

Understanding the Options for Out of Home Care

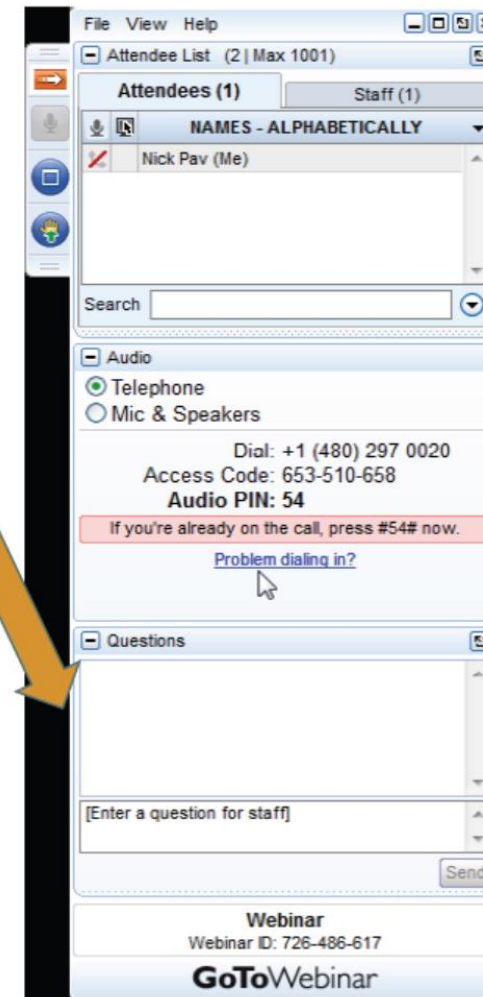
Foster Care, Probate
Guardianship, VPAs,
and Other Options to
Support Children

ALLIANCE
for CHILDREN'S
RIGHTS



LOGISTICS

- Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>
- All attendees are muted during webinar.
- Please submit questions using the “Questions” function on your GotoWebinar dashboard.
- Email Ines Rosales at irosales@alliancecr.org if you experience technical difficulties.



PRESENTERS



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Exploring Kinship Care

Understanding California Children's Courts

Comparing Out of Home Care Options

Making An Informed Decision

Policy Updates and Proposals

Resources

AGENDA



KINSHIP CAREGIVERS

CARING FOR CHILDREN OUTSIDE
THEIR HOME

WHY KINSHIP CARE?

-
- Connecting a child with a known family member increases child well-being, improves educational outcomes, minimizes trauma, creates stability for the child, and enables children to remain together with siblings

MANY TYPES OF KINSHIP CARE

Private Kinship Care: the child came to live with the relative without any current or past involvement by the child protective system

Hidden Foster Care or Diverted Kinship Care: the child came to live with the relative through involvement of the child protective system but a dependency case was not opened

Unlicensed Kinship Foster Care: the child is placed with relative as a result of involvement with the child protective system, but the relative is not licensed or approved as a foster parent

Licensed Kinship Foster Care: the child is placed with relative as a result of involvement with the child protective system and the relative is licensed or approved as a foster placement

LACK OF INFORMATION

Lack of information provided to families about implications of different court systems or the benefits and services available to support children

- 42% of families stated they received “no information” about different types of legal arrangements
- 40% of families had less than 24 hours notice before the children were placed in their home

- Many families were **unable to identify** whether the child in their home was there as a result of a formal foster care placement or an informal arrangement
 - 24% of caregivers stated they were an informal kinship arrangement but also that they received foster care funding
 - 24% of caregivers stated they had guardianship through Probate Court but received foster care funding
 - 18% of those that indicated they had guardianship through dependency court also said there was no child welfare involvement

PROVIDING
INFORMATION
AND EFFECTIVE
SUPPORTS TO
KINSHIP FAMILIES
CAN REDUCE
SYSTEMIC RACIAL
INEQUITIES ...

- Kin caregivers are more likely to represent low-income, Black and Latinx communities
- Kinship caregivers are relied upon to support youth populations where tremendous racial disparities already exist:
 - American Indian/Alaska Native children
 - Children in the Juvenile Justice system
 - Children of young parents in foster care
- Attorney representation and due process are shown to reduce disproportionality in the judicial system

... BUT IT'S IMPORTANT
TO ACKNOWLEDGE
THAT NOT ALL
FAMILIES EXPERIENCE
SYSTEMS IN THE SAME
WAY

- Caregivers from communities impacted by mass incarceration may face barriers to resource family approval due to past convictions
- Language and immigration status can affect resource family approval
- Although recent child welfare reform efforts seek to prioritize kinship care, Black and Indigenous families historically have experienced disproportionate levels of family separation in the child welfare system.
- Perceptions of “child safety” can be impacted by implicit bias

WHAT DOES THIS MEAN?

Navigating the system:

Families should be able to identify where they are in the spectrum of kinship care and navigate within that spectrum to get the supports and services that they need.

Reforming the system:

The child welfare system must adopt anti-racist policies that support all families in a humane and equitable way and remove long-standing disparities in system experiences and outcomes.



MARY & HER GRANDDAUGHTER

- *“I began raising my 3-year-old granddaughter as her legal guardian in 2013 as a single 63-year-old. Eight years later, she heads to middle school in the fall.”*

[More from Mary: Challenges in Caring for My Granddaughter During the COVID-19 Crisis](#)



COURT SYSTEMS

*Understanding the courts
supporting children in out of
home care*

CHILDREN'S COURTS



Juvenile



Probate



Family

Juvenile Court:

- Juvenile Dependency Court is the branch of the Superior Court which hears cases involving neglected and/or abused children.
- The Juvenile Delinquency Court can also make orders related to abuse, neglect, and custody of children subject to its jurisdiction.

Probate Court:

- Probate Court establishes probate guardianships set up because a child is living with an adult who is not the child's parent, and the adult needs a court order to make decisions on behalf of the child. Generally, probate guardianships are for children under 18.

Family Court:

- Family Court assists families with the litigation of domestic disputes (including divorce and separation), including the health, safety, and welfare of children.



JUVENILE DEPENDENCY COURT

Children

- Focus on family reunification if possible, including visitation
- Appointed counsel
- Assigned caseworker

Parents

- Focus on family reunification if possible, including visitation
- Appointed counsel
- Assigned caseworker
- Services may be provided to help remedy the child safety issues that exist in the home
- May retain some decisionmaking rights subject to court order

Caregivers

- No appointed counsel
- Eligible to receive:
 - Emergency funding at time of placement, and foster care benefits once approved
 - Specialized care support if needed
 - Funding to transport child to their school
 - Emergency childcare bridge
 - Training



PROBATE COURT

Children

- No due process rights: children are usually not parties in probate cases
- No automatic right to an attorney
- No right to be heard by the court
- No right to reunification services

Parents

- Receive Notice of Petition for Guardianship (parents must be told that someone is attempting to get guardianship)
- Right to be represented by an attorney but not automatically appointed

Caregivers

- Generally the petitioner in a probate case
- Relative caregivers can receive CalWORKs
- Non-relative caregivers granted guardianship can receive AFDC-FC benefits
- Kinship navigation services may be available depending on county



FAMILY COURT

Children

- No due process rights: children are not parties in family court matters
- No automatic right to an attorney
- No right to be heard by the court
- No right to reunification services

Parents

- Judicial review and orders on their domestic disputes, including child custody orders
- Opportunity to be represented by an attorney, but one is not automatically appointed
- Court mandated family counseling
- Opportunity to advocate for their child's best interests

Caregivers

- Non-parent and relative caregivers may be granted custodial rights (physical custody)
- Services and financial assistance are limited, but can petition for child support or qualify for CalWORKs

OPTIONS FOR OUT OF HOME CARE

UNDERSTANDING THE OPTIONS FOR
SUPPORTING CHILDREN IN OUT OF
HOME CARE





FOSTER CARE

UNDERSTANDING THE OPTIONS FOR SUPPORTING CHILDREN IN OUT OF HOME CARE

FOSTER CARE: DEFINITIONS

- “**Foster care**” means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting.

[Welfare and Institutions Code § 11400\(f\)](#)

FOSTER CARE: CARE, CUSTODY AND CONTROL



Child's Legal Status

- Care, custody and control given to child welfare agency (or juvenile probation department)
- Child welfare agency (or juvenile probation department) arranges for care, supervision, custody, maintenance and support including medical care



Agency Determination

- Make investigation to determine if child welfare services should be offered and whether proceedings in juvenile court commenced
- If removal from the home is determined necessary, file petition with juvenile court



Court Determination

- Judicial determination that continuance in the home is contrary to child's welfare - and –
- Reasonable efforts were made to avoid removal

FOSTER CARE: PARENT REUNIFICATION & CAREGIVER LICENSING



Parent Reunification

- Supports and Services Through Reunification Services Plan
- Visitation (unsupervised or supervised)



Review & Licensing

- Criminal background check
- Home inspection
- Pre-Approval and Post-Approval Training
- Family Evaluation

FOSTER CARE: FINANCIAL SUPPORT & DECISION MAKING



Financial Support

- Caregiver funding
- Specialized support
- Medi-Cal
- Emergency Child Care Bridge
- School transportation
- For older youth, ILP, Chafee, Extended Foster Care
- Pathway to subsidized permanency (Kin-GAP, AAP)



Education & Medical Decision Making

- Parents retain education decision making rights unless revoked by court
- Resource parents make medical decisions based on prudent parenting standard

FOSTER CARE: CASEWORKER & LEGAL SUPPORT



Caseworker Support

- Children assigned a caseworker throughout the time they are in foster care (until case closes or age 21)



Legal Support

- Child and the parent will be assigned legal counsel to provide representation for associated court hearings once petition is filed

FOSTER CARE: COURT INTERACTION



Juvenile Dependency

Children

- Appointed counsel
- Focus on reunification
- Concurrent planning
- Review hearings

Parents

- Appointed attorney
- Focus on reunification
- Review hearings
- Timelines for reunification and permanency

Foster Care



Preservation of rights
and court oversight



Right to an attorney for
parents and children



Caseworker support



Reunification and
permanency services

COURT PROTECTIONS, COUNSEL & SUPPORT



VOLUNTARY PLACEMENT AGREEMENTS

*Understanding the options for
supporting children in out of home
care*

VPA: DEFINITIONS

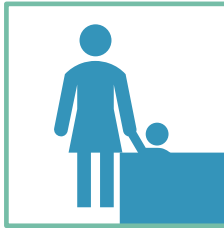
- **“Voluntary placement”** means an out-of-home placement of a child by (1) the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement, or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.
[Welfare and Institutions Code § 11400\(o\)](#)
- **“Voluntary placement agreement”** means a written agreement between either the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1, licensed public or private adoption agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following: (1) The legal status of the child. (2) The rights and obligations of the parents or guardians, the child, and the agency in which the child is placed.
[Welfare and Institutions Code § 11400\(p\)](#)

VPA: CARE, CUSTODY AND CONTROL



Child's Legal Status

- Care, custody and control given to child welfare agency
- Child welfare agency arranges for care, supervision, custody, maintenance and support including medical care



Parent Agreement

- Visit the child when scheduled in the home where the child is staying
- Participate in the child's services plan



Agency Agreement

- Choose a suitable home with the involvement of the parent and child
- Write services plan
- Help the home where the child is placed arrange for school, medical care and services

VPA: PARENT REUNIFICATION & CAREGIVER LICENSING



Family Maintenance

- Prior to entering into a VPA with a parent or guardian, the social worker shall make every attempt to keep the family together by offering appropriate child welfare



Parent Reunification

- Limited to 6 months while parents are provided reunification supports & services
- Can be extended an additional 6 months
- Visitation (supervised or unsupervised)



Review & Licensing

- CACI, CLETS and walk through of the home

VPA: FINANCIAL SUPPORT & DECISION MAKING



Financial Support

- Caregiver funding
- Specialized support
- Medi-Cal



Education & Medical Decision Making

- Parents authorize the child welfare agency to give legal consent for education and medical decisions, but retain authority to limit the scope of their consent

VPA: CASEWORKER & LEGAL SUPPORT



Caseworker Support

- Monthly visits by caseworker supporting family



Legal Support

- Child and parent are not provided legal counsel

VPA: COURT INTERACTION



- VPAs are entered into without a petition being filed and without adjudication by the juvenile court
- “(b) **An out-of-home placement of a minor without adjudication by the juvenile court may occur only when all of the following conditions exist:**
 - (1) There is a mutual decision between the child’s parent, Indian custodian, or guardian and the county welfare department in accordance with regulations promulgated by the State Department of Social Services.
 - (2) There is a **written agreement** between the county welfare department and the parent or guardian **specifying the terms of the voluntary placement. The State Department of Social Services shall develop a form for voluntary placement agreements that shall be used by all counties.** The form shall indicate that foster care under the Aid to Families with Dependent Children program is available to those children.

Voluntary Placement Agreement Form

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

VOLUNTARY PLACEMENT AGREEMENT — PLACEMENT REQUEST

One copy to: *Parents or Guardian
Agency File
Foster Care Facility File*

I request that:

- The child welfare department of _____ County
- The _____ Adoption Agency or
- The California Department of Social Services (CDSS) acting as an adoption agency

place _____ in a foster care facility.

The reason for my request is _____

CHILD'S LEGAL STATUS

The child is under the age of 18, and my legal responsibility as a parent or guardian YES NO
By signing this agreement

- I give custody and control of my child to the county welfare department, the public or private adoption agency specified above, or the CDSS acting as an adoption agency to arrange for my child's care, supervision, custody, conduct, maintenance and support, including medical care.
- I authorize the county welfare department, the public or private adoption agency specified above, or the CDSS acting as an adoption agency and the home or facility where my child will be staying to give legal consent for medical care, school attendance and the other services my child may need. But I **do not** authorize the home or facility or the county welfare department, the public or private adoption agency specified above, or to the CDSS acting as an adoption agency to give consent for _____.
- I understand that voluntary placement is usually limited to six months, but sometimes six more months can be approved for a total period not to exceed twelve months.
- I understand that my child may be eligible for benefits under the foster care program.
- I understand that the voluntary placement laws are in California Welfare and Institutions Code Section 11400(n) and Sections 16507.3 through 16507.6 and that I can get help from the county if I want a copy.
- I understand that I can withdraw this request or terminate this placement agreement at any time.

PARENT OR GUARDIAN AGREES TO

- Give the county welfare department, the public or private adoption agency specified above, or the CDSS acting as an adoption agency the information they need to decide how much I will pay (if anything) for my child's care.
- Tell the county welfare department, the public or private adoption agency specified above, or the CDSS acting as an adoption agency if my address or phone number changes.
- Visit my child when scheduled with the home or facility where my child will be staying.
- Allow the county welfare department, the adoption agency specified above, or the CDSS acting as an adoption agency to move my child to another home or facility if necessary.
- Allow my child to participate in the activities planned by the home or facility, including trips within California.
- Do what my child's service plan says I should do.
- Talk to the county welfare department, the adoption agency specified above, or the CDSS acting as an adoption agency about any problems my child or I might have with the home or facility where my child will be staying.
- Tell the county welfare department, the public or private adoption agency specified above, or the CDSS acting as an adoption agency before I move my child out of the home or facility

THE UNDERSIGNED HAS CUSTODY AND CONTROL OF THE CHILD.

SIGNATURE OF PARENT OR GUARDIAN		CHILD PLACEMENT WORKER	
ADDRESS		ADDRESS	
HOME PHONE	ALTERNATE PHONE		
DATE		OFFICE PHONE	

PLEASE READ IMPORTANT INFORMATION ON THE REVERSE SIDE

SOC 155 (5/99) REQUIRED FORM — NO SUBSTITUTE PERMITTED

THE COUNTY WELFARE DEPARTMENT, THE ADOPTION AGENCY, OR THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES AGREES TO

- Choose a suitable home or facility for the child with the involvement of the parent or guardian and the child, to visit the home or facility before the child moves in, and to place the child when a home or facility is found.
- Write a service plan for the child, to talk to the parent or guardian about the plan, and to arrange for the services listed in the plan.
- Help the home or facility to arrange for school, medical care, and the other services the child will need.
- Tell the parent or guardian immediately if the child needs emergency medical care or hospitalization.
- Tell the parent or guardian when a placement change is necessary and why.
- Follow a written grievance procedure if the parent or guardian does not agree with decisions that affect the child.
- Make all arrangements for the care, supervision, custody, conduct maintenance and support of the child, including medical care.
- Authorize the home or facility to use this agreement as the parent or guardian's legal consent for medical care, school attendance and other services the child may need, with the exceptions listed on this agreement, if any.

CHILD'S RIGHTS

Every child in a community care facility has the rights listed in Title 22 of the California Code of Regulations. If your child is in a foster family home, your child's rights are:

- To be accorded dignity in his/her personal relationships with staff and other persons.
- To be accorded safe, healthful and comfortable accommodations, furnishings and equipment to meet his/her needs.
- To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature, including but not limited to interference with the daily living functions, including eating, sleeping or toileting; or withholding of shelter, clothing, medication, or aids to physical functioning.
- To be informed and to have his/her authorized representative, if any, informed by the licensee of the provisions of the law regarding complaints including, but not limited to, the address and telephone number of the compliant receiving unit of the licensing agency, and of information regarding confidentiality.
- To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice.
- To leave or depart the facility at any time. (This provision shall not apply to minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.)
- Not to be locked in any room, building, or facility premises by day or night.
- Not to be placed in any restraining device, except a supportive restraint approved in advance by the licensing agency as specified in Title 22, CCR, Section 80072(a)(8)(A) through (E).
- To receive or reject medical care, or health-related services, except for minors and other clients for whom a guardian, conservator, or other legal authority has been appointed.
- To visit the facility with his/her relatives and/or authorized representative(s) prior to admission.
- To file a complaint with the facility, as specified in Title 22, CCR, Section 84072.2.
- To have the facility inform his/her authorized representative(s) of his/her progress at the facility.
- To have communications to the facility from his/her relatives and authorized representative(s) answered promptly and completely.
- To have visitors visit privately during waking hours without prior notice, provided that such visitations are not prohibited by the child's needs and services plan; do not infringe upon the rights of other children; do not disrupt planned activities; and are not prohibited by court order or by the child's authorized representative.
- To wear his/her own clothes.
- To possess and use his/her own toilet articles.
- To possess and use his/her own cash resources except as specified in Title 22, Section 84026.
- To possess and use his/her own personal items unless prohibited as part of a discipline program.
- To have access to individual storage space for his/her private use.
- To have access to telephones in order to make and receive confidential calls, provided that such calls are not prohibited by the child's needs and services plan; are not prohibited as a form of discipline; do not infringe upon the rights of other children; do not restrict availability or the telephone during emergencies; and are not prohibited by court order or by the child's authorized representative(s).
- To send and receive unopened correspondence unless prohibited by court order or by the child's authorized representative(s).

If your child is placed in a group home, California Code of Regulations Sections 80072 and 85072 list your child's rights, If your child is placed with a foster family agency, Sections 80072 and 83072 list your child's rights.

SOC 155 (5/99) BACK



PROBATE GUARDIANSHIPS

*Understanding the options for
supporting children in out of home
care*

PROBATE GUARDIANSHIP: CARE, CUSTODY AND CONTROL



Child's Legal Status

- Guardian has full legal and physical custody of the child.
- Parents retain parental rights.



Agency Determination

- May be investigation and report by a Probate Court investigator or CPS



Court Determination

- Judicial determination that guardianship is necessary or convenient and is in the best interests of the child.

PROBATE GUARDIANSHIP: PARENT REUNIFICATION & CAREGIVER LICENSING



Parent Reunification

- Court may grant parent visitation if the parent asks for it
- Can request termination of guardianship, but no support services to facilitate reunification



Review & Licensing

- May be investigation and report by a Probate Court investigator or CPS
- No licensing requirements of probate guardian

FAMILIES THAT START AT PROBATE COURT FIND IT DIFFICULT TO REVERSE COURSE



Probate court is **not** required to refer cases involving child abuse or neglect to child welfare for investigation. (statutes changed after *In re Christian G.* which held that “[t]he Probate Code is intended to work hand in hand with the dependency laws as a cohesive statutory structure that aims to subject all cases alleging parental unfitness to the rigors of a dependency investigation.”)



Even if the probate court refers to child welfare for investigation, there is no requirement or clear process for the juvenile court to review the decision of the social worker as to whether to file a petition in juvenile court



If the probate court takes action to protect the child (i.e. orders a temporary guardianship) and then refers the case to child welfare, the juvenile court is limited in its ability to order a petition to be filed due to Court of Appeal decision *In re Kaylee H.*

PROBATE GUARDIANSHIP: FINANCIAL SUPPORT & DECISION MAKING



Financial Support

- Guardian is responsible child's care
- Relatives eligible for Cal-WORKS only
- NREFM not eligible for Cal-WORKS but may be eligible for foster care payment until age 18 or 19



Education & Medical Decision Making

- Probate guardians make education and medical decisions on behalf of the child

PROBATE GUARDIANSHIP : CASEWORKER & LEGAL SUPPORT



Caseworker Support

- No caseworker support for child



Legal Support

- Child may be appointed legal counsel depending on whether the matter is contentious or other reason, at the court's discretion

PROBATE GUARDIANSHIP : COURT INTERACTION




Probate Court

Children

- Following initial court interaction, which may include an investigation and report by a Probate Court investigator or the Department of Children and Family Services, court interaction will be limited.

Parents

- Parent may file a petition in court to terminate the guardianship. Otherwise, interaction is limited.
- Entitled to notice at all stages.

A close-up photograph of a woman and a young girl. The woman is on the left, looking towards the girl with a smile. The girl is on the right, looking directly at the camera with a wide, happy smile. She is holding a book in front of her, which is slightly out of focus. The background is a plain, light-colored wall.

PROBATE GUARDIANSHIP: ADDITIONAL INFORMATION

- The *Order Appointing Guardian of Minor* must be signed by the Probate Court.
- Once the court signs the order, the guardian must take prepared *Letters of Guardianship* to the clerk's office where the clerk will issue the Letters.
- The *Letters of Guardianship* provides proof that the caregiver has been appointed and is serving as guardian for a minor.

	Probate Court	Juvenile Court (Dependency or Delinquency)
Funding for Caregiver?	Limited funding available- for most families, only CalWORKs	Full foster care funding, emergency childcare bridge funding and training, access to specialized care, clothing allowance, infant supplements, etc.
Duration of services?	None	Length of reunification services determined by the court; can include up to 15 months of post-reunification services
Permanency funding?	Not eligible to receive Kin-GAP or other permanency funding	AAP, Kin-GAP, or continued foster care funding for kin families if not reunified
Supports for TAY?	Not eligible to receive extended foster care, independent living services, or Education or Training vouchers	Eligible to receive Extended Foster Care, independent living skill services, or Education and Training vouchers depending on age in care
Education rights?	No funding or education rights	Right to attend school of origin, including funding for transportation

COMPARING FUNDING AND SUPPORTS



CARING FOR A CHILD WITHOUT FORMAL SYSTEM INVOLVEMENT

*Understanding the options for
“informal” care arrangements*

“INFORMAL” KINSHIP CARE: PARENT REUNIFICATION & CAREGIVER LICENSING



Parent Reunification

- Parents of children cared for by a relative or NREFM outside of foster care are not provided reunification support services



Review & Licensing

- No review or licensing requirements for caregivers

“INFORMAL” KINSHIP CARE: FINANCIAL SUPPORT & DECISION MAKING



Financial Support

- Relatives eligible for Cal-WORKs only



Education & Medical Decision Making

- Parents retain legal custody and therefore all education decision making and medical decision making rights for the child.
- Narrow exceptions through Caregiver Authorization Affidavit

“INFORMAL” KINSHIP CARE: CASEWORKER & LEGAL SUPPORT



Caseworker Support

- No caseworker support



Legal Support

- No assigned legal counsel

“INFORMAL” KINSHIP CARE: COURT INTERACTION



Children

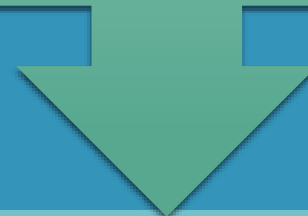
- None

Parents

- None

HIDDEN FOSTER CARE OR DIVERTED KINSHIP CARE

Hidden Foster Care occurs when CPS (child protective services) removes a child from their home without officially changing their custody, without any court involvement, and without reporting the removal to the local or state agencies.



Hidden Foster Care encourages families to take custody of children outside of formal foster care, leaving them without financial support, services, legal representation or reunification services.

HIDDEN FOSTER CARE DISADVANTAGES

- **Hidden foster care may seem an easier or a less invasive option, because courts are not involved.**
- **However, when children are diverted** away from the child welfare system, **children, parents and their caregivers lose the supports and services that that are unique to the system**, including funding and support services, clarity on decision making authority, and access to legal counsel.

Funding

- No access to full foster care or Kin-GAP funding
- Including specialized care, clothing allowances, school transportation, etc.

Decision Making

- Can prevent or delay caregivers from making medical or educational decisions


Support

- No access to legal counsel or caseworkers
- No reunification services
- No eligibility for Extended Foster Care

MAKING AN INFORMED DECISION



- **Focus** on the best outcome for the child
- **Understand and evaluate** the options
- **Ask questions**
- **Engage others** as appropriate
- **Seek support**

A silhouette of a child holding hands with an adult against a bright, sunlit background. The child is on the left, and the adult's hand is on the right. The background is a warm, golden glow from the sun, creating a soft, hazy atmosphere. The child's hair is curly, and the adult's hand is visible on the right side of the frame.

POLICY
PROPOSALS
AFFECTING
CHILDREN IN
OUT OF HOME
CARE

**AB 260 (STONE)
– LIMITING
HIDDEN FOSTER
CARE & BETTER
SUPPORTING
DEPENDENCY
GUARDIANSHIPS**

- **Ensures that probate courts and dependency courts work in concert and protect the due process interests of parents and children by:**
 - Clarifying that the probate court's granting of a temporary guardianship is not a bar to the dependency court taking jurisdiction of the case;
 - Ensuring that a probate court referral to the child welfare agency, and the subsequent child welfare agency decision not to file a dependency petition, is filed in the juvenile court so that the juvenile court judge can review the child welfare agency's decision; and
 - Ensuring that all dependency court guardianships with relatives are eligible for Kin-GAP.

SB 354 (SKINNER) – RELATIVE PLACEMENT

- **Addresses California’s shortage of family-based foster care placements by removing state law barriers to timely approval and placement, including:**
 - Ensuring that any existing relationship between a relative/NREFM caregiver and a child is considered in decisions regarding home approval and placement;
 - Waiving income requirements when appropriate and supporting caregivers in accessing necessary supplies (cribs, car seats, etc.);
 - Broadening the list of past convictions that qualify for exemptions and simplified exemptions;
 - Clarifying the juvenile court’s authority to use its independent judgment in placement decisions; and
 - Requiring CDSS to provide a report to the Legislature detailing the impact of criminal history on Resource Family Approval.



RESOURCES FOR CAREGIVERS AND PARENTS

RESOURCES

Caregiver Support

- Family Resource Centers Network of California: <http://www.frcnca.org/>
- Kinship Support Services: <https://www.cdss.ca.gov/inforesources/foster-care/kinship-support-services>
- California Kinship Navigator Program: (800) 546-0047
- Step Up for Kin: <https://stepupforkin.org/>
- Foster Parent College: <https://www.fosterparentcollege.com/>
- Foster & Kinship Care Education: <https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/Educational-Services-and-Support/Student-Service/What-we-do/Foster-and-Kinship-Care-Education>

Courts

- California Courts Family and Children: <https://www.courts.ca.gov/selfhelp-family.htm>
- Voluntary Placement Agreement Form (SOC-155): <https://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC155.pdf>
- Probate Guardianship Pamphlet (GC-205): <https://www.courts.ca.gov/documents/gc205.pdf>

Foster Care

- CDSS Foster Care Information: <https://www.cdss.ca.gov/inforesources/foster-care>

Hidden Foster Care

- The Human Impact of Bypassing Foster Care for At-Risk Children—Building a Continuum of Support for Families Diverted: <https://allianceforchildrensrights.org/resources/hiddenfostercare/>

Path to Racial Justice and Equity

- The Path to Racial Justice and Equity: Valuing Families and Community: https://allianceforchildrensrights.org/wp-content/uploads/REJPS_summit_report.pdf

TOOLS FOR PEER TRAINERS AND ADVOCATES

Understanding the Options for Out of Home Care in California:

A Fact Sheet for Kinship Caregivers



OPTIONS FOR OUT OF HOME CARE IN CALIFORNIA

When a child can no longer reside safely in the home of a parent, connecting a child with a known family member increases child well-being, improves educational outcomes, minimizes trauma, creates stability for the child, and enables children to remain together with siblings.

Several options are available to support children in kinship care:

1. Foster care (including placement with a relative or close family friend including teachers, medical professionals, clergy, and neighbors)
2. Voluntary placement agreement
3. Legal guardianship through the probate court
4. "Informal" arrangements outside of foster care or any other formal system

Each option has different legal requirements and may hold different benefits for the family. The overall wellbeing and the best interests of the child and family should be considered when making decisions.

CHILDREN'S COURTS IN CALIFORNIA

In California, there are three separate branches of the Superior Court that can make decisions changing the legal and physical custody of a child:

- **Juvenile Court:**
 - The Juvenile Dependency Court hears cases involving alleged abuse and neglect of children.
 - The Juvenile Delinquency Court hears cases involving alleged law violations by children and can also make findings regarding abuse and neglect for children under its jurisdiction.
- **Probate Court:** The Probate Court establishes guardianships "of the person" when a child is living with an adult who is not the child's parent, and the adult needs a court order to make decisions on behalf of the child.
- **Family Court:** The Family Court adjudicates domestic disputes (including divorce and separation), including custody decisions that affect the health, safety, and welfare of children.

Voluntary Placement Agreement

A voluntary placement agreement (VPA) is a signed contract that places a child in out of home care (ideally with a relative or family friend), with a specific visitation schedule. Voluntary placement is a **planned and time-limited** approach, with the goal of returning children safely to their home without Juvenile Dependency Court intervention. It aims to reach consensus on a safety plan that protects the child and preserves the family.

When a VPA is in effect, the county child welfare agency has care, custody, and control over the child, with discretion to place the child in the most appropriate setting. A VPA does not assign legal custody to the child's caregiver.



Legal Standard There is no legal standard for a custody change effectuated through a VPA. It is intended to be made at the request of the parent.



Reunification with Parents Voluntary placement agreements are limited to six months while parents are provided support and services aimed at reunification. A voluntary placement agreement can be extended an additional six months. A parent has the right to end a voluntary placement agreement at any time. Visitation may be supervised or unsupervised, depending on the reason the child was removed from the home.



Review & Licensing The county child welfare agency completes a health and safety check of the caregiver's home, including a review of the state criminal records system and Child Abuse Central Index (referred to as CACI). **Resource Family Approval is not required.**



Financial Support Resource parents receive a monthly payment to feed, clothe, and meet the material needs of the children placed in their care.

- The current basic level rate for resource family placements is \$1,037. Additional funds may be available to support children with specialized needs, including children who are Regional Center consumers and youth who are parenting their own children.
- Depending on available funding and county policy, funds may be available to support child care when children are first placed.
- Full-scope medical and dental coverage, as well as medically necessary community-based mental health care, are provided through the Medi-Cal program.



Education and Medical Decision Making While a VPA is in effect, the parent authorizes the county welfare agency to give legal consent for medical care, school attendance, and other services, but may limit the scope of that authorization.



Caseworker and Legal Support The caseworker supports the family through monthly visits. Before the expiration of the VPA, the caseworker must do one of the following:

- Return the child to their parents;
- Refer the child to a licensed adoption agency;
- File a formal petition to place the child in foster care (they can remain in placement with the relative), or

Out-of-Home Care Options Fact Sheet available at

<https://allianceforchildrensrights.org/resources/options-for-outofhome-care/>

Interested in becoming a peer trainer/advocate in your community? Email irosales@alliancecr.org for more information.

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