

PROBATION DEPARTMENT DIRECTIVE

No:	795
Issued:	09/19/00
Post until:	10/19/00

SUBJECT: AB 575 CASE PLAN AND REQUIREMENTS FOR FOSTER CARE

Departmental Directive #764, issued 01-04-00, provides an overview of changes as mandated by AB 575. The purpose of this Directive is to provide detailed procedural information for the implementation of AB 575 as required for Suitable Placement cases.

AB 575 mandates Probation Departments in California to comply with state casework requirements for children under 600 WIC jurisdiction in AFDC-FC funded out of home placements. The mandated services include preparation of a detailed case plan, status and permanency reviews that address family reunification or permanency placement planning.

THE IMPACT ON PROBATION CASEWORK REQUIREMENTS FOR ALL FOSTER CARE CASES ARE IN THE FOLLOWING AREAS:

I. SECTION 706.5 (WIC) - FOSTER CARE CASE PLAN (FCCP) - PROB 1385 - Attachment #1

The case plan shall be submitted to court with all status review and permanency hearing reports.

The foster care case plan shall include the following information:

- A. A description of the circumstances that resulted in the child being placed under the supervision of the probation department and in foster care.
- B. An assessment of the child's needs and the type of placement best suited to meet them.
- C. A description of the type of home or institution in which the child is to be placed, including a discussion of the safety and appropriateness of the placement.
- D. 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 to his or her home is not possible, activities designed to result in permanent placement or emancipation.
- E. Projected date of completion of the case plan objectives and the date services are expected to be terminated.
- F. Schedule of visits between the child and his or her family and an explanation if no visits are made.
- G. If placement is made in a facility that is either a substantial distance from the home of the child's parent or out-of-state, the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the child.
- H. If out-of-state placement is ordered by the court, the case plan shall comply with Section 727.1 and Section 9711.1 of the Family Code. In addition, documentation of the recommendation of the Multidisciplinary Team and the reason for this particular placement shall be included. The case

plan shall also address what in-state services or facilities were used or considered and why they were not recommended.

- I. Schedule of visits between the child and the probation officer.
- J. Past and present physical and mental health.
- K. Past and current educational information.
- L. If family reunification is the case goal, the case plan shall describe the services to be provided to assist in reunification.
- M. If the case plan does not provide for adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights (TPR) is not in the child's best interest.
- N. Every subsequent case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.
- O. Parents, legal guardians, and the child shall have an opportunity to participate in the development of the case plan, to review the case plan, to sign it whenever possible, and to receive a copy of the plan.
- P. For every child who is 16 years of age or older, a written description of the programs and services, which will help the child prepare for the transition from foster care to independent living.
- Q. If applicable, efforts to make it possible to place siblings together, unless it has been determined that placement together is not in the best interest of one or more siblings.

The placement Deputy Probation Officer (DPO) is required to visit every child in placement (5) working days after the date of placement. At this interview, the DPO shall obtain information needed to develop the case plan. This meeting should include placement staff with the purpose of working together to identify and develop minor's treatment plan. The case plan is to be completed within 30 days of the initial placement and updated every six months.

II. SECTION 727.2 (WIC) - SELECTION OF APPROPRIATE PLACEMENT SETTING

This section mandates the same criteria to be used in selecting the appropriate placement setting for 600 WIC children as is used for dependents (300 WIC).

- A. The decision regarding choice of 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.

III. SECTION 727.3 (WIC) - PROCESS FOR PLACEMENT STATUS (NARY) REVIEWS-AND PERMANENCY REVIEW HEARINGS.

This section was added to establish the same process for placement status review and permanency planning hearings for minors under 600 WIC jurisdiction as required for children under 300 WIC. The purpose of this section is to provide a means to monitor the care of every child in foster care who has been declared a ward of the juvenile court and to ensure that everything reasonably possible is done to facilitate the safe early return of the child to his or her

own home or to establish a permanent plan for the child. The objective of this section is to ensure that everything is being done to facilitate return of child or to establish permanent plan.

This section mandates that all services are made available to facilitate the return of the child to his or her own home or to establish a permanent plan for the child, and to address the needs of the child while in foster care.

- A. The case of a child placed in foster care shall be reviewed at the time of the initial placement order. Subsequent reviews shall be held as determined by the court, but no less frequently than every six months.
- B. A permanency Hearing shall be held within 12 months of the date of the suitable placement order.
- C. For a child who has been in foster care for 15 of the most recent 22 months, the DPO shall file a petition to terminate the parental rights unless the DPO has documented a "compelling reason" for determining that a termination of parental rights (TPR) would not be in the child's best interest. A "compelling reason" is defined as anyone of the following circumstances:
 - 1. The parent or legal guardians have maintained regular visitation and contact with the minor and the minor would benefit from continuing the relationship.
 - 2. The permanent plan is for the minor to return to his or her own home.
 - 3. A child 12 years of age or older objects to termination of parental rights.
 - 4. Minor is placed in residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the minor a permanent family placement if the parents cannot resume custody when residential care is no longer needed.

IV. SECTION 727.4 (WIC) - WRITTEN NOTIFICATION OF STATUS REVIEW (NARY) AND PERMANENCY HEARING

- A. A notice of any status review hearing shall be mailed by the DPO to the child, the child's parent or guardian, and any adult provider of care to the child. Notification shall be made by first-class mail addressed to the last known address of the person to be notified, or shall be personally served on those persons, not earlier than 30 days nor later than 15 days preceding the date of the hearing.
- B. The notices (see attachments 2 and 3) shall contain a statement regarding the nature of the status review or permanency planning hearing and any change in the custody or status of the child being recommended by the probation department. The notice shall also include a statement informing the foster parents, relative caregivers, or pre-adoptive parents that he or she may attend all hearings or may submit any information he or she deems relevant to the court in writing.
- C. The DPO shall file a social study report with the court at least 10 calendar days prior to each status review and permanency planning hearing. The social study report shall include, but not be limited to, the following information:
 - 1. Progress toward goals established in the case plan previously submitted to the court.
 - 2. The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care.
 - 3. The safety of the child and the continuing necessity for an appropriateness of the placement.
 - 4. The projected date by which the child may be returned home or placed for adoption or legal guardianship.
 - 5. An updated case plan
 - 6. Whether the child has been or will be referred to educational services and what services the child is receiving, including special education and related needed services.

7. Whether the right of the parent or guardian to make educational decisions for the child should be limited by the court pursuant to Section 7579.5 of the Government Code.
- D. The Probation Department shall inform the child, the child's parent or guardian, and all counsel of record that a copy of the social study prepared for the hearing will be available 10 days prior to the hearing and may be obtained from the DPO.

Questions regarding this Directive may be addressed by calling the Central Placement Office at (562) 940-2834.

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