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## **Placement Considerations for Children**

0100-510.60 | Revision Date: 01/11/2019

### Overview

This policy provides guidance on placement considerations for children who are removed from the home of the custodial parent or guardian, including preference for placements that facilitate family reunification and/or permanency. This policy also covers efforts to place siblings together in out-of-home care.

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## Version Summary

This policy guide was updated from the 07/01/14 version to replace the Placement and Recruitment Unit with the new Matching Coordination Unit (MCU) and to include **gender identity** as a placement consideration.

# **POLICY**

## **Children Over Age 3**

When selecting out-of-home placements, consideration should be given in the following order:

1. Non-custodial parent
2. Relatives, non-relative extended family members (NREFMs) and tribal members
3. Placement of siblings together
4. A home in or nearby the attendance area of the school-of-origin

The following factors must be considered when selecting the most appropriate out-of-home placement for a child:

- Proximity to the child's school-of-origin
- Proximity to parents for reunification purposes
- Proximity to siblings or relatives if placement with them is not possible
- Child's school attendance area
- Number of previously experienced school transfers
- School matriculation schedule
- All other indicators of educational stability, developed by the State of California or the Department of Social Services (CDSS) or the Department of Education.

Additional placement preference options include:

<u>Scenario</u>	<u>Placement Preference</u>
<u>If no relatives or non-relative extended family members are available:</u>	<u>Licensed foster family home within the ZIP Code from which the child was removed</u>

<u>If child is being re-placed:</u>	<u>Consider a foster home in which the child has been placed before, if that placement is in the best interest of the child and space is available</u>
<u>If a licensed foster family home is not available:</u>	<u>A foster family agency-certified foster family home within the ZIP Code from which the child was removed</u>
<u>If no foster family agency-certified homes are available:</u>	<u>Search adjacent ZIP Codes using the same method outlined above until a suitable placement is located</u>
<u>If a specialized placement such as a Short-term Residential Therapeutic Program (STRTP) is required to meet the physical, psychological, and/or environmental needs of the child:</u>	<u>Specialized placement within the child's community of origin</u>
<u>If the child is an Indian Child:</u>	<u>Refer to <a href="#">Placement Preference for Indian Children</a></u>
<u>If the youth is transgender:</u>	<u>Placement based on gender identity if youth desires it.</u>
<u>If a child is medically fragile:</u>	<u>A foster parent who is an individual nurse provider who provides health services under the federal Early and Periodic Screening, Diagnosis and Treatment program.</u>

### **Children Under Age 3**

At the time of the removal of a child from the home of his/her custodial parent or guardian, placement preference for placing a child under the age of 3 is as follows:

1. [Non-custodial/non-offending parent.](#)
2. Tribal members (if applicable).
3. With relatives/non-relative extended family members (NREFMs) and or with siblings who are already placed in out-of-home care, regardless as to

whether the sibling has been adopted or the sibling does not currently have an existing relationship.

4. If a medically fragile child is not placed with a relative, priority consideration is given to placement with a foster parent who is an individual nurse provider who provides health services under the federal Early and Periodic Screening, Diagnosis and Treatment program.
5. If no relative/NREFM can be identified, the child meets the criteria for [Fast Track to Permanency \(FTP\)](#), or is otherwise unlikely to unify with his/her parent(s); the child should be placed with a family identified through the [Matching Coordination Unit \(MCU, formerly known as Placement and Recruitment unit.\)](#)
6. If [MCU unit](#) is unable to identify a prospective adoptive home and/or it's an after-hours or emergency placement, the child should be placed with a DCFS Resource Family.
7. If the child has special treatment needs or it is an emergency and/or after hours placement, the child should be placed in a Foster Family Agency home (FFA) or, if solely an emergency or after hours placement, a [Shelter Care Home](#).
  - For FFA placements, treatment needs must be clearly articulated and documented on the DCFS 709.
8. When a child is placed after hours with a DCFS Resource Family, if an appropriate relative/NREFM or sibling placement is found, the child should be re-placed. The child should not be re-placed with another family from [MCU](#) unless the original Resource family does not want to pursue adoption or requests to have the child moved.

## **Siblings**

Efforts must be made to place siblings together in out-of-home care unless:

- Placement of one or more of the siblings together would be contrary to their safety or well-being
- One child would not get their needs met if placed with their siblings
- One child is so dependent upon the other that the healthy development of one or both children is impaired.

If two or more siblings under the age of three (3) are removed at the same time, they should be placed together whenever possible. When siblings are not placed together, CSW's are required

to document why in the Contact Notebook and all relevant court reports. Documentation must include:

- Efforts to place siblings together
- Why those efforts are contrary to the safety and well-being of any of the siblings
- Any ongoing efforts to facilitate siblings being placed together

Visits between siblings who are not placed together are required and must be incorporated into the case plan unless the court finds evidence that sibling interaction is contrary to the safety and well-being of either child. For children residing in a group home setting, the visitation plan must be documented on the [Needs and Services Plan](#).

Any reasons for suspension of sibling interaction must be noted at each judicial review and any changes to the court's determination must be incorporated in the case plan.

## **Changes in Placement**

As soon as a placing agency becomes aware of the need for a change in placement for a dependent child, the placing agency must [notify the child's attorney](#) and provide information regarding the child's address, telephone number, and caregiver before the close of the following business day.

If any changes in placement should result in the separation of siblings currently placed together, the placing agency must notify the child's attorney and the child's siblings' attorney of this proposed separation within 14 calendar days before the change of placement. This allows the attorneys to investigate the circumstances of the proposed separation.

The placing CSW should contact their outstation or trial court County Counsel whenever there is a question about whether or not a court filing is necessary (ie. 385 or 387 petition).

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# **PROCEDURE**

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## **Placing a Child**

### **CSW Responsibilities**

1. Conduct an investigation to identify and locate potential relative/NREFM caregivers within 30 days of initial removal.

2. Contact the Matching Coordination Unit at (626) 229-3790 to obtain a prospective adoptive home or a resource family for placement purposes if any of the following apply:
  - A child meets the requirement for Fast Track to Permanency
  - An infant is Safely Surrendered
  - A parent voluntarily relinquishes parental rights
  - A child is age 3 or younger and cannot be placed with a relative/NREFM or siblings already in out-of-home care
    - If MCU is unable to identify a prospective adoptive home and/or it's an after-hours emergency placement, continue procedure below and submit DCFS 280 to the TA Supervisor.
3. Consult with SCSW regarding the need for a CFT meeting and possible meeting participants and times for a CFT meeting.
4. Identify the child's placement needs and any special needs on the DCFS 280.
  - In the office: complete the DCFS 280 and request the approval of the SCSW.
  - In the field: telephone the supervisor and provide information needed on the DCFS 280 to begin the search for an appropriate placement facility.
5. Submit the DCFS 280 to the TA Supervisor to initiate placement search on CWS/CMS and Foster Care Search Engine.
6. Upon receipt of the CWS/CMS and Foster Care Search Engine printout of the placement options, review the printouts and the TA's verification of the vacancies and contact each facility, giving specific information about the child, until an appropriate placement is located.
7. When a suitable caregiver match is identified, review the placement decision with the SCSW and obtain SCSW approval for the placement.
8. If the SCSW does not approve the placement, continue the out-of-home caregiver match search according to placement preference and the child's needs.
9. If the SCSW approves the placement:
  - Submit the DCFS 280 and completed DCFS 709, signed and approved by the SCSW, to the TA to obtain the placement packet
  - File all printouts in the Placement Folder
  - Arrange to place the child

10. Create the Out-of-Home Information Document as part of the case plan.

### SCSW Responsibilities

1. Monitor, direct, and support the CSW to have a CFT meeting prior to any placement decision and ensure that the CFT meeting takes place within the required timeframes.
2. Review the DCFS 280, DCFS 709 and other documentation from the CSW for appropriateness, justification, and documentation that the placement preference and any special needs of the child have been met.
3. Make a placement decision based on the needs of the child and placement preference policy.
4. If approving the placement, approve the DCFS 280 on FCSS and inform the CSW to proceed with the placement. Obtain ARA approval, in the following situations:
  - Placement is temporary/emergency shelter care that exceeds 30 days in one episode.
  - A child age six years old and younger remains in a congregate care facility more than 60 days.
  - Specialized rates.
  - Out-of-county placements.
  - Non-relative placement or re-placement when the oldest child is age 3 and younger.
  - Foster Family Agency (FFA) placements for children age 3 and younger.
5. If not approved, instruct the CSW to continue search for a placement match.

### ARA Responsibilities

1. Review the DCFS 280 and other documentation from the SCSW for appropriateness, justification, and documentation that the placement preference and any special needs of the child have been met.
2. Approve the DCFS 280 on FCSS.
3. If not approved, return documentation to SCSW for corrective action and/or consultation.

## Placing a Sibling Group

### ERC/ER/Case-Carrying CSW Responsibilities

1. Ask the parent(s) if he or she wants to involve a faith-based practitioner or other community support person to assist in locating a community-based placement.
2. Speak to each child and obtain as much information as possible about all siblings or half-siblings the child has lived with or is aware of, and where those siblings currently reside.
  - If the child has two or more siblings living in different homes, explore whether the child has a preference as to which sibling(s) he or she would most want to live with.
  - If the child expresses any fear or other concern about living with a sibling, explore these concerns with the child, current and potential caregivers, and the other sibling to determine whether placement of the siblings together would be contrary to the safety or well-being of any of the siblings.
3. Assess the child's responses and preferences and determine each child's placement needs.
4. Document pertinent information for placement considerations on the [DCFS 280](#), Technical Assistance Action Request.
5. Obtain a CWS/CMS Client Search on the child to locate siblings who may also be receiving DCFS services.
  - Search under the child's name in addition to the mother's case name.
  - If a sibling is identified as having another CSW, discuss possible sibling placement with that CSW, and, if appropriate, that child's caregiver.
  - If a sibling's adoption has been finalized:
    - Contact the MCU at (626) 229-3790 to obtain assistance in locating/contacting the sibling's adoptive family. MCU duty worker will contact the family to explore the possibility of placing the child in their home if appropriate.
6. Identify any foster families who are willing and able to provide care for sibling groups. In assessing the prospective caregiver's appropriateness, consider the following factors:
  - Experience living in a large family
  - Experience living in a household with extended family members
  - Having several children of their own

- Ability to build and use a support system
7. When any prospective caregiver has been identified, assess the willingness of the prospective caregiver to adopt the child(ren) or to develop a post-adoption visitation arrangement between siblings.
  8. If efforts to place siblings together fail, select the most appropriate placement for the child(ren).
  9. Document all information regarding any efforts to place the child with any identified sibling(s) in the Contact Notebook and the applicable court report, including the following:
    - Any input from the family's faith-based practitioner or community support persons
    - Any reasons it is not appropriate to place the siblings together

## **Placing Siblings Separately**

### **ERCP/ER/Case-Carrying CSW Responsibilities**

1. If the siblings are not placed together, document in detail in the Contact Notebook and in all appropriate court reports and current case plan the following:
  - All information regarding efforts to place siblings together
  - When applicable, why those efforts would be contrary to the safety and well-being of any of the siblings
  - What, if any, efforts are ongoing to facilitate a placement together, or why the efforts are not appropriate
2. Unless the court has ordered no sibling contact, establish a schedule for sibling contact. Incorporate the sibling contact/visitation schedule into the [case plan](#) and report the visitation plan in the applicable court report.
3. Reinforce to the caregiver his or her responsibility to promote and encourage [contact between siblings](#), if appropriate.
4. If a sibling has another CSW, communicate with that CSW any significant life events that have occurred within the child's extended family (e.g., deaths, births, changes in placement, etc.), unless there is a court order suspending such information.

5. Continue to explore options to place siblings together unless it has been determined that such placement is contrary to the safety or well-being of any of the siblings.

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## **APPROVALS**

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### **SCSW Approval**

- DCFS 280 to initiate placement
- DCFS 709 to initiate placement and request placement packet

### **ARA Approval**

- DCFS 280
  - When the placement is temporary/emergency shelter care that exceeds 30 days in one episode
  - When a child age 6 years old and younger remains in a congregate care facility
  - For specialized rates
  - For out-of-county placements
  - For all non-relative placements or replacement when the oldest child is age 3 and younger
  - For all Foster Family Agency (FFA) placements for children age 3 and younger

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## **HELPFUL LINKS**

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### **Forms**

#### **CWS/CMS**

DCFS 709, Foster Child's Needs and Case Plan Summary

#### **LA Kids**

[DCFS 280](#), Technical Assistance Action Request

[DCFS 709](#), Foster Child's Needs and Case Plan Summary

#### **Referenced Policy Guides**

[0070-520.10](#), Safely Surrendered Babies (SSB)

[0070-548.01](#), Child and Family Teams

[0080-502.10, Case Plans](#)

[0080-508.05, Fast Track to Permanency \(FTP\) Provisions](#)

[0100-510.25, Placement in a Emergency Shelter Care](#)

[0200-507.10, Identifying a Prospective Adoptive Family for a Child through the Placement and Recruitment Unit \(PRU\)](#)

[0300-506.05, Communication with Attorneys, County Counsel, and Non-DCFS Staff](#)

[0400-504.00, Family Visitation Planning](#)

[1200-500.05, Adopting and Serving Children Under the Indian Child Welfare Act \(ICWA\)](#)

## **Statutes**

[Family Code 3040b](#) – States that the immigration status of a parent, legal guardian, or relative shall not disqualify the parent, legal guardian, or relative from receiving custody.

[Health and Safety Code 1760.2\(b\)](#) - Provides the definition of "medically fragile" to include having an acute or chronic health problem which requires therapeutic intervention and skilled nursing care during all or part of the day. Medically fragile problems include, but are not limited to, HIV disease, severe lung disease requiring oxygen, severe lung disease requiring ventilator or tracheotomy care, complicated spina bifida, heart disease, malignancy, asthmatic exacerbations, cystic fibrosis exacerbations, neuromuscular disease, encephalopathy, and seizure disorders.

[Welfare and Institutions Code \(WIC\) Section 306.5](#) – States that social worker shall, to the extent that it is practical and appropriate, place the minor together with any siblings or half-siblings who are also detained or include in the report prepared pursuant to Section 319, a statement of his or her continuing efforts to place the siblings together or why those efforts are not appropriate.

[WIC 309 \(e\)\(1\)](#) - Sets forth the requirement that the social worker shall conduct an investigation for possible relatives of the detained child within 30 days of removal.

[WIC Section 358.1 \(d\)](#) – Sets forth the requirements for the contents of social studies.

[WIC Section 361\(c, 1-5\)](#) – Describes circumstances in which a child may be taken from the physical custody of his or her parent(s).

[WIC Section 361.2](#) – States that when a court orders removal of a minor, the court must: Determine whether there is a parent of the minor, with whom the minor was not residing at the time and if such a parent requests custody the court shall place the minor with the parent unless

it finds that placement with that parent would be detrimental to the minor. Also lists placement options if the parent is unable to care for a minor.

Consider whether there are any siblings under the court's jurisdiction, the appropriateness of developing or maintaining the sibling relationships, and the impact of the sibling relationships on the child's placement and planning for legal permanence.

WIC Section 361.3 – In any case in which a child is removed from the physical custody of his or her parents pursuant to Section 361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative. Provides a list of factors that must be considered by the CSW and the court in determining the appropriateness of the relative placement.

WIC 361.49 - Defines the date that the child is deemed to have entered foster care on the earlier of the date of the jurisdictional hearing held pursuant to Section 356 or the date that is 60 days after the date on which the child was initially removed from the physical custody of his or her parent or guardian.

WIC 361.5(a)(1)(B) – Sets forth the requirement that a child who, on the date of initial removal from the physical custody of his or her parent or guardian, was under three years of age, court-ordered services shall be provided for a period of six months from the dispositional hearing as provided in subdivision (e) of Section 366.21, but no longer than 12 months from the date the child entered foster care, as provided in Section 361.49, unless the child is returned to the home of the parent or guardian.

WIC Section 362.1(a)(2) – Sets forth a requirement for visitation between the child and any siblings, unless the court finds by clear and convincing evidence that sibling interaction is contrary to the safety and well-being of either child.

WIC Section 362.1(c) – Defines "sibling" as a child related to another person by blood, adoption, or affinity through a common legal or biological parent.

WIC Section 14043.26(m)(3) - Provides the definition individual nurse providers as those authorized under certain home- and community-based waivers and under the state plan to provide nursing services to Medi-Cal recipients in the recipients' own homes rather than in institutional settings.

WIC Section 16002 – States the intent of the Legislature to maintain continuity of the family unit by placing siblings in foster care together when appropriate. States the responsibility of local

agency is to make all efforts to place siblings together, and to document these efforts as well as any reason why these efforts would be contrary to the safety and well-being of any of the siblings.

[WIC 16006](#) – Requires that children and NMDs in out of home care shall be placed according to their gender identity. Regardless of the [gender](#) or sex listed in their court or child welfare records.

[WIC Section 16010.6](#) – States placing agency obligations and timelines to notify child's attorney of placement decisions and changes in placement, including but not limited to changes in placement that will result in the separation of siblings currently placed together.

[WIC Section 17739](#) – States when determining the placement of a foster child who is medically fragile, as defined in subdivision (b) of Section 1760.2 of the Health and Safety Code, priority consideration is given to placement with a foster parent who is an individual nurse provider, as defined in subdivision (m) of Section 14043.26 of the WIC, who provides health services under the federal Early and Periodic Screening, Diagnosis and Treatment program (Section 1396d(a)(4)(B) of Title 42 of the United States Code.) The priority consideration shall be subordinate to the preference granted to a relative of the child.

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