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I. Placements and Additional Rules

A. Physical vs. Legal (Constructive) Removal

The California Department of Social Services (CDSS) has concurred on what constitutes a legal removal. CDSS has adopted that legal removal (constructive removal) is an acceptable alternative to physical removal.

The State defines the ‘legal home of removal’ as the ‘home of the parent or relative from whom the child is physically removed.’ Counties must base their AFDC-FC eligibility determination on the State’s definition of ‘legal home of removal’.

1. Physical Removal Defined

Physical removal occurs when the child has physically been removed from the home of a specified relative.

Example #1: A parent is arrested and incarcerated. The Aunt has taken over physical custody of the child. After several weeks she calls the child’s Social Worker and states that she is no longer able to continue to care for the child. The child is ‘physically removed’ from the Aunt.

Example #2: The child has lived with an Aunt and Uncle for several years. Our agency investigates and subsequently removes the child due to sexual abuse by the Uncle. The child is physically removed from the Aunt and Uncle. This is considered the home of removal because the allegations will be against the uncle.

2. Legal (Constructive) Removal Defined

Legal (Constructive) removal is a paper removal. This means the local Social Service or Probation Department has obtained legal custody/care of the child but does not physically remove the child from the home where the abuse or neglect occurred.

Example: The child has been living ‘on the streets’ and with various friends for four months. Prior to that time the child had been living with the father. The child is taken into custody by our agency and a petition is filed. The father’s home is the home of removal.



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B. Parent/Child Placement

1. Child in the Home of Parent or Relative from Whom Removed

State or federal AFDC-FC shall only be made when the child resides in an eligible facility which is NOT a home in which the parent(s) or relative from whom the child was removed is living.

Anytime the parent or relative from whom the child was removed moves into the placement home where the child is living, the FC EW must discontinue the Foster Care case, send a timely Notice of Action (NOA) and immediately notify the assigned Social Worker (SW)/Probation Officer (PO) of the action being taken.

2. Minor Parent With Own Child

Per California State and Federal regulations, there is no AFDC-FC eligibility for a dependent child that lives with the parent or relative from whom removed. State or Federal AFDC-FC can only be paid if the dependent child is physically separated from the parent or relative from whom he/she was legally removed.

C. Relative/Non-Relative Extended Family Member (NREFM) EAS 45-101

1. NREFM Defined

The non-relative extended family member (NREFM) is defined as any adult caregiver that has an established familial or mentoring relationship with a child or any adult caregiver who has an established familial relationship with a relative of the child. This relationship is verified by interviews by the SW/PO with the parent and child or one or more third parties.

NOTE: Caregivers who meet the criteria of NREFM will be approved by the same standards as the Resource Family (RF) Approved Home.

2. Approved Home Defined

An Approved Home is defined as:

- a. The home of a relative which is approved as meeting the same standards as an RF Approved Home

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- b. A family home where a NREFM has been approved by meeting the same standards as an RF Approved Home

3. Guidelines

All relative and NREFM caregiver homes must meet the federal guidelines as an RF Approved Home. If children declared as dependents of the juvenile court are placed with a relative or a NREFM caregiver whose home has not been approved for placement, the caregiver cannot receive payment until the home approval has been complete.

4. FC EW Responsibility

FC EWs are to ensure that any child in receipt of Federal Foster Care and placed with a relative or NREFM meet the guidelines of an RF Approved Home.

5. Placement/Approved Home Verification

Prior to making any foster care payments, the EW must verify that the child who is placed with a relative/NREFM resides in an Approved Home. The SOC 158A, *Foster Child's Data Record and AFDC-FC Certification* indicating the home has been approved will be acceptable evidence that a caregiver's home is approved.

6. Date of AFDC-FC Eligibility

The beginning date of federal AFDC-FC eligibility for relative/NREFM exists when both of the following conditions are met:

- a. The date of the Detention hearing, when the court makes the required removal and 'reasonable efforts' findings, AND
- b. The date the relative/nonrelative extended family member home meets approval as an RF Approved Home
- c. The relative is determined to be eligible for federal AFDC-FC

NOTE: This date is found on the SOC 158A, Rationale Description box and/or the space below the signature line.

7. Required Forms

The SOC 815, *Approval of Family Caregiver Home*, Home Approval process will

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continue until the conversion to the RF Home Approval process is complete. At that time the RFA 05A form will verify all completed home approvals. EWs will find the approval date on the SOC 158A, which is the only required verification the EW will need to grant the case/placement.

NOTE: The RFA Clerk will send the required forms to the Provider Unit for entry into CalWIN

D. Resource Family Approval Program (RFA)

This new approval process will replace the existing processes for licensing foster family homes (FFH), and also will approve adoptive families by combining elements of all the processes into a single approval standard.

The RFA program is available to caregivers supervised by Child Welfare and Probation, including Voluntary Placements.

1. Definition of Resource Family

The definition of ‘Resource Family’ is defined as an individual or couple that a county determines to have successfully met the application and assessment criteria necessary for providing care for a child or non-minor dependent (NMD) who is under the jurisdiction of juvenile court, or otherwise in care of the county’s Child Welfare and Probation Department. Under the RFA program, all foster home placements are referred to as ‘Resource Family Homes’.

The RFA program replaces the home approval process for FFAs, relatives and NREFMs which are now referred to as ‘Resource Homes’. The following forms are no longer required for relative and NREFM home approvals under the RFA program:

- SOC 815, Approval of Family Caregiver Home
- SOC 817, Checklist of Health and Safety Standards for Approval of Family Caregiver Home
- SOC 818, Relative or Non-Relative Extended Family Member Caregiver Assessment

All existing placement policies remain in effect except the forms listed above. Additionally, Foster Family Homes will no longer be licensed and are now referred to as



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RF Approved Homes under the RFA program.

The RFA process may take in excess of 90 days for the full certification. It must be noted that AFDC-FC funding cannot be paid until the home is fully approved or certified.

NOTE: Relatives should be referred to CalWORKs in their county of residence pending the home approval process.

2. Resource Family Home Initial Approval

When the RF home is fully approved/certified, that home will receive the RFA 05A, *Resource Family Approval Certificate* to validate its eligibility to receive AFDC-FC funding.

When the RF provider moves within Contra Costa County, a new RFA 05A is required and the FC EW will be notified of the approval of the new residence via an updated SOC 158A.

Relative Home (RH):

When a relative home is fully approved under the RFA program, the SOC 158A will include the changes to validate a fully approved RF home:

Non Related Extended Family Member (NREFM) Home:

When a NREFM home is fully approved under the RFA program the SOC 158A will include the changes to validate a fully approved RF home:

Foster Family Home (FFH):

When a Foster Family Home is fully approved under the RFA program the SOC 158A will include the changes to validate a fully approved RF home.

3. Initial Placements

FC EWs are required to complete a federal AFDC-FC eligibility determination prior to the RF home approval at the initial foster care placement. A child may be placed in a home pending RF approval with a relative or NREFM, however the caregiver will not receive payment until the date the home is approved.

The relative must be given the option of receiving AFDC-FC (if eligible and the DMCL # 17-83



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determination is federal) or, if non-federal, the Approved Relative Caregiver (ARC) program or CalWORKs. The relative caregiver must be given all funding options.

The following documents must be given to the relative caregiver:

When it is determined that the case is federal:

- *'AFDC Program Choice Indicator', FC 4*
- *'Applicant's Statement of Relationship to Aided Children', IM 16*
- *'Documentation of Language Capability and Action Plan', Gen 22*
- *'Lump Sum Important Notice', FC 1683*

When it is determined that the case is non-federal (in addition to the above forms):

- *'Statement of Facts Supporting Eligibility for Approved Relative Caregiver (ARC) Program', ARC 1*
- *'Rights, Responsibilities and other Information for ARC', ARC 1A*
- *'Approved Relative Caregiver Program Brochure', PUB 468*

When the relative caregiver is NOT eligible for federal AFDC-FC funding they are also NOT eligible for non-federal AFDC-FC funding. Their options are either CalWORKs or ARC, it is their decision. An ARC eligible child cannot receive ARC and CalWORKs at the same time. The relative caregiver must make a choice.

4. Placement Changes to Relative Homes

Whenever a child under the supervision of our agency or Probation Department changes placement from a non-relative to a relative home, the relative (under the *Miller v Youakim* lawsuit) must be given the option of receiving AFDC-FC (when determined to be federally eligible) or if determined non-federal, ARC or CalWORKs. The continuing FC EW must notify the relative of their options.

Relatives Eligible for AFDC-FC:

When the child is federally eligible and the resource home is fully approved or certified,

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the continuing FC EW must have the relative complete the applicable forms listed above [see page 6, Resource Family Approval Program (RFA), (D)(3)].

Relatives Not Eligible for AFDC-FC:

When the child is not federally eligible and the resource home is fully approved or certified, the relative must be given the option of applying for CalWORKs or ARC and must complete the applicable forms listed above [see page 6, Resource Family Approval Program (RFA), (D)(3)].

5. Rates

Rates paid for RF homes are the same rates paid for current FC placements and can be found on the FC 400, *Foster Care and KinGAP Aid Payment Rates*.

6. Annual Approvals

On an annual basis, the SW/PO must update the approval of the RFA home per RFA Written Directives.

II. REFERENCE

DM 45-101 (a) (2) (A) (B), Definition of Approved Home
DM 45-101 (n) (1), Definition of Non Related Extended Family Member (NREFM)
Assembly Bill (AB) 1695, Chapter 653, Statutes of 2001
Adoptions and Safe Families Act (ASFA) of 1997 (PL 105-89)

III. FORMS

FC 1683, Lump Sum Important Notice
SOC 158A, SOC 158A, Foster Child's Data Record and AFDC-FC Certification
SOC 815, Approval of Family Caregiver Home
SOC 817, Checklist of Health and Safety Standards for Approval of Family Caregiver Home
SOC 818, Relative or Non-Relative Extended Family Member Caregiver Assessment
RFA 05A, Resource Family Approval Certificate
FC 4, AFDC Program Choice Indicator
IM 16, Applicant's Statement of Relationship to Aided Children
Gen 22, Documentation of Language Capability and Action Plan
ARC 1, Statement of Facts Supporting Eligibility for Approved Relative Caregiver (ARC) Program
ARC 1A, Rights, Responsibilities and other Information for ARC

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PUB 468, Approved Relative Caregiver Program Brochure
SAWS 1, Initial Application for CalFresh, Cash Aid, and/or Medi-Cal/Health Care Programs
FC 400, Foster Care and KinGAP Aid Payment Rates