



CDSS

JOHN A. WAGNER
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES

744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



ARNOLD SCHWARZENEGGER
GOVERNOR

December 29, 2009

ALL COUNTY LETTER NO. 09-86

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

SUBJECT: NOTIFICATION OF RELATIVES

REFERENCE: ASSEMBLY BILL (AB) 938 (CHAPTER 261, STATUTES OF 2009);
WELFARE AND INSTITUTIONS CODE (W&IC) SECTIONS 309, 319,
361.3 AND 628; FAMILY CODE (FC) SECTION 7950; PUBLIC LAW
(PL) 110-351

REASON FOR THIS TRANSMITTAL

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

This All County Letter (ACL) is to advise county child welfare and probation departments of the requirement to provide notification to relatives of children being placed into out-of-home care. Enactment of AB 938, which becomes effective January 1, 2010, amends W&IC sections 309 and 628. These changes implement federal law (PL 110-351), which requires social workers and probation officers to exercise due diligence to identify and engage relatives and to provide notice to those relatives when a child is removed from their home. Provisions in AB 938 reinforce the requirement in FC 7950 that diligent efforts must be exercised in locating relatives when a child is in need of out-of-home placement. This policy underscores the importance of relative participation and support in all aspects of a child's life.

The changes to W&IC sections 309 and 628 require that within 30 days of a child's removal from the home, the county must exercise due diligence to conduct an investigation to identify and locate all grandparents, adult siblings and other adult relatives, including those suggested by the parents. Due diligence efforts shall include asking the child in an age-appropriate manner about relatives important to the child and obtaining information regarding the location of the child's adult relatives. In accordance with W&IC section 319(f)(3), parents are required to disclose to the social worker the names, addresses and any known identifying information of any maternal or paternal

relatives of the child. The W&IC section 319(f)(2) states that preferential consideration for placement is given to an adult who is a grandparent, aunt, uncle or sibling of the child. The social worker or probation officer shall provide written and oral notification to all adult relatives who are located, except when that relative's history of family or domestic violence makes notification inappropriate.

The contents of the notification shall include:

- (1) That the child has been removed from the custody of his or her parent(s) or guardian(s);
- (2) Information about providing care for the child while the family receives reunification services with the goal of returning the child to the parent or guardian;
- (3) How to become a foster family home or approved relative or nonrelative extended family member;
- (4) Additional services and supports that are available in out-of-home placements; information regarding the Kinship Guardianship Assistance Payment program, the California Work Opportunity and Responsibility to Kids (CalWORKs) program for approved relatives, and Adoption Assistance Program. Charts containing details and comparisons of permanency options are available at the California Social Work Education Center (CalSWEC) website, http://calswec.berkeley.edu/CalSWEC/OtherTraining_b.html;
- (5) Options for contact with the child, including, but not limited to, visitation; and
- (6) Any options that may be lost by failing to respond.

The required written information is contained in the "Important Information for Relatives" (Attachment B). This required document is to be sent to all located relatives. A sample of a cover letter to relatives is also attached (Attachment A). Counties may develop their own cover letter as a county template in the Child Welfare Services/Case Management System (CWS/CMS) for the interim while a statewide template is being developed. The cover letter should contain the following core elements:

- (1) Letter to be sent on county agency letterhead;
- (2) The name and address of the relative;
- (3) The names of the child(ren) involved (multiple children may be covered in the same letter);
- (4) A statement that this may be their only notification if they fail to respond; and
- (5) Agency information to ensure that the relative can make contact with the appropriate county personnel.

For Probation Cases Only

When a minor is detained and the probation officer has reason to believe that the minor is at risk of entering foster care, the probation officer has 30 days to identify, locate and notify, in writing, all adult relatives located. When oral notification is provided by a probation officer, detailed information about the various options to help with the care and placement of the child is not required. If the probation officer did not conduct the identification and notification of relatives, but the court orders foster care placement, the probation officer shall conduct the investigation to find and notify relatives within 30 days of the placement order. Nothing in this instruction shall be construed to delay foster care placement for an individual child.

Each county welfare and probation department shall create and make public a procedure by which relatives of a child who has been removed from his or her parents or guardians may identify themselves to the department and be provided with the notices required by statute. This process may include use of an 800 number or an email address and may be added to the "Information for Relative" cover letter.

All oral and written contacts with relatives are to be documented in the CWS/CMS in the Client or Collateral notebook. The next CWS/CMS update (6.4 Release) will provide the ability to record the search and engagement efforts in the Collateral notebook. As relative search and engagement is an ongoing process, continually adding updated information of family relationships is essential to ensure that all children have the greatest chance to establish lifelong relationships with family and friends for care and support.

If you have any questions about this ACL, please contact the Kinship Care Policy and Support Unit at (916) 657-1858.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachments

On County Letterhead

Date

Name of relative
Address

Re: Name of child(ren)

Dear Mr./Ms.:

I am a social worker for the child welfare services unit/probation officer for _____ County/Tribe. I am sending you this letter to let you know that proceedings have been started to remove (Child's Name) from his or her parent/guardian and may be/has been temporarily placed in foster care.

California law requires that when a child is removed from their home, relatives should be located, contacted and told about the child's removal and how the relative can choose to help the child during this difficult time. Because you are related to (Child's Name), I am sending you information about ways you can be of help, if you choose to, and how you can contact me about that. A few of the ways that you can help include being involved with helping (Child's Name) get back together with their parent, letting me know about other relatives who may want to help, visiting (Child's name) at their foster care home, or having (Child's Name) live with you. You may also provide information to the juvenile court verbally or in writing. You may have other ideas about how you can help that we can talk about.

I've enclosed some additional information about this situation and foster care. I would be very pleased to speak with you and answer any questions you have. Your reply to this letter does not obligate you in any way, but please know that this may be the only notification you receive, and failure to respond may result in the child's placement and care without your input. Please contact me or my supervisor at the numbers listed below as soon as you can. If you are calling long distance, you may make the call a "collect call."

Sincerely,

Child Welfare Worker/Probation Officer
Address
Telephone #
Email Address
Supervisor's Name
Telephone #
Email Address

Important Information for Relatives

Q1: I am the relative of a child who is being removed from his or her home. What should I do?

A1: If you want to be involved in helping the child or family, please contact the child's social worker, probation officer or their supervisor.

Q2: What can I do to help?

A2: Connections with relatives and family friends are important for all children, especially for children whose families are in crisis. You can give the family support and encouragement as the parents try to resolve the problems that led to the child being removed from them. You can also help by calling and visiting the child, inviting them to your home for holidays and other occasions, remembering birthdays, etc. You can assist the child's social worker or probation officer in locating other relatives and family friends who might be able to help the child and family, including those who live out of state. You may also want to consider having the child live with you until the child can safely return home.

Q3: What about the child's brothers and sisters?

A3: In most cases, the goal is to keep brothers and sisters together, but this is not always possible. Even if brothers and sisters have to live in separate homes, you may be able to help them keep in touch through visits and family events.

Q4: If I want the child to live with me, what do I need to do?

A4: You may request to be approved as a relative caregiver. Consider if you can provide for the child on a long-term basis if the child is not able to return to the home of his or her parents. By law, preferential consideration for placement of the child is given to adult grandparents, aunts, uncles, brothers and sisters. Certain requirements must be met:

- Criminal record clearances are obtained for all adults living in the home;
- All adults are screened for prior child abuse histories;
- The home must meet health and safety standards;
- There must be a demonstrated ability to care for and supervise the child; and,
- The relative must agree to ensure the child's personal rights are protected

Q5: There is someone in my household who has a criminal background. Does that mean the child can't live with me?

A5: No, you can still be considered. Some crimes may be exempted allowing for placement in your home. Each case is reviewed carefully. The social worker or probation officer will give you detailed options based on the findings of the case.

Important Information for Relatives

Q6: What kind of financial and social support will I receive if I choose to be a caregiver?

A6: Once a child is placed in your home you are eligible to apply for financial support which may be available either through the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program or foster care funding. The child's social worker or probation officer will do the following things:

- Assist you in obtaining financial and medical assistance;
- Work with you to access health and dental care for the child;
- Give you information on what to do and who to call if problems occur;
- Have contact with you and the child at least once a month;
- If eligible, provide a yearly clothing allowance for the child;
- Provide assistance with emergencies; and
- Help arrange parent-child visits, counseling and other services the child may need.

Q7: If my home is approved will the child get to live with me?

A7: Not necessarily. You and other relatives may be assessed and approved. This allows the county to have a group of interested relatives to choose from. Where the child will live will be carefully considered based on many factors. The approved home should meet the child's best interests without further disrupting the child's life and activities.

Things that must be considered are the child's proximity to the following:

- Their current school;
- Their friends, brothers and sisters, parents, other relatives; and
- The programs and activities the child currently participates in.

The caregiver's willingness to work with the social worker and the birth parents with the goal of reuniting the child with the birth family is another important factor when deciding about who will care for the child.

Q8: What about visits between the child and the birth parents? How does that work?

A8: The social worker/probation officer and the court will determine how often the child and parent can visit. Relatives and other caring adults may help in many ways to ensure that visits are safe and productive. They may be able to provide a safe space for visits, transport parents and the child to and from visits, and be a supportive familiar presence for the parent and child.

Important Information for Relatives

Q9: What happens if the child cannot return home?

A9: Living with a family permanently is the primary goal. When a child isn't able to return to the parents, the family the child is living with is usually considered first as a permanent family. You may be asked about becoming the child's legal guardian or adopting the child. Ongoing financial and medical assistance may be available through the Adoption Assistance Program, the Kinship Guardianship Assistance Payment program or CalWORKs. Information about these programs is available online at <http://www.dss.cahw.net.gov/cdssweb/entres/forms/English/pub344.pdf> and from the child's social worker or probation officer.

Q10: I live out of state. How can I get involved?

A10: In some circumstances, a child may be placed with a relative out of state. The social worker or probation officer can discuss this option with you. You can also be supportive by maintaining contacts and visits.

Q11: If the child has American Indian heritage, how can I help the child maintain connections with his or her cultural heritage?

A11: The social worker/probation officer is required to ask all relatives about the child's connections with American Indian tribes so the child can benefit from any services available to American Indian children. If you can help answer questions about yourself and other relatives who may be enrolled members of American Indian tribes, please let the social worker/probation officer know.

Q12: If I want to give information to the court about the child, how do I do that?

A12: You may write a letter to the judge. The letter will also be seen by everyone in the case (parents, social workers, and lawyers). You can tell the court how you know the child, what things you have done with the child, and share your concerns about the child. Beginning in January 2011, there will be a Relative Information Form you can give to the court. You can ask the social worker or probation officer to give you this form, or you can ask for it at the court clerk's office.