



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



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

December 24, 2014

ALL COUNTY LETTER NO. 14-50

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 TITLE IV-E AGREEMENT TRIBES
 ALL FOSTER FAMILY AGENCY DIRECTORS
 ALL CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADOPTION
 DISTRICT OFFICES

SUBJECT: CHANGES TO THE REQUIREMENTS FOR MONTHLY
 CASEWORKER VISITS WITH CHILDREN AUTHORIZED THROUGH
 SENATE BILL (SB) 342 (CHAPTER 492, STATUTES OF 2013)

REFERENCE: WELFARE AND INSTITUTIONS CODE (WIC) SECTIONS 16516.5
 AND 16516.6; SB 342 (CHAPTER 492, STATUTES OF 2013); PUBLIC
 LAW (PL) 112-34 AND 109-288; ALL COUNTY LETTER (ACL). 11-18,
 10-19, AND 09-11; ALL COUNTY INFORMATION NOTICE. I-43-11;
 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN
 (ICPC) REGULATION 11

The purpose of this ACL is to provide instructions for changes to the monthly caseworker visits with children, required by SB 342, effective January 1, 2014. The specific sections of the WIC sections 16516.5 and 16516.6 that have been amended as a result of SB 342 are attached to this ACL.

With the enactment of SB 342, WIC sections 16516.5 and 16516.6 were amended to:

1. Require that no more than two consecutive monthly visits be held outside the residence of the foster child.
2. Require the caseworker (social worker or probation officer) to advise the foster child that he/she has the right to request that the private discussion, currently required by state law, occur outside the group home or foster home.

3. If the visit does not occur in the place of the child's residence, the caseworker must document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

Background

Caseworker visits with a child or youth are an essential component of the child welfare system and are critical for ensuring the safety of children placed in out-of-home care. The purpose of such visits is to provide caseworkers with a consistent and recurring opportunity to spend time with families, including the child, and to forge relationships with the family that support permanency and help the family in meeting the needs of the child. This makes the in-home caseworker visits, which include opportunities to interact with the larger family and to observe the home dynamic, are critical for monitoring the child's emotional and physical well-being.

Findings from the Federal Child and Family Services Review (CFSR), which examine state child welfare agency performance, have shown an association between a positive rating on caseworker visits and positive ratings on safety and permanency outcomes. The United States Department of Health and Human Services, Children's Bureau, which administers the CFSR, believes that one of the most important ways to promote positive outcomes for children and families is to ensure the quality and frequency of caseworker visits with children and their families.¹ For these reasons, federal and state laws have been established to develop standards for the frequency and quality of caseworker visits.

Previous Requirements

Current law requires all children placed in foster care under the jurisdiction of the juvenile court, to be visited at least monthly by a caseworker.² As part of the monthly visit, existing state law requires that a private discussion between the foster child and the caseworker occur during each visit and that this private discussion not be held in the presence or immediate vicinity of the group home staff or foster parent/caregiver.

¹ United States Department of Health and Human Services, Administration for Children and Families, Children's Bureau, Findings from the Initial CFSR's, 2001-2004.

² Federal requirements specify that the total number of monthly visits made by caseworkers on a monthly basis during federal fiscal years (FFY) 2012-14 must not be less than 90 percent of the total number of visits that would have occurred if each child was visited once every month while in care. For FFY 2015 and each FFY thereafter, the total number of visits made by caseworkers on a monthly basis to children in foster care during a fiscal year must not be less than 95 percent of the total number of such visits that would occur if each child were visited once every month while in care. Federal requirements also specify that at least 50 percent of the total number of visits must occur in the child's residence.

New Requirements

With the enactment of SB 342, WIC sections 16516.5 and 16516.6 were amended to comply with federal requirements as described above and in section 624(f)(2)(A) of Title-42 of the United States Code. Specifically, SB 342 requires that no more than two consecutive monthly visits be held outside the residence of the foster child. For all visits that do not occur in the place of residence, the caseworker is required to document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence. The requirement that the monthly visit occur in the residence of the foster child is critical in assessing whether or not the child is living in a safe and healthy environment and that the child's needs are being met.

The SB 342 also requires the caseworker to advise the foster child that he or she has the right to request that a private discussion occur outside the group home or foster home. If a foster child requests to have a private discussion outside the group home or foster home, that private discussion shall not replace the visit in the group home or foster family home. The caseworker is not required to schedule an additional visit to accommodate the request. This private discussion between the caseworker and the foster child is important in providing the youth with a safe atmosphere to freely discuss their case, concerns, or other issues with their caseworker without fear of retaliation.

Finally, if a caseworker visit is conducted outside the child's residence, SB 342 requires the caseworker to document in the case file and in the court report the location of the visit and the reason or reasons why the visit occurred outside the child's residence.

Children Placed Out-of-State

For children placed out-of-state into non-group home settings pursuant to the ICPC, counties are reminded that ICPC Regulation 11 governs the case supervision responsibilities of states for placements made pursuant to the compact. Under this regulation and consistent with federal law, a receiving state is required to provide monthly face-to-face visits with a child with a majority of these visits occurring in the child's home. As a result, it is possible that receiving states may already be meeting visitation requirements mandated by SB 342 when visiting California children. The SB 342 applies to all children placed by county social workers or probation officers into licensed, certified or approved foster family homes. Therefore, counties are encouraged to collaborate with receiving states to request and ensure that the receiving states provide supervision visits in a manner that meets the requirements of SB 342. For placements made into out-of-state group homes, California counties will continue to request monthly visits in accordance with existing state law.

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If you have any questions regarding caseworker visits, please contact the Permanency Policy Bureau at (916) 657-1858. For questions regarding ICPC, please contact the Operations Bureau at (916) 651-8100.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

Attachment

SB 342
FY 2013-14
Foster Children: Social Worker Visits

SEC 1. Section 16516.5 of the Welfare and Institutions Code is amended to read:

16516.5. (a) Notwithstanding any other law or regulation, all foster children who are placed in group homes by county welfare departments or county probation departments shall be visited ~~in the group home~~ at least monthly by a county social worker or probation officer. Each monthly visit shall include a private discussion between the foster child and the county social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the group home staff. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the group home. If a foster child requests to have the private discussion outside the group home, that private discussion shall not replace the visit in the group home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the group home staff, except that the social worker or probation officer may disclose information under any of the following circumstances:

(1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.

(2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.

(3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a group home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

~~(b)~~

(d) (1) Prior to the 2011–12 fiscal year, notwithstanding Section 10101, the state shall pay 100 percent of the nonfederal costs associated with the monthly visitation requirement in subdivision (a) in excess of the minimum semiannual visits required under current regulations.

(2) Notwithstanding subdivision (b), beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

SEC. 2. Section 16516.6 of the Welfare and Institutions Code is amended to read:

16516.6. (a) When a county social worker or probation officer makes a regular visit with a child in any licensed, certified, or approved foster home, the regular visit shall ~~occur in the foster~~

~~home and shall~~ include a private discussion between the foster child and the social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the foster parent or caregiver. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the foster home. If a foster child requests to have the private discussion outside the foster home, that private discussion shall not replace the visit in the foster home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the foster parent or caregiver, except that the social worker or probation officer may disclose information under any of the following circumstances:

~~(a)~~

(1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.

~~(b)~~

(2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.

~~(c)~~

(3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a licensed, certified, or approved foster home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.