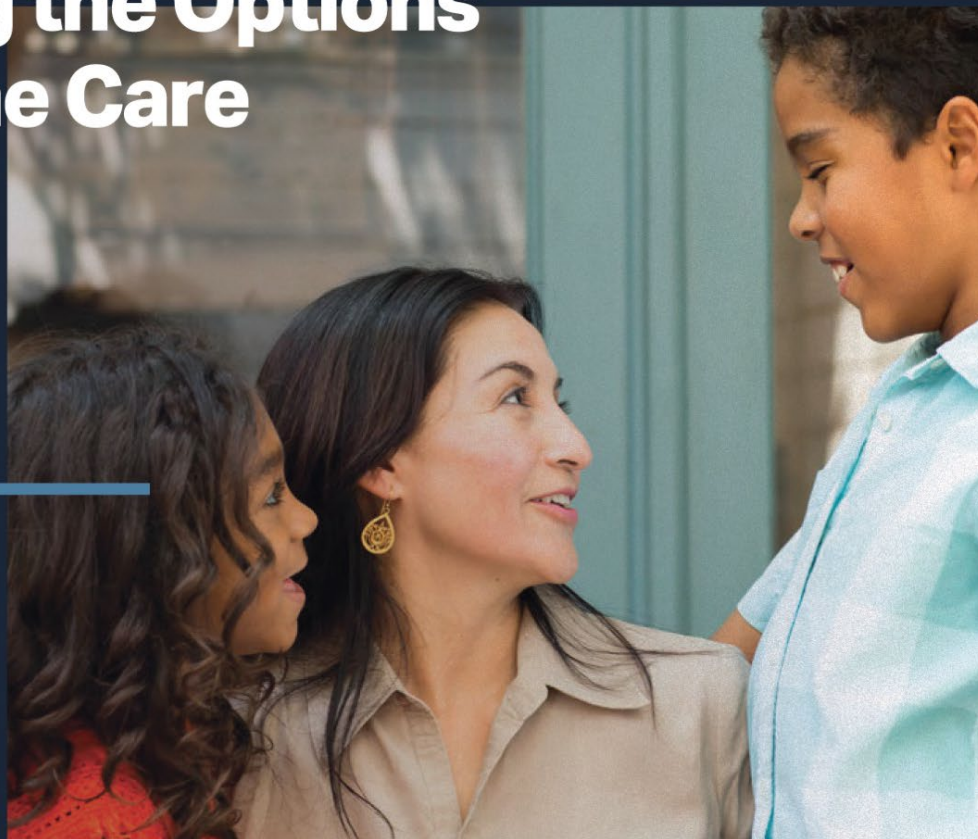


JULY 2021

Understanding the Options for Out of Home Care

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

ALLIANCE
for CHILDREN'S
RIGHTS



SELF-ADVOCACY GUIDE

VOLUNTARY PLACEMENT AGREEMENTS

Self-Advocacy Guide:

Voluntary Placement Agreements

Voluntary placement is a planned and time-limited approach with the goal of returning children safely to their home without Juvenile Dependency Court intervention. A VPA is an alternative to informal kinship care that entitles caregivers, children and parents to receive benefits and supportive services.

Although there are clear legal requirements related to VPAs, those requirements are not always well-known or understood. This self-advocacy guide is designed to assist caregivers and providers in evaluating when a VPA is appropriate, what questions to ask, and how to request and advocate for a VPA.

What is a VPA?

Voluntary placement promotes family decision-making by specifically encouraging families to determine the need for out of home care, and participate in the development of a case plan, including the appropriate time for the child to return home. The child's parent requests the custody change effectuated through a VPA and must agree to the terms of the VPA.

A VPA provides structure by setting out a planned visitation schedule, which can alleviate some of the stress associated with an unpredictable visitation schedule. The terms of the VPA clarify the rights and responsibilities of the parent, child and the caregiver, as well as Child Protective Services (CPS). Clear understanding and agreement between the parties can help minimize strain on the relationship between birth parents and kin caregivers.

During the term of the VPA, parents are provided with supports and services aimed at reunification. Services might include parent education, counseling for mental health concerns, addiction treatment, and other supports intended to help parents build parental resilience, knowledge of parenting, and social connections.

Caregivers of children in voluntary placement receive monthly payments to feed, clothe, and meet the material needs of the child. The base rate for Fiscal Year 2020-21 is \$1,037 per month per child and additional funds may be available to support children with specialized needs. Children also receive full-scope medical and dental coverage through the Medi-Cal program.

VPAs are limited to a term of six months but can be extended for an additional six months through a formal administrative process. Under a VPA, parents retain legal parent status but agree to give custody and control of the child to CPS and authorize

CPS to give legal consent for medical care, school attendance and other services for the child. CPS does not assign legal custody of the child to the caregiver. Children are not assigned legal counsel, and neither are parents or caregivers.

Is a VPA the right option for my family?

To determine whether a VPA is the best option for your family, consider all the factors of [each out of home care option](#), focusing on the best possible outcome for the child. Seek legal advice, talk to other caregivers who have been in your position, and identify community-based organizations that can answer your questions and provide resources.

Consider whether your family will be eligible for a VPA, which requires that (I) the child is not presently a dependent of the juvenile court; (II) the parent agrees to the need for out of home care and the reasons for placement; (III) the parent is unable to arrange resources necessary for the care, supervision and protection of the child without Voluntary Placement services; and (IV) there is reason to believe that the case plan goals can be achieved during the limited term of the VPA.

If the parent cannot be located or is not willing to agree to the terms of the VPA, or if it is not likely that the child could safely return home after the VPA expires, this option may not be appropriate. If, on the other hand, the parent agrees to the need for out-of-home care and the clarity of a written agreement would help maintain the relationship between the parent, the caregiver, and child, a VPA may be appropriate. Voluntary placement may also be appropriate in a situation where a parent is considering relinquishing parental rights. Voluntary placement provides a 6-month window during which the parent may explore their feelings and ask questions about adoption.

What kinds of questions should I ask the caseworker?

It is important to understand and evaluate all the possible out of home care options and how each option will impact you, your family and the child. Ask questions about the different out of home care options being presented by CPS and other agencies involved in your family's situation. Below are some examples of helpful questions to ask your caseworker.

- Who has legal custody of the children in each arrangement?
- What are my rights and responsibilities in each arrangement?
- May I be involved in developing the services plan and receive a copy?
- Who is responsible for enrolling the child in school, signing school permission forms, securing health insurance, and obtaining medical care?
- What services are available for me and the children?
 - How do I access the services?
- What supportive services are available for the child's parent?
 - How do they access the services?

- What subsidies or financial assistance are available?
 - How do I apply for assistance?
- How will each option affect the services and funding available to the child (e.g., tuition assistance, Extended Foster Care, health insurance, Independent Living Services)?

How can I request a VPA? Who do I contact?

The parent initiates the custody change by requesting the assistance of CPS. A caseworker will be assigned to the family. The caseworker will explain all the options available to ensure the child's safety, including providing voluntary family maintenance and preservation services while the child remains in the home, if possible. Parents have the option of involving faith-based practitioners or other community supports to help with placement. Caseworkers must inform parents that a VPA can be withdrawn at any time, and that even during a child's placement, the child may be returned to the parent if appropriate.

The caseworker works with the parent to determine whether the parent is prepared and willing to cooperate in developing and carrying out the case plan and to sign the required forms, including parental consents for the child's medical and mental health care, the case plan, and California's standard VPA form, the SOC-155. The caseworker will meet with the parent and child (if appropriate) to discuss the reasons for placement and work with them to develop the case plan. The parent then signs the VPA and the case plan, which starts the 6-month term of the VPA.

What happens after the parent requests a VPA?

If the situation/issues cannot be resolved with services, the VPA process is initiated. The caseworker writes a services plan for the child, talks to the parent about the plan (including the parent's responsibilities under the plan) and arranges for the services listed in the plan. The parent agrees to a specific schedule of visitation. This process aims to reach consensus on a safety plan that protects the child and preserves the family.

The caseworker arranges for care, supervision, custody, maintenance, and support including medical care. The caseworker chooses a suitable home with the involvement of the parent and the child and helps the caregiver arrange for school, medical care and services for the child. It is important to be clear with the caseworker that the family's preference is for the child to be placed with a kin caregiver for the duration of the VPA. Before the child moves into the home of a kin caregiver, CPS will do a health and safety check of the caregiver's home and a review of the state criminal records system and the Child Abuse Central Index (CACI). The caregiver is not required to obtain Resource Family Approval. At the time of placement, the caregiver receives copies of the signed VPA and parental consent for medical and mental health care.

The caseworker supporting the family makes monthly visits to the parent, as well as the child and caregiver in the home where the child is placed. During each contact with the parent and child, the caseworker assesses the progress being made towards the case plan goals. At any point, the caseworker may determine that the child can safely return home.

Shortly before the six-month term expires, the caseworker must review the case to determine if the child can safely be returned to the parents, and do one of the following: (I) return the child to the parents; (II) refer the child to a licensed adoption agency; (III) file a formal petition to place the child in foster care (under this option the child can remain in placement with their current caregiver); or (IV) extend the term of the VPA for an additional six months. Before making the decision to return the child to the parents or to file a formal petition to place the child in foster care, the caseworker consults with the caregiver.

How can I elevate my concerns?

Initiate a request for assistance by contacting the CPS caseworker assigned to your case.

If you have trouble getting help from your assigned contact at CPS, consider escalating your request to more senior staff. You can access personnel information on the county CPS website to identify supervisors with the authority to ensure you receive an appropriate response to your request.

Be sure to communicate with CPS staff via email or send a follow-up email summarizing any verbal communications. This will create a time-stamped, written record of your requests and the responses you receive, as well as the identities of the people you have contacted. A written record can help demonstrate your efforts to request a VPA.

To contact California Department of Social Services with questions about VPAs, send an email to piar@dss.ca.gov. A directory of the 58 California County Welfare Departments can be found at <https://www.cwda.org/membership>.

It is often beneficial to seek support from advocates and/or pro bono attorneys in your area to help you resolve the situation. There are kinship navigators, support groups and kinship advocates, as well as pro bono legal services organizations, that can help you access the appropriate out of home care arrangement and services for your family.