



832 Folsom Street, Suite 700
San Francisco, CA 94107
Phone: 415-543-3379
Fax: 415-956-9022
www.ylc.org

Executive Director
Jennifer Rodriguez

May 25, 2021

**Senior Director
Strategic Initiatives**
Carole Shauffer

Via email: FFPSA@dss.ca.gov
California Department of Social Services
Attention: FFPSA Unit
744 P Street
Sacramento, CA 95814

Director of Legal Advocacy
Lauren Brady

Policy Director
Jennifer Pokempner

Senior Staff Attorney
Maria F. Ramiu

Staff Attorney
Meredith Desautels
Marisa Lopez-Scott
Jasmine Ying Miller
Erin Palacios

Re: Comments on FFPSA Implementation Trailer Bill

Paralegal
Gabriella Cohen Herrera
Kenly Flanagan

**CA Higher Education Project
Coordinator**
Katie Bliss

Controller
Deanne Bray

Operations & HR Manager
Will Radler

**Development &
Communications Coordinator**
Selina Weiss

Quality Parenting Initiative
Fabienne Alexandre
Jamie Averett
Darlene Bell
Victoria Camper
Carol Edwards
Celina Granato
Brandy Hudson
Catherine A. Huerta
Kirstie Jetland
Karissa Lemme
Cecilia Rivas
Phyllis Stevens

Dear FFPSA Unit:

The Youth Law Center (YLC) writes to comment on the most recent print version of the budget trailer bill language (TBL) implementing the federal Family First Prevention Services Act of 2018 (FFPSA). YLC's comments are summarized below and specific line comments and suggested revisions are detailed in the attached chart. Previously, YLC submitted written comments on the initial print version of the TBL and on proposals for the Qualified Individual (QI) presented to the statewide stakeholder group. YLC's initial comments focused on the timing and coordination of key elements of the case planning process and the failure to provide equitable treatment of probation supervised foster youth. We are pleased to see that many of our previous comments have been addressed in the latest TBL.

However, YLC continues to have concerns. The TBL fails to provide sufficient clarity on the role of each participant in the case planning and placement decision making processes, including the specificity necessary to ensure appropriate consideration and provision of supports and services to keep children in families. Additionally, the timing and coordination of each participant's responsibilities need further specification to ensure that appropriate services are provided and that required timelines are met. Greater protections are needed for the disclosure of records and information to protect the child's privacy and support better child and family engagement. Finally, the trailer bill continues to have inequities with respect to probation supervised foster youth. Although implementation guidance will also address these critical areas, the Department must ensure that the appropriate statutory framework is adopted consistent with state and federal law.

FFPSA Background

FFPSA provides funding support and safeguards for state child welfare systems to develop a prevention and family support focused infrastructure to keep children in families. Rather than supporting business as usual, Congress provided for prevention services, family supports, and safeguards to ensure that states provide children what they need to stay in families and out of institutions. For children in foster care at risk of institutional placement, FFPSA requires a clinician (a QI) , who is independent of the placing agency and facility provider, to provide a comprehensive assessment that includes: an evaluation of the child's strengths and needs; engagement of the child, family, and permanency planning team; a determination of what supports are needed to keep the child in a family home; short and long term behavioral health treatment goals; and a recommendation, if the child is not placed in a family home, of a qualified residential treatment program that provides the most effective and appropriate level of care, in the least restrictive environment consistent with the child's short- and long-term permanency plan goals. 42 U.S.C. 675a(c). For decades, federal child welfare law has required states to develop and implement a state plan uniformly for all populations of foster youth and in all jurisdictions across the state. 42 U.S.C. 671(a)(3). When implementing the new FFPSA requirements, states must certify that they will not "enact or advance policies or practices" that result in significant increases in the juvenile justice system population. 42 U.S.C. 671(a)(37).

FFPSA was enacted three years after California's Assembly Bill 403 (2015), the Continuum of Care Reform (CCR), which also is designed to refocus California's child welfare system on keeping children in families and limiting the use of congregate care. Although FFPSA and CCR are similar in many ways, there are several requirements in federal law that go beyond and enhance the requirements of California law. The trailer bill must be amended to conform with the intent and the letter of FFPSA.

Roles and Responsibilities

The following clarifications should be made with respect to the roles and responsibilities of each of the participants in the assessment and placement decision making processes:

- The QI's role and responsibilities, including its independence from the placing and STRTP agencies, should be specified citing and tracking FFPSA's language.
- The QI should identify the services, supports, and interventions the child or NMD needs to remain or be placed in a family based home.
- The QI's assessment of whether the child's needs can be met in a family should not be limited to placements identified by the placing agencies. (Also see privacy clarifications below.)
- Placing agency standards for emergency placements must be established and must comply with WIC 16010.7 placement preservation requirements.

- The placing agency should ensure that the child's wishes are considered in the assessment and placement decision making process and those wishes are included in the court report.
- Clarify that CFTs are required to be convened and make a recommendation whenever an STRTP placement is being considered.
- The STRTP's program statement should include a description of how treatment plans will implement the treatment, interventions, and short and long term behavioral health goals identified by the QI and the STRTP should be required to specify in each child's treatment plan how and treatment will be provided consistent with the QI's assessment.
- Peer support should be a required element of STRTP aftercare.
- The Juvenile Court before approving an STRTP placement must rule out that supports and services can be provided to keep a child in a family setting.
- Families participate in, but are not required to provide, the QI identified supports, services, and interventions to keep a child with the family.
- CDSS/DHCS guidance on the QI is subject to the standards and certification requirements for qualified individuals, as defined in subdivision (l) of Section 16501 and Section 675a(c)(1)(D) of Title 42 of the United States Code.

Timing and Coordination

The following timing and coordination issues should be clarified:

- The ongoing assessment responsibilities of the QI, CFT, placing agency, and STRTP.
- How implementation of placement preservation requirements pursuant to WIC 16010.7 impact emergency and non-emergency STRTP placements.
- STRTP nursing services should be coordinated with the Foster Care Nurses program in WIC 16501.3.
- The timing of the IPC dispute resolution provision should be aligned with deadlines for placement within 30 days of completion of the QI assessment.
- The IPC should resolve any presumptive transfer issues prior to STRTP placement.

Protecting Privacy

The trailer bill should be amended to address the following concerns impacting privacy:

- The assessment, the assessment report, and the required assessment tool (CANS) should be appropriately distinguished throughout the trailer bill.
- The QI should be required to produce an assessment report that details required information, protects information that is privileged or otherwise confidential, and does not automatically include attachments of underlying documents.
- The QI should produce an assessment report that documents the QI's required assessment determinations and recommendations as well as the basis for both.

- The QI should provide the assessment report to the placing agency which should immediately serve the report on all parties to the proceeding and attach the assessment report to the court report.
- Parties to the proceeding may only access underlying documentation consistent with state and federal law and court rules.

Equity for Probation Supervised Foster Youth

The following inequities for probation supervised youth should be clarified:

- Emergency relative and non-relative placements may be made prior to disposition.
- Case plans are due whenever a child is removed and at risk of foster care placement pursuant to WIC 636.1.
- Case plans for probation supervised youth in a STRTP at disposition must contain the same minimum components required for child welfare supervised youth.
- Specify that a QI assessment report along with the probation officer's court report must be served on the parent or guardian of a probation supervised youth.
- Fully align the case planning requirements, including timing, for probation supervised foster youth with the requirements for child welfare supervised youth.
- Require documentation of the occurrence of the CFT in the court report for probation supervised foster youth.
- Require documentation of the basis for the removal from home (contrary to the welfare finding) in the case plan for probation supervised youth.

YLC appreciates the opportunity to comment on the FFPSA implementation trailer bill. Please contact Maria F. Ramiu, Senior Staff Attorney, at mramiu@ylc.org, if you have questions regarding YLC's comments.

Respectfully,

Jennifer Rodriguez, Executive Director, jrodriguez@ylc.org
Maria F. Ramiu, Senior Staff Attorney, mramiu@ylc.org
Erin Palacios, Staff Attorney, epalacios@ylc.org
Jennifer Pokempner, Staff Attorney, jpokempner@ylc.org

| Page | Code Section | Comments | Suggested Edits |
|------|-------------------------------|--|---|
| 6 | H&S 1562.01(d)(ii) | STRTP program statement should include a description of how the STRTP treatment plan implements not only the identified short and long term treatment goals identified by the QI but the treatment and interventions identified by the QI that the STRTP will provide to meet the child's needs. | <u>that implements the interventions and child-specific short-and long-term needs and goals identified by the qualified individual's assessment</u> |
| 7 | H&S 1562.01(d)(vii) | same as above for documentation of the process for implementing QI identified short and long term goals should include QI identified interventions | implements the interventions and child-specific short and long term goals |
| 7 | H&S 1562.01 (d)(vii) (I)(ic)) | Identify specific treatment and supports to address the identified goals. | (ic) Documentation of the specific treatment and supports that will be provided to address process- by which the short-and long-term, child-specific mental health goals identified by a qualified individual, as defined in Section 16501 of the Welfare and Institutions Code, pursuant to subdivision (g) of Section 4096 of the Welfare and Institutions Code, will be implemented by the short-term residential therapeutic |
| 10 | line 28 WIC1562.01 (n) | Should read "interagency placement committee" not "placing" commttee | |
| 23 | WIC 361.22(c)(1) (A) | The court report should not contain all of the underlying documentation of the assessment process to protect privacy concerns, encourage child and family participation, and not overburden the juvenile court case file.. The QI should provide an assessment report and supporting documentation to the social worker, but the social worker's court report should be limited to a copy of the QI's assesment report that documents the QI's determinations and recommendations as well as the basis for both. WIC 4096(g) should also be revised accordingly. | (A) A copy of the determination and supportive documentation- assessment report that documents the determination as to the services and care needs of the child or nonminor dependent, and documentation- prepared by the qualified individual pursuant to paragraph (1) of subdivision (h) of Section 4096. |

| | | | |
|---------|-------------------------------------|---|--|
| 23 | WIC 361.22 (e)(2) | The court should rule out family placement with supports not simply any family based placement. | (e)(2) Determine whether the needs of the child or nonminor dependent can be met through placement in a family-based setting with treatment and identified supports , or, if not, whether placement in a short-term residential therapeutic program provides the most effective and appropriate care setting for the child or nonminor dependent in the least restrictive environment. A shortage or lack of family homes shall not be an appropriate reason for determining that the needs of the child cannot be met in a family-based setting. |
| 23 | WIC 361.22 (e)(3) | The court should make sure the placement provides the specific services the youth needs. | (3) Determine whether a short-term residential therapeutic program level of care and the specific treatment and interventions it provides is consistent with the short-and long-term behavioral health goals and permanency plan for the child or nonminor dependent |
| 27 | WIC 366.1 (j) | The supplemental report for continued placement does not appear to include the youth's wishes related to placement. | |
| 34 | WIC 366.3 (k) | Makes sure family setting with supports are ruled out, not just a family setting. | On and after October 1, 2021, for reviews conducted pursuant to subdivisions (a) or (d) for the child whose placement in a short-term residential therapeutic program has been reviewed and approved pursuant to Section 361.22, the report prepared for the review shall include evidence of all of the following: (1) Ongoing assessment by the qualified individual of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met by family members in another home-based setting, through placement in a family-based setting with treatment and identified supports , placement in a short-term residential therapeutic program continues to provide the most effective and appropriate care setting in the least restrictive environment, and placement is consistent with the short-and long-term mental and behavioral health goals and permanency plan for the child. |
| 35 & 43 | WIC 366.31 (B)(4) & 706.5 (a)(1)(B) | Repeating same language as above to make sure the court is ruling out family based settings with supports. | Adding "with treatment and identified supports." |

| | | | |
|---------|--------------------------------|--|---|
| 36 & 43 | WIC 366.31(l) & 706.5(c)(1)(B) | Provision for ongoing assessment of children in STRTPs by the QI has been deleted. How will on going assessments for court reviews of STRTP placements be conducted? Does facility, CFT, SW/PO, QI, or other person/ entity conduct the assessment? | |
| 41 | WIC 636 | The failure to allow for emergency relative and non-relative placements prior to disposition means that probation supervised youth do not have access to family placements for a prolonged period of time. This increases the use of secure detention for youth who could otherwise be in family-based care and is the opposite of the mandate under FFPSA. It is also a due process issue to disallow such a placement for foster youth depending on which agency supervises the child. | Add sub-division " (g) The probation officer may make an emergency placement for any minor whose placement and care the court ordered is the responsibility of the probation department with a relative or nonrelative extended family member provided that it complies with subdivision (b) of Section 727.05. " |
| 42-43 | WIC 706.5 | The case plan timing in this section assumes that a case plan is due only if probation is recommending a foster care placement at disposition. This is not the case. Case plans are due whenever a child is removed and at risk of foster care placement pursuant to WIC 636.1. This must be corrected to ensure timely completion of case plans. | ADD THE FOLLOWING TO sub(a) "706.5. (a) If placement in foster care is recommended by the probation officer, or where the minor is already in foster care placement or pending placement pursuant to an earlier order, or if at the time of the dispositional hear the minor remains removed from the custody of a parent or guardian based on a finding that continuance in the home would be contrary to the minor's welfare, the social study prepared by the probation officer that is received into evidence at disposition pursuant to Section 706 shall include a case plan, as described in Section 706.6. AND make the following change to sub (b): " If placement in foster care is not recommended by the probation officer prior to disposition the probation officer did not prepare a case plan prior to the disposition because none of the circumstances in subdivision (a) existed at the time of the hearing, but but the court orders foster care placement, the court shall order the probation officer to prepare a case plan, as described in Section 706.6, within 30 days of the placement order. |

| | | | |
|----|--------------------|---|---|
| 44 | WIC 706.6(c) | This section needs to make reference to the additional case plan requirements in WIC 16501.1 so that it is not read as a fully inclusive set of criteria. Several case plan requirements are contained in WIC 16501.1 and not separately contained here. Some of those name probation departments and others do not. The case plan requirements must be the same for all foster youth regardless of the supervising agency, this is made even more clear when the requirements are mandated by federal law. Some of the requirements in 16501.1 and omitted here are federal requirements. This needs to be remedied so that case plans will meet legal requirements. | ADD the following: The case plan shall comply with Section 16501.1 and include, but not be limited to |
| 46 | WIC 706.6 | The case plan requirement for a child in an STRTP at disposition in a child welfare case contains a requirement that is not included in case plans for children supervised by probation who are already in STRTPs at the time of disposition. There can be no question that these youth qualify as probation supervised foster children as they are in a foster care setting. Therefore the case plan must contain the same minimum components required for youth supervised by child welfare departments. This suggested language mirrors the requirement in WIC 358.1. | ADD " (e) On or after October 1, 2021, if a child is placed in a short-term residential therapeutic program, the case plan submitted to the court for the disposition hearing shall include the information specified in subdivision (c) of Section 727.12. " |
| 46 | WIC 706.6(d)(3)(E) | Why does the case plan include CFT recs only if available? Also in current law at (c)(3) | |
| 48 | WIC 727.12 | The report is required to be served on parents as well, just as in a child welfare proceeding. However, a parent is not understood as a party to a delinquency proceeding in the way they are for a child welfare proceeding. For this reason it is necessary to explicitly require service on the parent, it cannot be assumed. And a failure to provide the report to the parents of probation supervised foster youth, who are also generally without counsel, could create due process issues within the proceeding. | (b)(2) "The probation officer shall serve a copy of the request on all parties to the delinquency proceeding, including the minor's parent or guardian , and the minor's tribe..." (c)(2) The probation officer shall serve a copy of the report on all parties to the proceeding, including the minor's parent or guardian, and the minor's tribe in the case of an Indian child to whom subparagraph (E) of paragraph (1) of subdivision (d) of Section 224.1 applies , no later than seven calendar days before the hearing. (d)(2)(B) No party to the proceeding, including the minor's parent or guardian , or the minor's tribe |

| | | | |
|----|----------------------|--|---|
| 48 | WIC727.12(c)(1)(A) | The court report should not contain all of the underlying documentation of the assessment process to protect privacy concerns, promote efficiency, and not overburden the juvenile court case file. The QI should provide an assessment report and supporting documentation to the PO's, but the PO's court report should be limited to a copy of the QI's assessment report that documents the QI's determinations and recommendations as well as the basis for both. WIC 4096(g) should also be revised accordingly. | (A) A copy of the determination and supportive documentation assessment report that documents the determination as to the services and care needs of the child or nonminor dependent, and documentation prepared by the qualified individual pursuant to paragraph (1) of subdivision (h) of Section 4096. |
| 49 | WIC 727 12 (e)(2) | Repeating same language as above to make sure family based settings with supports are ruled out. | Adding "with treatment and identified supports" after "family-based setting" |
| 54 | WIC 4096(e)(1)(E) | The IPC should resolve any presumptive transfer issues. | add a new (E) When the qualified individual determines and documents the potential impact of transferring the responsibility to authorize, arrange or provide, and pay for specialty mental health services from one county mental health plan to another, pursuant to WIC 14717.1, the IPC shall resolve any presumptive transfer issues prior to the placement of the child. |
| 55 | WIC 4096(e)(1)(E)(4) | The IPC dispute resolution provision should require disputes to be resolved within a short period to be aligned with deadlines for placement within 30 days of completion of the QI assessment. | |
| 56 | WIC4096(g)(4)(A) | The QI should identify the services, supports, and interventions the child or NMD needs in a family based home. Also clarify that all of these supports, services, and interventions do not have to be provided by family members. | (4) The qualified individual shall determine and document both of the following in writing: (A) Whether the assessed needs of the child or nonminor dependent and the child's family can be met by with family members, in a tribally approved home in the case of an Indian child, or in another home-based setting, and, if so, identify the services, interventions, and supports the child or nonminor dependent needs in the home-based setting. identified by the placing agency. in a family-based setting |

| | | | |
|----|---------------------|---|---|
| 56 | WIC4096(g)(4)(B) | Clarify that supports, services, and interventions do not have to be provided by family members. Also the QI shouldn't be limited to other home based settings identified by the placing agencies. FFPSA specifically provides that a shortage or lack of foster family homes is not an acceptable reason for not keeping the child in a family setting. | (B) If the child or nonminor dependent's needs cannot be met in a by with family members, in a tribally approved home in the case of an Indian child, or in another home-based-based setting, all of the following:(i) Why the needs of the child cannot be met by the with family members of the child or in a another home-based setting- identified by the placing agency , or in a tribally approved home in the case of an Indian child. foster family-home. |
| 56 | WIC4096(g)(4)(B)(v) | Presumptive transfer impact determination and documentation not enough. This should also or alternatively be an IPC requirement to determine and document the potential impact and for the IPC to resolve any waiver issue prior to placement of the child. | (v) Consideration of The potential impact of transferring the responsibility to authorize, arrange or provide, and pay for specialty mental health services from one county mental health plan to another, pursuant to WIC 14717.1. |
| 56 | WIC4096(g)(6) | The QI should be required to produce an assessment report that documents all of the specified items in this code section. This and other subsections of the trailer bill refer to the "assessment" as a document in some places and as a process in other places. The assessment document references need to be clarified throughout the trailer bill. Is this subsection intended to refer to the validated assessment tool referenced in 4096(g)(3)? If so, it isn't clear why the tool needs to automatically be provided to the placing agency or the STRTP if the role of the QI is to do a comprehensive assessment that is based on more than just the tool. An assessment report that documents the tool used and summarizes the scoring results should be sufficient. The guidance being developed pursuant to 4096(h)(i) should address the privacy and confidentiality issues regarding dissemination of the rather than having the tool automatically disseminated. | (6) The qualified individual shall provide the assessment required by paragraph (2) and the report required by paragraph (4) to the county placing agency and the short-term residential therapeutic program in which the child or nonminor dependent is or will be placed. |

| | | | |
|----|-------------------|--|---|
| 57 | WIC 4096(h)(1)(A) | The standards should include citation to the FFPSA provision on QI duties and should specify the act's language on the independence of the QI. | (h) (1) The State Department of Social Services and the State Department of Health Care Services shall issue joint guidance that shall include, but not be limited to, all of the following: (A) The statewide standards, and certification requirements for qualified individuals, as defined in subdivision (l) of Section 16501 and Section 675a(c)(1)(D) of Title 42 of the United States Code. The standards and requirements shall include a requirement that a qualified individual is not an employee of the State Department of Social Services or the county placing agency and is not connected to, or affiliated with, any placement setting for children placed in out of home care. |
| | WIC 4096(h)(1)(B) | The standards developed by CDSS and DHCS should specifically include guidance on the dissemination of information by the QI. | (B) The requirements for referrals to and the assessment conducted by the qualified individual pursuant to subdivision (g) and the requirements for and limitations on dissemination of information |
| 57 | WIC4096(h)(1)(D) | The standards developed by CDSS and DHCS should include cover privacy and confidentiality of both records and information. | (D) The applicable state and federal privacy and confidentiality laws that permit or limit the dissemination of records and information from the assessment of by the qualified individual developed pursuant to subdivision (g) |

| | | | |
|----|-------------------|--|--|
| 59 | WIC 4096.55 (a) | Nursing services should be coordinated with the Foster Care Nurses program in WIC 16501.3. | Section 4096.55 is added to the Welfare and Institutions Code, to read: 4096.55. (a) The State Department of Social Services, in collaboration with the State Department of Health Care Services, shall make available nursing resources intended to assist short-term residential therapeutic programs with meeting the needs of any child, minor, or nonminor dependent residing in the program placed by a county child welfare agency or probation department. <i>Nursing services, including transition planning, provided pursuant to this section shall be coordinated with nursing services provided pursuant to Welfare and Institutions Code section 16501.3.</i> |
| 60 | WIC 4096.55(d)(1) | | (d)(1) The State Department of Social Services, in collaboration with the State Department of Health Care Services, shall issue necessary guidance for the statewide or regional short-term residential therapeutic program nursing registry resources, including, but not limited to, implementation, data tracking, and claiming.(2) Such guidance shall also provide information on (i) how to access existing nursing resources for the provision of medically necessary onsite care for children, minors, and nonminor dependents placed by a county child welfare agency or probation department and (ii) coordination with nursing services provided pursuant to Welfare and Institutions Code section 16501.3. |
| 62 | WIC 40966 (b) | Reference peer support as an element of aftercare. | (2) Such guidance shall also provide information on <i>(i)</i> how to access existing nursing resources for the provision of medically necessary onsite care for children, minors, and nonminor dependents placed by a county child welfare agency or probation department <i>and (ii) coordination with nursing services provided pursuant to Welfare and Institutions Code section 16501.3.</i> |

| | | | |
|----|----------------------|---|---|
| 69 | WIC 16010.7(b) | The standard for referrals to the QI as a placement disruption prevention strategy should be whenever the child is at risk of STRTP placement which is aligned with the prevention intent of FFPSA. Referral shouldn't have to wait until the placing agency "anticipates" that the next placement is an STRTP. | The strategy may include, but is not limited to, conflict resolution practices and facilitated meetings, and shall include a referral by the social worker or probation officer to the qualified individual for an assessment, as described in subdivision (g) of Section 4096 of the Welfare and Institutions Code, whenever the child or nonminor dependent is at risk of if next placement is anticipated to be in a short-term residential therapeutic program. |
| 71 | WIC 16501(a)(1)(A) | The population of children protected by child welfare services specifically refers to several populations of children, but it fails to include wards. Given that this is a subset of the foster youth population often overlooked it is important not to overlook their inclusion here. | (A) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, wards or neglected children. |
| 71 | WIC 16501(a)(2) | The case plan timing section omits the timing for probation supervised foster youth. It needs to be included to be complete. | The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, or by the disposition hearing as required by subdivision (a) of Section 706.5 , whichever comes first. |
| 72 | WIC 16501(a)(5)(B) | The occurrence of the CFT is required to be documented in the court report for child welfare supervised youth, but documentation is not required for probation supervised youth. The requirements must be the same for all foster youth. | (B) The occurrence of the child and family team meeting shall be documented in the court report that is prepared pursuant to Section 358.1, or 366.1, 706.5, or 727.3 . |
| 77 | WIC 16501.1(d)(2) | The case plan should also include the treatment and services the child or NMD needs as identified by the QI. | (2) If a short-term residential therapeutic program placement is selected for a child , child or nonminor dependent, the case plan shall indicate the needs -needs, treatment and services , including the needs as those identified by the qualified individual pursuant to subdivision (g) of Section 4096... |
| 78 | WIC 16501.1(d)(2)(F) | Case plan includes CFT recommendations, if available, Why would they be unavailable? Shouldn't CFT be making post discharge placement recommendations? | |

| | | | |
|----|-------------------|--|---|
| 80 | WIC 16501.1(g)(3) | The requirement to document the basis for the removal/ abuse or neglect is required in the case plan for child welfare supervised youth but not for probation supervised youth. The requirement must be the same for all foster youth. | (3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, <u>or the facts and conditions cited as the basis for a finding that continuance in the home of a parent or guardian would be contrary to the child's welfare pursuant to Section 636 or Section 727</u> , or all of these... |
| 91 | WIC 16587 (d) | This section does not adequately consider the two situations of receiving prevention services for candidates vs. pregnant and parenting youth already in foster care. | (8) Conducting periodic risk assessments for the child or youth while prevention services are being provided. The caseworker shall reexamine the prevention plan if they determine the risk of the child or youth entering foster care remains high despite the provision of prevention services. In the case of an Indian child, the assessments and any reexamination of the prevention plan shall be conducted in partnership with the Indian child's tribe. <i>In the case of a pregnant or parenting foster youth, risk assessments should not be conducted solely based on the fact that the young person is receiving prevention services based on his or her status as a pregnant or parenting foster youth.</i> |