

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



October 16, 1998

## ALL COUNTY INFORMATION NOTICE NO. I-60-98

TO: ALL COUNTY WELFARE DIRECTORS  
 ALL CHIEF PROBATION OFFICERS  
 ALL GROUP HOME PROVIDERS  
 ALL FOSTER FAMILY AGENCIES  
 ALL COUNTY MENTAL HEALTH  
 DIRECTORS

REASON FOR THIS TRANSMITTAL

- State Law Change  
 Federal Law or Regulation Change  
 Court Order or Settlement Agreement  
 Clarification Requested by One or  
 or More Counties  
 Initiated by CDSS

SUBJECT: FOSTER CARE

REFERENCE: SENATE BILL (SB) 933, (CHAPTER 311, STATUTES OF 1998)

The purpose of this Notice is to provide information on the recently enacted legislation, SB 933 (Chapter 311, Statutes of 1998). The following summary describes the major program effects of this legislation regarding dependent children and wards in foster care.

Education

Local educational agencies are required to share information with county placing agencies on educational placements available to students in licensed children's institutions. Placing agencies are to be invited to participate in local education agencies' monitoring of non-public schools.

This bill requires the State Department of Education to involve local educational agencies in certification review and complaint investigations, and requires that local educational agencies include proposed oversight methods in their Special Education Local Plan Area plans and master contracts.

This legislation places the Education Passport requirements of Welfare and Institutions Code Section 16010 (which concerns the case plan for each minor to include health and education records) in the Education Code and notification requirements are extended to include non-special education students.

This bill ensures that state courts routinely indicate the party that maintains or assumes the educational rights of a child placed in foster care.

### Interstate Compact on the Placement of Children

The Legislature through this bill has expressed its intent to ensure that the same personal safeguards for children placed in group home care within California is afforded to those children placed outside of the state. This will be accomplished pursuant to the Interstate Compact on the Placement of Children for which the California Department of Social Services (CDSS) is the single state agency so authorized in California.

All out-of-state group homes that can accept children from California must be certified by CDSS by meeting all Title 22 licensing standards. The CDSS has one year to complete certification. Public funds shall not be used to pay for the placement of any child in an out-of-state group home that fails to obtain or maintain its certification.

Additionally, SB 933 requires that counties obtain a multidisciplinary team assessment and placement recommendation for all children in out-of-state group homes within six months of the operative date of this bill (August 18, 1998). On or after March 1, 1999, a county shall be required to obtain an assessment and placement recommendation by a county multidisciplinary team prior to placement of a child in an out-of-state group home facility.

The Compact Administrator is authorized to suspend new placements to an out-of-state group home for up to one hundred days pending the results of an investigation on allegations or circumstances that threaten the health or safety of children at the facility.

### Group Homes

The CDSS is required to produce a booklet on the roles and responsibilities of members of group home boards of directors, including information on financial responsibilities, legal requirements for meetings, and laws and regulations regarding group home operations.

Senate Bill 933 requires that all financial records submitted by group home facilities to CDSS, or that are submitted as part of an audit, be signed and dated by the person responsible for ensuring the accuracy of the information contained in the record and must contain an affirmative statement that the submission of false or misleading information may be prosecuted as a crime. The bill states the legislature's intent that group home boards of directors include neighbors and current or former clients of the facility.

Senate Bill 933 defines facility manager and requires a facility manager to be at the facility at all times when children are present.

All CDSS and placement agency employees are prohibited from accepting any gifts or remuneration from group homes or foster family agencies that exceed the monetary limits for gifts as specified by the Fair Political Practices Act.

The CDSS is required by the bill to establish standardized training and continuing education curriculum for group home facility managers and child-care providers.

Please note that additional information concerning SB 933 requirements with regard to licensing issues will be provided by CDSS Community Care Licensing Division in a separate All County Information Notice.

#### Group Home and Foster Family Agency (FFA) Rates

The legislation requires that a "provisional rate" be established for a new group home program of a new or existing provider.

Effective July 1, 1998, the amounts in the schedule of basic rates for group homes and foster family agencies will be increased by 6 percent. Additionally, subject to the availability of funds, for the 1999-2000 fiscal year and annually thereafter, these rates shall be adjusted for cost of living.

All group homes and FFAs are required by the bill to have a financial audit conducted on an annual basis and submit a copy of the audit to the CDSS with its annual rate application. The CDSS shall develop regulations establishing a process for group home and FFA providers, with a total licensed capacity of 12 or fewer beds, to apply for financial assistance to offset the cost of the audits.

Greater detail concerning the rate adjustments for group homes and FFAs is contained in All County Letter 98-70, dated September 15, 1998.

#### Mental Health

Beginning in the 1998-99 fiscal year, county mental health departments that received full system of care funding shall provide mental health screening, assessment, and mental health treatment services to children in out-of-home group care to the extent funding is available. The California Department of Mental Health (CDMH) is required to report to the legislature by June 1, 1999, an estimate of the resources needed to provide mental health services to all eligible children in foster care.

The CDMH, in consultation with CDSS, the Judicial Council, counties and others, is required by SB 933 to develop a procedure by July 1, 1999 for the review of treatment plans for children receiving prescribed psychoactive medications and who are in out-of-home care.

### Program Development

Senate Bill 933 creates or modifies several programs:

**Independent Living Program (ILP)**—This legislation substantially increases through the state's general fund the counties' ILP allocation, with no matching requirement from the counties, to serve all youth 16 to 21 years of age. The CDSS shall amend the foster care state plan accordingly.

**Foster Child Ombudsman Program**—The CDSS will establish an office to provide information to children in foster care, receive complaints, and refer complaints for investigation or directly investigate complaints. The office will provide a toll-free number for children in foster care to use.

**Children's Services Development Program**—This program allows counties to enter into performance agreements with specific providers to develop services that are not available in the community. Upon request from a county, the Director of CDSS is authorized to waive regulations governing foster care payments for the operation of group homes to enable counties to implement the agreements established by this program.

**Law Enforcement Task Force**—The CDSS is required to convene a task force to identify the statutory and regulatory changes that will permit efficient and effective criminal prosecution of illegal activities of individuals associated with group homes.

Additionally, SB 933 requires monthly visits of all children placed in group homes, whether in or outside of the state, and reimburses counties for the cost of this new mandate. Division 31 regulations will be changed to reflect this new mandate.

**Assessment of Children and Families**—Statutory requirements mandating the level of care assessment instrument have been eliminated. By December 31, 1998, CDSS is required to issue current best practice guidelines for the assessment of children and families to all county placing agencies and the courts. These guidelines will promote the use of family-centered, strength-based principles and strategies. Additionally, SB 933 requires that CDSS conduct a pilot project to test the effectiveness of an assessment protocol or process developed by CDSS in collaboration with county agencies and other stakeholders. By July 1, 1999, CDSS will solicit participants for the pilot, which will commence on or before September 1, 1999.

The CDSS is also required to convene a working group to develop a protocol outlining the roles and responsibilities of placing agencies and group homes regarding the emergency and non-emergency placement of foster children in group homes.

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Under the direction of the Health and Welfare Agency, and in consultation with all stakeholders, CDSS will re-examine the role of out-of-home placements for children. This shall focus on the role of group care within a family-based system. The Health and Welfare Agency shall develop a proposal, including a work plan and timeframes to complete this process, and submit it to the legislature by April 1, 1999.

As noted previously, greater detail on many of the aspects of SB 933 will be covered under other All County Letters and/or Notices. If you have any questions concerning this letter, please contact the Foster Care Branch at (916) 445-0813.

Sincerely,

***Original Document Signed By  
Marjorie Kelly on 10/16/98***

MARJORIE KELLY  
Deputy Director  
Children and Family Services Division