

January 14, 2021

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 21-07

The purpose of this All County Letter (ACL) is to inform county child welfare agencies and juvenile probation departments of updated guidance related to the operation of the Resource Family Approval (RFA) Program and emergency placements requirements due to the Novel Coronavirus (COVID-19) State of Emergency.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

January 14, 2021

ALL COUNTY LETTER NO. (ACL) 21-07

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER CARE MANAGERS
ALL LICENSED FOSTER FAMILY AGENCIES
ALL COUNTY RFA AND ADOPTION PROGRAM MANAGERS
ALL CDSS ADOPTION REGIONAL OFFICES

SUBJECT: **REVISED GUIDANCE FOR THE RESOURCE FAMILY
APPROVAL (RFA) PROGRAM AND EMERGENCY
PLACEMENTS DUE TO COVID-19 IMPACTS**

REFERENCE: [RFA WRITTEN DIRECTIVES, VERSION 6.1](#); [GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY, MARCH 4, 2020](#); [EXECUTIVE ORDER \(EO\) N-53-20](#); [EO N-68-20](#); [EO N-71-20](#); [ACL 20-86](#); [ACL 20-91](#); [ACL 20-93](#)

The purpose of this letter is to inform county child welfare agencies and juvenile probation departments of revised guidance related to the operation of the Resource Family Approval (RFA) Program and emergency placement requirements due to the Novel Coronavirus (COVID-19) State of Emergency.

This guidance has been established pursuant to the authority in EO N-71-20 and is based on the color-tiered system developed for the [Blueprint for a Safer Economy](#). The guidance in this letter supersedes the guidance provided in [ACL 20-86](#) and [ACL 20-91](#).

As previously authorized in ACL 20-86, the following flexibilities will expire when the Governor's declared State of Emergency due to COVID-19 ends:

- [Home and Grounds/Bedroom Sharing](#) flexibilities that may be utilized as described in [ACL 20-43](#).
- [Capacity Waivers](#) that may be utilized as described in [ACL 20-43](#). RFA staff must ensure that any modification to a resource family's capacity determination is thoughtfully evaluated to ensure the health and safety of **all** the children in care. Counties should also concurrently plan for the thoughtful transition of child(ren) to

an appropriate placement once the need for extra capacity is no longer warranted or the waiver expires.

- Ending Inactive Status flexibilities that may be utilized as described in [ACL 20-43](#).
- Additional Guidance on other RFA Components, including the self-attestation allowance for RFA required documents and RFA portability flexibilities, which may be utilized as described in [ACL 20-43](#).
- Training Requirement flexibilities may be utilized as described in [ACL 20-86](#).
- RFA Approval Updates that were due prior to July 1, 2020 may be delayed as described in [ACL 20-86](#).

BACKGROUND

On August 28, 2020, Governor Newsom unveiled the [Blueprint for a Safer Economy](#), which outlined the State's color-tier system for determining the severity of the COVID-19 viral outbreak on a county-by-county basis. In the system, each county receives a color designation based on the level of outbreak in that county. Each color corresponds to a level of severity and determines the activities and restrictions that are required to be in place for the county. The color levels of severity are:

- **Purple**—Represents Widespread outbreak of the virus in the county.
- **Red**—Represents Substantial outbreak of the virus in the county.
- **Orange**—Represents Moderate outbreak of the virus in the county.
- **Yellow**—Represents Minimal outbreak of the virus in the county.

A [Regional Stay Home Order](#), announced December 3, 2020, and a [supplemental order](#), signed December 6, 2020, implemented a new stay-at-home order, which divides the state into five regions and goes into effect at 11:59 PM the day after a region has been announced to have less than 15% Intensive Care Unit (ICU) availability. The new stay-at-home order prohibits private gatherings of any size, closes sector operations except for critical infrastructure and retail, and requires 100% masking and physical distancing in all others. Once triggered in a region, the order remains in effect for at least three (3) weeks. After that period, it is lifted when the region's projected ICU capacity meets or exceeds 15%.

Preventive Measures: COVID-19 Pre-Screening & Essential Protective Gear

Unless the visit is in response to a complaint and the pre-screen call could compromise the investigation or health and safety of an identified victim or witness in the home, a pre-screening call may be conducted. Prior to visiting a home, the RFA worker should call the RFA applicant(s) or Resource Family to pre-screen for COVID-19

[symptoms/exposure](#) before making the in-person visit, by asking the following questions:

- Has anyone in the household tested positive for COVID-19 in the past 14 days?
- In the past 14 days have you, your children, and/or anyone else in your household had any of the following symptoms?
 - Fever
 - Cough
 - Shortness of breath
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore Throat
 - New loss of taste or smell
- Have you, your children, and/or anyone in your household had close contact with a person who tested positive for COVID-19 with a laboratory-confirmed test in the last 14 days?

If someone in the household has been exposed to COVID-19 or is experiencing symptoms, they should be encouraged to contact their doctor and let them know about their symptoms and/or exposure. If someone in the household has been exposed to, or experiencing symptoms of, COVID-19 and an in-person visit is still required in accordance with the guidance in this letter, the RFA worker should obtain proper Essential Protective Gear (EPG)¹ and utilize the following preventative practices:

- Practice physical distancing when in someone's home – stay six feet away from people when possible in order to accomplish the purpose of the visit.
- Minimize the number of people in the home, if possible, to only those necessary to complete the purpose of the visit.
- Open windows and doors within the home to increase air circulation while conducting indoor visits.
- Wear the appropriate EPG. Please work with your county Office of Emergency Services to obtain EPG for your RFA staff, as needed.
- RFA staff may ask the family members² or caregivers to wear a mask during an in-person visit, but they cannot require it.
- Frequently wash hands with soap and water for at least 20 seconds. If this is not feasible, use hand sanitizer.

¹ Inclusive of required Personal Protective Equipment (PPE), EPG may include, but is not limited to, gloves, face coverings, hand soap, hand sanitizer, and disinfectant.

² Please note that [public health guidance](#) recommends that children under the age of two or anyone who has trouble breathing or is unable to remove the mask without assistance should not wear face masks or coverings.

- Avoid touching eyes, nose or mouth.
- Cover your cough or sneeze with a tissue or your elbow or a tissue. Wash hands afterwards. If this is not feasible, use hand sanitizer.
- Follow guidance from public health officials.

Emergency Placements

Pursuant to [Welfare and Institutions Code \(WIC\) sections 309, 361.45 or 727.05](#), an emergency placement may occur once the steps outlined in [WIC 361.4](#) or 727.05 have been completed. Due to the essential work associated with determining the safety of a home considered for an emergency placement, the in-home inspection as described in WIC 361.4(a)(1) or 727.05(b)(1) shall continue in-person regardless of a county's tier status. Proper use of EPG should be utilized in all tier stages.

RFA Visits and Interviews

The initial health and safety assessment of the home and grounds, outdoor activity space and storage areas as described in [RFA Written Directives Version 6.1](#) section 6-02(a)(2) shall continue to occur in the home regardless of a county's tier status. If the RFA 03 noted items that require follow up, the county may do so through videoconference platforms, or the applicant(s) or Resource Family may send photographs verifying the follow up items have been resolved.

For counties in the **purple** tier status, RFA workers (whether child welfare social workers or probation officers) may, after making a case-by-case determination, conduct the family evaluation interviews via videoconferencing platforms. If these interviews are conducted through videoconference, the county shall document the following in the Resource Family file:

- The RFA worker has consulted with, at minimum, their first line supervisor who has concurred that the family evaluation interviews may be conducted by videoconference.
- The RFA worker has seen the applicants and all adults and children residing in the home at least once in person prior to approval.
 - This in-person meeting of members of the applicant's household may occur at the time of the in-person initial home health and safety assessment (RFA 03), or the county may set up an agreed upon time and location to meet.
 - If the RFA worker is unable to meet with the non-applicant adults in the home, [RFA Written Directives Version 6.1](#) section 6-05 (a)(2)(C) allows the adults residing in the home to be interviewed through web-based audio-video communications.

- For applicants who have a placement in the home prior to approval, and the county determines that in person family evaluation interviews are necessary, but that it is not safe to conduct them in person, the county may document this, in the Resource Family file, as a good cause delay to approval to ensure continuance of emergency caregiver funding pursuant to [ACL 20-93](#).
- The applicant's or Resource Parent's refusal to allow entry into the home is not an acceptable reason to conduct a videoconference. In these situations, please identify additional means for accomplishing the visit, such as conducting the interview outdoors with appropriate physical distancing. If this is not possible, the county should document the concerns in the Resource Family file, and this may be considered as a good cause delay of the approval.

For counties in the **red** tier status, family evaluation interviews shall be conducted as follows:

- In-person with proper use of EPG, unless someone in the household is diagnosed with COVID-19, has symptoms of COVID-19, or has been exposed to COVID-19 within the past two weeks.
- Videoconferencing interviews may occur in the exceptional situations described above with the applicant(s) or Resource Parent(s) if the family evaluation interview cannot be delayed and the interviews are the last component to complete the RFA approval process.
- The applicant's or Resource Parent's refusal to allow entry into the home is not an acceptable reason to conduct the interview through videoconference. In these situations, please identify additional means for accomplishing the visit, such as conducting the interview outdoors with appropriate physical distancing. If this is not possible, the county should document the concerns in the Resource Family file, and this may be considered as a good cause delay of the approval.
- If the RFA worker is unable to meet with the non-applicant adults in the home, [RFA Written Directives Version 6.1](#) section 6-05 (a)(2)(C) allows the adults residing in the home to be interviewed through web-based audio-video communications.

For counties in the **orange** or **yellow** tier status, family evaluation interviews shall be conducted as follows:

- In-person with proper use of EPG, unless someone in the household is diagnosed with COVID-19, has symptoms of COVID-19, or has been exposed to COVID-19 within the past two weeks.
- Videoconferencing interviews may occur in the exceptional situations described above with the applicant(s) or Resource Parent(s) if the family evaluation interview cannot be delayed and the interviews are the last component to complete the RFA process; **however**, at least one of the required interviews must occur in-person.

- The required interviews with the children in the home must occur in-person.
- The applicant's or Resource Parent's refusal to allow entry into the home is not an acceptable reason to conduct the interview through videoconference. In these situations, please identify additional means for accomplishing the visit, such as conducting the interview outdoors with appropriate physical distancing. If this is not possible, the county should document the concerns in the Resource Family file, and this may be considered as a good cause delay of the approval.
- If the RFA worker is unable to meet with the non-applicant adults in the home, [RFA Written Directives Version 6.1](#) section 6-05 (a)(2)(C) allows the adults residing in the home to be interviewed through web-based audio-video communications.

When conducting the required in-person interviews or visits to the home, the county is encouraged to complete as many of the required interviews or assessment of the home on the same day as possible, without jeopardizing the integrity of the information gathered, to minimize the number of visits to the home. Furthermore, when visiting the home, the RFA worker should follow public health guidelines, including physical distancing of at least six feet from others in the home, conducting interviews outside when feasible, proper usage of EPG, and any other local and state public health guidance.

If the county determines it is necessary to meet with the applicant(s) or other individual(s) in-person, and there is not a way to do so that is consistent with state and local public health guidelines, the in-person interview may be delayed. This delay shall be documented in the RFA applicant's file as the good cause reason for the delay of the approval of the application.

RFA Complaint Investigation Interviews

For counties in the **purple** or **red** tier status, the visits to the Resource Family's home to conduct a complaint investigation shall occur as follows:

- In-person with proper use of EPG when the allegation involves behavior that **seriously endangers** the health and safety of a child in care.
- For complaints alleging a deficiency or conduct that is concerning but that **does not pose an immediate health and safety risk** to the child(ren) in care, an assessment should be conducted by the county on a case-by-case basis to determine if an in-person visit should be required.
- Videoconferencing for complaint investigations may occur, at the RFA worker's discretion based on the circumstances of the complaint, for non-serious health and safety risk allegations that do not involve behavior that seriously endangers

the health and safety of a child in care and may be utilized, if the investigation can be completed without requiring an in-person visit.

- The Resource Family's refusal to allow entry into the home is **not** an acceptable reason to conduct the investigation through a videoconference. In these situations, please identify additional means for accomplishing the visit, such as conducting the interview outdoors with appropriate physical distancing, if appropriate.
- If the complaint investigation requires follow up visits, the county may do so through videoconference, or the Resource Family may send photographs to verify completion of any activities noted in a corrective action plan if one was issued.

For counties in the **orange** or **yellow** tier status, the visits to the Resource Family's home to conduct a complaint investigation shall occur as follows:

- In-person with the proper use of EPG.
 - If someone in the household is diagnosed with COVID-19, has symptoms of COVID-19, or has been exposed to COVID-19 within the past two weeks, then staff should consult with their supervisor for the appropriate measures and actions needed to facilitate contact and ensure proper care is being provided to the children in care.
 - When the allegation involves behavior that **seriously endangers** the health and safety of a child in care, the visit must still be conducted in-person.
 - For non-serious health and safety risk allegations that do not involve behavior that seriously endangers the health and safety of a child in care, the county staff and supervisor may identify alternative means for accomplishing the visits to the home for the investigation, such as utilizing videoconferencing or accepting photographs from the Resource Family to verify completion of any activities noted in a corrective action plan, if one was issued.
 - The Resource Family's refusal to allow entry into the home is not an acceptable reason to conduct a videoconference. In these situations, please identify additional means for accomplishing the visit, such as conducting the interview outdoors with appropriate physical distancing, if appropriate.

The Indian Child Welfare Act and Children in Care

County agencies and service providers are reminded that the provisions of the Indian Child Welfare Act of 1978 (ICWA) continue in force during this emergency, and all

existing federal and state ICWA requirements must be met. Counties must contact the specific Indian child's tribe(s) regarding the emergency care and placement needs of an Indian child. Collaborating closely with the child's tribe is essential to determine if an emergency placement will utilize the RFA or Tribally Approved Home (TAH) process, and this collaboration should include informing tribal partners regarding any circumstance where an Indian child is placed into a home where a waiver or flexibility was utilized. The guidance regarding sharing information with tribes set forth in [ACL 18-140](#) continues to apply during this emergency.

Counties should contact both local tribes and any specific Indian child's tribe(s) to determine whether the tribe(s) have changed any of their own procedures in response to the COVID-19 pandemic, and to ensure the accuracy of contact information for tribal representatives and service providers. The CDSS's Office of Tribal Affairs and other programs are available to provide technical assistance to all tribes on accessing child welfare services. The Office of Tribal Affairs can be reached at (916) 657-3539 or TribalAffairs@dss.ca.gov.

Questions or requests for clarification regarding the information in this letter should be directed to the assigned county RFA liaison or the RFA mailbox at RFA@dss.ca.gov.

Sincerely,

Original Document Signed By

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

c: County Welfare Directors Association of California
All Title IV-E Agreement Tribes