

CHILDREN AND FAMILY
SERVICES HANDBOOK

SECTION: 31-909
PAGE NO.: 1
ISSUED/REVISED: 04/23/18

PRESUMPTIVE TRANSFER
(OUT-OF-COUNTY)

SECTION: 31-909
PAGE NO.: 1
EFFECTIVE: 7/1/17

I. OVERVIEW

Established by AB 1299 (Ridley-Thomas, Chapter 603, Statute 20160), Presumptive Transfer provides children and youth in foster care, who are placed outside of their county of original jurisdiction, with timely access to Specialty Mental Health Services (SMHS) by the county in which they now reside. Presumptive Transfer only applies to children/youth who experience intra-county moves within California and does not apply to children/youth placed out of state.

II. POLICY

Effective July 1, 2017, when a child in foster care changes residency outside of their county of jurisdiction, the responsibility to provide, authorize, and pay for SMHS presumptively transfers to the child's new county of residence. **Unless a Waiver (exception) is determined to be appropriate.** The intent is to support the continuity of care regardless of where the child is placed. Jurisdiction remains with the original county of residency. All decisions and determinations regarding the Presumptive Transfer process will occur within the Child & Family Team (CFT). Youth in placement and on probation are served by the Probation agency.

A. **Presumptive Transfer may occur when a child/youth in placement:**

- Is placed outside of the county of original jurisdiction, and is currently receiving SMHS; OR
- Resides in another county other than the county of original jurisdiction, **and** is not receiving SMHS consistent with his/her mental health needs as specified in their plan; OR
- Continues to reside in a county other than the county of original jurisdiction.

B. **Presumptive Transfer Exceptions**

The CFT *has the authority to determine* whether a Presumptive Transfer should be waived, but only if **both** of the following conditions are met:

- 1) An individualized determination is made that an exception applies (Welfare and Institutions Code § 14717.1 (b) 2(A), AND
- 2) The Mental Health Plan (MHP) in the county of jurisdiction demonstrates they can provide SMHS, either directly or via contract, to the child or youth within 30 days. A Service Authorization Request (SAR) might possibly be utilized.

CHILDREN AND FAMILY
SERVICES HANDBOOK

SECTION: 31-909
PAGE NO.: 1
ISSUED/REVISED: 04/23/18

PRESUMPTIVE TRANSFER
(OUT-OF-COUNTY)

SECTION: 31-909
PAGE NO.: 2
EFFECTIVE: 7/1/17

Furthermore, the CFT *may decide to waive* Presumptive Transfer only **if one or more** of the four exceptions listed below exists:

- 1) The transfer would negatively impact MH services being provided to the child/youth; or delay access to services provided to the child/youth; or disrupt continuity of care.
- 2) The transfer would interfere with family reunification efforts documented in the child/youth's individual case plan.
- 3) The child/youth's placement in a county other than the county of original jurisdiction is expected to last less than six months.
- 4) The child/youth's residence is within 30 minutes of travel time to his/her established SMHS provider in the county of original jurisdiction.

III. SOCIAL WORKER RESPONSIBILITIES

- A. Jurisdiction: **Before the Presumptive Transfer or Waiver option process can begin, Contra Costa County jurisdiction must be confirmed.**
- B. CFT: Submit a CFT Referral Form, which will include those notified as well as the Mental Health Intensive Care Coordinator (ICC) and other current Mental Health professionals. Bring a copy of the following forms to the CFT (if applicable):
 - DC 5A and DC 5B (Consent for MH Treatment)
 - JV 220 (Consent for Medication)
 - A copy of the Mental Health assessment
- C. Mental Health Resources: Discuss the Presumptive Transfer and Waiver option with the regional Mental Health Liaison and review services offered by the county where the child/youth may reside.
- D. Notification: Before the CFT meeting occurs, notify the following parties about the Presumptive Transfer and Waiver option process.

Youth/child	Via in-person contact; document in the case file.
Parent(s)	Via postal mail; document in the case file.
Child's attorney/CASA	Via email; document in the case file.

E. **If the CFT decides to PRESUMPTIVELY TRANSFER**

The social worker will:

- 1) Refer to form CFS MH 10, AB 1299 – Presumptive Transfer Checklist, to ensure completion of detailed steps.
- 2) Receive confirmation that the child/youth was referred for SMHS from the

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SERVICES HANDBOOK

SECTION: 31-909
PAGE NO.: 1
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PRESUMPTIVE TRANSFER
(OUT-OF-COUNTY)

SECTION: 31-909
PAGE NO.: 3
EFFECTIVE: 7/1/17

- MHP in the receiving county.
- 3) Receive another confirmation when the SMHS has begun.
 - 4) Document in CWS/CMS.

F. **If the CFT decides to submit a WAIVER**

The social worker will:

- 1) Ensure follow-up with Mental Health that services are completed.
- 2) Document in CWS/CMS.

IV. CHILD AND FAMILY TEAM (CFT) MEETING

The determination of Presumptive Transfer or Waiver is made at the CFT, by the CFT. The following will be discussed at the CFT meeting:

- The impacts of a Presumptive Transfer or Waiver request.
- MH, CARES, and Katie A assessments (completed and current.) **If assessments were not completed, there is NO delay in the process of determining Presumptive Transfer.**
- Current and available service options, and other relevant items, such as case planning goals. *How will the transfer impact the delivery or access to MH services for the child/youth?*
- Available services in the receiving county via the MH Liaison or the assigned ICC through Behavioral Health.

Note: The CFT facilitator will ensure that all applicable forms, including CFS MH 11-AB1299 Presumptive Transfer/Waiver Combined Request are completed, gathered and sent to the CFS Point of Contact (POC).

REFERENCES

ACL 17-77 Mental Health and Substance Use Disorder Services (MHSUDS) Information Notice No. 17-032 dated 7/14/17

FORMS

Frequently Asked Questions
Presumptive Transfer Workflow
CFS MH 10 Presumptive Transfer Checklist

CONTACT PERSON: Persons with questions concerning this department manual section may contact the Program Analyst.