

PROBATION DEPARTMENT DIRECTIVE

No:	792
Issued:	08/30/00
Post until:	09/29/00

**SUBJECT: IMPLEMENTATION OF ASSEMBLY BILL 575 CALIFORNIA LEGISLATIVE
RESPONSE TO ADOPTIONS AND SAFE FAMILIES ACT (ASFA)**

Effective January 1, 2000, the passage of Assembly Bill 575, a California legislative response to the federal Adoptions and Safe Families Act, modified and added sections to the Welfare and Institutions Code applicable to delinquency proceedings. The purpose of this bill is to bring California delinquency proceedings in cases involving foster home or group home placements into conformity with existing dependency court practices and federal law.

Crucial to maintaining eligibility for Title IV-E funds, AB 575 requires the delinquency court to make changes in the way cases are handled and in the courts' findings that are made. To qualify for continued federal funding, the probation department must also comply with certain federal guidelines. To meet these requirements, an individualized case plan, addressing the potential for out-of-home placement of minors, is necessary.

In order for the court to make appropriate findings regarding the minor, changes in the content and detail of probation detention, disposition and placement progress reports are necessary. Probation Directive 764, issued January 4, 2000, explains the mandates and outlines the provisions of the new law. In keeping with this new legislation, the probation department must modify current procedures to include a case plan on every minor. This plan will provide the foundation for all casework relating to the minor and his or her family.

The probation investigation worksheet and disposition report formats will be revised before the end of this year to incorporate required case plan information. In the interim, this Directive provides specific procedural instructions affecting juvenile operations regarding the development of the individual case plan. These changes are effective September 1, 2000.

652 WIC CASES

On every 652 WIC referral, the DPO shall make reasonable efforts to prevent or eliminate the need for removal of the minor from his or her home.

Documentation of these efforts shall be made on the Investigation Worksheet, Probation Prob.14 (revised 8/99). If the minor is already out of the home, the DPO is to attempt to make an effort to make it possible for the minor to return to the family home. These efforts should include, but not be limited to, case management, counseling, parenting training, mentoring programs, vocational training, educational services, substance abuse treatment, transportation, and therapeutic services.

When a DPO closes a 652 WIC "prefiling" investigation, the case plan shall be noted on the investigation worksheet, indicating the reasons why the case was closed. These reasons are to include the efforts made by the DPO to refer the minor and his or her family to other services.

If the DPO refers the matter to the District Attorney, the DPO is to provide a written case plan, completed in ink and legible, on the investigation worksheet. The five basic elements of the case plan are to be referenced as listed under the heading "Active Supervision Cases Including New And Incoming 654 WIC".

ACTIVE SUPERVISION CASES INCLUDING NEW AND INCOMING 654 WIC

The DPO is not required to complete the new Case Plan, Prob. 1384 (8/00), unless ordered to do so by the court. For all currently active supervision cases, including new and incoming 654 WIC cases, the DPO is to develop and address five basic case plan elements in the Record of Supervision. These case plans are to be completed within 30 days from issuance of this Directive for all specialized caseloads and within 60 days for all regular supervision caseloads. Each case plan is to be signed by the DPO completing the plan. The SDPO shall review, sign and date the completed plan.

Pending the revision of the investigation worksheet and disposition report, a case plan is to be written in the Record of Supervision for each minor addressing the following areas:

1. Issues bringing the minor to the attention of Probation
 - Include alleged misbehavior both current and past
2. Risk factors underlying those issues
 - Discuss school problems, substance abuse, mental/emotional health issues, negative peer association and inadequate parental support, structure and supervision
3. Resources/Strengths
 - Elaborate on individual and family strengths. School, professional and community ties are also to be addressed if considered a source of positive support
4. Specific plan of action to reduce risk factors
 - Indicate by whom (minor, family, school, community based organizations, etc.), what and when, and how results will be measured
5. Desired case outcomes (goals)

If a subsequent petition is filed and a new Pre-Plea or Disposition report is required, the case plan procedures outlined under the heading "Pre Plea and Disposition Reports" contained in this Directive are to be followed.

PRE-PLEA AND DISPOSITION REPORTS

The DPO will develop and complete an initial case plan, Prob.1384 (see attached) identifying the strengths and needs of the minor and his or her family. The case plan shall identify services to be provided to the minor and his or her family in order to reduce or eliminate the need for the minor to be placed in foster care or make it possible for the minor to return home safely.

The case plan shall be attached to **every** Pre-Plea and Disposition report, whether or not the minor is detained, so that if the court does decide to make a suitable placement disposition order, now or in the future, Title IV-E compliance is timely and relevant information is available. The case plan is designed to walk the user through the issues, and shall reflect the following information:

- A description of the circumstances that resulted in the minor being placed under the supervision of the probation department and in foster care.

- An assessment of the minor's needs and the type of placement best equipped to meet them.
- A description of the type of home or institution in which the minor is to be placed, including a discussion of the safety and appropriateness of the placement.
- Specific, time-limited goals and related activities designed to enable the safe return of the minor to his or her home, or in the event that return is not possible, activities designed to result in permanent placement or emancipation. Responsibility for carrying out the planned activities shall be assigned to one or more of the following:
 1. Probation Department
 2. Minor's parents or legal guardian
 3. Minor
 4. Foster parent or licensed agency providing the foster care
- Projected date of completion of the case plan objective and the anticipated date services will be terminated.
- Scheduled visits between the minor and his or her family and an explanation if no visits are made.
- Indicate why the placement is the most appropriate and is in the best interest of the minor when placement is made that is either a substantial distance from the parent's home or is out-of-state.
- Efforts made to place siblings together, unless it has been determined that placement together is not in their best interest.
- A schedule of visits between the minor, the probation officer, including a monthly visitation schedule for those children placed in group homes.
- Health and education information about the minor including:
 1. School records
 2. Grade level performance
 3. Immunizations, including dates
 4. Known medical problems and any known medications the minor may be taking
 5. Names and addresses of the minor's health and educational providers
 6. Other relevant health and education information
- Provide a description of the services to assist the family in reunification. If efforts to reunify fail, discuss the services to be provided during out-of-home care to achieve legal permanency (adoption or independent living).
- Documentation of the compelling reasons why termination of parental rights is not in the minor's best interest when out-of-home services are used and the minor's case plan does not provide for adoptive placement.
- A description of the services that have been provided to the minor under the plan and an evaluation of the appropriateness and effectiveness of those services.
- Participation of parent/legal guardian and the minor in the development of the case plan, review of the case plan, signing it whenever possible, and receiving a copy.

- A written description of the programs and services which will help the minor prepare for the transition from foster care to independent living for a minor in out-of-home care who is 16 years of age or older.

VIOLATION FILINGS

At this point, DPOs are not required to complete the new case plan, Prob.1384, for 777 WIC reports unless suitable placement is being recommended. If the DPO recommends placement, the case plan procedures outlined under the heading "Pre Plea and Disposition Reports" in this Directive are to be followed. If the court orders a case plan on 777 WIC filings and suitable placement was not recommended, the DPO must comply with the courts order and complete the case plan.

Any questions regarding this Directive should be referred to the Juvenile Consultant at (562) 940-2523.

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