

PROBATION DEPARTMENT DIRECTIVE

No:	764
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SUBJECT: ASSEMBLY BILL NO. 575 - CHILD WELFARE SERVICES

The passage of Assembly Bill 575 amends and adds sections to the Welfare and Institutions Code. It is effective January 1, 2000. Enacted changes are all related to child welfare services. Implementation of AB 575 is crucial to maintaining eligibility for Title IV-E funds. This bill requires changes in content of detention and disposition reports. There are also new mandates for placement progress reports. Required changes in Probation procedures are outlined in this Directive. In addition, training and instructive materials shall be provided to deputies to assure compliance.

Punishment Definition

Under Section 202(e) WIC the definition of punishment is modified to specifically exclude placement of a ward in foster care. This change should be kept in mind in the discussion of placement, treatment needs, and recommendations to the court.

Custody Intake

Section 628(a) WIC

The Probation Officer is required by Section 628(a) WIC to release a minor to the custody of the parents unless it can be demonstrated that continuance in the home is contrary to the child's welfare. The factors, which indicate that release to the parents is contrary to the minor's welfare, shall be stated in the detention report prepared by the Intake Detention Control Deputy Probation Officer (IDC DPO).

Section 635 WIC

Detention reports shall include information on:

- Any prior referrals for abuse or neglect of the minor or any prior filings regarding the minor pursuant to Section 300-WIC.
- Available services that could facilitate the return of the minor to the custody of the minor's parents or guardians.
- Whether there are relatives who are able and willing to provide effective care and control over the minor.

The timeframe for preparation of the detention report is limited. However, the IDC DPO must exercise due diligence to provide all available information.

MANUAL HOLDERS: CROSS-REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE.

Section 636 WIC

Revisions to Section 636 WIC require the court to make additional findings when ordering detention. The court shall make a determination on the record whether continuance in the home of the parents or legal guardian is contrary to the child's welfare, whether reasonable efforts were made to prevent or eliminate the need for removal of the child from his or her home, and whether there are available services that would prevent the need for fin-their detention.

The detention report must contain factual information upon which the court can make a finding.

Section 636.1 WIC

Section 636.1 WIC is a new section that requires a case plan by the Probation Officer whenever a minor is ordered detained. The case plan shall be completed within 30 days of initial removal from home, or by the disposition hearing whichever occurs first. The Probation Officer shall identify services that will be provided to the minor and family in order to reduce or eliminate the need for the minor to be placed in foster care and make it possible for the minor to safely return home.

To assure compliance with the requirements of this section, the IDC DPO shall include an initial case plan in the detention report. This plan may be augmented, modified, or changed in a pro-plea or disposition report.

Non-custody Intake**Sections 652 and 653.5 WIC**

Amendments to Sections 652 WIC and 653.5 WIC mandates that the Probation Officer address the issue of whether reasonable efforts have been made to prevent or eliminate the need for removal of the minor from home during the intake investigation. A statement addressing this matter shall be included on each investigation worksheet on new and subsequent referrals.

Special Study Reports**Section 706.5 WIC**

Disposition and pre-plea reports for minors for whom placement is being considered shall include a case plan which states the type of treatment needed and the expected outcome.

By necessity, this plan has to be tentative and general in nature. After placement is ordered, the placement supervision DPO will develop a more comprehensive plan.

Section 706.5 WIC describes the minimum contents of a foster care case plan. These requirements shall be addressed by an internal Placement Coordinating Memo (PCM) and training.

Placement Orders

Section 726.4 WIC

The Court is required to attempt to learn the identity of the minor's father when the identity is not known prior to the order for placement. This requirement is based in part on the possibility that the court could order termination of parental rights if the minor remains in placement longer than 15 months.

Section 727.2 WIC

This added section specifies criteria for selecting the most appropriate placement setting. The placement "shall be based upon selection of a safe setting that is the least restrictive or most family like, and the most appropriate setting that is available and in close proximity to the parent's home, consistent with the selection of the environment best suited to meet the child's special needs and best interest."

Section 727.3 WIC

The process outlined under this new section establishes the same process for placement status review and permanency planning hearings as required for dependent minors.

Section 727.4 WIC

The Probation Officer is mandated to notify the child, the child's parent or guardian, and any adult provider of care to the child, and to the counsel of record of all status review and permanency hearings. Notice is to be served not earlier than 30 days and not later than 15 days preceding the date of the hearing.

The Probation Officer shall file status review and permanency social study reports with the court at least 10 calendar days prior to each hearing. This section outlines the required contents of the reports and protocol for notification. The Placement Coordinating memo on new mandates shall cover this section in detail.

Contact the Juvenile Consultant at (562) 940-2523 if you have any questions regarding this Directive.

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