified in the Written Directives or as directed by the County.

SECTION 11-18: Nonminor Dependent Pre-Placement Appraisal

- (a) Prior to the placement of a nonminor dependent with a Resource Family, the Resource Family shall, jointly with the placement agency, prepare a pre-placement appraisal for the nonminor dependent.
- (b) A pre-placement appraisal shall include the following information:
 - (1) Confirmation that the nonminor dependent does not pose a threat to children or nonminor dependents in the home.
 - (2) The ability of the Resource Family to meet the needs of the nonminor dependent.
- (c) A Resource Family shall maintain a copy of the pre-placement appraisal in the records for the nonminor dependent, as specified in Section 11-7.

SECTION 11-19: Annual and Other Training

- (a) Each Resource Parent shall submit copies of certificates verifying completion of cardiopulmonary resuscitation (CPR) and first aid training to a County no later than 90 days following Resource Family Approval.
 - (1) Prior to expiration of the certificates described in subsection (a), a Resource Parent shall obtain training in cardiopulmonary resuscitation (CPR) and first aid and submit copies of the certificates verifying completion of the training to a County.
 - (2) Cardiopulmonary resuscitation (CPR) and first aid training shall be obtained from an agency offering such training including, but not limited to, the American Red Cross, the American Heart Association, a training program approved by the State Emergency Medical Services Authority (EMSA), or a course offered by an accredited college or university.
- (b) Each Resource Parent shall complete a minimum of eight hours of annual training pursuant to Section 8-01.
- (c) Each Resource Parent shall complete relevant specialized training to meet the needs of a particular child or nonminor dependent in care, and any additional training deemed necessary by a County.

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Hands-on or online training for cardiopulmonary resuscitation (CPR) and first aid is permissible. However, it is recommended that any online training that has a skills competency component, e.g.

First Aid and CPR, include a hands-on practice component. The hands-on practice component would increase the confidence level of the participant and consequently augment a Resource Parent's ability to perform their job duties. The hands-on practice component should be provided and overseen by an on-site instructor and is age-appropriate.

ARTICLE 11.1: REQUIREMENTS FOR SPECIALIZED RESOURCE FAMILIES

SECTION 11.1-01: Limitations on Capacity for Specialized Resource Families

- (a) The capacity of a Specialized Resource Family may not exceed six children as specified in Section 10-04(a)(1).
- (b) A Specialized Resource Family may not care for more than two children or nonminor dependents with or without special health care needs except as provided in subsection (c).
- (c) A Specialized Resource Family may accept a third child or nonminor dependent with or without special health care needs provided that the capacity is not exceeded and all of the following conditions are met:
 - (1) The placement agency determines the following:
 - (A) The county or regional center service area in which the Specialized Resource Family's home is located has no other specialized foster care home as defined in Welfare and Institutions Code section 17710, foster family home, resource family, small family home, or certified family home available to care for the child or nonminor dependent.
 - (B) The Specialized Resource Family can meet the psychological and social needs of the child or nonminor dependent.
 - (2) The individualized health care plan team for each child with special health care needs placed with the Specialized Resource Family has considered the number of adoptive, biological, foster, and guardianship children in the home and determines that placement of a third child or nonminor dependent will not jeopardize their health and safety.

SECTION 11.1-02 Prohibition of Licensure for Specialized Resource Families

- (a) A Specialized Resource Family may not be licensed to operate a family childcare home or residential facility for the same premises as the home of the Specialized Resource Family.
 - (1) A Resource Family who plans to care for a child with special health care needs and holds any license specified in subsection (a) shall surrender the license prior to becoming a specialized Resource Family and accepting a child with special health care needs.

SECTION 11.1-03 Continuing Requirements for Specialized Resource Families

- (a) Except as otherwise specified, a Specialized Resource Family shall comply with the provisions of this article and Article 11.
 - (1) A Specialized Resource Family shall ensure that any person who provides specialized in-home health care to a child with special health care needs complies with the applicable provisions of this article and Article 11.
- (b) Before accepting a child with special health care needs or when a child's needs change, a Specialized Resource Family, and any person who provides care to the child, shall complete training provided by a health care practitioner as required by the child's individualized health care plan and as specified in Welfare and Institutions Code section 17731(c)(3) and (c)(5), except as follows:
 - (1) The Specialized Resource Family is a health care practitioner, and
 - (2) The individualized health care plan team determines that completion of specialized in-home health care training is unnecessary based on the medical qualifications and expertise of the Specialized Resource Family.
- (c) Within 30 calendar days of accepting a child with special health care needs, a Specialized Resource Family shall obtain a written medical assessment of the child.
 - (1) A medical assessment shall meet the following requirements:
 - (A) A medical assessment may not be more than one year old.
 - (B) A medical assessment of a child with special health care needs shall include the results of an examination for communicable tuberculosis (TB) and other contagious or infectious diseases.

SECTION 11.1-04: Additional Records Requirements for Specialized Resource Families

- (a) A Specialized Resource Family shall maintain documentation verifying completion of the training or exemption from the training, as specified in Section 11.1-03 (b) for each Specialized Resource Parent and any person who provides care to a child with special health care needs.
 - (1) Exemption documentation shall include the following:
 - (A) A copy of a valid license or certificate indicating that the Specialized Resource Family is a health care practitioner.
 - (B) A written statement that the individualized health care plan team for a child" with special health care needs has determined that specialized in-home health care training is unnecessary.
- (b) If a Specialized Resource Family needs additional help to care for a child with special health care needs, the Resource Family shall obtain the following information from all persons who will provide care to the child and maintain the information in the Resource Family's records:
 - (1) Full name.
 - (2) Copy of the Driver's License of any person who will transport the child.
 - (3) Date the person started providing additional help in the home.

- (4) Home address and telephone number.
 - (5) Past related experience and where this experience was obtained.
 - (6) Duties.
 - (7) Date the person last worked, if no longer working in the home.
- (c) A Specialized Resource Family shall maintain records of health screenings and tests for tuberculosis for any person who provides care to a child with special health care needs.
 - (d) A Specialized Resource Family shall maintain a copy of the individualized health care plan, and any updates to the plan, for a child with special health care needs.
 - (e) A Specialized Resource Family shall maintain all records in the home and shall make them available to a County to inspect, audit, and copy upon demand during normal business hours. A County may remove records from the home if necessary for copying. Removal of records by a County shall be subject to the following requirements:
 - (1) The County shall not remove any current emergency or health-related information for a Specialized Resource Family or a child with special health care needs unless the information is readily available in another document or format.
 - (2) Prior to removing any records from a home, the County shall prepare a list of the records to be removed, sign, and date the list upon removal of the records, and leave a copy of the list with the Specialized Resource Family.
 - (3) The County shall return the children's records to the Specialized Resource Family undamaged and in good order within three business days following the date the records were removed.
 - (f) A Specialized Resource Family shall retain all records that pertain to persons who provide additional help for at least three years after they helped in the home.

SECTION 11.1-05 Individualized Health Care Plan

- (a) A Specialized Resource Family shall not accept a child with special health care needs unless the Resource Family has obtained an individualized health care plan for the child.
- (b) An individualized health care plan shall include the following information:
 - (1) The name, address, and telephone number of the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
 - (2) The appropriate number of hours of on-site and off-site supervision and monitoring that needs to be provided by the health care practitioner responsible for monitoring ongoing health care for a child with special health care needs.
 - (3) Documentation by the individualized health care plan team for a child with special health care needs that identifies the specialized in-home health care to be administered by a health care practitioner or responsible adult trained by a health care practitioner.
 - (4) Arrangements for in-home health support services if required.
 - (5) Specific responsibilities of a Specialized Resource Family for providing specialized in-home health care, including any required training or additional training.

- (6) Identification of any available and funded medical services that are to be provided to a child with special health care needs in the home of a Specialized Resource Family which may include, but is not limited to, assistance from health care practitioners.
 - (7) Identification of any psychological, emotional, behavioral, or medical problems that are identified in the Case Plan of the child with special health care needs or the medical assessment specified in Section 11.1-03(c).
- (c) The individualized health care plan for a child with special health care needs may be combined with the case plan of the child or the individual program plan from the regional center for a child provided that all of the information required by each plan is included.

SECTION 11.1-06 Personal Rights for Children with Special Health Care Needs

- (a) A Specialized Resource Family shall afford a child with special health care needs all of the personal rights specified in Section 11-08 and the following additional personal rights:
- (1) A child with special health care needs has the right to be free of the administration of medication or chemical substances except as specifically provided in the individualized health care plan for a child.
 - (2) A child with special health care needs has the right to be free from any restraining or postural support device except as required to treat the specific medical symptoms of a child and addressed or outlined in the individualized health care plan for the child.
 - (A) Physical restraining devices may be used for the protection of a child with special health care needs during treatment and diagnostic procedures. The restraining device, which shall not have a locking device, shall be applied for no longer than the time required to complete the treatment and shall be applied in conformance with the individualized health care plan for a child. The individualized health care plan for a child shall include all of the following:
 - (i) The specific medical symptom(s) that require use of the restraining device.
 - (ii) An evaluation of less restrictive therapeutic interventions and the reason(s) for ruling out these other practices.
 - (iii) A written order by the physician of a child. The order must specify the duration and circumstances under which the restraining device is to be used.
 - (B) Postural supports may be used if prescribed in the individualized health care plan for a child with special health care needs. The method of application shall be specified in the individualized health care plan and approved in writing by the physician for the child.

SECTION 11.1-07 Additional Home and Grounds Requirements for Specialized Resource Families

- (a) Areas in the home of a Specialized Resource Family that include, but are not limited to, bedrooms, bathrooms, toilets, dining areas, passageways, and recreational spaces used by a child with special health care needs shall be large enough to accommodate any medical equipment that the child needs.

- (1) A bedroom that is occupied by a child with special health care needs shall be large enough to permit the following:
 - (A) Storage of the child's personal items.
 - (B) Storage of any required medical equipment or assistive devices, including wheelchairs, adjacent to the child's bed.
 - (C) Unobstructed bedside access for the provision of specialized in-home health care.
- (b)
 - (1) Section 11-01(c)(1) shall not apply to Specialized Resource Families.
 - (2) A bedroom occupied by a child with special health care needs may not be shared with another child or nonminor dependent who resides in the home of a Specialized Resource Family if the child's need for medical services or medical condition would be incompatible with another child's or nonminor dependent's use and enjoyment of the bedroom.
- (c) When required by the individualized health care plan for a child with special health care needs, a Specialized Resource Family or other adult caring for the child shall sleep in a bedroom adjacent or in close proximity to the child's room or use a monitoring device to alert the Resource Family.

ARTICLE 12: DUE PROCESS

SECTION 12-01: Applicability and Jurisdiction

- (a) Except as otherwise provided in this article, all citations are to California law.
- (b) The Department is the agency of the State of California responsible for the administration of the Resource Family Approval Program.
- (c) A Resource Parent, applicant, or individual who has received notice of a denial or rescission of approval, notice of a criminal record exemption denial or rescission, or notice of an exclusion, is accorded the right to a state hearing and other due process rights as set forth in this article and in Welfare and Institutions Code section 16519.5 et seq.
- (d) Due process conducted pursuant to this article shall be governed by the procedures in this article that are in effect at the time of service of the notice of action, exclusion order, Accusation, or Statement of Issues. Administrative review procedures conducted pursuant to this section shall be governed by the procedures in this article that are in effect at the time of the administrative review.
 - (1) The review of an application shall be as specified in Section 5-03B(d). For an appeal, notice of defense or action for the record related to an application denial or criminal record exemption denial or criminal record exemption rescission, the review shall be governed by the law and Written Directives in effect at the time of a final decision and order.

- (2) The review of a Resource Family’s compliance with the requirements to maintain approval shall be as specified in Section 9-01(e).
 - (3) Nothing in this subsection shall supersede any provision of federal or state law or any regulation adopted pursuant to federal or state law.
- (e) The Written Directives shall be known and may be cited as the California Department of Social Services Resource Family Approval Written Directives (Cal. Dept. of Social Services, RFA Writ. Dir.).
 - (f) References to the Administrative Procedures Act in this Article shall mean the act governing administrative review procedures for government agencies commencing with Section 11370 of the Government Code.

SECTION 12-02: Legal Consultation and Representation

- (a) A County may enter into an agreement with the Department for the Legal Division to provide legal consultation and legal representation related to Resource Family Approval. The Legal Division may represent a County on matters heard by the State Hearings Division or the Office of Administrative Hearings.

SECTION 12-03: Resolution Prior to Notice of Action

- (a) A County shall address any concerns with an applicant or a Resource Family prior to or in lieu of issuing a Notice of Action in order to assist an applicant or Resource Family in obtaining or maintaining approval. A County may require a Resource Parent, applicant, or associated individual to participate in any of the following:
 - (1) Conformance conferences or meetings.
 - (2) Correction of any condition in the home that may adversely impact the health and safety, protection, or well-being of a child or nonminor dependent.
 - (3) Submission of any required documentation.
 - (4) The completion of classes, trainings, or counseling.
 - (5) Any other action deemed necessary by the County.
- (b) An attempt to resolve a concern prior to the issuance of a Notice of Action shall not preclude a County or the Department from subsequently issuing a Notice of Action.

SECTION 12-04: Legal Consultation Requirement

- (a) A County shall consult with the Legal Division, or a County attorney if the Legal Division is not representing the County, as follows:
 - (1) Prior to the service of a Notice of Action for the denial of an application, rescission of approval, or denial or rescission of a criminal record exemption.
 - (2) When seeking a temporary suspension order. In addition to the required legal consultation, a County shall obtain County Counsel approval prior to serving a temporary suspension order.

- (b) A County shall consult with the Legal Division, as follows:
 - (1) When the county is recommending an exclusion action.
 - (2) When an individual against whom the County is seeking administrative action holds a Department license, certificate, or registration, is certified or approved by a licensed Foster Family Agency, or is associated to a licensed facility.
- (c) Prior to seeking a legal consultation, a County shall review the Licensing Information System (LIS) database history for any individual that is the subject of a County's proposed administrative action. If it is determined that the individual holds a Department license, certificate, or registration, is certified or approved by a licensed foster family agency, or is employed or present in a licensed facility, the County shall notify the Community Care Licensing Division of the Department so that a Department representative may attend the consult and evaluate whether a licensing action is necessary.

SECTION 12-05: Notices of Action and Exclusion Orders; Actions for the Record

- (a)
 - (1) If a County is taking an action for denial of an application or rescission of Resource Family Approval, or denial or rescission of a criminal record exemption, a Notice of Action shall be served on the applicant, Resource Parent, or individual who is the subject of the action.
 - (2) If the Department is taking an exclusion action against an individual, an order of exclusion shall be served on the individual.
- (b) A Notice of Action or exclusion order shall contain all of the following:
 - (1) A written notice informing the individual of the action the County or Department intends to take.
 - (2) The reasons for the action.
 - (3) Any applicable statutory or regulatory authority.
 - (4) Notice of the right to submit a written appeal to contest the action, timelines to submit an appeal, and the address to which the appeal must be submitted.
 - (5) The date on a Notice of Action or exclusion order shall be the same as the date of service.
- (c) If the Department seeks to exclude an individual from a Resource Family home, and the County is also taking an action identified in subsection (a)(1), an exclusion order shall be served with the Notice of Action. Nothing in this article shall be construed to prohibit the Department from issuing an exclusion order at an earlier or a later date if unable to issue the exclusion order at the time of service of a related Notice of Action.
- (d)
 - (1) A County shall serve a Notice of Action for the record, and if applicable, the Department shall serve an exclusion order for the record if a Resource Family chooses to surrender approval prior to the service of a Notice of Action, or when failure to proceed with an administrative action poses a risk to a child or nonminor dependent or is likely to result in a loss of evidence.

- (2) A County may serve a Notice of Action for the record, and if applicable, the Department shall serve an exclusion order for the record when an applicant chooses to withdraw an application or there is a forfeiture of approval by operation of law, and failure to proceed with an administrative action poses a risk to a child or nonminor dependent or is likely to result in a loss of evidence.
 - (3) A Notice of Action or exclusion order for the record shall include a confirmation of the surrender of approval, withdrawal of the application, or forfeiture by operation of law.
- (e) Notwithstanding CDSS Manual of Policies and Procedures section 22-049.5, for matters identified in subsection (a) that are pending before the State Hearings Division, a County may file an amended or supplemental Notice of Action and the Department may file an amended exclusion order prior to submission of the matter for decision. All parties shall be notified thereof.
- (1) Any new action identified in subsection (a) or amended grounds for action included in an amended or supplemental Notice of Action or exclusion order shall be consolidated with the pending denial, rescission, or exclusion matter, and no additional appeal shall be required. Any new action or grounds for action shall be deemed controverted, and any objections may be made orally and shall be noted in the record.
 - (2) A Respondent shall be given a reasonable opportunity to prepare a defense to any new charges or actions included in the amended or supplemental Notice of Action or exclusion order. If a Respondent states that he or she is not adequately prepared to address an issue raised in an amended or supplemental Notice of Action or exclusion order, and the Administrative Law Judge determines that the Respondent was not provided with timely notice, the Respondent shall be entitled to a postponement. An Administrative Law Judge may hold the record open or set additional days of hearing upon request of a party in order to provide additional time for a party to respond as a result of the filing of an amended or supplemental Notice of Action or exclusion order.
- (f) The effective date of an action or exclusion order shall be:
- (1) The effective date of a final decision or order following an appeal, notice of defense or action for the record.
 - (2) The date specified in the notice of action or exclusion order, if no appeal, notice of defense or action for the record was filed.
- (g) A County or the Department, as applicable, shall document a Notice of Action or exclusion order in the Notice of Action (NOA) database maintained by the Department.

SECTION 12-06A: Appeal to a Notice of Action or Exclusion Order

- (a) If a Respondent chooses to appeal a Notice of Action for denial of an application, or denial of a criminal record exemption, he or she shall submit a written appeal to the County address listed in the Notice of Action within 90 calendar days from the date the notice was served on the Respondent. If a Respondent chooses to appeal a Notice of Action for rescission of Resource Family Approval or rescission of a criminal record exemption, he or

she shall submit a written appeal to the County address listed in the Notice of Action within 25 calendar days from the date the notice was served on the Respondent. If the notice was served on the Respondent by mail, the time to respond shall be extended five days.

- (b) If a Respondent chooses to appeal an order of exclusion, he or she shall submit a written appeal to the Department at the address listed in the exclusion order within 25 calendar days from the date the notice was served on the Respondent. If the order was served on the Respondent by mail, the time to respond shall be extended five days.
- (c) For matters where different appeal timelines apply due to multiple action or program types, the following shall apply:
 - (1) For matters to be heard at the State Hearings Division, a County or the Department, as applicable, may accept an appeal on one action as a hearing request on all of the actions against the same Respondent(s), notwithstanding section 22-004 of the CDSS Manual of Policies and Procedures.
 - (2) For matters to be heard at the Office of Administrative Hearings, a County or the Department, as applicable, may accept an appeal on one action as an appeal on all of the actions against the same Respondent(s).
 - (A) Nothing in this Article shall be construed to limit the authority of a County or the Department to file an action for the record and resolve the matter with a final decision and order in accordance with Welfare and Institutions Code section 16519.6 and the Administrative Procedures Act, notwithstanding the receipt of an appeal.
- (d) To be effective, the appeal shall be in writing as required by Welfare and Institutions Code section 16519.6(d) and shall be delivered or postmarked on or before the due date specified in subsections (a) and (b).
- (e) A Respondent may submit an appeal using an appeal form provided with the Notice of Action or exclusion order may prepare his or her own written appeal.
- (f) A County and the Department shall notify each other in writing if either receives an appeal to a Notice of Action or exclusion order that is related to another action that was filed at or near the same time as the action by the County or Department.

SECTION 12-06B: Jurisdictional Review; Late Appeals

- (a) For any matter where jurisdiction to proceed under Welfare and Institutions Code section 16519.6 is disputed or unclear, the presiding administrative law judge of the State Hearings Division may review the request for hearing and may request supplemental information from the parties to determine whether to set a hearing on the issue of jurisdiction. No jurisdictional review shall be required if all parties agree there is jurisdiction to proceed. A party may request that a hearing on the issue of jurisdiction be bifurcated from a hearing on the merits, or the presiding administrative law judge on his or her own motion may set a bifurcated jurisdictional hearing. The following shall apply to a jurisdictional proceeding conducted pursuant to this section:

- (1) A jurisdictional hearing may be held in person, by electronic means, or if all parties agree, by the submission of written argument.
 - (2) If a bifurcated jurisdictional hearing is held, the parties need not submit evidence on the substantive issues and the administrative law judge shall take evidence on the jurisdictional issue only.
 - (3) The determination shall be in writing and served on each party and their attorney of record.
 - (4) The determination shall not be made without affording the parties the opportunity to present either oral or written argument.
- (b) If a Respondent has filed an appeal no more than 30 calendar days after the due date for the appeal, then a County or the Department, as applicable, shall immediately refer the late appeal to the State Hearings Division for a jurisdictional review as described in subsection (c), except that no referral for a jurisdictional review shall be required if the County or Department, as applicable, agrees that the appeal meets the timeliness and good cause requirements for a late appeal and chooses to proceed in accordance with Section 12-09.
 - (c) If the County or Department, as applicable, has referred the late appeal for a jurisdictional review, the State Hearings Division shall make a jurisdictional determination solely on whether the late appeal meets the timeliness and good cause requirements of Welfare and Institutions Code section 16519.6(e). Respondent shall have the burden of proving that good cause exists.
 - (d) If the State Hearings Division determines that a late appeal meets the requirements of Welfare and Institutions Code section 16519.6(e), then the appeal shall be remanded to the County or Department, as applicable, to proceed in accordance with Section 12-09. The County or Department shall comply with any statutory, regulatory, or Written Directives timelines and shall use the date that the written determination was issued and served on all parties as the date of appeal.

SECTION 12-07: Exclusion Actions

- (a) The Department may exclude an individual from residing or being present in any Resource Family home or from having contact with a child or nonminor dependent when the individual has violated, aided, or permitted the violation by any other person of, any provision of Welfare and Institutions Code section 16519.5 et seq., the Written Directives, or any applicable law. The Department may issue an immediate exclusion order when a County recommends it and the Department determines it is necessary to protect a child or nonminor dependent from physical or mental abuse, abandonment, or any other substantial threat to health or safety, consistent with the established standard. Prior to the service of a County's Notice of Action and at or prior to the date of the legal consultation specified in Section 12-04, the following shall occur:
 - (1) If a County receives a complaint, incident report or other information indicating that an applicant, Resource Family, or individual who resides or is regularly present in the Resource Family home has engaged in conduct that may warrant an exclusion action, a County shall notify the Department as provided in Section 4-03.

- (2) A County shall notify the Department when the County recommends the exclusion of an individual. The recommendation shall be provided in writing to the Department prior to the service of a County's Notice of Action and at or prior to the date of the legal consultation specified in Section 12-04.
 - (3) A County and the Department shall share information and evidence related to the exclusion of an individual and shall coordinate on the service of a Notice of Action and order of exclusion.
 - (4) Unless it is not feasible, a County and the Department shall consolidate the County's and Department's administrative actions in accordance with the established standard.
- (b) An order of immediate exclusion shall remain in effect until a hearing is completed and the Director or his or her designee has made a final determination on the merits in accordance with Health and Safety Code section 1558, Government Code section 11517, and Welfare and Institutions Code sections 10959 and 16519.6.
 - (c) If an exclusion order is served, the Department shall notify the County and the applicant or Resource Family of the exclusion decision in writing at the time of service of the exclusion order on an individual. If the individual who is the subject of the exclusion order is the applicant or Resource Family, a notice separate from the exclusion order is not required.
 - (d) If an individual is no longer residing or regularly present in a Resource Family's home and an exclusion order appears to be unnecessary, or an exclusion order was served but not appealed, or was appealed but later withdrawn by the excluded individual, then the County and Department shall consult with the Legal Division to determine whether the filing of an Accusation (exclusion action) for the record is necessary.
 - (e) A County shall conduct an unannounced visit to a Resource Family's home within 30 calendar days after an order of immediate exclusion is served to verify that the excluded individual is no longer present in the home.
 - (1) Any method of verification that does not include an unannounced visit shall be approved by a County supervisor.
 - (2) The County shall maintain documentation of the verification in the Resource Family's file.
 - (f) If an individual has had an application for approval denied, the individual shall be excluded for a period of one year. If an individual has had a Resource Family approval rescinded, the individual shall be excluded for a period of two years.
 - (1) The Department shall have authority to not impose the exclusion in accordance with Welfare and Institutions Code section 16519.6(g)(5) and Health and Safety Code section 1558.1(e).
 - (2) If a matter involves both a denial and rescission, the longer term of exclusion shall apply.
 - (3) The period of exclusion shall run from the effective date of the denial or rescission as specified in Section 12-05(f).

- (4) Exclusion or removal of an individual pursuant to this paragraph shall not be considered an order of exclusion for purposes of Health and Section Code section 1558, Section 16519.6 of the Welfare and Institutions Code, or any other applicable law.

SECTION 12-08: Service of Process

- (a) A County or the Department, as applicable, shall serve a Notice of Action by personal service or first class mail in accordance with the established standard. The County shall keep a record of service of the Notice of Action.
- (b) An exclusion order shall be served by personal service or registered mail as provided in Welfare and Institutions Code section 16519.6(g) and in accordance with the established standard. A copy of the order shall be served on the Resource Family by personal service or registered mail.
- (c) Except as provided in subsections (a) and (b), all other writings related to a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6 shall be served by first class mail, unless otherwise specified in another applicable law.
- (d) Service by mail of a Notice of Action, exclusion order, or other writing on a Respondent in a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6 is effective if served to the last mailing address on file with a County or the Department, as applicable. If the last day for the performance of any action falls on a holiday, then such period shall be extended to the next day, which is not a holiday.
- (e) Proof of service shall be by declaration under penalty of perjury under the laws of the State of California and shall state the title of the document served or filed, the name and address of the person making the service, the date and method of delivery, and that the person is over 18 years of age and not a party to the matter. If service is made by personal service, then the proof of service shall also name the person to whom the papers were handed.

SECTION 12-09: Procedures After Receipt of Appeal

- (a) (1) Upon receipt of an appeal, a County or the Department, as applicable, shall date-stamp the appeal and appeal envelope, if applicable, and document the appeal status in the Notice of Action (NOA) database maintained by the Department with the date the appeal is received.
- (2) An appeal shall be processed as required in this section, even if a County or the Department has reason to believe that an informal resolution is expected in the matter.
- (b) For matters to be heard by the Office of Administrative Hearings, a County and the Department shall process the appeal as follows:
- (1) A County shall serve an acknowledgement of appeal upon an individual who is the subject of a Notice of Action. The Department shall serve an acknowledgement of

- appeal upon an individual who is the subject of an exclusion action or is the subject of an exclusion action and Notice of Action that were served simultaneously.
- (2) A County shall forward the appeal and originals of all relevant documents to the Department's **county liaison**, if the Legal Division is representing the County.
- (c) For matters to be heard by the State Hearings Division, a County and the Department shall process the appeal as follows:
- (1) A County shall forward the appeal and case file documents to the Legal Division if the Legal Division is representing the County. The Department shall forward the appeal and case file documents related to an exclusion action to the Legal Division.
 - (2) After the documentation has been forwarded to the Legal Division as provided in paragraph (1), a County or the Department, as applicable, shall forward the appeal to the State Hearings Division no later than ten business days following the receipt of the appeal.
 - (3) The State Hearings Division shall serve an acknowledgement of appeal by first class mail upon the individual who is the subject of a Notice of Action.
- (d) An acknowledgement of appeal shall contain the following:
- (1) Confirmation that a Respondent's appeal has been received by a County or the Department, as applicable, including the date of receipt.
 - (2) Notice to a Respondent of the duty to notify the County or Department, as applicable, in writing of any change in the Respondent's mailing address until the administrative action process has been completed or terminated.
- (e) A County or the Department, as applicable, shall maintain copies of an appeal and all relevant documents forwarded as specified in this section.

SECTION 12-10: Hearing Forum Rules

- (a) An administrative law judge at the State Hearings Division shall hear administrative actions based upon the following:
- (1) A denial or rescission of a criminal record exemption or failure to comply with background check requirements.
 - (2) Criminal conduct or conduct that poses a risk or threat to the health, safety, protection, or well-being of a child or nonminor dependent or other individual, except for conduct that involves abuse or severe neglect of a child or other minor or nonminor dependent or abuse or neglect of a dependent adult.
 - (3) A failure to meet or comply with home environment related standards.
 - (4) A failure to act as a reasonable and prudent parent or a failure to provide adequate care and supervision as specified in Sections 11-12 and 11-13, where the matter does not involve abuse or severe neglect of a child or other minor or nonminor dependent.
 - (5) A failure to meet Resource Family qualifications other than the requirement for good mental health, or a failure to meet Permanency Assessment criteria as determined in a family evaluation specified in Sections 6-04 and 6-05 other than criteria related to mental health.

- (6) A failure to comply with reporting requirements.
 - (7) A failure to maintain or provide records for a child or nonminor dependent.
 - (8) A failure to meet applicant requirements or failure to complete required training.
 - (9) A failure to cooperate or comply as specified in Section 11-17 or upon false or misleading statements provided to a County or the Department.
- (b) An administrative law judge at the Office of Administrative Hearings shall hear administrative actions based upon the following:
- (1) Dual or multiple-program matters when the applicant, Resource Parent, or individual has applied for or holds a license, administrator certificate, or registration issued by the Department, a Resource Family approval or certificate of approval issued by a foster family agency, or is employed by or regularly present in a facility licensed by the Department.
 - (2) When a temporary suspension order was issued as a result of an immediate and substantial risk to the health and safety of a child or nonminor dependent.
 - (3) Conduct that poses a risk or threat to the health, safety, protection or well-being of a child or nonminor dependent or other individual, including abuse or severe neglect of a child or other minor or a nonminor dependent, or abuse or neglect of a dependent adult.
 - (4) A violation of the personal rights of a child or nonminor dependent, or a failure to ensure a child or nonminor dependent is accorded personal rights.
 - (5) A failure to act as a reasonable and prudent parent or failure to provide care and supervision as specified in Sections 11-12 and 11-13 and the matter involves abuse or severe neglect of a child or other minor or nonminor dependent, or abuse or neglect of a dependent adult.
 - (6) An exclusion action.
 - (7) A failure to meet the Resource Family qualification of good mental health as specified in Section 5-02 or as determined in a Written Report as specified in Section 6-07.
 - (8) Financial malfeasance involving a child or nonminor dependent or dependent adult, including but not limited to, fraudulent appropriation for personal gain of money or property or willful or negligent failure to provide services.
 - (9) A pattern of serious deficiencies or a failure to comply with more than one requirement across several different areas.
 - (10) Any administrative action that does not meet the criteria specified in subsection (a) or subsections (b)(1) through (b)(9).
- (c) Except for exclusion actions, hearing forum determination shall be made at the sole discretion of a County in consultation with the Legal Division, or a County attorney if the Legal Division is not representing the County. For exclusion actions, hearing forum determination shall be made at the sole discretion of the Department in consultation with the Legal Division.
- (d) Hearing forum determination shall not be subject to rehearing or review in an administrative hearing. If a matter is set in the incorrect forum, a presiding administrative law judge of the State Hearings Division or Office of Administrative Hearings, on its own motion or at the

request of a County or the Department, if applicable, may issue an order to remand the matter to the County or Department, as applicable, to proceed with the administrative action in the correct forum.

SECTION 12-11A: Disclosure of Documents and Issuance of Subpoenas

- (a) A party shall make available to the other party or parties for examination all relevant documents in the party's possession in accordance with the established standard. Prior to disclosure, documents that are subject to confidentiality or privilege laws shall be redacted or withheld, as required by law.
 - (1) Notwithstanding CDSS Manual of Policies and Procedures sections 22-045 and 22-051 for matters set before the State Hearings Division, the notice of hearing shall include to Respondent of the right to review during regular working hours all documents in the County's case record and if the matter includes an exclusion, the Department's case record, that are relevant to the Notice of Action or exclusion order. Upon the request of a Respondent, a County or the Department, as applicable, shall provide to a Respondent redacted copies of all relevant documents that are not required to be withheld, which may be provided by mail or secure electronic format, and shall be provided free of charge.
 - (2) For matters set before the Office of Administrative Hearings, the provisions governing discovery in the Administrative Procedures Act shall apply.
- (b) If a party has requested but not been provided an opportunity to examine relevant documents in the other party's possession in advance of a State Hearings Division hearing, the party may be entitled to a postponement in accordance with Section 12-18. If a party has requested but not been provided copies of relevant and discoverable documents in the other party's possession in advance of a hearing at the Office of Administrative Hearings, the party may be entitled to a continuance in accordance with Section 12-18.
- (c) Prior to the commencement of a hearing, and after the commencement of a hearing if necessary, a subpoena requiring the presence of a witness or a subpoena duces tecum for the production by a witness of books, papers, correspondence, memoranda or other records, may be issued in accordance with applicable law, the Administrative Procedures Act, and CDSS Manual of Policies and Procedures section 22-051, as applicable.
 - (1) Notwithstanding CDSS Manual of Policies and Procedures section 22-051, a subpoena or subpoena duces tecum may be issued by an attorney of record for a party.

SECTION 12-11B: Filing the Administrative Hearing Documents

- (a) For matters to be heard at the State Hearings Division, a County shall prepare and file a position statement with the State Hearings Division and serve it on a Respondent no later than two business days prior to a hearing in accordance with Welfare and Institutions Code sections 10952.5 and 16519.6. A Respondent may file a Position Statement, but is not required to do so unless so ordered by an administrative law judge.

- (b) A Position Statement shall include the following:
 - (1) A summary of the facts and issues in the case and the justification for the County's or Department's action.
 - (2) Citations to the applicable statutory, regulatory, or Written Directives authority for each applicable basis for action.
 - (3) A list of witnesses and documentary evidence which the County intends to use during the hearing to support the County's position, with copies of the documents attached.
- (c) For matters to be heard at the Office of Administrative Hearings, a County or the Department, as applicable, shall prepare and file an Accusation or Statement of Issues and serve it in accordance with the Administrative Procedures Act.
- (d) A County and the Department may file consolidated pleadings or file a motion to consolidate multiple actions if a matter involves both a County and Department action.

SECTION 12-12: Law Governing Hearing Procedures

- (a) For State Hearings Division matters, hearings and all related procedures are governed by Welfare and Institutions Code sections 10950 et seq. and 16519.6 et seq., the CDSS Manual of Policies and Procedures section 22-000 et seq., All County Letters applicable to Resource Family hearings, and this article. The provisions of Welfare and Institutions Code section 16519.5 et seq. prevail over a conflicting or inconsistent provision in Welfare and Institutions Code section 10950 et seq. This article governs the hearing process and the rights and responsibilities of parties. The CDSS Manual of Policies and Procedures section 22-000 et seq. govern procedures, rights, and responsibilities that are not addressed in the Written Directives.
- (b) For Office of Administrative Hearings matters, hearings and all related procedures are governed by Welfare and Institutions Code section 16519.6 et seq., All County Letters applicable to Resource Family hearings, the Written Directives, the Administrative Procedures Act (Gov. Code, section 11370 et seq.), and Title 1, California Code of Regulations, section 1000 et seq.

SECTION 12-13: Setting the Hearing and Prehearing Conference

- (a) For matters to be set before the State Hearings Division, the State Hearings Division shall set prehearing conference and hearing dates upon receipt of an appeal. The State Hearings Division shall serve all parties with a notice of hearing.
- (b) For matters to be set before the Office of Administrative Hearings, if a Respondent submits a Notice of Defense, a County or the County's legal representative shall request a hearing date from the Office of Administrative Hearings in accordance with Title 1, California Code of Regulations, section 1018. The County shall serve a Respondent with a notice of hearing.

- (c) A party may request that a prehearing conference, settlement conference, or hearing be conducted by electronic means in accordance with the established standard.
- (d) The hearing location may be set within the County that issued the Notice of Action or where a Respondent or witnesses reside, or for matters set before the Office of Administrative Hearings, at the location set forth in the Administrative Procedures Act.
- (e) Related County or Department actions that were filed or received separately but that involve the same parties and issues shall be consolidated unless it is not feasible to ensure consistent outcomes and the efficiency of process.

SECTION 12-14: Reserved

SECTION 12-15: Reserved

SECTION 12-16: Conduct of Hearing; Confidentiality and Procedures

- (a) All proceedings conducted in accordance with Welfare and Institutions Code section 16519.6 shall be conducted in a manner that protects the confidential information and identity of a child, nonminor dependent, applicant, or Resource Family as required by Health and Safety Code section 1536, Family Code section 9201, Penal Code section 11167.5, and Welfare and Institutions Code sections 827, 10850 and 16519.55.
- (b) An administrative law judge, in his or her discretion, with due consideration for the effect on witnesses, the hearing process, and existing law and protective orders, may:
 - (1) Issue an order to remove an individual from the hearing.
 - (2) Issue a protective order.
 - (3) Order the record to be sealed.
 - (4) Close the hearing to the public.
 - (5) Upon an offer of proof of privilege or confidentiality, review information *in camera* prior to ruling on whether all or part of the information is privileged or confidential and subject to exclusion or redaction. The opposing party shall be given an opportunity to agree or disagree as to the need for an *in camera* hearing. If held, the *in camera* hearing must be recorded on a separate record from the prehearing conference or hearing.
 - (6) Take other action to promote due process or the orderly conduct of the proceeding.

SECTION 12-17: Rulings on Evidence

- (a) Rulings on the admissibility of evidence made during an administrative hearing shall be made on the record and, when appropriate, shall be included in a decision or proposed decision.

SECTION 12-18: Good Cause Requirement for Continuance or Postponement

- (a) A hearing shall be held within the timelines set forth in Welfare and Institutions Code section 16519.6, unless a continuance or postponement of the hearing is granted for good cause. When the matter has been set for hearing, only an administrative law judge may grant a continuance of the hearing. The administrative law judge may grant a continuance or postponement of the hearing only upon a finding of good cause shown by the existence of one or more of the following:
- (1) The death or incapacitating illness of a party, a representative or attorney of a party, a witness to an essential fact, or of the parent, child, or member of the household of such person, when it is not feasible to substitute another representative, attorney, or witness because of the proximity of the hearing date.
 - (2) Lack of proper notice of hearing.
 - (3) A material change in the status of the case where a change in the parties, Position Statement, or pleadings requires postponement, or an executed settlement or stipulated findings of fact obviate the need for hearing. A partial amendment of the pleadings or Position Statement shall not be good cause for a continuance to the extent that the portion of the pleadings or Position Statement that have not been amended is ready to be heard.
 - (4) The substitution of the representative or attorney of a party upon a showing that the substitution is required and that a late substitution was not caused by the neglect of the party.
 - (5) The unavailability of a party, representative or attorney of a party, or witness to an essential fact due to a conflicting and required court appearance when the appearance cannot be postponed.
 - (6) The unavailability of a party, representative or attorney of a party, or material witness due to an unavoidable emergency.
 - (7) Failure by a party to comply with a timely submission of a Position Statement or discovery request if the continuance request is made by the other party.
 - (8) A request by a Respondent when it is argued that the Respondent did not receive an adequate and/or language-compliant notice, and the administrative law judge determines that the required notice was not received.
- (b) Nothing in this section shall be construed to limit the authority of an administrative law judge at the State Hearings Division to postpone the hearing in accordance with CDSS Manual of Policies and Procedures sections 22-053.13 through 22-053.21. Any postponement granted pursuant to this section shall be deemed a postponement for good cause for aid pending purposes.

SECTION 12-19: Applicability of Precedential Decisions

- (a) An administrative law judge shall apply the principles of the Department's precedential decision(s), if the facts or issues are similar to those before the administrative law judge in a proceeding conducted pursuant to Welfare and Institutions Code section 16519.6.

- (b) In accordance with Government Code section 11425.60, the Department's designation of a precedential decision is not subject to judicial review.

SECTION 12-20: Burden of Proof and Inferences at Hearing

- (a) In all proceedings conducted in accordance with Welfare and Institutions Code section 16519.6, the burden of proof on a County or the Department, as applicable, shall be by a preponderance of the evidence.
- (b) Where criminal misconduct is proven, whether or not it resulted in a conviction, negative character inferences shall be presumed in accordance with the established standard.

SECTION 12-21: Decision

- (a) A decision or proposed decision shall be in writing and shall include a statement of the factual and legal basis for the decision and any other basis as required in any applicable law. A decision or proposed decision shall include, but not be limited to, the following:
 - (1) A concise and explicit statement of the underlying facts of record that support the decision.
 - (2) Any determinations on the weight of evidence or determinations of credibility that affect the findings and conclusions.
 - (3) Any determinations on the admissibility of evidence that affect the findings and conclusions.
 - (4) If the factual basis for the decision includes a determination based substantially on the credibility of a witness, the statement shall identify any specific evidence of the observed demeanor, manner, or attitude of the witness or content of the witness testimony that supports the determination.
- (b) A decision or proposed decision may place conditions on an approval, criminal record exemption, or presence in a Resource Family's home in order to ensure the health and safety of children or nonminor dependents in care, so long as the applicant, Resource Family, or individual meets the requirements and standards for approval, a criminal record exemption, or presence in a Resource Family's home.
- (c) If a County discontinued the Comprehensive Assessment of an applicant pursuant to Section 6-01(d), an administrative law judge shall not order the approval to be granted but may remand the relevant part of the action to the County to complete the Comprehensive Assessment.
- (d) A proposed decision by an administrative law judge at the State Hearings Division shall be delivered to the Department for a final decision by the Director as provided in Welfare and Institutions Code section 10959, and the provisions of that section and CDSS Manual of Policies and Procedures section 22-061 et seq. shall govern procedures related to decisions.

- (e) A proposed decision by an administrative law judge at the Office of Administrative Hearings shall be delivered to the Department for a final decision by the Director as provided in Government Code section 11517, and the provisions of that section shall govern procedures related to decisions.

SECTION 12-22: Reinstatement or Reduction in Penalty

- (a) An individual who has been excluded for life from residing or being present in any Resource Family home or from having contact with a child or nonminor dependent in the home may petition for reinstatement to the Department after one year has elapsed from the date of the notification of the exclusion order pursuant to Government Code section 11522 and Health and Safety Code section 1558. The burden of proof on the individual filing a petition shall be **substantial evidence**.
 - (1) For purposes of this subsection, “**substantial evidence**” means that it is substantially more likely than not that a fact is true. **Substantial evidence** is a medium level of burden of proof which is a more rigorous standard to meet than the preponderance of the evidence standard, but a less rigorous standard to meet than the beyond a reasonable doubt standard.
- (b) If an individual filing a petition seeks reinstatement in order to apply for Resource Family Approval, the Department may seek information and a recommendation from a County. The County and Department shall share evidence and information related to the petition or application.

ARTICLE 13: ADOPTION REQUIREMENTS FOR RESOURCE FAMILIES

Section 13-01 Adoption Approval Requirements

- (a) Following the approval of a Resource Family, when adoption is the identified case plan for a child or NMD currently placed in the home, the family shall be referred to an adoption program for the completion of the remaining adoption procedures and services.
 - (1) A prospective adoptive Resource Family shall maintain their approval status during the adoption process, including adoptive placement and through adoption finalization.
 - (2) A Resource Family maintains their approval status, after adoption finalization, unless approval is rescinded by a County or the Resource Family chooses to surrender their approval.
- (b) A Written Report for a Resource Family that meets the requirements of Section 6-07(b), and any updates to the Written Report, shall be considered sufficient for meeting the requirements of a written assessment of an adoptive applicant pursuant to Title 22, California Code of Regulations, Division 2, Subdivision 4, Chapter 3, Subchapter 5, Article 11, section 35180.
 - (1) If documentation for an adoption is in the Resource Family file, it may be shared with an adoption social worker for the purposes of finalizing an adoption.

- (c) If not previously collected and verified during the Resource Family Approval process, the following documentation is required to be collected by the adoption program worker prior to adoption finalization:
- (1) Verification of all marriages and divorces through obtaining copies of marriage certificates and divorce decrees pursuant to Title 22, California Code of Regulations, Division 2, Subdivision 4, Chapter 3, Subchapter 5, Article 11, section 35181(b)(6)(A)(1).
 - (2) The names of two individuals to be contacted by the agency for the purpose of obtaining references.
 - (3) A TB test of the prospective Resource Family, and all other adults residing in the home pursuant to Family Code section 8732.
- (d) A Written Report for a Resource Family that meets the requirements of Section 6-07(b), and any updates to the Written Report, may not be used as a substitute for the assessment of an applicant proceeding with any adoption other than an agency adoption as defined in Family Code section 8506.
- (e) An adoption social worker shall complete all other adoption related requirements per Title 22, California Code of Regulations, Divisions 2, Adoption Regulations.
- (1) The adoption social worker must meet the minimum qualifications as set forth in Title 22, California Code of Regulations, Division 6, Chapter 9, Article 2, section 89155.

Handbook

All County Letter [18-142](#) provides clarification on the Resource Family Written Report and overview of the adoption process for existing foster caregivers and Resource Families.

RIGHTS, RESPONSIBILITIES AND OTHER IMPORTANT INFORMATION For the California Work Opportunity and Responsibility to Kids (CalWORKs) Program (Non-needy Caretaker Relative With Relative Foster Child)

These pages give you your rights and responsibilities and other important information. The county needs facts about you and your child to see if he/she is eligible for CalWORKs cash aid and how much you may be eligible for. If you need more information or have questions, ask your worker.

YOUR RIGHTS

1. To be treated equally without regard to race, color, national origin, religion, political affiliation, marital status, sex, disability, or age. You may file a complaint of discrimination if you feel you or your child has been discriminated against by first speaking with your county's designated civil rights representative or by writing to the

State Civil Rights Bureau
744 P Street, MS 8-16-70
P.O. Box 944243
Sacramento, CA 94244-2430

or by calling toll free 1-866-741-6241 or for the hearing impaired TDD 1-800-688-4486.

2. To tell the county if the child has a disability and needs help applying for or continuing to get CalWORKs benefits and services.
3. To ask for help to complete the application or any other cash aid, CalFresh, or Medi-Cal form.
4. To ask for an interpreter and to have forms and notices translated if you don't speak or read English.
5. To be treated with courtesy, consideration and respect.
6. To be interviewed promptly by the county when you apply and to have the eligibility determined within 45 days.
7. To discuss the child's case with the county and to review the child's case yourself when you ask to do so.
8. To be told the rules for getting CalWORKs right away. If we think you might be eligible, you will get an interview within one day.
9. To continue getting CalWORKs without a break if you move from one county to another if the child stays eligible.
10. To ask to have your Electronic Benefits Transfer (EBT) card replaced if lost in the mail, damaged, or destroyed. The county will tell you if you are eligible.
11. To ask for extra money if the child's income drops or stops.
12. To ask for payments for clothing, housing or essential household items which are lost, damaged or otherwise unavailable due to sudden and unusual circumstances.
13. To ask for payments for ongoing special needs like a special diet, transportation for ongoing medical care, special laundry service, telephone for the hard of hearing, high utility bills, etc.
14. To be notified in writing when your application is approved, denied, or when the child's benefits change or stop.
15. To have the child's records kept confidential by the county and state, unless there is a felony arrest warrant issued for the child, or as otherwise provided by law.

16. To talk with someone from the county or file a formal complaint with the state if you don't agree with an action taken by the county. You may call toll-free at 1-800-952-5253 or for the hearing impaired, TDD 1-800-952-8349.
17. To ask for a State Hearing within 90 days of the county's action.
18. To ask for a State Hearing, you can write to your county or call the State toll-free telephone numbers listed in Item 16 above.
19. To be represented at a State Hearing by yourself, a household member, friend, attorney, or other person of your choice. NOTE: You may get free legal help at your local legal aid office or welfare rights group.
20. To have reasonable access to a location where you can withdraw CalWORKs benefits with minimal or no costs.
21. To get a brochure that will tell you how to use your EBT card and how to get CalWORKs benefits at minimal or no costs.
22. To get a list of surcharge-free ATMs and stores where you can get cash back at no cost when you make a purchase with your EBT card. You can get a list of these locations from your county worker or at www.ebt.ca.gov.

YOUR RESPONSIBILITIES

Citizenship/Immigration Status

To sign under penalty of perjury that the child applying for CalWORKs is a U.S. citizen, U.S. national, or has lawful immigration status. We will check the immigration status information with the U.S. Citizenship and Immigration Services (USCIS) to make sure the child is eligible.

Fingerprint/Photo Imaging

Most adults applying for a child-only grant must be fingerprint/photo imaged. Non-needy caretaker relatives applying only for a relative foster child are not required to be fingerprint/photo imaged. If you apply at a later date for CalWORKs for yourself and/or other children in your family who are not relative foster children, you must be fingerprint/photo imaged.

Social Security Number (SSN) Rules

The SSNs will be used in a computer match to check income and resources with records from tax, welfare, employment, the Social Security Administration and other agencies. Differences may be checked out with employers, banks or others. Making false statements or failing to report all facts or situations which affect eligibility and aid payments for CalWORKs may result in repayment of benefits and/or criminal or civil action.

You must give us the SSN for each applicant or recipient of CalWORKs. If you refuse to give us either a SSN or proof of application for a SSN, the child will not be able to get CalWORKs. You must give proof of application for a SSN within 30 days of application for CalWORKs and give the SSN to the county when you get it. (MPP Section 40-105.2)

Verification(s)

To give proof to support the child's eligibility. If you can't get proof, we will help you get it. You may need to sign a release for third party information or sign a sworn statement. (MPP Sections 40-105.1; 40-157.212; 40-157.213)

Cooperation

To cooperate with county, state and federal staff. A county worker can come to your home at an arranged time to check out your facts, including seeing each family member. The child may not get benefits or benefits may be stopped if you don't cooperate.

Other Benefits

To apply for any benefits or income the child is eligible to get, such as: Unemployment (UIB) or Disability benefits, Veterans benefits, Social Security or Medicare, etc.

Child/Spousal and Medical Support

To cooperate with the county and the Local Child Support Agency to:

- identify and locate any absent parent in your case;
- tell the county or the Local Child Support Agency anytime you get information about the absent parent, such as place of residence or work location;
- determine the paternity of any child in your case when needed;
- get medical support money from any absent parent and, get child support money;
- give the Local Child Support Agency any medical support money and, any child/spousal support money the child gets;
- tell the county about medical coverage or money for medical services paid by either parent.

YOUR REPORTING RESPONSIBILITIES

You must report certain information to the county. If you're not sure how to report, what to report, or what proof we need, ask your worker.

Applicants

If any of the facts you told the county change during the processing of your application, you must report the new facts to the county within 5 days.

Annual Reporting for Certain Child-Only Cases (AR/CO)

Most CalWORKs cases where only the children get cash aid will only have to report once each year except for a few mandatory changes that must be reported within 10 days of when they happen. These cases are called Annual Reporting/Child-Only (AR/CO) cases. The county will tell you if you have an AR/CO case.

AR/CO cases will only have to report changes at their Annual Redetermination (RD), with the following exceptions:

- Anytime the child's combined gross income, both earned and unearned is more than the Income Reporting Threshold (IRT) for the child. The county will tell you in writing what the child's IRT is.
- Anytime someone moves into or out of your home. This includes newborns and children who are placed in foster care.
- Anytime you and/or the child have an address change.
- Anytime the child becomes a fleeing felon or is found by a court to be in violation of probation or parole and it was not already reported.

Voluntary Reporting Information for AR/CO Cases

You can also report some changes voluntarily. Reporting some changes may help the child's cash aid go up. If the information reported causes benefits to go up, the county will take action within 10 days after you provide verification.

Some examples of voluntary reporting that may cause the child's benefits to go up include:

- The child's income stops or drops.
- You believe that the child is eligible for a CalWORKs Special Needs payment, such as pregnancy special needs or a qualifying special diet.

Immunizations

You must provide proof when requested by the county that children under the age of 6 have received age appropriate immunizations. (MPP Sections 40-105.4; 40-105.5)

School Attendance

All children between the ages of six and 18 years of age who are getting CalWORKs must attend school.

If the child is between the ages of 16 and 18 years of age, is not attending school regularly, and does not have a good reason, the child's grant can be lowered until he or she starts attending or meets an exemption.

Maximum Aid Payment (MAP)

There are two levels of Maximum Aid Payment (MAP). Most families getting CalWORKs get the lower MAP level. Families may get the higher MAP level if each parent or caretaker in the Assistance Unit (AU) is caring for an aided child(ren) who is not their child and the caretaker does not get CalWORKs.

Maximum Family Grant (MFG) Rule

The MFG rule applies to any child born after August 31, 1997. The MFG rule says that your CalWORKs grant will not go up to include a child born to your family, if your family got cash aid for the 10 months in a row right before the child's birth. This rule applies to any member of your family, including any child who becomes a parent. There are situations where the rule does not apply. Your worker will give you a copy of the MFG rules and answer your questions. Then you will sign a copy that says you understand the rules.

YOUR REPORTING RESPONSIBILITIES (CONTINUED)**Proof of Facts**

If you ask for CalWORKs within one year of the date it stopped, the county must look at the child's prior case file to see if it already has the proof needed to determine the child's eligibility when:

- you cannot get the proof, or
- there is a cost to you to get the proof, or
- processing the child's application would be delayed because it would take too long for you to get the proof.

If you ask for CalWORKs within one year of the date it stopped AND, if the county doesn't have the proof it needs, then you will have to provide proof.

If you have new changes since the child last got CalWORKs, the county will need new proof.

OTHER IMPORTANT INFORMATION

Education and Work Rules

Your worker will tell you what CalWORKs rules the child needs to follow before and after the application is approved. The child may be required to be in education, work or training activities to keep getting CalWORKs. The county will tell you how many hours a week the child must take part in these activities or if the child is excused from these rules.

All children are required to attend school and complete high school or its equivalent. Pregnant and parenting teens under the age of 19 who have not completed high school are subject to Cal-Learn program requirements. Non-pregnant and non-parenting teens ages 16 and 17 may be subject to Welfare-to-Work program requirements if they do not regularly attend high school, or if they complete high school and do not enroll or plan to enroll in a postsecondary education program.

Noncompliance for Not Meeting CalWORKs Rules

Any time the child does not meet CalWORKs rules and does not have a good reason, CalWORKs may be stopped until the child does what he/she should do.

Income Disregards

The total amount of CalWORKs the child receives is based on the child's income. The law allows for some income to be disregarded when the total amount of CalWORKs the child will receive is calculated.

- If the child gets more than \$225 a month of Disability Income (DI), only the first \$225 is disregarded.
- If the child gets \$225 a month or less of DI, none of it will be counted as income and if the child also has Earned Income (EI), any remaining amount of the \$225 disregard, up to \$225, will not be counted as income.
- In addition, 50 percent of any other EI will be disregarded.
- The remainder is the child's net countable income and is the amount that will be used to figure the child's CalWORKs grant.

If the child is participating in the Independent Living Program (ILP), any income earned as part of the program is exempt.

CalWORKs Child Care Program

In some cases, child care benefits may be available to a CalWORKs minor parent who needs child care to work or participate in county-approved welfare-to-work activities such as attending education or job training programs.

California Department of Education (CDE) Child Care

Child care benefits are also available from CDE. Contact your local Resource and Referral Agency for more information.

AR/CO CASES

Budgeting Rules

AR/CO households will use prospective budgeting and will report on their annual redetermination (RD) form any income, expenses and property the child has and any changes they are sure will happen in the next 12 months. The information you provide will be used to figure the child's CalWORKs benefits for the next 12 months. There are some things that you will have to report within 10 days of when they happen. The mandatory reporting rules for AR cases are on page 4 of this form.

Property Limit

There is a \$2,250 limit on the value of the property (e.g. bank accounts, stocks, etc.) that the child can own and be eligible to receive CalWORKs benefits. A child under age 18 can own a vehicle (for example a car, truck, van, motorcycle, etc.) to drive to work, school, job training or to look for work. The value of this vehicle does not count against the \$2,250 limit. This also applies during temporary periods of unemployment for the child who customarily drives to and from work. If it was given to the child as a gift, a donation, or a family member transferred it to the child, we also do not count it. You will be asked to give the county proof from the Department of Motor Vehicles that it was a gift, donation or transfer from a family member.

OTHER IMPORTANT INFORMATION (CONTINUED)**Resources/EBT**

Any balance remaining in the EBT account at the end of the month will be considered an available resource and could make the child ineligible for CalWORKs if the total countable resources are more than the allowable resource limits.

Cal-Learn

Cal-Learn helps pregnant and/or parenting teens under the age of 19, who are getting CalWORKs and do not have a high school diploma or its equivalent to stay in or return to school. Teens in the Cal-Learn Program may get cash bonuses for making satisfactory progress in the education program they are attending, or for completing the education program they were attending. Cal-Learn teens may get help with supportive services, including child care, transportation, and any other services necessary for the teen parent to successfully participate in the Cal-Learn Program. Cash penalties may be subtracted from their CalWORKs payment if Cal-Learn teens do not submit their report cards as required, or do not make satisfactory progress.

AVAILABLE SERVICES

Women, Infants and Children (WIC) Supplemental Nutrition Program: The WIC Program is only for pregnant and breast feeding women, infants and children under age 5, who are at medical-nutritional risk. For more facts about WIC, call your local county health department or the phone number for "WIC" in the telephone book.

PENALTY WARNINGS

Disqualification Penalties

Disqualification penalties start after a state hearing or court of law finds that the individual has committed an Intentional Program Violation (IPV). Also, anyone who is accused of committing an IPV may agree to be disqualified by signing an Administrative Disqualification Consent Agreement or a Disqualification Hearing Waiver. Anyone who signs one of these documents gives up any hearing rights and accepts responsibility to repay any CalWORKs overpayment.

Program Rules and Penalties

I understand I am committing an intentional program violation which may also be a crime, if I give false or wrong information, or if I do not give all the information on purpose to try to get CalWORKs benefits that I am not eligible to get, or to help someone else get benefits that they are not eligible for, or if I misuse my benefits (this is called trafficking). If I do this on purpose and get more than \$950 in benefits I was not eligible for, I can be charged with a felony.

In addition, I understand I must pay back any benefits I get that I/my child was not eligible for or that I misused.

<p>Program Violations I understand I may have committed an intentional program violation and I may lose benefits if:</p> <ul style="list-style-type: none"> • I give false information about who I am or where I live. • I try to get dual benefits, for example, apply in two or more different counties or states at the same time. • I submit false documents for children who are not eligible or who do not exist. • The child violates conditions of probation or parole. • The child flees after a felony conviction. 	<p>Penalties I may lose CalWORKs benefits:</p> <ul style="list-style-type: none"> • For six months, one year, two years, four years, five years or forever • And be fined by a court and/or sent to jail/prison for up to five years.
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<p>APPLICANT/RECIPIENT CERTIFICATION</p> <ul style="list-style-type: none"> • I understand that one of the intended purposes for CalWORKs is to help meet the basic needs of the child, including housing, food, and clothing. • I understand my rights and responsibilities and agree to comply with my responsibilities. • I also understand the penalties for giving incomplete or wrong facts, or for failing to report facts or situations that may affect the child's eligibility or benefit level for CalWORKs. • I certify I was given a copy of The Rights, Responsibilities, and Other Important Information (CW 2218). <p>_____ (APPLICANT/RECIPIENT'S INITIALS)</p>	<p>ELIGIBILITY WORKER'S CERTIFICATION</p> <p>I certify that the applicant/recipient appears to understand:</p> <ul style="list-style-type: none"> • his/her rights and responsibilities and • the penalties for giving incomplete or wrong facts, or for failing to report facts or situations that may affect the child's eligibility or benefit level for CalWORKs. <p>I also certify that the applicant/recipient was given a copy of:</p> <ul style="list-style-type: none"> • The Rights, Responsibilities, and Other Important Information (CW 2218)
--	--

Signature of Caretaker Relative

Date

Eligibility Worker's Signature

Eligibility Worker's Number

Date

APPLICATION FOR CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS (CalWORKs)
(Non-Needy Caretaker Relative With Relative Foster Child)

		COUNTY USE ONLY
INSTRUCTIONS: Fill out this form if you want cash aid for a relative foster child. Complete all of the questions to the left of the heavy black line and sign the Certification section. If you need more space, attach another sheet of paper. Use one form for each child.		CASE NAME
		CASE NUMBER
1. Caretaker Relative's Name		WORKER NAME AND NUMBER
Phone ()		DATE RECEIVED
Address		
2. Give us all the facts for this child.		Verification
Child's Name (First, Middle, Last)	Birthplace (City/State/Country)	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Address		<input type="checkbox"/> Blind/Deaf/Disabled
Birthdate (Month, Day, Year)	Blind, Deaf, or Disabled <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> SSN
Social Security Number	If child is under age 6, are immunization shots up to date? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not under age 6	<input type="checkbox"/> Citizen
Citizen/Noncitizen Status	<input type="checkbox"/> U.S. Citizen/National	<input type="checkbox"/> Eligible Noncitizen
	<input type="checkbox"/> Noncitizen: Sponsored <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Immunization
Relationship of Child to the Caretaker Relative		Alien Reg. No.: _____
		D.O.E.: _____
3. A. Is the child pregnant or a teen parent? <input type="checkbox"/> Yes <input type="checkbox"/> No If "YES", check status: <input type="checkbox"/> Pregnant <input type="checkbox"/> Teen Parent		Verified:
SCHOOL STATUS: <input type="checkbox"/> Has a High School Diploma <input type="checkbox"/> Has a GED <input type="checkbox"/> Currently Attending School <input type="checkbox"/> Not attending school (explain): _____ <input type="checkbox"/> Other (explain): _____		<input type="checkbox"/> Referred to Cal-Learn Program
B. Has the child received a cash bonus or sanction, or help with child care, transportation, etc., from the Cal-Learn Program? If "YES", complete below: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Where (County)	Date(s) Received	
4. Did the child get cash aid or CalFresh this month? <input type="checkbox"/> Yes <input type="checkbox"/> No If "YES", complete below:		<input type="checkbox"/> Verification provided
TYPE OF AID <input type="checkbox"/> Cash Aid <input type="checkbox"/> CalFresh <input type="checkbox"/> Approved Relative Caregiver (ARC)	Where (County, State)	
5. Does the child have Medi-Cal or health insurance, such as Blue Cross, Kaiser, CHAMPUS, etc., which is paid for by a parent or parent's employer? <input type="checkbox"/> Yes <input type="checkbox"/> No If "YES", list policy number and company name: _____ _____		<input type="checkbox"/> Verification provided
		<input type="checkbox"/> Medi-Cal <input type="checkbox"/> Fee for Service

6. Does the child get or expect to get any income, such as: <input type="checkbox"/> Yes <input type="checkbox"/> No Earnings, Supplemental Security Income/State Supplementary Payment (SSI/SSP), Social Security Benefits, Child Support, Foster Care Payment, Veterans Benefits, etc. If "YES", complete below:					COUNTY USE ONLY <input type="checkbox"/> Verification provided <input type="checkbox"/> Eligible for higher MAP	
TYPE OF INCOME	AMOUNT (Before deductions, if any) \$	WHEN	HOW OFTEN			
Will this income continue? <input type="checkbox"/> Yes <input type="checkbox"/> No						
If "NO", explain any known changes: _____						
7. Has the parent(s) of this child been in the United States (U.S.) military? <input type="checkbox"/> Yes <input type="checkbox"/> No If "YES", complete below:					CW 5 <input type="checkbox"/> Yes <input type="checkbox"/> No Date Initiated _____	
NAME OF PARENT	PARENT A U.S. CITIZEN <input type="checkbox"/> Yes <input type="checkbox"/> No	BRANCH OF SERVICE	DATES OF SERVICE	HONORABLE DISCHARGE <input type="checkbox"/> Yes <input type="checkbox"/> No		
8. Does the child own any property or have resources, such as: <input type="checkbox"/> Yes <input type="checkbox"/> No cash, land, auto, motorcycle, bank accounts, trust funds, savings bonds, Native American per capita payments or trust funds, or other items? If "YES", complete below:					<input type="checkbox"/> Verification provided <input type="checkbox"/> Restricted account <input type="checkbox"/> Exempt	
TYPE OF RESOURCE	ACCOUNT/POLICY NUMBER	NAME, ADDRESS OF BANK, ETC.	CURRENT VALUE \$			
9. Does the child have a medical condition(s) or situation(s) that requires any of the following? Check (✓) each item YES or NO:					Verified: Special Need: <input type="checkbox"/> Yes <input type="checkbox"/> No Amount \$ _____	
	YES	NO		YES	NO	
Special diet--prescribed by a doctor			Very high use of utilities			
Special transportation need			Special laundry service			
Special telephone or other equipment			Other (specify):			
If "YES", explain:						
10. If the child has been charged as an adult with a felony, is the child hiding or running from the law to avoid prosecution, being taken into custody, or going to jail for that felony crime or attempted felony crime? <input type="checkbox"/> Yes <input type="checkbox"/> No						
11. Has the child been found by a court of law to be in violation of probation or parole? <input type="checkbox"/> Yes <input type="checkbox"/> No						
12. A. If the child can get cash aid, the child may be able to get some health examinations through the Child Health and Disability Prevention Program (CHDP). Do you want more facts about CHDP services? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you want free CHDP medical or dental services? <input type="checkbox"/> Yes <input type="checkbox"/> No Do you need help making appointments or getting the child to the doctor or dentist? <input type="checkbox"/> Yes <input type="checkbox"/> No					<input type="checkbox"/> CHDP brochure and explanation given <input type="checkbox"/> CHDP Referral <input type="checkbox"/> Date: <input type="checkbox"/> Referred for immunization <input type="checkbox"/> Other services referral <input type="checkbox"/> Pregnant <input type="checkbox"/> Parent or guardian of child under 5 <input type="checkbox"/> Breastfeeding <input type="checkbox"/> Postpartum <input type="checkbox"/> WIC referral <input type="checkbox"/> Family Planning info given Date referred:	
B. Do you want more facts about immunization services? <input type="checkbox"/> Yes <input type="checkbox"/> No						
C. Do you want facts about non-discrimination, alcohol/drug counseling, past medical expenses, and other special needs for the child? <input type="checkbox"/> Yes <input type="checkbox"/> No						

		COUNTY USE ONLY
D. Does the pregnant child need to find a doctor, get medical transportation, and/or other help?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
E. Is the child breastfeeding? If "YES", was the birth within the last 12 months?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No	
F. Does the child want to get facts or services from a Family Planning Clinic to help plan family size and prevent unplanned pregnancies?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

CERTIFICATION

I understand that:

- If I give wrong facts or fail to report all facts or situations on purpose that affect the child's eligibility and CalWORKs payments, I may be fined, jailed/imprisoned, or both. I can be sent to jail/prison for up to 5 years. And benefits can be stopped for 6 months, 12 months, 2 years, 4 years, 5 years or forever.
- The child's case can be picked for reviews to prove eligibility; and I must cooperate fully with county, state, and federal personnel in any quality control review.
- The facts I give will be checked out by local, state, and federal personnel.
- The county will send facts to the U.S. Citizenship and Immigration Services (USCIS) for proof of immigration status.
- The facts the county gets from USCIS may affect the child's eligibility for CalWORKs.
- The facts I give will be checked with tax, welfare, employment agencies, school districts, and the Social Security Administration to prove the child's eligibility for CalWORKs and to prove that I am getting the right amount of CalWORKs. The social security number will be matched with law enforcement agency records for arrest warrants.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the information contained on this application is true, correct, and complete.

SIGNATURE OF CARETAKER RELATIVE	DATE
--	-------------

COUNTY USE ONLY

<input type="checkbox"/> INELIGIBLE (Reason)				Immunization <input type="checkbox"/> Informing (CW 101) Regs Met: <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> ELIGIBLE	Eligibility Conditions Met – Date:	Authorization Date:	Effective Date of Aid:	
Signature of County Worker				DATE
Signature of Supervisor				DATE

Attachment A

Documents Needed to Create a New Resource Family File

Each Resource Family (RF) file that is created or converted will have form RFA-00.

This form will serve as a coversheet for the new/existing file to document the conversion date and act as a release of information for necessary documents to be copied from the existing file into the new RF file.

Each file will need to separately maintain confidential information. The Written Report, any updates to the Written Report and any notes related to these documents or a Family Evaluation shall be maintained in the confidential section. County RFA programs may share the Written Report with placement workers for placement and matching purposes only.

Any criminal background check information and child abuse/neglect allegation information will continue to be maintained in the confidential section of the file.

For an approved relative/Non-Relative Extended Family Member (NREFM) with an approved adoption home study completed before January 1, 2018, the following records shall be used to create a new RF file:

- RFA-00,
- RFA-05(A) or equivalent,
- The approved adoption home study and any updates to the adoption home study,* SOC 815,
- SOC 817,
- SOC 818,
- Any documentation of complaints, *and
- Any criminal background check information, including exemptions, investigations of arrest-only crimes, Adam Walsh out-of-state abuse/neglect registry checks, and Child Abuse Central Index (CACI) investigations.*

For a licensed foster family home with an approved adoption home study completed before January 1, 2018, the existing licensing file shall be used for the new RF file. The following records shall be used to convert to a RF file:

- RFA-00,
- RFA-05(A) or equivalent, and
- The approved adoption home study and any updates to the adoption home study.*

Attachment A

For an approved relative/NREFM and licensed foster family home *without an adoption home study* but with a placement of a child or non-minor dependent at any point during the calendar year 2017 the following shall be copied from the child's or non-minor dependent's file or placed in the new file to create a RF file:

Approved Relative/NREFM:

- RFA-00, RFA-00A,*
- RFA-05(C) or equivalent,* RFA-05(A) or equivalent, SOC 815,
- SOC 817,
- SOC 818,
- Any documentation of complaints,* and
- Any criminal background check information, including exemptions, investigations of arrest-only crimes, Adam Walsh out-of-state abuse/neglect registry checks, and CACI investigations.*

Licensed foster family home:

The existing licensing file will be used as the new RF file. The RFA-00 will serve as the cover sheet or divider from the licensing file to the RF file. The county and Community Care Licensing will work together on the transfer of the licensing file to the county. The forms below will be added to the existing licensing file:

- RFA-00, RFA-00A,*
- RFA-05(C) or equivalent,* and
- RFA-05(A) or equivalent

*For all files, items marked by an * are considered confidential and should be placed in the confidential section of the RF file.

Frequently Asked Questions

1. Will existing foster family homes or approved relatives or Non-Relative Extended Family Members (NREFM) have to re-fingerprint under the Resource Family approval (RFA) Live Scan code?

Current licensed or approved families will not have to re-fingerprint when they convert to RFA. However, if that family would like to pursue adoption, they will have to fingerprint using the Resource Family Live Scan code.

2. For relative or NREFM caregivers, with a placement in 2017 and their current approval expires in 2017, what should the county do with the family's approval?

The family would need to convert to a Resource Family or have a reassessment of their relative/NREFM approval in 2017

3. Does a licensed foster family home or approved relative or NREFM family have to have a placement to be deemed a Resource Family if they have an open adoption home study?

No. If the family has an adoption home study that has been updated to [Title 22, Division 2, Adoptions Manual section 35183.1](#) and was approved prior to January 1, 2018, they are deemed to be a Resource Family.

4. Do placements with respite providers qualify as a placement for conversion?

A respite placement meets the requirement for having a placement in 2017 for conversion if the SOC 156 or a county equivalent form was completed for the placement.

5. Can a certified family home of a licensed foster family agency convert to a county-approved Resource Family?

No. If a certified family home wants to be approved by a county, then it must apply for RFA with the county and complete the entire approval process.

Otherwise, the certified family home may be converted by the foster family agency if that agency approves Resource Families. Further information regarding the conversion of certified family homes will be contained in a forthcoming Provider Information Notice issued by the CDSS Community Care Licensing Division.

6. If a licensed foster family home or approved relative or NREFM does not have an approved adoption home study, do they have to complete pre-approval training?

No. Current caregivers without an approved adoption home study need to submit a Conversion RFA Application (RFA-00), show proof of identity, and participate in a psychosocial assessment. Once completed, the county will then complete a Written Report. Any additional training or support the family may need to mitigate any concerns that arose in the psychosocial assessment should be documented in the Written Report.

7. Do relative caregivers, who are caring for probation youth, have to convert to a Resource Family?

If the placement is a foster care placement, then the approved caregiver must convert to RFA. If the placement is not a foster care placement and the youth was released to the relative/NREFM, the caregiver does not need to convert to RFA.

8. Does a caregiver with guardianship of a child have to convert to be a Resource Family?

No. If the guardianship has already finalized, dependency has been terminated, and there are no other foster children in the home, the guardian does not have to convert to a Resource Family. However, if the individual wishes to care for other children or non-minor dependents or adopt the child over whom guardianship was approved, then he or she must go through the entire RFA process.

Attachment B

Additionally, if dependency remains open after the guardianship is established, the guardian's home must be converted to a Resource Family home, or dependency must be terminated, by 12/31/19.

9. Can a family be denied Resource Family Approval if, during conversion, concerns arise that are not able to be mitigated?

Yes. Resource Family Approval can be denied if concerns arise related to the psychosocial assessment. However, if possible, the county shall work with the family to mitigate any concerns so the family can be approved and is able to continue to provide care. If RFA is denied, the family would be afforded due process.

Age-Related Reactions to a Traumatic Event

A fundamental goal of parenting is to help children grow and thrive to the best of their potential. Parents anticipate protecting their children from danger whenever possible, but sometimes serious danger threatens, whether it is manmade, such as a school shooting or domestic violence, or natural, such as a flood or earthquake. And when a danger is life-threatening or poses a threat of serious injury, it becomes a potentially traumatic event for children.

By understanding how children experience traumatic events and how these children express their lingering distress over the experience, parents, physicians, communities, and schools can respond to their children and help them through this challenging time. The goal is to restore balance to these children's lives and the lives of their families.

How Children May React

How children experience traumatic events and how they express their lingering distress depends, in large part, on the children's age and level of development.

Preschool and young school-age children exposed to a traumatic event may experience a feeling of helplessness, uncertainty about whether there is continued danger, a general fear that extends beyond the traumatic event and into other aspects of their lives, and difficulty describing in words what is bothering them or what they are experiencing emotionally.

This feeling of helplessness and anxiety is often expressed as a loss of previously acquired developmental skills. Children who experience traumatic events might not be able to fall asleep on their own or might not be able to separate from parents at school. Children who might have ventured out to play in the yard prior to a traumatic event now might not be willing to play in the absence of a family member. Often, children lose some speech and toileting skills, or their sleep is disturbed by nightmares, night terrors, or fear of going to sleep. In many cases, children may engage in traumatic play—a repetitive and less imaginative form of play that may represent children's continued focus on the traumatic event or an attempt to change a negative outcome of a traumatic event.

For school-age children, a traumatic experience may elicit feelings of persistent concern over their own safety and the safety of others in their school or family. These children may be preoccupied with their own actions during the event. Often they experience guilt or shame over what they did or did not do during a traumatic event. School-age children might engage in constant retelling of the traumatic event, or they may describe being overwhelmed by their feelings of fear or sadness.

A traumatic experience may compromise the developmental tasks of school-age children as well. Children of this age may display sleep disturbances, which might include difficulty falling asleep, fear of sleeping alone, or frequent nightmares. Teachers often comment that these children are having

greater difficulties concentrating and learning at school. Children of this age, following a traumatic event, may complain of headaches and stomach aches without obvious cause, and some children engage in unusually reckless or aggressive behavior.

Adolescents exposed to a traumatic event feel self-conscious about their emotional responses to the event. Feelings of fear, vulnerability, and concern over being labeled “abnormal” or different from their peers may cause adolescents to withdraw from family and friends. Adolescents often experience feelings of shame and guilt about the traumatic event and may express fantasies about revenge and retribution. A traumatic event for adolescents may foster a radical shift in the way these children think about the world. Some adolescents engage in self-destructive or accident-prone behaviors.

How to Help

The involvement of family, physicians, school, and community is critical in supporting children through the emotional and physical challenges they face after exposure to a traumatic event.

For young children, parents can offer invaluable support, by providing comfort, rest, and an opportunity to play or draw. Parents can be available to provide reassurance that the traumatic event is over and that the children are safe. It is helpful for parents, family, and teachers to help children verbalize their feelings so that they don’t feel alone with their emotions. Providing consistent caretaking by ensuring that children are picked up from school at the anticipated time and by informing children of parents’ whereabouts can provide a sense of security for children who have recently experienced a traumatic event. Parents, family, caregivers, and teachers may need to tolerate regression in developmental tasks for a period of time following a traumatic event.

Older children will also need encouragement to express fears, sadness, and anger in the supportive environment of the family. These school-age children may need to be encouraged to discuss their worries with family members. It is important to acknowledge the normality of their feelings and to correct any distortions of the traumatic events that they express. Parents can be invaluable in supporting their children in reporting to teachers when their thoughts and feelings are getting in the way of their concentrating and learning.

For adolescents who have experienced a traumatic event, the family can encourage discussion of the event and feelings about it and expectations of what could have been done to prevent the event. Parents can discuss the expectable strain on relationships with family and peers, and offer support in these challenges. It may be important to help adolescents understand “acting out” behavior as an effort to voice anger about traumatic events. It may also be important to discuss thoughts of revenge following an act of violence, address realistic consequences of actions, and help formulate constructive alternatives that lessen the sense of helplessness the adolescents may be experiencing. When children experience a traumatic event, the entire family is affected. Often, family members have different experiences around the event and different emotional responses to the traumatic event. Recognizing each others’ experience of the event, and helping each other cope with possible feelings of fear, helplessness, anger, or even guilt in not being able to protect children from a traumatic experience, is an important component of a family’s emotional recovery.

For more information about child traumatic stress and the National Child Traumatic Stress Network, visit www.NCTSN.net or e-mail info@NCTSN.net.

Birth Parents with Trauma Histories in the Child Welfare System

A Guide for Parents

You may be one of the many parents involved with the Child Welfare System who has experienced or witnessed dangerous, even life-threatening, events known as trauma. If so, this resource is for you. It includes facts about trauma that you may find helpful and one parent's story.

KAREN'S STORY

Karen feels completely overwhelmed. She has been trying so hard to hold everything together, but no matter how much effort she puts in, she can't seem to do anything right. She has been through a lot. She remembers watching her father beat up her mother and being put in foster care. She didn't think anything could be worse than her own childhood, but seeing her own kids go through the same stuff is worse. She never intended to end up like her mom—it just seemed to happen. Her kids' father died three years ago, and Karen wound up with a partner who hit her and them. She felt helpless, unable to protect her kids from him, but sometimes she got so upset that she would hurt them too. Six months ago, Protective Services put her kids in foster care, and now she feels even more helpless. Every time she sees Jonathan, age 3, and Crystal, age 6, they are crying and yelling, and she just can't get them to behave. Karen gets upset when they call their foster mom "Grandma." On top of it all, the caseworker Linda accuses her of not working hard enough to do the things she said she'd do. Sometimes the system makes her feel like that six-year-old foster child all over again — alone and powerless.

Although Karen wants her children back, she worries that everyone may be right: she is a bad mother. Maybe that's why her kids aren't happy to see her and why they seem to like the foster parents more. While she knows some things she could do to improve, she is too exhausted to make any changes. Her house is getting really messy, but with her kids and her boyfriend gone, it doesn't seem to matter anymore.

Karen has gone to therapy a few times, but she's never liked it. It's easier to just forget about things. Talking about them over and over only makes it harder to sleep at night. Also, she's afraid about what the therapist is saying about her to the caseworker. The couple of times she has made it to her kids' therapy appointments, she thought the therapist acted as if he knew Jonathan and Crystal better than she does. If her kids could just come home, she knows she could work everything out.

What is trauma?

A trauma is an intense event that threatens a person's life or safety in a way that is too much for the mind to handle and leaves the person powerless. Trauma can bring about physical reactions such as rapid heart rate, tense muscles, or shallow breathing. Common traumatic events could be going through or seeing:

- Family violence
- Sexual abuse
- Emotional abuse
- Violence in the community

For many parents, having a child removed from home and dealing with the child welfare system are traumatic events.

People who have experienced trauma might:

- Have nightmares, memories, or flashbacks that feel as if they're going through the traumatic event all over again
- Avoid things or people that remind them of the trauma
- Feel "on guard" or "jumpy," making it hard to sleep or concentrate

Karen experienced trauma both as a child and as an adult. She saw and heard her father beating her mother. She was removed from her parents' home and put into foster care. As an adult, her partner hit her. Now, she tries not to talk about any of it, because thinking about the past makes it hard for her to sleep.

How can trauma affect you and your parenting?

A history of trauma may make it difficult for you to:

- Recognize what is safe and what is unsafe, and keep you and your children from harm
- Stay in control of your emotions, especially in stressful situations like interviews with Child Protective Services, court hearings, or visits with your children
- Deal with stress in healthy ways
- Trust other people

When parents have lived through trauma, they may also struggle with reminders of those events. Reminders can happen without warning: a sound, smell, or even a feeling makes survivors of trauma feel the experience all over again. Reactions to reminders may include:

- Physical feelings: rapid heartbeat, shallow breathing, or tense muscles
- Emotional over-reactions: anger, fear, irritability in situations or toward people— without even realizing it
- Avoiding: staying away from others or putting off daily tasks—in order to avoid more reminders
- Using alcohol or drugs to try to feel better

Trauma can affect your relationship with your child:

- Your children may not trust that you can keep them safe.
- You and your children may remind each other of the traumatic event just by being together, even if you weren't together when it happened.
- You and your children may expect “bad things” to happen again.
- You may not recognize when your children's behaviors are caused by reactions to trauma reminders and think they are misbehaving on purpose to make you mad.

Karen has trouble trusting Linda, her case worker. Linda says she's there to help, but Karen can remember plenty of people who said they'd “be there,” but have ended up hurting her. Also, Linda keeps telling her to talk to the therapist about her past, but Karen would much rather avoid thinking about it.

What can you do?

If you are a parent who has had trauma, consider trying the following:

- Remember that your symptoms are normal reactions to traumatic events.
- Talk about your thoughts, feelings, and reactions with people you trust.
- Become aware of reminders of traumatic events.
- Learn healthy ways to feel safe and relaxed:
 - Practice slow breathing
 - Say positive things to yourself (“This is scary, but I'm safe now”)
 - Listen to a relaxation CD or to music that calms you
 - Leave on a night light
- Find someone who has been in your shoes—who understands what it's like to be in the system and has come through it well. Your community may offer Peer Mentors or Parent Advocates for parents in the child welfare system.
- Be patient with yourself. Healing is a process that takes time.
- Be patient with your children; they may misbehave because of the trauma.
- Seek professional help. Therapy is a good way to start making sense of what happened, how it has affected you, and how you can heal.

How can therapy help?

A therapist who understands trauma will work with you to do the following:

- Feel safe
- Decide on goals for therapy
- Learn about trauma and its effects on thoughts, feelings, and actions
- Use healthy ways to relax and cope with stress
- Make sense of the past and find ways to build a more hopeful future

SIX MONTHS LATER...

What Karen has to say: I didn't realize that the trauma I went through as a child was still affecting me—making me feel helpless. Having my kids removed was the worst thing that ever happened. My life started to change when I began to believe that I could make things better for me and my kids. It's been a long time, but I have started to heal. My therapist helps me learn ways to manage my trauma symptoms, like taking slow breaths when I start to feel upset. My Parent Advocate helps me understand how my trauma reactions affect my parenting. Now, I take better care of myself AND my kids. We go to the local community center for classes and family activities, and I go to a Domestic Violence Support Group. My children are doing better too, although they still talk about bad times and have nightmares once in a while. Crystal was in trouble at school for being too active and not listening to directions, so now my kids come to therapy with me. I guess we'll go for as long as we need too. Life can be difficult at times — because I am a single mom — but it sure is better than before. I don't ever want to go back, and I know now that I don't have to.

This fact sheet is one in a series of factsheets discussing parent trauma in the child welfare system. To view others, go to <http://www.nctsn.org/resources/topics/child-welfare-system>

Resources:

National Child Traumatic Stress Network: www.nctsn.org

National Center for PTSD: www.ptsd.va.gov

Parents Anonymous: www.parentsanonymous.org

Established by Congress in 2000, the National Child Traumatic Stress Network (NCTSN) is a unique collaboration of academic and community-based service centers whose mission is to raise the standard of care and increase access to services for traumatized children and their families across the United States. Combining knowledge of child development, expertise in the full range of child traumatic experiences, and attention to cultural perspectives, the NCTSN serves as a national resource for developing and disseminating evidence-based interventions, trauma-informed services, and public and professional education.

The views, policies, and opinions expressed are those of the authors and do not necessarily reflect those of SAMHSA or HHS.



Trauma Affects Development Throughout the Lifespan



A child's ability to cope with stress in the early years has consequences for physical and mental health throughout life. Center on the Developing Child

What do we mean by *trauma*?

- Events that are *perceived* as threatening the life/physical integrity of the child or someone important to child (and what is perceived as a threat changes with children's development).
- Causing an overwhelming sense of terror, helplessness, and horror;
- Producing intense physical effects such as a pounding heart, rapid breathing, trembling;
- And completely overwhelming the child's available coping strategies. *National Child Traumatic Stress Network*

And this includes:

- **Direct abuse**
 - Physical abuse—assault, being beaten, burned, shaken
 - Sexual abuse—including inappropriate exposure to sexual activity or materials
- **Neglect**—Deprivation of basic needs—perceived as trauma by young children dependent on adults for care
- **Domestic violence**
- **Witnessing violence**
- **Community violence**
- **Separation from important people**
- **Complex trauma**—Caused by adults who should have been caring for and protecting the child, creating an “impossible dilemma” for young children—*The person on whom I am dependent for protection and care also hurts me.*

AND

Stress becomes trauma when the intensity of frightening events becomes unmanageable to the point of threatening physical and psychological integrity [for child or parent]. Lieberman & Van Horn (2008)

Stress affects the developing architecture of the brain

Three types of stress

Positive stress motivates development. Developmentally appropriate levels of stress can be growth-producing, such as the productive stress which accompanies challenge to support children's goals, e.g. the infant who becomes more irritable before achieving a major milestone, or birth of a sibling. This kind of stress is a normal part of life; learning to adjust to it is an essential feature of healthy development and represents mastery.

Tolerable stress refers to stress responses that could affect brain architecture but generally occur for briefer periods and/or with social supports that allow time for the brain to recover and thereby reverse potentially harmful effects.

Toxic stress refers to strong, frequent or prolonged activation of the body's stress management system. Stressful events that are chronic, uncontrollable, and/or experienced without the child having access to support from caring adults tend to provoke these types of toxic stress responses.

National Scientific Council on the Developing Child (2005). *Excessive Stress Disrupts the Architecture of the Developing Brain: Working Paper #3*. <http://www.developingchild.net>

The physiology of stress

- **Our bodies have a response to perceived threat** which involves mobilizing energy resources and focusing our attention to deal with the immediate needs of the threat. This physiological response to stress prepares us for “flight or fight.”
- **In response to stress:**
 - Stress sets off a chain reaction in our brain which results in the production of cortisol, the “stress hormone” that triggers a change in our entire nervous system.
 - Respiration, heart rate, attention, memory for threat and energy availability increase;
 - Our bodies defer ‘future needs’ such as digestion, sleep, immune system functioning and tissue repair, physical growth and exploration/play.

And this can look like:

- **Fight**—dysregulated, aggressive attempts to manage
- **Flight**—withdrawn, shut down
- **Freeze**—dissociated
- **‘Tend and befriend’**—clingy, caretaking

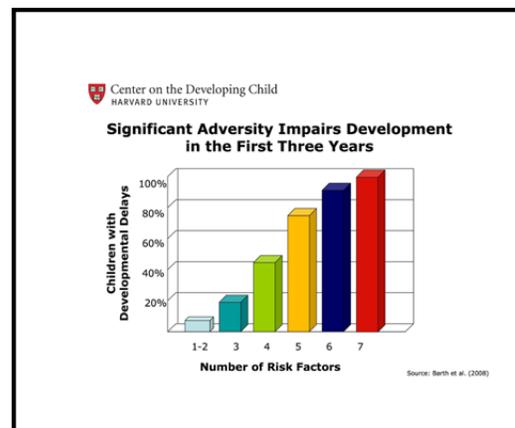
Early trauma can impact brain development

- **A healthy stress system** turns on when we need it and turns off when we don’t—this is essential to ensure our survival. Relationships buffer the young child from stress and promote resiliency.
- **Chronic stress affects the brain**—including memory, selective attention, self-control and the ability to turn off the stress response. Being chronically ‘wired’ in this state of ‘high alert’ interferes with children’s ability to explore and learn from their environment and socialize with others. **States become traits** over time as the brain is developing.
- **Neural circuits for dealing with stress are especially ‘plastic’ during the fetal and early childhood period**—frequent or prolonged activation of stress hormonal systems can alter functioning of neural systems including the parts of the brain essential for learning and memory.
- **Toxic stress during this early period can affect developing brain circuits and hormonal systems in a way that leads to poorly controlled stress-responsive systems that will be overly reactive or slow to shut down when faced with threats throughout the lifespan.**

Center on the Developing Child (2005). *Excessive stress disrupts the architecture of the developing brain*

Trauma impacts the child’s developmental trajectory

- Development is cumulative, each stage builds on the last and is impacted by previous experiences.
- The higher the number of risk factors, the more likely the child will have significant developmental delays.
- Development is transactional—it occurs within the interactions between the child and primary caregiver so trauma anywhere within the system (parent or child) impacts the whole system.



Trauma shapes children's beliefs and expectations about:

- **Themselves** (*I am not worthy of love and care. I am helpless or I must be on constant alert and/or be in complete control to be safe.*)
- **The adults who care for them** (*Adults cannot be trusted to protect me/Adults hurt me*)
- **The world in general** (*The world is a dangerous place. I cannot let down my guard.*)

Trauma can affect parenting (and thus the quality of attachment between parent and child):

- A parent's own early childhood trauma may prevent her/him from helping their child to regulate fear or distress because they ignore the child's distress to avoid triggering their own traumatic response—a **defense mechanism** by which the parent literally cannot “see” their child's distress.
- **The child may be a “trauma reminder” for the parent**—either from their past (*This baby is just like everyone else in my life who ignores my needs*) or something present (*This child is just like his father who left me/hurt me*)
- A parent's removal from their own emotional experience of trauma may result in their **inability to notice danger and protect their children from it**. Or the parent may anticipate danger everywhere, rigidly avoiding experiences necessary to promote the child's healthy development.
- Parents traumatized by domestic violence may **associate the child with the aggressor** and may respond by experiencing the child as the victimizer (*I am helpless to set limits for this out-of-control monster*) or by becoming very harsh with the child (*I'll show this child he can't dominate me*).
- This may look different at different stages of the child's development, e.g. the mother who can care adequately for her infant until the infant becomes mobile and the mother experiences normal toddler exploration and striving for autonomy as abandonment and/or rejection.
- **The parent who has so little capacity to regulate her own level of arousal and emotion** as the result of her own trauma is unable to provide the regulatory care needed by her very young child, setting up attachment problems (e.g. anxious or disorganized attachment) and the **inter-generational perpetuation of trauma effects**.
- **Poverty** is associated with multiple environmental stressors (e.g. lack of basic needs, racial/ethnic discrimination, educational and employment disadvantages). ***The absence of resources for adults is inevitably translated in the lack of access to basic parenting resources for children.***

(Lieberman & Van Horn, 2008)

The role of intervention is to restore developmental momentum, to get development ‘back on track’ for the child, the parent and the relationship.

- To understand the impact of trauma on a child, practitioners need to **hold the multiple perspectives** of the child, the parent, the parent-child relationship AND hold the perspective of our own self-awareness.
- **We don't need to figure out the trauma:** We need to be aware of how trauma arousal (stress biology) and memory affect the present. (Gearity)

- **Be aware of ‘trauma reminders’**—body-based reminders, danger signals, emotions, historical trauma (e.g. racial/cultural differences). May be evidenced by unpredictable behavior, ‘switches.’
- **Offer a reparative relationship to the parent**, a ‘parallel process’ of the experience of a predictable, consistent, nurturing relationship so that she is better able to do that for her child.
You can expect help from me. Relationships don’t have to hurt. We can have conflict and still have a relationship. I will follow through with what I say I will do.
- **Joining the child/parent** is the first step to ANY trauma work-- we need to look for the underlying meaning of the behavior and respond accordingly. *What is the meaning of the ‘no show’? Might the parent feel abandoned by me when I had to reschedule?*
- **Help the parent connect the dots** between what happened in the past and how she would like things to be for her baby. This helps parents to know that they can choose how they want to parent—taking the ‘good’ and leaving the ‘bad’ from their own upbringing. *Who helped you feel better as a child? How would you like that to be for your child?*
- **Restore the ‘protective shield’** (Child Parent Psychotherapy-CPP)—Help to restore the parent’s confidence that she can protect her child and the child’s confidence that the parent will protect him.
- **Never be ‘shinier’ than the parent**, (*CPP) i.e. never ‘outparent the parent’ which requires us to prioritize the relationship between the parent and the child and stay aware of our protective urges.
- **Be aware of culture**—assumptions, differences, expectations, evidence of historical trauma.
- **Stay self-aware**—of your own feelings and internal reactions so you can respond in situations rather than just react. Use supervision. Be aware of signs of secondary trauma. Use self-care.
- **Know your professional limits and boundaries**—refer to other disciplines as appropriate.

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Trauma Informed Care: Perspectives and Resources

A collaborative project with JBS International, Inc.
and Georgetown University National Technical Assistance Center for Children's Mental Health



Understanding the Impact of Trauma

Trauma has a powerful capacity to shape a child's physical, emotional, and intellectual development, especially when the trauma is experienced early in life. Trauma can profoundly alter an individual's life course and diminish innate resilience. Continual exposure to threatening situations can make a child's brain prisoner to its "fight, flight, or freeze" response. In turn, it becomes difficult for an individual to build meaningful relationships and may even make it difficult to reach out for help. Proper screening for and assessment of trauma's impact are important because children who have experienced trauma are often misunderstood and treated as oppositional or depressed. Screening and assessment are also crucial because they afford the opportunity to intervene and change the trajectory of a child's life. This opportunity is especially significant when considering that maladaptive behaviors resulting from trauma and even an outlook on life are often passed down to future generations.

What Is Trauma?

- **Trauma** refers to an event that threatens the life or integrity of the individual or a loved one, such as physical abuse, death of a parent, witnessing domestic violence, abandonment, natural disasters, war, community violence, or medical issues.
- **Traumatic stress** is the physical, mental, or emotional impact of that event, which can have serious effects on physical and mental health. Traumatic events can be acute, that is, short lived, or chronic.
- **Chronic trauma** is a recurring event over a prolonged period.
- **Complex trauma** refers to both the chronic traumatic events and the resulting emotional and physical effects.
- **Complex trauma** is potentially most harmful because it impairs the individual's ability to develop and maintain relationships, and because it is trauma at the hands of someone whose job is to love and protect rather than cause harm. Complex trauma also includes the combination of different types of traumatic events, for example, witnessing domestic violence, personal experience of physical and emotional abuse, or witnessing community violence.
- **Toxic stress** is the result of repeated exposure to traumatic events, such as child abuse, that activate the body's stress response system.

Trauma is a significant concern from a public health perspective because it has been linked to chronic health problems such as heart disease, liver disease, and early death, as well as mental, emotional, and behavioral disorders. No less profound is the toll persistent exposure to trauma exacts on individual lives. The body's natural, healthy response to trauma is to increase heart rate, blood pressure, and stress hormones. However, if a child's stress response is persistent, the development of brain architecture and other organ systems can be disrupted, resulting in disease and cognitive impairment that extend into adulthood. Children who experience toxic stress can come to view almost any situation as a threat—an outlook that distorts their worldview, makes building trusting relationships difficult, and impedes cognitive and social functioning.

The groundbreaking Adverse Childhood Experiences (ACE) study¹ was one of the first and largest studies to demonstrate the relationship between childhood trauma and health outcomes later in life. The study is considered one of the most important public health studies today because it showed for the first time that more than half the population experiences childhood trauma and that this exposure has long-term consequences. The study was conducted by the Centers for Disease Control and Prevention and Kaiser Permanente's Health Appraisal Clinic in San Diego; the study involved more than 17,000 Kaiser patients providing detailed information about their childhood experiences. Most respondents were middle class, white adults with health insurance. Respondents were asked 10 questions about their exposure to neglect, abuse (psychological, physical, or sexual maltreatment by an adult or person at least 5 years older than the participant), and household dysfunction (substance abuse, mental illness, violent treatment of mother/stepmother, and criminal behavior) during childhood, known as ACEs. The findings revealed that ACEs are not only common but that many individuals experience two or more ACEs. Most important, the study showed that individuals who have multiple exposures to abuse, neglect, and household dysfunction are at higher risk of developing health problems and dying earlier than their peers who have experienced one adverse experience or none. Further study results also indicate, if individuals have six or more ACEs, their life expectancy decreased by 19 years.² The findings of this study have been replicated many times nationally and internationally, and they shape the way policymakers, advocates, and providers think about and treat trauma.

Effects of Trauma on the Brain

Trauma affects brain development, causing structural and hormonal changes that manifest in adverse physical and mental outcomes. Neuroscientists studying the brain have learned how fear and trauma influence a child's developing brain.³ The brains of children are very malleable because they are still building the internal connections that will help maturing children acquire new skills and adapt to changing environments. The young brain's malleability is a strength; it can help children deal with novel, even traumatic situations.

By contrast, if exposure to stress and trauma is unrelenting, the brain adapts in ways that can make learning and socialization difficult. For example, when confronted with a dangerous situation, the brain initiates the fight, flight, or freeze response. Although this response is helpful in getting through brief, stressful situations, persistent exposure to toxic stress during childhood can have serious developmental consequences that may last well past the time of stress exposure.⁴ Constant exposure to stress can induce the following in children:

- A persistent fear response that “wears out” neural pathways
- Hyperarousal that causes children to overreact to nonthreatening triggers
- Dissociation from the traumatic event in which the child shuts down emotionally
- Disruptions in emotional attachment, which can be detrimental to learning⁵

These findings highlight the need to reexamine how we address the needs of traumatized children with an eye on both the impact of trauma on the developing brain and the influence of trauma on an individual’s history and environment.

Intergenerational and Historical Trauma

Intergenerational trauma results when disturbing experiences are not addressed and their emotional and behavioral legacy is passed down from parents to their children. Parents who experienced persistent trauma in childhood may lack the emotional ability to express empathy and compassion and the cognitive ability to regulate their behavior. Unresolved trauma may make it difficult for parents to build trusting relationships and healthy attachments with their children. These maladaptive mechanisms are then transmitted to future generations. Identifying trauma through screening and assessment is critical because it allows “us” to break this cycle of trauma begetting trauma.

Historical trauma is a type of intergenerational trauma—the psychological injury among a community or group of people caused by historical, systematic abuse and injustice. Many groups have experienced historical trauma (e.g., American Indians and Alaska Natives, African Americans, immigrants, families experiencing intergenerational poverty).⁶ Although interpersonal trauma affects the victim’s sense of self, one of the harrowing effects of historical trauma is that it can make individuals feel shame in their culture and identity. In a report published in the *Journal of Health Disparities Research and Practice*, the legacy of historical trauma among the Dakota Nation is described as an “indescribable terror and the legacy of terror that remains after 140 years, as evidenced by repression, dissociation, denial, alcoholism, depression, doubt, helplessness and devaluation of self and culture.”⁷ Similarly, African Americans have experienced generations of slavery, segregation, and oppression, resulting in physical, psychological, and spiritual trauma. Dr. Joy De Gruy has named the trauma specific to these events “post-traumatic slave syndrome.”⁸

The Importance of Culture

Culture is critically important in thinking about the impact of trauma. Culture is central to our identity, and it determines how individuals react to trauma and make sense of their experiences. Similarly, culture plays an important role in determining how individuals respond to treatments and what strategies may be used to help them recover from and deal with traumatic stress. Thus, serving children from any culture requires an understanding of their heritage that is vital to keep them connected to their culture and values. This understanding may entail special staffing considerations for making relevant adaptations to evidence-based treatments or developing culture-specific interventions. The Family Wellness Warriors Initiative⁹ in Alaska, which addresses the impact of domestic violence, neglect, and abuse in Alaska Native communities, is an example of a culture-specific intervention. Initiatives that make use of culturally relevant strategies such as collective mourning, community storytelling, and participation in tribal traditions can help individuals heal, connect to the culture of their community, and begin the process of building resilience.

Screening and Assessment

Screening and assessment are distinct, sequential processes. Screening is a brief process to determine whether a person has experienced or is reacting to a traumatic event; assessment is an in-depth ongoing process to determine the severity and impact of the traumatic event on the individual. Screening is critical because it can identify children and youth who have experienced trauma and can assist in determining whether a more comprehensive assessment is necessary. Assessment is important because it helps gauge the impact of trauma on children and youth and direct treatment planning efforts.

A trauma screen can be conducted by an individual on the front line with children and families (e.g., teachers, child welfare workers) or by a qualified mental health professional. If it is determined from the screening that a child is experiencing symptoms from a traumatic event, it is important to refer the child for a more comprehensive trauma assessment by a qualified mental health professional. The assessment goes more in depth to analyze trauma-related symptoms and functional impairment.¹⁰ The trauma assessment is performed by mental health providers (e.g., psychologists, clinical social workers) to help create a treatment plan to address the impacts of the traumatic event. The trauma assessment usually takes two or three sessions and includes information from the screening, behavioral observations of the child, and contacts with family and caseworkers.⁸ Table 1 lists examples of common screening tools and assessment measures for use with children. In some instances, a tool that is useful for a screening may also be useful to integrate into the assessment process.

Table 1: Common Screening Tools and Assessment Measures for Use with Children

Common Trauma Screening Tools	Common Trauma Assessment Measures
Posttraumatic Symptom Inventory for Children (PT-SIC)	Child PTSD Symptom Scale
PTSD Symptoms in Preschool Aged Children (PTSD-PAC)	Children’s Impact of Traumatic Events Scale—Revised
Traumatic Events Screening Inventory—Parent Report Revised (TESI-PRR)	Trauma Symptom Checklist for Children (TSC-C)
Violence Exposure Scale for Children—Preschool Version	Trauma Symptom Checklist for Young Children (TSCYC)
Violence Exposure Scale for Children—Revised Parent Report	UCLA PTSD Reaction Index
Self-Report for Childhood Anxiety Related Disorders (SCARED)—Short	Child and Adolescent Needs and Strengths (CANS)—Trauma Version
Child PTSD Symptom Scale	The Posttraumatic Stress Disorder Semi-Structured Interview

Trauma screening and assessment play a critical role in guiding individuals working with children and youth as they help children, parents, and families begin to repair the damage that results from the traumatic event. Clinicians and child-serving system workers use a wide variety of measures to screen for and assess the impact of trauma.

Conclusion

Child trauma has an impact on the course of human development and life outcomes. The malleable brain allows a child to adapt to persistent trauma, and those adaptations can manifest in depression, personality disorders, alcoholism, and other behavioral health disorders if trauma is unaddressed. Unaddressed trauma, whether it be to an individual or to a cultural group, can present itself in future generations, creating intergenerational trauma that is difficult to interrupt. Identifying trauma is only the first step. To end the cycle of child trauma, child-serving systems and providers must not only understand the impact of trauma, but also use that understanding to inform every aspect of their practice with children and families.

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Helping Traumatized Children

A Brief Overview for Caregivers

Bruce D. Perry, M.D., Ph.D.

CAREGIVER SERIES

www.ChildTrauma.org



This booklet is one in a series developed by the ChildTrauma Academy to assist parents, caregivers, teachers and various professionals working with maltreated and traumatized children.

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Introduction

Each year in the United States approximately five million children experience some form of traumatic event. More than two million of these are victims of physical or sexual abuse. Millions more are living in the terrorizing atmosphere of domestic violence. Natural disasters, car accidents, life-threatening medical conditions, painful procedures, or exposure to community violence – all can have traumatic impact on the child. By the time a child reaches the age of eighteen, the probability that any child will have been touched directly by interpersonal or community violence is approximately one in three. Traumatic experiences can have a devastating impact on the child, altering their physical, emotional, cognitive and social development. In turn, the impact on the child has profound implications for their family, community and, ultimately, us all.

Traumatic events in childhood increase risk for a host of social (e.g., teenage pregnancy, adolescent drug abuse, school failure, victimization, anti-social behavior), neuropsychiatric (e.g., post-traumatic stress disorder, dissociative disorders, conduct disorders) and physical health problems (e.g., heart disease, asthma). The deterioration of public education, urban violence and the alarming social disintegration seen in some of our communities can be linked to the escalating cycles of abuse and neglect of our children.



For most children, thankfully, a traumatic event is a new experience. And like all new experiences, the unknown will add to the confusing and frightening circumstances surrounding this overwhelming experience. The trauma may significantly challenge the child's sense of the world. A flood, tornado, car accident, shooting or abuse by a caregiver - all challenge the child's beliefs about the stability and safety of their world. Very young children may not understand what happened and will be confused or even frightened by the reactions of their siblings or caregivers.

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The acute post-traumatic period is characterized by an attempt by the child to reorganize, reevaluate and restore their pre-traumatic world. Many of the emotional, behavioral and cognitive signs and symptoms of the acute post-traumatic period are due to these efforts. Unfortunately, children often do not have the same capacity to understanding or explaining most traumatic experiences. Young children may make many false assumptions about the event – “the tornado came because God was mad.”

As with most situations, children seek answers and comfort from adults around them, yet we often feel helpless in this role. Indeed, most traumatic experiences challenge the most mature and experienced adult. While adults do not have all the answers, they can help children better understand the traumatic event and the ways we respond following trauma.

This booklet addresses some of the key issues related to the child's complex set of reactions that often follow traumatic events. While focused on caregivers, this information may be helpful to caseworkers, teachers, other family and other adults working and living with traumatized children.

This simple guide is intended to inform and provide general principles -- it is not intended to be comprehensive or to exclude other observations or approaches to helping traumatized children. The more we understand these children and the impact of traumatic experiences, the more compassionate and wise we can be as we try to help these children.



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Frequently Asked Questions

1. Should I talk about the traumatic event?

Do not be afraid to talk about the traumatic event. Children do not benefit from 'not thinking about it' or 'putting it out of their minds.' If a child senses that her caregivers are upset about the event, she will not bring it up. In the long run, this only makes the child's recovery more difficult. A good rule of thumb is to let the child guide when you talk about it. If the child doesn't ask about or mention it, don't bring it up on your own, but when the child brings it up or seems to be thinking about it (see below), don't avoid discussion. Listen to the child, answer questions, and provide comfort and support. We often have no adequate explanations about senseless death or traumatic events. It is just fine to tell children that you do not know why something happened or that you get confused and upset by it, too. In the end, listening and comforting a child without avoiding or over-reacting will have long-lasting positive effects on the child's ability to cope with trauma.

2. How should I talk about the event?

Use age-appropriate language and explanations. The timing and language used are important. Immediately following the trauma, the child will not be very capable of processing complex or abstract information (see Table). As the child gets further away from the event, she will be able to focus longer, digest more and make more sense of what has happened. Sometimes young children act as if they have not 'heard' anything you have said. It takes many individual many moments of sad clarity or the reality of the trauma to actually sink in for young children. Between these moments of harsh reality, children use a variety of coping techniques – some of which can be confusing or upsetting for adults.

During this long process, the child continues to 're-experience' the traumatic event. In play, drawing and words, the child may repeat, re-enact and re-live some elements of the traumatic loss. Surviving adults will hear children ask the same questions again and again. They may be asked to describe 'what happened' again and again. The child may develop profound 'empathic' concerns for others experiencing trauma, including cartoon characters and

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animals. "Is Mickey Mouse scared?" Or as they put their stuffed animals under the bed, they may explain "They have to go hide because the bad guy is coming with a gun." The child will experience and process the very same material differently at different times following the trauma. In the long run, the opportunity to process and re-process many times will facilitate healthy coping. This re-processing may take place throughout the development of a given child. Even years after the original trauma, a child may 'revisit' the loss and struggle to understand it from their current developmental perspective. An intensity of emotional feelings will often be seen on various anniversary dates following the trauma (e.g., one week, one month and one year). Children may develop unusual fears of specific days – "Bad things happen on Fridays."

One of the most important elements in this process is that children of different ages have different styles of adapting and different abilities to understand abstract concepts often associated with trauma such as death, hate or the randomness of a tomado's path or a drunk driver hitting their car.

3. Should I talk to others about the traumatic event?

Yes. Inform adults and children in the child's world what has happened. Let teachers, counselors, parents of the child's friends and, if appropriate, the child's peers know some of the pain that this child is living with. Sometimes this can allow the people in the child's life to give them the small amount of tolerance, understanding or nurturing that will smooth the way. People can often be intolerant or insensitive when dealing with the traumatized child "Isn't it about time they got over this?" When you see that this is occurring don't be shy about taking this person aside and educating them about the long-lasting effects of traumatic events and the long process of recovery.

4. How long to these reactions last?

An acute post-traumatic change in feeling, thinking and behaving is normal – persistence or extreme symptoms are not. Many clinicians working with traumatized have noted that the persistence of symptoms beyond three months is associated with increased risk for problems. If symptoms of re-experiencing, avoidance, fearfulness, sleep problems, nightmares, sadness or poor school or social functioning persist beyond three months, they need to be addressed. If they persist for six months or if the symptoms interfere with any aspect of

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functioning, you should have the child see a professional. If the child is in therapy, communicate this with the therapist. Find out if school performance has been affected. Watch for changes in patterns of play and loss of interest in activities. Be observant. Be patient. Be tolerant. Be sympathetic. These children have been terrified and hurt.

In many cases, some form of post-traumatic symptom can last for many years. Indeed, more than thirty percent of children living through traumatic stress develop some form of post-traumatic stress disorder (PTSD) . This is a chronic disorder requiring the attention of mental health professionals.

5. Do children understand events accurately?

Young children often make false assumptions about the causes of major events. Unfortunately these assumptions may include some sense that they were at fault for the event -- including the death of a loved one. Adults often assume that causality is clear -- dying in a car accident, being shot in a drive-by shooting, dying in a fire. The child may very easily distort an event and make the wrong conclusions about causality. Mom died in the car accident because she was coming to get me at school. The other driver was mad at her. My brother is dead because he was helping me with my homework. The person that shot my brother was shooting at me and hit my brother because he was in my room. The tornado was God's way of punishing my family. In many of these distorted explanations, children assume some degree of responsibility for the traumatic event. This can lead to very destructive and inappropriate feelings of guilt.

Be clear. Explore the child's evolving sense of causality. Correct and clarify as you see false reasoning develop. Over time, the ability of the child to cope is related to the ability of the child to understand. While some elements of trauma seem beyond understanding, this can be explained to a child -- some things we don't know. Don't let the child develop a sense that there is a secret about the event -- this can be very destructive. Let the child know that adults can not and will not understand some things either.

6. Do all children have problems after traumatic events?

The majority of children experiencing trauma will have some change in their behavior and emotional functioning. In addition to the symptoms listed above,

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these children will often be more irritable, tired and regressed. Fortunately, however, for the majority of these children these symptoms are short-lived. Some children may exhibit no easily observable changes in their thinking, feeling or behaving. In general, the more threatened a child felt, the closer they were to injury or death, the more the event disrupted or traumatized their family or community, the more likely there will be symptoms. In some cases, children's symptoms do not show up for many weeks or even months after the traumatic event, confusing many caregivers. Indeed, in these cases, caregivers or teachers may not even make a connection between the symptoms and the traumatic event.



How Can I Help?

- 1. Don't be afraid to talk about the traumatic event.** Children do not benefit from 'not thinking about it' or 'putting it out of their minds'. If a child senses that his/her caretakers are upset about the event, they will not bring it up. In the long run, this only makes the child's recovery more difficult. Don't bring it up on your own, but when the child brings it up, don't avoid discussion, listen to the child, answer questions, and provide comfort and support. We often have no good verbal explanations, but listening and not avoiding or over-reacting to the subject and then comforting the child will have a critical and long-lasting positive effect.

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2. Provide a consistent, predictable pattern for the day. Make sure the child has a structure to the day and knows the pattern. Try to have consistent times for meals, school, homework, quiet time, playtime, dinner and chores. When the day includes new or different activities, tell the child beforehand and explain why this day's pattern is different. Don't underestimate how important it is for children to know that their caretakers are 'in control.' It is frightening for traumatized children (who are sensitive to control) to sense that the people caring for them are, themselves, disorganized, confused and anxious. There is no expectation of perfection; caretakers themselves have often been affected by the trauma and may be overwhelmed, irritable or anxious. If you find yourself being this way, simply help the child understand why, and that these reactions are normal and will pass.

3. Be nurturing, comforting and affectionate, but be sure that this is in an appropriate 'context.' For children traumatized by physical or sexual abuse, intimacy is often associated with confusion, pain, fear and abandonment. Providing a hug, a kiss and other physical comfort to a young child can be very reassuring. A good working principle for this is to be physically affectionate when the child seeks it. When the child walks over and touches you, return in kind. The child will want to be held or rocked – feel free. On the other hand, try not to interrupt the child's play or other free activities by grabbing them and holding them. Further, be aware that many children from chronically distressed settings may have what we call attachment problems. They will have unusual and often inappropriate styles of interacting.

Do not tell or command them to 'give me a kiss' or 'give me a hug.' Abused children often take commands very seriously. It reinforces a very malignant association linking intimacy/physical comfort with power (which is inherent in a caregiving adult's command to 'hug me').

4. Discuss your expectations for behavior and your style of 'discipline' with the child. Make sure that there are clear 'rules' and consequences for breaking the rules. Make sure that both you and the child understand beforehand the specific consequences for compliant and non-compliant behaviors. Be consistent when applying consequences. Use flexibility in

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consequences to illustrate reason and understanding. Utilize positive reinforcement and rewards. Avoid physical discipline.

- 5. Talk with the child.** Give them age appropriate information. The more the child knows about who, what, where, why and how the adult world works, the easier it is to 'make sense' of it. Unpredictability and the unknown are two things which will make a traumatized child more anxious, fearful, and therefore, more symptomatic. They may be more hyperactive, impulsive, anxious, and aggressive and have more sleep and mood problems. Without factual information, children (and adults) 'speculate' and fill in the empty spaces to make a complete story or explanation. In most cases, the child's fears and fantasies are much more frightening and disturbing than the truth. Tell the child the truth, even when it is emotionally difficult. If you don't know the answer yourself, tell the child. Honesty and openness will help the child develop trust.
- 6. Watch closely for signs of re-enactment** (e.g., in play, drawing, behaviors), **avoidance** (e.g., being withdrawn, daydreaming, avoiding other children) **and physiological hyper-reactivity** (e.g., anxiety, sleep problems, behavioral impulsivity). All traumatized children exhibit some combination of these symptoms in the acute post-traumatic period. Many exhibit these symptoms for years after the traumatic event. When you see these symptoms, it is likely that the child has had some reminder of the event, either through thoughts or experiences. Try to comfort and be tolerant of the child's emotional and behavioral problems. These symptoms will wax and wane - sometimes for no apparent reason. The best thing you can do is to keep some record of the behaviors and emotions you observe (keep a diary) and try to observe patterns in the behavior.
- 7. Protect the child.** Do not hesitate to cut short or stop activities that are upsetting or re-traumatizing for the child. If you observe increased symptoms in a child that occur in a certain situation or following exposure to certain movies, activities and so forth, avoid these activities. Try to restructure or limit activities that cause escalation of symptoms in the traumatized child.

- 8. Give the child 'choices' and some sense of control.** When a child, particularly a traumatized child, feels that they do not have control of a situation, they will predictably get more symptomatic. If a child is given some choice or some element of control in an activity or in an interaction with an adult, they will feel safer, comfortable and will be able to feel, think and act in a more 'mature' fashion. When a child is having difficulty with compliance, frame the 'consequence' as a choice for them - "You have a choice- you can choose to do what I have asked or you can choose....." Again, this simple framing of the interaction with the child gives them some sense of control and can help defuse situations where the child feels out of control and therefore, anxious.

- 9. If you have questions, ask for help.** These brief guidelines can only give you a broad framework for working with a traumatized child. Knowledge is power; the more informed you are, the more you understand the child, the better you can provide them with the support, nurturing and guidance they need. Take advantage of resources in your community. Each community has agencies, organizations and individuals coping with the same issues. They often have the support you may need to help you.



Special Considerations for Traumatized Infants

1. Can infants recall a traumatic experience later in life? The key word in this question is "recall." Unfortunately, for most, the concept of memory is limited to the storage and recall of cognitive, narrative memory. In this conceptualization, a preverbal infant would not be capable of "remembering" and "recalling" any event. Furthermore, we are all familiar with the developmental amnesia that occurs at approximately age three. In this normal developmental phase, there appears to be a reorganization of cognitive and memory functions such that narrative memory for events prior to age three or four are difficult to access later in life. These two points have led to the pervasive, inaccurate and destructive view that infants do not recall traumatic experience, including sexual abuse. Nothing could be further from the truth.

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The human brain has multiple ways to "recall" experience. Indeed, the brain is designed to store and recall information of all sorts – motor, vestibular, emotional, social and cognitive. When you walk, play the piano, feel your heart race in an empty parking lot at night, feel calmed by the touch of a loved one or create a "first impression" after meeting someone for first time, you are using memory. All incoming sensory information creates neuronal patterns of activity that are compared against previously experienced and stored patterns. New patterns can create new memories. Yet the majority of these stored memory templates are based upon experiences that took place in early childhood – the time in life when these patterns of neuronal activity were first experienced and stored. And the majority of our 'memories' are non-cognitive and pre-verbal. It is the experiences of early childhood that create the foundational organization of neural systems that will be used for a lifetime.

This is why, contrary to popular perception, infants and young children are more vulnerable to traumatic stress – including sexual abuse. If the original experiences of the infant with primary caregiving adults involve fear, unpredictability, pain and abnormal genital sensations, neural organization in many key areas will be altered. For example, abnormal associations may be created between genital touch and fear, thereby laying the foundation for future problems in psychosexual development. Depending upon the specific nature of the abuse, the duration, the frequency and the time during development, a host of problems can result. In many ways, the long-term adverse effects of sexual abuse in infancy are the result of memories – physiological state memories, motor-vestibular memories and emotional memories, which in later years can be triggered by a host of cues that are pervasive. Incestuous abuse in infancy is most destructive in this regard. It will result in the association of fear, pain and unpredictability into the very core of future human functioning – the primary relational templates. If these original 'templates' for all future relationships are corrupted by sexual exploitation and abuse, the child will have a lifetime of difficulties with intimacy, trust, touch and bonding – indeed the core elements of healthy development and functioning throughout the lifecycle will be altered.

Furthermore, if the child is maltreated or abused during early childhood, they may not have any cognitive "memory" and be completely unaware that the source of their fears, difficulties with intimacy and relationships has its roots in this betrayal in infancy. This can lead to problems with self-esteem and, will make any therapeutic efforts more difficult.

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2. Can trauma during infancy arrest cognitive, emotional or behavioral development? The abuse of an infant is often accompanied by extreme disruptions of normal caregiving behaviors and by extreme and prolonged stress responses. Altered caregiving and a prolonged stress response will alter the development of the infant. The major mediators of emotional, cognitive and social environment and, therefore, learning during infancy are the primary caregivers. Development in all domains can be disrupted if these primary relationships are compromised. As mentioned above, it is almost inevitable that emotional, behavioral and cognitive development will be arrested by early traumatic experience.

3. Are there physiological changes in the brain resulting from a traumatic event? As mentioned above, the brain is designed to change in response to experience. Indeed, all experience changes the brain. With traumatic experiences, the changes are in those parts of the brain involved in the stress and fear responses. Many studies with adults and, now with children, have demonstrated a host of neurophysiological changes that are related to traumatic stress. While many more well-controlled studies are needed, it is likely that certain brainstem catecholamine systems (e.g., locus coeruleus noradrenergic), limbic areas (e.g., amygdala), neuroendocrine (e.g., hypothalamic-pituitary-adrenal axis) and cortical systems involved in regulating stress and arousal may all be altered in traumatized children.

4. Do infants display problems similar to older children who are traumatized or abused? The long-term problems that result from maltreatment will vary as a function of several key factors: what is the nature of the abuse, the duration, frequency, intensity, time during development and the presence of attenuating factors such as other caring, attentive caregivers in the child's life. In general, however, with all traumatic experiences, the earlier in life, the less "specific" and more pervasive the resulting problems appear to be. For example, when traumatized as an adult, there is a specific increase in sympathetic nervous system reactivity when exposed to cues associated with the traumatic event. With young children, following traumatic stress, there appears to be a generalized increase in autonomic nervous system reactivity in addition to the cue-specific reactivity. Due to the sequential and functionally interdependent nature of development, traumatic disruption of the organization and functioning of neural system can result in a cascade of related disrupted

development and dysfunction. Examples of this include the motor and language delays in traumatized children under age six. The "causes" of these delays are likely due to the primary, trauma-induced alterations in other domains (e.g., the stress response systems, thereby influencing physiological reactivity, hypervigilance, concentration), which, in turn, impair the young child's willingness to explore, capacity to process new information and ability to focus long enough on new information to learn.



Key Points: Helping Traumatized Infants

- Anything that can decrease the intensity and duration of the acute fear response (alarm or dissociative) will decrease the probability of that the infant or young child will have long term emotional, behavioral, social or cognitive problems. The longer an infant stays in a fear state, the more likely it will be that she will have problems.
- In general, structure, predictability and nurturing are key elements to a successful early intervention with a traumatized infant.
- The primary source of these key elements is the primary caregiver. Therefore, it is critical to help the caregivers understand as much about post-traumatic responses as possible. Further it is crucial to be sensitive to the needs of the caregiver.
- If the primary caregivers are impacted by the same trauma, it is imperative that they get treatment that compliments the work with the child. Indeed, the best intervention for infants and young children is treating the primary caregiving adults. As they become less anxious, fearful and impaired, the more available they are to the infant and toddler.
- Early assessment and intervention can be prophylactic -- helping prevent a prolonged acute neurophysiologic, neuroendocrine and neuropsychological trauma response. If an infant or young child has been in a traumatic event, or if the primary caregiver of young children has been traumatized, early aggressive intervention can be crucial.
- Contrary to popular belief, even infants and very young children experiencing traumatic events can be affected. Indeed, there is increasing evidence to suggest that the younger a child, the more pervasive are the post-traumatic problems. These are a few simple points to keep in mind. The infant's world is defined by his or her caregivers. If the caregivers are pre-occupied, depressed, anxious, exhausted or absent due to post-traumatic symptoms, this will adversely impact the infant and toddler.

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About the drawings:

The Weeping Sun: from a drawing by a 12 yo Kosovar girl living in an Albanian refugee camp following displacement in 1999.*

The Firing Squad: from a drawing by an 11 yo Kosovar boy after witnessing the murders of members of his village in 1999.*

Mother and Child: from a drawing of the experiences of a 10 yo Kosovar boy.*

* Drawings from the collection of Dr. Shoaib (A trainee at the ChildTrauma program in 1998) obtained during clinical work at Kosovar refugee camps in Albania in 1999.



The Traumatized Child and Threat

<i>Adaptive</i>	REST	VIGILANCE	FREEZE	FLIGHT	FIGHT
<i>Hyperarousal</i>	REST	VIGILANCE	RESISTANCE	DEFIANCE	AGGRESSION
<i>Dissociative</i>	REST	AVOIDANCE	COMPLIANCE	DISSOCIATION	FAINING
<i>Regulating</i>	NEOCORTEX	CORTEX	LIMBIC	MIDBRAIN	BRAINSTEM
<i>Cognition</i>	ABSTRACT	CONCRETE	EMOTIONAL	REACTIVE	REFLEXIVE
AROUSAL	CALM	ALERT	ALARM	FEAR	TERROR

When we are under threat, our minds and bodies will respond in an adaptive fashion, making changes in our state of arousal (mental state), our style of thinking (cognition) and in our body's physiology (e.g., increase heart rate, muscle tone, rate of respiration). To understand how we respond to threat it is important to appreciate that as we move along the arousal continuum - from calm to arousal to alarm, fear and terror - different areas of our brain control and orchestrate our mental and physical functioning. The more threatened we become, the more 'primitive' (or regressed) our style of thinking and behaving becomes. When a traumatized child is in a state of alarm (because they are thinking about the trauma, for example) they will be less capable of

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concentrating, they will be more anxious and they will pay more attention to 'non-verbal' cues such as tone of voice, body posture and facial expressions. This has important implications for understanding the way the child is processing, learning and reacting in a given situation.

The key to understanding traumatized children is to remember that they will often, at baseline, be in a state of low-level fear -- responding by using either a hyperarousal or a dissociative adaptation -- and that their emotional, behavioral and cognitive functioning will reflect this (often regressed) state. The key points outlined in this booklet help a caregiver provide the structure, predictability and sense of safety that can help keep traumatized children from staying in a state of fear too long. And help them understand how the behaviors of the child can regress (move to the right on the Arousal Continuum).



Glossary

Trauma: A psychologically distressing event that is outside the range of usual human experience, often involving a sense of intense fear, terror and helplessness.

Post-traumatic Stress Disorder (PTSD): A neuropsychiatric disorder that may develop following a traumatic event that includes changes in emotional, behavioral and physiological functioning.

These resources will be periodically updated and posted in a special section of the ChildTrauma Academy web site www.ChildTrauma.org. Visit this site for updates and for other resource materials about traumatic events and children.



About the Author

Dr. Perry is the Senior Fellow of The ChildTrauma Academy, a not-for-profit organization based in Houston, TX (www.ChildTrauma.org), and adjunct Professor in the Department of Psychiatry and Behavioral Sciences at the Feinberg School of Medicine at Northwestern University in Chicago. He serves as the inaugural Senior Fellow of the Berry Street Childhood Institute, an Australian based center of excellence focusing on the translation of theory into practice to improve the lives of children.

Dr. Perry is the author, with Maia Szalavitz, of *The Boy Who Was Raised As A Dog*, a bestselling book based on his work with maltreated children and *Born For Love: Why Empathy is Essential and Endangered*. His most recent multimedia books, *BRIEF: Reflections on Childhood, Trauma, and Society* and *RESILIENT: Six Core Strengths for Healthy Development* were released in 2013. Over the last thirty years, Dr. Perry has been an active teacher, clinician and researcher in children's mental health and the neurosciences holding a variety of academic positions.

Dr. Perry has conducted both basic neuroscience and clinical research. His experience as a clinician and a researcher with traumatized children has led many community and governmental agencies to consult Dr. Perry following high-profile incidents involving traumatized children such as the Branch Davidian siege in Waco, the Oklahoma City bombing, the Columbine school shootings, the September 11th terrorist attacks, Katrina hurricane, the FLDS polygamist sect and most recently, the earthquake in Haiti, the tsunami in Tohoku Japan, and the recent Sandy Hook Elementary school shootings.

Dr. Perry is the author of over 500 journal articles, book chapters and scientific proceedings and is the recipient of numerous professional awards and honors. He has presented about child maltreatment, children's mental health, neurodevelopment and youth violence in a variety of venues including policy-making bodies such as the White House Summit on Violence, the California Assembly and U.S. House Committee on Education. Dr. Perry has been featured in a wide range of media including National Public Radio, The Today Show, Good Morning America, Nightline, CNN, MSNBC, NBC, ABC and CBS News and the Oprah Winfrey Show.

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About The ChildTrauma Academy

The ChildTrauma Academy (CTA) is a not-for-profit organization based in Houston, Texas working to improve the lives of high-risk children through direct service, research and education. A major activity of the CTA is to translate emerging findings about the human brain and child development into practical implications for the ways we nurture, protect, enrich, educate and heal children. The “translational neuroscience” work of the CTA has resulted in a range of innovative programs in therapeutic, child protection and educational systems.

The mission of the ChildTrauma Academy is to help improve the lives of traumatized and maltreated children — by improving the systems that educate, nurture, protect and enrich these children. We focus our efforts on education, service delivery, program consultation, research and innovations in clinical assessment/treatment.

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Children's Residential Program

How to Read an LIS Output

Use this quick reference guide to better understand the content detail of an LIS Output.

Section 1: Profile Page

LIS Unique ID for the individual searched: LIS269A
PER ID: 7511111111

Type of Clearance
 - Types depend on ORI number
 - Examples: Licensing, Trustline

Status: Active/Active Not Working/Inactive/Closed
 Profiles become inactive when not working for 2 years.

LICENSING INFORMATION SYSTEM PERSONNEL HISTORY INFORMATION
 DATE: 12/16/16 SECTION:
 TYPE: LICENSING LAST UPDATE: 08/29/97 STATUS: INACTIVE

Exempt Analyst: Assigned Caregiver Background Check Bureau (CBCB) Analyst #

NAME	LAST: DOE	FIRST: JANE	MI:
AKA1	LAST:	FIRST:	MI:
AKA2	LAST:	FIRST:	MI:
AKA3	LAST:	FIRST:	MI:
AKA4	LAST:	FIRST:	MI:

BIRS: Background Information Review System (for certain types of Clearance Transfers)

DATE OF BIRTH: 10/10/1910 SEX: F LIC 508: N EXEMPT ANALYST: 0
 SSN: 100101000 CDL NO.: COMMENTS LIC 508: CII NO.: BIRS: 0

Name/AKA: LIS can track up to 4 aliases

Comments: Additional comments from CCLD
 CII: Crime Information Intelligence System (CAL-CII)
 LIC 508: Criminal Record Statement Form on File, Y/N

ENTER R = RETURN TO INPUT SCREEN ENTER = CONTINUE ==>

Section 2: DOJ Clearance Information (CCLD)

Shows arrests and events such as exemptions from CBCB

Overall Status: Most recent overall clearance status

LIS269A LICENSING INFORMATION SYSTEM DATE: 12/16/16
 PER ID: 7509050018 PERSONNEL HISTORY INFORMATION SECTION: 2
 TLR ID: 0772783

***** LIC - DOJ CRIMINAL RECORD CLEARANCE DATA *****

OVERALL STATUS : RAP Received

DEPARTMENT OF JUSTICE CLEARANCE DATES:

05/19/2009	PENDING-Response	PEN-DOJ Response
09/16/2009	RAP Received	Rap received DOJ
09/16/2009	RAP Received -Misdemeanor	Misdemeanor
09/16/2009	RAP Received -Misdemeanor	Not on simplified list
09/16/2009	RAP Received -Misdemeanor	Not RCFE or ARF
09/16/2009	PENDING-Exemption Needed-Out	Out Facility
09/16/2009	PENDING-Exemption Needed-Out	No Letter Sent
09/16/2009	PENDING-Exemption Needed-Out	Exemption not requested
09/16/2009	PENDING-Exemption Needed-Out	Emp/Res
09/16/2009	PENDING Transfer	Transfer Process
09/16/2009	PENDING-Exemption Needed-Out	Emp/Res

Oldest ↑
 ↓ Newest

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

Section 3: FBI Clearance Information (CCLD)

Shows any background check responses from the FBI

```
LIS269A                LICENSING INFORMATION SYSTEM        DATE: 12/16/16
PER ID: 7509050018     PERSONNEL HISTORY INFORMATION        SECTION: 3
TLR ID: 0772783
```

***** LIC - FBI CRIMINAL RECORD CLEARANCE DATA *****

OVERALL STATUS : RAP Received

FEDERAL BUREAU OF INVESTIGATION CLEARANCE DATES:

05/19/2009	PENDING-Response	FEN-FBI Response
09/16/2009	PENDING Transfer	Transfer Process
09/16/2009	PENDING-Response	FEN-FBI Response
12/12/2011	CLEARED	Cleared FBI

Shows arrest events and type of offense (Felony, Misdemeanor)

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

Section 4: Child Abuse Registry Information (CCLD)

Shows any responses from the Child Abuse Central Index (CACI)

```
LIS269A                LICENSING INFORMATION SYSTEM        DATE: 12/16/16
PER ID: 7509050018     PERSONNEL HISTORY INFORMATION        SECTION: 4
TLR ID: 0772783
```

***** LIC - CHILD ABUSE REGISTRY STATUS *****

OVERALL STATUS : RAP Received

CARI CLEARANCE DATES:

05/19/2009	PENDING-Response	FEN-CA Response
05/19/2009	CLEARED	Cleared CA
09/16/2009	PENDING Transfer	Transfer Process
09/16/2009	CLEARED	Cleared CA
05/31/2012	PENDING-Possible Match CA	Possible Match Subsequent
08/23/2012	CLEARED	Cleared CA

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

Section 5: DOJ Clearance Information (Trustline)

Same type of Information as Section 2, but transferred from Trustline Registry

LIS269A LICENSING INFORMATION SYSTEM DATE: 12/16/16
PER ID: 7505111652 PERSONNEL HISTORY INFORMATION SECTION: 5
TLR ID: 0620738

***** TLR - DOJ CRIMINAL RECORD CLEARANCE DATA *****

OVERALL STATUS : PENDING-Possible Match CA

DEPARTMENT OF JUSTICE CLEARANCE DATES:

09/28/2005 PENDING-Response	PEN-DOJ Response
09/28/2005 RAP Received	Rap received DOJ
09/28/2005 RAP Received	Not a duplicate rap
09/28/2005 RAP Received -Misdemeanor	Misdemeanor
09/28/2005 CLEARED*-Simplified Exemption	TLR-35
09/28/2005 CLEARED*-Simplified Exemption	Cleared Simplified
10/28/2011 RAP Received	Re Select Rap Received Respons
10/28/2011 CLEARED*-BIRS	Arrest Only
10/28/2011 CLEARED*-BIRS	Not on DSS Clearance list
10/28/2011 CLEARED*-BIRS	Arrest Referral
10/28/2011 CLEARED*-BIRS	Referrable crime without convi

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

Section 6: FBI Clearance Information (Trustline)

Same type of Information as Section 3, but transferred from Trustline Registry

LIS269A LICENSING INFORMATION SYSTEM DATE: 12/16/16
PER ID: 7509050018 PERSONNEL HISTORY INFORMATION SECTION: 6
TLR ID: 0772783

***** TLR - FBI CRIMINAL RECORD CLEARANCE DATA *****

OVERALL STATUS : RAP Received -Felony

FEDERAL BUREAU OF INVESTIGATION CLEARANCE DATES:

12/06/2011 PENDING-Response	PEN-FBI Response
12/12/2011 RAP Received	RAP Initial

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

Section 7: Child Abuse Registry Information (Trustline)

Same type of Information as Section 4, but transferred from Trustline Registry

```

LIS269A                LICENSING INFORMATION SYSTEM          DATE: 12/16/16
PER ID: 7509050018    PERSONNEL HISTORY INFORMATION          SECTION: 7
TLR ID: 0772783

*****                TLR - CHILD ABUSE REGISTRY STATUS          *****

OVERALL STATUS : RAP Received -Felony

CARI CLEARANCE DATES:

12/06/2011 PENDING-Response          PEN-CA Response
01/31/2012 PENDING-Possible Match CA Possible match
01/31/2012 PENDING-Possible Match CA New applicant
01/31/2012 PENDING-Possible Match CA BIRS-7A
01/31/2012 PENDING-Possible Match CA Response received from applica
01/31/2012 PENDING-Possible Match CA FAX'ed info to CPA
01/31/2012 PENDING-Possible Match CA Trustline criteria not met
01/31/2012 PENDING-Possible Match CA Mailed RIS report
01/31/2012 PENDING-Possible Match CA Not cleared RIS report
01/31/2012 PENDING-Possible Match CA TLR-40
01/31/2012 PENDING-Possible Match CA Possible Match Appealed
-----
ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

```

Section 8: Administrative Actions

Shows any actions taken against the individual by CCLD Legal Division

```

LIS269A                LICENSING INFORMATION SYSTEM          DATE: 12/16/16
PER ID: 7511111111    PERSONNEL HISTORY INFORMATION          SECTION: 8
*****                ADMINISTRATIVE ACTIONS                    *****

LEGAL CASE NUMBER: 1234567890
STATUS: PENDING
FACILITY NAME: TEST FAMILY AGENCY
FACILITY NUMBER: 012345678
FACILITY RESIDENCE STREET ADDRESS: 9700 SNOOPY RD, BLDG 1 STE B
FACILITY CITY: RANCHO CUCAMONGA      STATE: CA  ZIP CODE: 91730
LICENSEE NAME: TEST FOSTER FAMILY AGENCY
PERSONNEL TYPE: EMPLOYEE
DATE OF LAST UPDATE: 09/22/15      D.O.: 19

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This section should match information from LAARS

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ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

```

Section 9: Supplemental Personal History

This section shows any Sex Offender Registry information

```
LIS269A          LICENSING INFORMATION SYSTEM      DATE: 12/16/16
PER ID: 0888036999  PERSONNEL HISTORY INFORMATION      SECTION: 9
*****          SUPPLEMENTARY PERSONAL HISTORY          *****
VIOLATION CATEGORY: SEXUAL MOLESTATION
PERSONNEL TYPE: EMPLOYEE
DATE VIOLATION SUBSTANTIATED: 02/17/88  D.O.: 08
```

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

Section 10: Statewide Licensing Match

Tracks information for Statewide Licensing Match system, like unpaid child support which must be paid before a license can be granted.

```
LIS269A          LICENSING INFORMATION SYSTEM      DATE: 12/16/16
PER ID: 7511012166  PERSONNEL HISTORY INFORMATION      SECTION: 10
*****          STATEWIDE LICENSING MATCH              *****
NO STATEWIDE LICENSING MATCH
```

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

Section 11: Facility Association History

Reports all facilities where the individual has worked.

- Association histories are always one entry per page.

- First entry seen is the oldest and each page is progressively newer.

LIS269A LICENSING INFORMATION SYSTEM DATE: 12/16/16
PER ID: 7509050018 PERSONNEL HISTORY INFORMATION SECTION: 11
TLR ID: 0772783

***** FACILITY ASSOCIATIONS *****

FACILITY NAME: GH CERTIFICATION
FACILITY NO. : 345577777
FACILITY TYPE: DUMMY FACILITY
FACILITY RESIDENCE STREET ADDRESS: 744 P STREET, MS 9-14-47
FACILITY CITY: SACRAMENTO STATE: CA ZIP CODE: 95814
FACILITY PHONE NUMBER: (916) 445-2154

LICENSEE NAME: CERTIFICATION
PERSONNEL TYPE: FACIL ADMINISTRATOR
D.O.: 55 ASSOCIATION ACTIVE: NO
DATE ASSOCIATION BEGAN: 05/01/09 DATE ASSOCIATION ENDED: 09/16/09

*Personnel Type: Position in which
they were associated with the facility*

D.O.: CCLD District Office that licensed the facility

ENTER R = RETURN TO INPUT SCREEN B = PREV SECTION ENTER = CONTINUE ==>

**Non-Exemptible Crimes for all CCLD Licensed Facility Types
(Revised 7/15)**

1. Penal Code Section 37 – Treason
2. Penal Code Section 128 – Perjury resulting in the execution of an innocent person
3. Penal Code Section 136.1 with 186.22 – Felony Intimidation of Witnesses and Victims/ Gangs Related
4. Penal Code Sections 187, 190-190.4 and 192(a) etc. – Any Murder/ Attempted Murder/ Voluntary Manslaughter
5. Penal Code Sections 205 etc. – Any Mayhem
6. Penal Code Section 206 – Torture
7. Penal Code Sections 207, 208, 209, 209.5 – Kidnapping
8. Penal Code Sections 211, 212, 212.5, 213, 214 – Any Robbery
9. Penal Code Section 215 – Carjacking
10. Penal Code Section 218 or 219 – Train Wrecking
11. Penal Code Section 220 – Assault with intent to commit mayhem, rape, sodomy or oral copulation, etc.
12. Penal Code Section 243.4 – Sexual Battery and attempted
13. Penal Code Section 261(a)(1)(2)(3)(4) or (6) – Rape and attempted
14. Penal Code Section (a)(1) or (4) – Rape of Spouse
15. Penal Code Section 264.1 – Rape in concert and attempted
16. Penal Code Section 266 – Enticing minor into prostitution and attempted
17. Penal Code Section 266c – Induce to sexual intercourse, etc. by fear or consent through fraud
18. Penal Code Section 266h(b) – Pimping a minor
19. Penal Code Section 266i(b) – Pandering a minor
20. Penal Code Section 266(j) – Providing a minor under 16 for lewd or lascivious act
21. Penal Code Section 267 – Abjection for prostitution and attempted
22. Penal Code Section 269 – Aggravated assault of a child
23. Penal Code Section 272 – Contributing to delinquency of a minor and attempted
24. Penal Code Section 273a(a) or 273a(1) if the conviction was prior to January 1, 1994 – Willfully causing or permitting any child to suffer under circumstances or conditions likely to produce great bodily harm or death
25. Penal Code Section 273ab – assault of a child that produces great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature or death
26. Penal Code Section 273d – Willfully inflicting any cruel or inhuman corporal punishment or injury on a child
27. Penal Code Section 285 – Incest and attempted
28. Penal Code Section 286 – Sodomy
29. Penal Code Section 288 – Lewd or lascivious act upon a child under 14 and attempted
30. Penal Code Section 288a – Oral Copulation
31. Penal Code Section 288.2 – Distributing lewd material to children and attempted
32. Penal Code Section 288.3 – Contact with a minor to commit sexual offense
33. Penal Code Section 288.4 – Meeting with a minor for sexual purpose
34. Penal Code Section 288.5 – Continuous sexual abuse of a child and attempted
35. Penal Code Section 288.7 – Sexual conduct with a child ten years or younger

36. Penal Code Section 289 – Genital or anal penetration by foreign object and attempted
37. Offenses listed at Penal Code Section 290(c) – Registration of sex offenders (All such offenses are included in this list)
38. Penal Code Section 311.1 – Sent or brought into state for Possession or distribution: child-related pornography and attempted
39. Penal Code Section 311.2(b), (c) or (d) – Sending or bringing into state, Possessing for distribution: child related pornography and attempted
40. Penal Code Section 311.3 – Sexual exploitation of a child and attempted
41. Penal Code Section 311.4 – Using a minor to assist in making or distributing child pornography and attempted
42. Penal Code Section 311.10 – Advertising or distributing child pornography and attempted
43. Penal Code Section 311.11 – Possessing child pornography and attempted
44. Penal Code Section 314(1) or (2) – Lewd or obscene exposure of private parts and attempted
45. Penal Code Section 347(a) – Poisoning or adulterating food, drink, medicine, pharmaceutical products, spring, well, or reservoir
46. Penal Code Section 368 – Elder or dependent adult abuse
47. Penal Code Section 417(b) – Drawing, Exhibiting, or Using Firearm or Deadly Weapon on the grounds of a day care center
48. Penal Code Section 451(a) – Arson with great bodily injury
49. Penal Code Section 451(b) – Arson of an inhabited structure or property – Applies to Family Child Care Homes, Child Care Centers and TrustLine Registry only
50. Penal Code Sections 518 with 186.22 – Extortion/ gang related
51. Penal Code Section 647.6 or prior to 1987 former section 647a – Annoy, molest child under 18 and attempted
52. Penal Code Section 653f(c) – Solicit another to commit rape, sodomy, etc.
53. Penal Code Section 664/187 – Any Attempted Murder
54. Penal Code Section 667.5(c)(7) – Any Felony punishable by death or imprisonment in the state prison for life without possibility of parole but not for an indeterminate sentence.
55. Penal Code Section 667.5(c)(8) – Enhancement for any felony which inflicts great bodily injury
56. Penal Code Sections 12308, 12309, 12310 – Exploding or igniting or attempting to explode or ignite any destructive device or explosive with the intent to commit murder
57. Penal Code Section 12022.53 – Enhanced Sentence for listed felonies where use of firearm
58. Penal Code Section 11418(b)(1) or (b)(2) – Weapons of Mass Destruction
59. Business and Professions Code Section 729 – Sexual Exploitation by Physicians, Surgeons, Psychotherapists, or Alcohol and Drug Abuse Counselors

STATEWIDE INTERCOUNTY PROTOCOL
FOR
RESOURCE FAMILY APPROVAL and EMERGENCY PLACEMENTS

I. PURPOSE

The purpose of this Statewide Intercounty Protocol is to provide guidance when a county seeks the emergency placement and/or approval of a Resource Family home within the geographic boundaries of another county. This protocol does not relate to the courtesy supervision of a dependent child in another county. This agreement shall apply to county child welfare agencies when managing their own approvals and in those instances when the child welfare department has agreed to approve/monitor resource families recruited by probation departments.

II. DEFINITIONS

- a. "Approving county" means the county that completes the RFA process for a family.
- b. "Emergency placement" means a placement of a child or NMD with a relative or nonrelative extended family member (NREFM) (not currently licensed, certified or approved) prior to Resource Family Approval.
- c. "Foster Child" means any person who is a dependent, non-minor dependent or ward of the Juvenile Court in a California County.
- d. "Host County" means the county that is the legal residence of the Resource Family.
- e. "Nonrelative extended family member" or "NREFM" means an adult who has an established familial relationship with a relative of a child or a familial or mentoring relationship with a child as described in Welfare and Institutions Code section 362.7.
- f. "Placing County" means the county of jurisdiction for a ward or dependent of a California County court.
- g. "Resource Family" means an individual or family that a County determines to have successfully met the application and assessment criteria necessary for providing care for a child or nonminor dependent who is under the jurisdiction of the juvenile court, or otherwise in the care of a county child welfare agency or probation department.
- h. "Resource Family Approval" (RFA) means an applicant or Resource Family successfully meets the home environment assessment and permanency assessment standards adopted pursuant to Welfare and Institutions Code section 16519.5.

III. GENERAL PROVISIONS

- a. CWDA will maintain a list that will provide a Single Point of Contact (SPOC) for the purposes of implementing this Protocol.

- b. CPOC will maintain a list that will provide a SPOC for the purposes of implementing this Protocol.
- c. It is assumed contiguous counties will choose to do their own RFA approvals and emergency placements.
 - i. Courtesy notification of the home approval shall be provided to the host county SPOC.
- d. Individual counties may establish their own reciprocity agreements with other counties that supersede the statewide Intercounty approval agreement.

IV. EMERGENCY PLACEMENT OF A CHILD OR NMD WITH A RELATIVE OR NREFM IN ANOTHER COUNTY

For purposes of this section, an emergency placement with a relative or NREFM refers to a home that is not currently licensed, certified or approved.

- a. The county of jurisdiction may request a host county where the relative/NREFM resides (and the child or children are to be placed) to process an emergency placement.
 - (i) The default presumption is that the county of jurisdiction will process an emergency placement of a child or NMD with a relative or NREFM in another county.
 - (ii) The host county may decline processing of the emergency placement.
- b. If the host county agrees to process the emergency placement, the placing county will take the following actions, in the order that is listed below:
 - i. The placing county will request that the host county initiate the emergency placement process with the identified relative or NREFM.
 - 1. The following should be included in the request:
 - a. Name(s), address and contact information of relative or NREFM
 - b. Relationship to the child(ren) or NMD
 - c. Age and name of child(ren) or NMD to be placed

The request will be made in a format indicated on the SPOC listing and can be done by phone, email or other written communication. Receiving counties are encouraged to accept requests via phone/email/fax, including after-business hour requests, in order to expedite this process.

- ii. The host county shall respond to the request within 2 business days and provide a date that initial contact will be attempted with the family. Since this is an emergency placement request, the initial contact shall not exceed 2 days from the request.

- iii. The host county will then begin the process for Emergency placement with a relative or NREFM as outlined in the Written Directives, Section 7-01. If the emergency placement is approved, the host county will notify the placing county—verbally on the same day, and in writing within 2 business days.
- v. Once the home is approved for emergency placement, the placing county is able to make arrangements for placement in the relative/NREFM home.
 - 1. Once placement occurs, the host county shall commence the RFA process within 5 business days as outlined in Section 7-01 of the Written Directives.
 - 2. The placing county will send the Out of County referral form pertaining to the prospective Resource Family to the host county.
 - 3. The relative/NREFM shall meet the approval standards in place as set in place by the host county, including specified training requirements.
 - 4. If a courtesy supervision worker is needed for the child, a separate request shall be made to the host county.
- vi. If the relative/NREFM is not approved for emergency placement, the host county will notify the placing county within 2 business days and include the reason for the denial.
- c. Once the emergency placement is complete, the host county shall follow the procedures outlined in section V.

V. APPROVAL OF RESOURCE FAMILY IN ANOTHER COUNTY

- a. When a California county seeks to pursue consideration of a relative or NREFM in another county for Resource Family approval, the county will take the following actions, in the order that is listed:
 - i. The placing county will request in writing that the host county initiate and complete the RFA process for the identified family.
 - ii. The placing county will send all documentation pertaining to the prospective Resource Family and child(ren) or NMD to be placed, to the host county.
 - iii. The host county will respond within 5 business days acknowledging acceptance of the request and will provide the date initial contact will be attempted with the family.
 - iv. The host county will begin the RFA process, according to their RFA processes with the prospective family and provide updates on the approval process to the placing county every 30 days.
 - v. Once the family is approved the host county will notify the placing county and provide them with a copy of the approval certificate as well as any other documents needed to determine Title IV-E eligibility.
 - vi. If the family is denied, the host county will notify the placing county and provide the reason for the denial.
 - 1. The host county will be responsible for providing due process to the family if an appeal is filed.

- b. In the case of Probation requests for approval out-of-county, the host Probation agency shall process the approval request, unless one of the following:
 - i. If the host Probation agency has delegated approval duties to the local child welfare agency, the host child welfare agency shall process the approval request.
 - ii. If the host Probation agency and jurisdiction county have an alternative agreement, the approval shall follow the terms of that agreement.

VI. SUPERVISION OF RESOURCE FAMILY HOMES

- a. If the host county is the approving county it is responsible for all subsequent activities related to the supervision and investigation of the Resource Family. If the placing county is the approving county it is responsible for all subsequent activities related to the supervision and investigation of the Resource Family. These activities include:
 - i. Criminal clearance and exemption processes
 - ii. Annual Updates
 - iii. Investigation of complaints
 - iv. Completion of the appeal process
 - v. Receipt of criminal clearance sub-arrest notification and any indicated action.
 - vi. Updated home and grounds inspection when the family moves
- b. If the host county is the approving county, the host county shall notify the placing county of any complaints or sub-arrest notifications and any actions taken against the resource family.

VII. PLACEMENT CONSIDERATIONS

- a. Once a relative or NREFM is approved as a Resource Family that home shall be available to be considered for placement of relative or nonrelative child(ren) under the jurisdiction of any county. Approval of a Resource Family does not guarantee initial or continued placement of a child.
- b. Any county intending to place with a Resource Family approved by another county will contact the approving county Single Point of Contact prior to placement to discuss their intention.

Symptoms and Behaviors Associated with Exposure to Trauma

Children suffering from traumatic stress symptoms generally have difficulty regulating their behaviors and emotions. They may be clingy and fearful of new situations, easily frightened, difficult to console, and/or aggressive and impulsive. They may also have difficulty sleeping, lose recently acquired developmental skills, and show regression in functioning and behavior.

Possible Reactions of Children Aged Zero to Six Exposed to Traumatic Stress		
Behavior Type	Children aged 0-2	Children aged 3-6
Cognitive		
Demonstrate poor verbal skills	✓	
Exhibit memory problems	✓	
Have difficulties focusing or learning in school		✓
Develop learning disabilities		✓
Show poor skill development		✓
Behavioral		
Display excessive temper	✓	✓
Demand attention through both positive and negative behaviors	✓	✓
Exhibit regressive behaviors	✓	✓
Exhibit aggressive behaviors	✓	✓
Act out in social situations		✓
Imitate the abusive/traumatic event		✓
Are verbally abusive		✓
Scream or cry excessively	✓	
Startle easily	✓	✓
Are unable to trust others or make friends		✓
Believe they are to blame for the traumatic experience		✓
Fear adults who remind them of the traumatic event	✓	✓
Fear being separated from parent/caregiver	✓	✓
Are anxious and fearful and avoidant		✓

Possible Reactions of Children Aged Zero to Six Exposed to Traumatic Stress		
Behavior Type	Children aged 0-2	Children aged 3-6
Show irritability, sadness, and anxiety	✓	✓
Act withdrawn	✓	✓
Lack self-confidence		✓
Physiological		
Have a poor appetite, low weight, and/or digestive problems	✓	
Experience stomachaches and headaches		✓
Have poor sleep habits	✓	✓
Experience nightmares or sleep difficulties	✓	✓
Wet the bed or self after being toilet trained or exhibit other regressive behaviors		✓
Physiological		
Have a poor appetite, low weight, and/or digestive problems	✓	
Experience stomachaches and headaches		✓
Have poor sleep habits	✓	✓
Experience nightmares or sleep difficulties	✓	✓

MODULE 5

What Is the Influence of Developmental Stage?

The Influence of Developmental Stage

- Child traumatic stress reactions vary by developmental stage.
- Children who have been exposed to trauma expend a great deal of energy responding to, coping with, and coming to terms with the event.
- This may reduce children's capacity to explore the environment and to master age-appropriate developmental tasks.
- The longer traumatic stress goes untreated, the farther children tend to stray from appropriate developmental pathways.

Trauma and Development in Young Children

Developmental delays are common (50%, according to the National Survey of Child and Adolescent Well-Being [NSCAW]) among children in the child welfare system. These delays can be in the areas of:

- Cognitive functioning
- Gross and fine motor skills
- Speech and language skills
- Sensory skills
- Emotional/behavioral regulation

Due to the prevalence of developmental delays and the impact of trauma on children's ability to master age-appropriate tasks, developmental screenings are recommended for all young children in the child welfare system. These screenings help to evaluate:

- Emotional well-being
- Gross and fine motor skills
- Coping skills
- Speech and language skills
- Self-help abilities
- Relationship with caregivers

(First & Palfrey, 1994; Reams, 1999; Rosenberg, Zhang, & Robinson, 2008; Stahmer et al., 2005)

The Influence of Developmental Stage: Young Children

Young children who have experienced trauma may:

- Express their distress through strong physiological and sensory reactions (e.g., changes in eating, sleeping, activity level, or responding to touch and transitions).
- Display changes in behavior by:
 - Becoming passive and quiet
 - Becoming negative and engaging in aggressive behaviors
- Engage in post-traumatic play by:
 - Repeatedly playing out the event with toys and with strong emotion, as if the event were occurring in the present
 - Repeatedly playing out the event with toys and with restricted/flat affect
 - Not changing the theme or outcome of the play theme
- Repeatedly discuss the event, if they have the language skills, at socially inappropriate times or with strangers.
- Become clingy and fearful, especially regarding separations and new situations.
- Become fearful of things or situations not related to the traumatic event.
- Experience strong startle reactions, sleep problems, and night terrors.
- Experience confusion in terms of assessing threat and finding protection, especially in cases where a parent or caretaker is the aggressor. These children may find threat in safe situations or assess dangerous situations as safe.
- Regress to age-inappropriate behaviors (e.g., baby talk, bed-wetting, crying).
- Blame themselves due to poor understanding of cause and effect and/or magical thinking.

Trauma and Attachment

- The sensitive period for attachment is the first two years of life.
- All development occurs in the context of attachment, which:
 - Supports affect regulation
 - Builds a foundation for trust and safety
 - Establishes self-worth and competence

The Influence of Developmental Stage: School-Age Children

School-age children with a history of trauma may:

- Experience unwanted and intrusive thoughts and images
- Become preoccupied with frightening moments from the traumatic experience
- Replay the traumatic event in their minds in order to figure out what could have been prevented or how it could have been different
- Develop intense, specific new fears linking back to the original danger

School-age children may also:

- Alternate between shy/withdrawn behavior and unusually aggressive behavior
- Become so fearful of recurrence that they avoid previously enjoyable activities
- Have thoughts of revenge
- Experience sleep disturbances that may interfere with daytime concentration and attention

The Influence of Developmental Stage: Adolescents

In response to trauma, **adolescents** may feel:

- That they are weak, strange, childish, or “going crazy”
- Embarrassed by their bouts of fear or exaggerated physical responses
- That they are unique and alone in their pain and suffering
- Anxiety and depression
- Intense anger
- Low self-esteem and helplessness

These trauma reactions may in turn lead to:

- Aggressive or disruptive behavior
- Sleep disturbances masked by late-night studying, television watching, or partying
- Drug and alcohol use as a coping mechanism to deal with stress
- Self-harm (e.g., cutting)
- Over- or under-estimation of danger
- Expectations of maltreatment or abandonment

- Difficulties with trust
- Increased risk of revictimization, especially if the adolescent has lived with chronic or complex trauma

Adolescents, Trauma, and Substance Abuse

Adolescents who have experienced trauma may use alcohol or drugs in an attempt to avoid overwhelming emotional and physical responses. For these teens:

- Reminders of past trauma may elicit cravings for drugs or alcohol.
- Substance abuse further impairs their ability to cope with distressing and traumatic events.
- Substance abuse increases the risk of engaging in risky activities that could lead to additional trauma.

Child welfare workers must address the links between trauma and substance abuse and consider referrals for relevant treatment(s).

Specific Adolescent Groups

- **Homeless youth** are at greater risk for experiencing trauma than other adolescents:
 - Many have run away to escape recurrent physical, sexual, and/or emotional abuse.
 - Female homeless teens are particularly at risk for sexual trauma.
(Whitbeck, Hoyt, & Yoder, 1999)
- **Special needs adolescents** are two to 10 times more likely to be abused than their typically developing counterparts (Sullivan & Knutson, 2000).
- **Lesbian, gay, bisexual, transgender, or questioning (LGBTQ) adolescents** contend with violence directed at them in response to suspicion about or declaration of their sexual orientation and gender identity (Kosciw, Greytak, Bartkiewicz, Boesen, & Palmer, 2012).
- **HIV positive youth** experience high rates of traumatic stress. Research indicates that receiving a positive HIV diagnosis is additionally traumatic for most of them (Radcliffe et al., 2007). This may impact participation in medical care.

Multi-System or Crossover Youth

- These youth are involved in both the child welfare system and the juvenile justice system.

- Maltreatment is a risk factor for delinquent behavior.
- The majority of multi-system youth start out in the child welfare system and then enter the juvenile justice system.
- There are a disproportionate number of children of color in the crossover population compared to the general population, the child welfare population, and the juvenile justice population.
- There are a higher number of females in the crossover population compared to the general delinquency population.
- Crossover youth experience prevalent educational (including special education), mental health, and substance abuse problems.
- Many are in foster care for long periods of time.
- Lack of cross-system communication in case planning leads to many crossover youth falling through the cracks.

(Herz et al., 2012)

- Outcomes for crossover youth can include recidivism, adult criminal justice involvement, mental health and substance abuse problems, and need for public assistance (Culhane et al., 2011).

Prevent Child Welfare Youth from Crossing Over by Reducing Risk Factors for Delinquency, Such as:

- Physical abuse (Maas, Herrenkohl, & Sousa, 2008)
- Neglect (Jonson-Reid and Barth, 2000; Smith, Ireland, & Thornberry, 2005)
- Maltreatment starting or lasting into adolescence (Smith, Ireland, & Thornberry, 2005)
- Group home placement (Ryan, Marshall, Herz, & Hernandez, 2008)
- Placement instability (Widom & Maxfield, 2001)

Awareness of the above risk factors can also help link high-risk youth to more intensive services to prevent delinquency.

Protective Factors That Can Prevent Child Welfare Youth from Crossing Over to Delinquency Include:

- Positive attachments to others
- Safe school environments

(Ryan, Testa, & Zhai, 2008; Crooks, Scott, Wolf, Chiodo, & Killip, 2007; Benda & Corwyn, 2002)